


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1492/2022


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/10/2022	<p>The appeal of Mr. Muhammad Fayaz resubmitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman  REGISTRAR</p>

The appeal of Mr. Muhammad Fayyaz SST, Phy/Maths GHS Azim Kor District Mohmand received today i.e. on 30.09.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Index of the appeal may be prepared according to the rules.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Affidavit may be got attested by the Oath Commissioner.
- 4- Annexures of the appeal may be attested.
- 5- Annexures-A, B & D of the appeal are illegible which may be replaced by legible/better one.
- 6- Copy of Judgment mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 7- Wakalat nama is blank.
- 8- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. ²~~20~~801 /S.T,


Dt. 12-10 /2022


foy REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

R/siv,

Resubmitted after necessary
completion.


14/10/22

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1492 /2022

MUHAMMAD FAYYAZ

V/S


EDUCATION DEPTT:

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APPELLANT

Through:


NOOR MOHAMMAD KHATTAK
ADVOCATE,
SUPREME COURT OF PAKISTAN

-1-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1492 /2022

Khyber Pakhtunkhwa
Service Tribunal

Case No. 1470

Date 30-9-2022

Mr. Muhammad Fayyaz, SST (Phy/Maths),
GHS Azim Kor, District Momand.

..... **APPELLANT**

VERSUS

- 1- The Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (M), District Malakand, Khyber Pakhtunkhwa, Peshawar

..... **RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 07.12.2020 WHEREBY THE APPELLANT HAS BEEN PROMOTED TO THE POST OF SST (BPS.16) WITH IMMEDIATE EFFECT INSTEAD OF W.E.F 30.04.2016 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the impugned notification dated 07.12.2020 may kindly be modified/rectified to the extent that the appellant may be promoted to the post of SST (BPS-16) w.e.f 30.04.2016 with all back benefits including seniority. Any other remedy which this august Tribunal deems fit, may also be awarded in favor of the appellant.

Filed to-day
Registrar

R/SHWETH:

ON FACTS:

1. That the appellant was initially appointed as CT (Male) in BPS.11 vide dated 29.03.2007 on recommendation/approval of Departmental Selection Committee. Copy of the appointment order dated 29.03.2007 is attached as annexure.....**A.**
2. That in the year 2014 the government had notified service structure/rules for promotion of the PSTs and SSTs and

other different departments vide notification dated 24.07.2014.

3. That In light of the notification dated 30.04.2016 many of the similarly placed PSTs/colleagues of the appellant performing their duties in District Mardan were also promoted to the post of SST (BPS.16) from 30.04.2016. Copy of the notification dated 30.04.2016 is attached as Annexure**B.**
4. That it is worth mentioning that the similarly placed PST(s) from FATA were promoted to SSTs (BPS.16) but with immediate effect unlike the SSTs of district Mardan who were promoted from 30.04.2016. They therefore, knocked the door of Khyber Pakhtunkhwa Service Tribunal through appeal No.1266/2018 which was decided in their favor through judgment dated 14.05.2021. Copy of the judgment dated 14.05.2021 is attached as Annexure.....**C.**
5. That the appellant was also promoted to the post of SST (BPS.16) vide impugned notification dated 07.12.2020 with immediate effect and not from the date when the other teachers were promoted i.e. w.e.f 30.04.2016. Copy of the impugned notification dated 07.12.2020 is attached as Annexure**D.**
6. That in light of the above and keeping the judgment passed by the august Khyber Pakhtunkhwa Service Tribunal, the appellant may be granted promotion to the post of SST (BPS.16) with effect from 30.04.2016 with all back benefits including seniority and obliged.
7. That the appellant feeling aggrieved from the impugned notification 07.12.2020 preferred departmental appeal before the appellate authority for promoting the appellant with effect from 07.12.2020 but the same has not been decided within the statutory period of Ninety days. Copy of departmental appeal is attached as Annexure.....**E.**
8. That the appellant feeling aggrieved and having no other remedy filed the instant service appeal on following grounds inter alia.

GROUND:

- A- That the impugned Notification dated 07.12.2020 issued by the respondents is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be modified/rectified.

- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the respondent department has acted arbitrary and malafidely by promoting the appellant with immediate effect instead of w.e.f 30.04.2016.
- D- That, the treatment meted out to the appellant is clearly based on discrimination and malafide and as such the respondents violated the principle of natural justice.
- E- That respondents violated Article 38(e) of the Constitution of Islamic Republic of Pakistan 1973, according to which state is bound to eliminate disparity in the income and earning of individuals including persons in the services of the Federation, thus in light of the above quoted constitutional provision the respondents are duty bound to grant ante dated promotion to the appellant.
- F- That according to Section.9 of the Civil servant Act, 1973 read with Rule.17 of the appointment, promotion and transfer Rules appellant is fully entitled for the grant of ante dated promotion.
- G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may very graciously be accepted as prayed for, please.

Dated: 26.9.2022

APPELLANT


MUHAMMAD FAYAZ

THROUGH:


NOOR MUHAMMAD KHATTAK


WALEED ADNAN


UMAR FAROOQ MOMAND


MUHAMMAD AYUB


**&
KHANZAD GUL**

ADVOCATES

-4-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____ /2022

MUHAMMAD FAYYAZ

V/S

EDUCATION DEPTT:

AFFIDAVIT

I, Muhammad Fayyaz, SST (Phy/Maths), GHS Azim Kor, District Momand do hereby solemnly affirm on oath that the contents of the above appeal are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honorable Tribunal.



DEPONENT



"A"

-5-

OFFICE OF THE AGENCY EDUCATION OFFICER MOHMAND AGENCY AT GHALLANAI.
APPOINTMENT ORDER.

Consequent upon on the approval of Departmental Selection Committee, the following Male candidates are hereby appointed as C.T teachers in BPS No. 1 Plus usual allowances as admissible under the rules in the interest of public services with effect from the date of their taking over charge in the schools noted against each.

S.No	Name & Father's Name	School	Remarks
908/01	Naseer Ahmad S/O Mir Ali	GHS Nehaqi	Against Vacant Post
1025/02	Mohd Fayaz S/O Mohd Khan	GHS Hamid Khan	Against Vacant Post
990/03	Mukhtiar Ali S/O Ibrahim Khan	GHS Yousaf Khel	Against Vacant Post
996/04	Haji Malang S/O Hazrat Mir	GMS Bahadar Suran	Newly created Post
1132/05	Zahid Khan S/O Hussain Khan	GMS Abdul Kore	Newly created Post
1077/06	Sadiq Mohd S/O Hamish Gul	GHS Lakkarai	Against Vacant Post
1137/07	Mukhtiar S/O Mohd Rasool	GMS Kandi Issa Khel	Against Vacant Post
1006/08	Shahzada S/O Yar Dad	GMS Musa Kore	Newly Created Post
984/09	Mi Ayaz Khan S/O Karim Dad Khan	GMS Shewa	Against Vacant Post
907/10	Khishdil S/O Akbar Khan	GMS Qallagai	Against Vacant Post
188/11	Hayat Mohd S/O Zarhun Shah	GMS Adin Khel	Against vacant Post

TERMS/CONDITIONS.

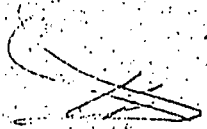
1. The appointment of the candidates are made purely on temporary basis and liable to termination at any time without showing any reason.
2. They will be considered Govt. Servants and will be entitled to all benefits except pension and gratuity.
3. They will be entitled to C.P.Fund.
4. In case if they wish to resign the post they shall have to give one month prior notice or forfeit one month pay in lieu thereof.
5. Health & Age certificate should be produced from the Agency Surgeon Mohmand Agency.
6. They will not be handed over charge of the post if they are below 18 years and above 33 years.
7. If they failed to report their arrival with in 15 days, their appointment will be deemed as cancelled.
8. Their original education qualification/Professional certificates, Domicile Certificates and N.I.C will be checked before the handing over charge of the posts.
9. They will not be paid their salaries before the verification of their documents from the quarter concerned.
10. Charge should be submitted to all concerned.

(HAJI HASHAM KHAN)
Agency Education Officer,
Mohmand Agency at Ghallanai.

Endst.No. 3671-87 / Dated 29/03/2007.

Copy of the above is forwarded to the :-

1. Director of Education (FATA) NWFR, Peshawar.
2. Political Agent Mohmand Agency at Ghallanai.
3. Agency Accounts Officer Mohmand Agency at Ghallanai.
4. Agency Surgeon Mohmand Agency at Ghallanai.
5. AAEOs/HM concerned.
6. Accountant/Pay Clerk local office.
- 7-17. Candidates concerned


Agency Education Officer,
Mohmand Agency at Ghallanai.

"B" = 1

1-6-

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MARDAN
ADJUSTMENT

Consequent upon the promotion of the following SCT/CT, SDMs/DMs, SATs/ATs, STTs/TTs, Senior Qarls/Qarls, PSHTs/SPSTs/PSTs to S.S.T (Bio-Chemistry), SST (Maths/Physics) and SST (General) BPS-16 (Rs. 12910-1635-43950) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Govt., and services placed at the disposal of this office for further adjustment in District Mardan vide Director, E&SE Khyber Pakhtunkhwa Peshawar, Endst. No. 4704-10/F.No. 2/Promotion SST-B-16 dated 25/04/21 They are hereby adjusted against the vacant posts as noted against each on the terms and conditions as mentioned in the above referred Notification on "School based" policy with immediate effect:-

A. SST (Bio-Chemistry)

1- PROMOTION OF SCT/CT TO THE POST OF SST (BIO-CHEM) BPS-16

S.No.	S.L.No.	Name of official and present place of posting	Date of Birth	Where adjusted	Remarks
1	725	Arshad Anwar	15.03.1982	GHS Qasmi	A.V.Post

2- PROMOTION OF PSHT/SPST/PST TO THE POST OF SST (BIO-CHEM) BPS-16

S.No.	S.L.No.	Name of official and present place of posting	Date of Birth	Where adjusted	Remarks
1	2130	Aliq ur rehman	19.7.1967	GHS No.1 Dickat Gunj	A.V.Post
2	2264	Jahad Ali	20.4.1974	GHS Khair Abad	A.V.Post
3	2378	Asadullah	10.4.1975	GCMHS No.3 Mardan	A.V.Post
4	2553	Jamir ur Rhman	1.1.1980	GHSS Mayor	A.V.Post
5	2556	Shahabud Din	1.4.1980	GHS Kot Takht Bhal	A.V.Post
6	2606	Shucukal Ali	7.6.1973	GHS Katlang	A.V.Post
7	2674	Zawar Hussain	5.1.1977	GHS Ibrahim Khan Killi	A.V.Post
8	2690	Abdul Ghani Sald	24.8.1977	GHS Khazana Dheri	A.V.Post

3- PROMOTION OF SDM TO THE POST OF SST (BIO-CHEM) BPS-16

S.No.	S.L.No.	Name of official and present place of posting	Date of Birth	Where adjusted	Remarks
1	192	Badshah Muhammad	1/2/1979	GHS Khanjar	A.V.Post

1- PROMOTION OF SAT/AT TO THE POST OF SST (BIO-CHEM) BPS-16

S.No.	S.L.No.	Name of official and present place of posting	Date of Birth	Where adjusted	Remarks
1	151	Wasiullah	11/12/1970	GHS Anar Balg	A.V.Post

B. SST (PHYSICS - MATHS)

1- PROMOTION OF SCT/CT TO THE POST OF SST (PHY-MATHS) BPS-16

S.No.	S.L.No.	Name of official and present place of posting	Date of Birth	Where adjusted	Remarks
1	328	Muhammad Tahir	20.03.1968	GHS Koper	A.V.Post
2	391	Azid Khan	05.02.1968	GHS Malak Abad Karagh	A.V.Post
3	450	Munir Ali	04.04.1982	GHS Kati Garhi	A.V.Post

2- PROMOTION OF PSHT/SPST/PST TO THE POST OF SST (PHY-MATHS) BPS-16

S.No.	S.L.No.	Name of official and present place of posting	Date of Birth	Where adjusted	Remarks
1	2027	Syad Anwar Hussain	12.3.1973	GHS Mohib Banda	A.V.Post
2	2079	Irshad Muhammad	6.4.1971	GHSS No.1 Mardan	A.V.Post
3	2081	Zahid Ali Sheh	12.4.1971	GHS Narshak	A.V.Post
4	2084	Haidar Zaman	31.3.1972	GHS Mala Dheri	A.V.Post
5	2087	Faraz Khan	6.5.1972	GHS Pir Abad	A.V.Post
6	2136	Sajid Ali	8.1.1972	GHSS No.1 Bickat Gunj	A.V.Post

C- SST (GENERAL)

1- PROMOTION OF SCT/CT TO THE POST OF SST (GENERAL) BPS-16

S.No.	S.L.No.	Name of official and present place of posting	Date of Birth	Where adjusted	Remarks
1	134	Muhammad Shah	13.04.1984	GHSS Pir Saddi	A.V.Post
2	176	Muhammad Iqram	11.04.1983	GHS Kass Karoona	A.V.Post
3	177	Muhammad Iqbal	25.12.1983	GHSS Mardan	A.V.Post
4	180	Irshad Munir	25.03.1985	GHS Labour Colony	A.V.Post

احقر نويس محمد قري جون دهن

HEAD MA
Shah No.
Bhal Bhaj Ma.

8	185	Ahmad Khan	GHSS Menga	07.1964	GHS Bakri Bando	A.V.Post
9	186	Muhammed Iqbal	GHS Japwar	11.09.1962	GHS No.2 Bickat-Gunj	A.V.Post
10	188	Ajmal Khan	GHS Sanga T. Hasi	19.10.1961	GHS Baghdadada	A.V.Post
11	189	Javid Iqbal	GHS No.1 Mardan	01.01.1962	GHS Kass Korona	A.V.Post
12	191	Muhammed Adl	GHSS NO 1 Mardan	02.02.1971	GHSS No.1 Mardan	A.V.Post
13	196	Munir Khan	GHS Khazana Dheri	27.12.1960	GHS Khazana Dheri	A.V.Post
14	200	Tahir Khan	GHSS NO 1 Mardan	03.04.1967	GHSS No.1 Mardan	A.V.Post
15	202	Muhammed Khan	GHS Sara Shoh	20.01.1965	GHS Labour Colony	A.V.Post
16	203	Said Shoh	GHS Qasmi	09.01.1970	GHSS Qasmi	A.V.Post
17	208	Said Nabi	GHS Bickat Bando	15.10.1959	GHSS Dheri Likpani	A.V.Post
18	209	Syed Fazil Wahid	GHS Babuzal	20.02.1969	GHS Babuzal	A.V.Post
19	210	Syed Ikramullah Shah	GCMHS Boys	01.01.1972	GMS Hoti Landaki	A.V.Post
20	211	Ghazal Gul	GCMHS Boys	03.12.1965	GHSS Baghdadada	A.V.Post
21	214	Said Muhammad	GHSS Tahiri Dhal	20.11.1969	GMS Kot Jungara	A.V.Post
22	216	Haroon Khan	GHSS Hahian	01.01.1971	GHS Shergarh	A.V.Post
23	218	Qayum Khan	GHS Jamal Garhi	01.04.1973	GHS Jamal Garhi	A.V.Post
24	219	Bakhtiar Ali	GHS Rustan	01.01.1968	GHS Rustam	A.V.Post
25	220	Muhammad Nawab	GHS Ikram Pur	05.12.1969	GHS Ikram Pur	A.V.Post
26	222	Dilrarn Khan	GHS Katlang	02.01.1965	GHS Katlang	A.V.Post
27	223	Muhammad Iqbal	GCMHS No.3	28.04.1966	GCMHS No.3 Mardan	A.V.Post
28	224	Lal Zarin	GHS Alo Mardan	01.04.1967	GHS Alo	A.V.Post
29	225	Anwar Khan	GHSS Chamtar	01.12.1968	GHSS Chamtar	A.V.Post

2- PROMOTION OF PSHT/SPST/PST TO THE POST OF SST(GENERAL)BPS-16

S.No.	S.L.No.	Name of official and present place of posting	Date of Birth	Where adjusted	Remarks	
1	229	Khan Gul	GPS Miangano No.2	15.2.1965	GHSS MOHABAT ABAD	A.V.Post
2	354	Azam Khan	GPS Sulak	1.4.1966	GHSS Dheri Likpani	A.V.Post
3	410	Qaiser Shah	GPS Jangi Dher No.1	3.2.1964	GHS Malak Abad Korogh	A.V.Post
4	413	Sakha Ullah	GPS Jungara	18.12.1968	GHS Tambulak	A.V.Post
5	516	Nisar Muhammad	GPS Zubair Dheri	15.3.1964	GHS Gujrat	A.V.Post
6	541	Noor Badshah	GPS Babini	16.3.1964	GHS Babini	A.V.Post
7	624	Muhammad Iqbal	GPS Shar Abad	8.2.1970	GHS Zar Abad	A.V.Post
8	625	Ahmed Qayum	GPS Shankar Korona	8.10.1966	GHS Naseer Killi	A.V.Post
9	626	Abdul Qadir Khan	GPS Abbas Khan Kail	6.1.1966	GHS Dako Baba	A.V.Post
10	635	Shaukat Ali	GPS Noor Badshah Bando	25.3.1967	GHS Gull Bagh Hoti	A.V.Post
11	539	Bushir Rahman	GPS Bharal Khel	15.3.1970	GHS Sharqi Hoti	A.V.Post
12	545	Abdul Saboor	GPS No.3 Kandar	20.1.1968	GHS Mohabat Abad	A.V.Post
13	665	Shahab Gul	GPS Kolki	1/1/1961	GHS Babalni	A.V.Post
14	697	Zia ul Islam	GPS Malla Derakai	18.3.1965	GHS Babuzal Katlang	A.V.Post
15	701	Hidayatullah	GPS Margol	18.3.1967	GHSS Ghalla Dher	A.V.Post

3- PROMOTION OF SOM/DM TO THE POST OF SST(GENERAL)BPS-16

S.No.	S.L.No.	Name of official and present place of posting	Date of Birth	Where adjusted	Remarks	
1	10	Anwar Khan	GHS SIKANDARI	05/02/1963	GHS Sikandari	A.V.Post
2	34	Arshad Kamal	GHS PALO DHERI	29/04/1968	GHS Zar Abad	A.V.Post
3	45	Muhammad Iqbal	GHS KHADI KILLI	04/03/1968	GHS Labour Colony	A.V.Post

4- PROMOTION OF SAT/AT TO THE POST OF SST(GENERAL)BPS-16

S.No.	S.L.No.	Name of official and present place of posting	Date of Birth	Where adjusted	Remarks	
1	59	Abdul Qadir Khan	GHS Katlang	04/04/1969	GHS Sawal Dher	A.V.Post
2	60	Muhammad Zahoor	GHS Garhi Davlat Zal	28/08/1967	GHS Garhi Davlat Zal	A.V.Post
3	63	Subhanullah	GHS Gaddar	04/04/1972	GMS Chamdheri	A.V.Post

5- PROMOTION OF STT/TT TO THE POST OF SST(GENERAL)BPS-16

S.No.	S.L.No.	Name of official and present place of posting	Date of Birth	Where adjusted	Remarks	
1	45	Muhammad Sayyid	GHS Gull Bagh Sayal Dher	1/3/1970	GHS Gaddar	A.V.Post
2	80	Muhammad Nazam	GHS Dakki	20/05/1972	GHS Dakki	A.V.Post
3	82	Ghulam Yousaf	GHS Pir Saddi	04/06/1957	GHSS No.1 Bickat Gunj	A.V.Post

S.No. 14

HEAD MASTER
G.H.S. SIKANDARI
(Tahiri Mardan)

PROMOTION OF S.QARI/QARI TO THE POST OF SST (GENERAL) BPS-16

S.No.	S.L.No.	Name of official and present place of posting	Date of Birth	Where adjusted	Remarks	
1	45	Muhammad Ayes	GHS Garhi Kaporra	12/5/1988	GHS Gumbat	A.V.Past
2	46	Muhammad Iqbal	GHS Sikandar	10/06/1985	GHS Sharqi Hoti	A.V.Past

Terms and Conditions:-

- 1 They would be on probation period of one year extendable for another one year
- 2 They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 3 Their services can be terminated at any time; in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the rules framed time to time.
- 4 Charge report should be submitted to all concerned.
- 5 Their Inter-Seniority on lower post will remain intact.
- 6 No TA/DA is allowed for joining his duty.
- 7 They will give an order taking to be recorded in their service book to the effect that if any over payment is made to him in light this order will be recovered and if he is wrongly promoted he will be reversed.
- 8 Their posting will be made on school based, they will have to serve at the place of posting, and their services is not transferable to any other station.
- 9 Before handing over charge once again their documents may be checked if they have not the required relevant qualifications as per rules, they may not be handed over charge of the post.

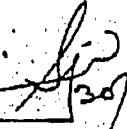
(SIRAJ MUHAMMAD)
DISTRICT EDUCATION OFFICER
(MALE) MARDAN


Endst.No. 3065/G /Promotion to SST

Dated 30/1/16 /2016

Copy forwarded for information and necessary action to the:-

- 1 Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2 All the Principal/Headmaster concerned.
- 3 District Accounts Officer Mardan.
- 4 Official concerned.


DISTRICT EDUCATION OFFICER
(MALE) MARDAN


HEAD MASTER
G.H.S Shah
(Takht Bhal) Mardan

-9- "IC" 12
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
MR. ATIQ-UR-REHMAN WAZIR

MEMBER (JUDICIAL)
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.

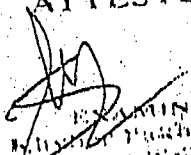
- 1) Service Appeal bearing No.1267/2018 titled "Abi Hayat Versus Government of
Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education
Secretariat building Peshawar and others",

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



- 2) Service Appeal bearing No. 1268/2018 titled "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 titled "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 titled "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 titled "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 titled " 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



EXAMINER
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 titled "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 titled "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

EXAMINER
Khyber Pakhtunkhwa
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- 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".

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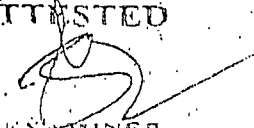
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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

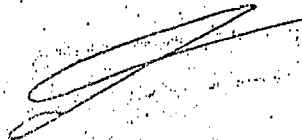


- 33) Service Appeal bearing No. 663/2018 titled "Mst. Dil Taj Begum Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".
- 34) Service Appeal bearing No. 664/2018 titled "Raees Khan Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".
- 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 titled "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. Afzai 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


 ATTESTING OFFICER
 Civil Secretariat, 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
 Punjab Civil Service Tribunal
 Faisalabad



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 vide 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 posts 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

EXAMINER

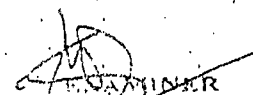


were promoted vide order dated 11-10-2017. On the other hand, the office of the District Education Officer in the settled district took timely steps and the promotions were made possible in the same year i.e. 2014. Placed on record is a Notification dated 01-11-2014 issued by District Education Officer 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


 EXAMINER
 General Khurki
 District Education Officer



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 true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application _____

Date of Presentation of Application 05/10/21 _____

Number of Words 4073 _____

Copying Fee 42/- _____

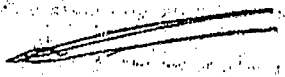
Urgent 4/- _____

Total 46/- _____

Name of Applicant _____

Date of Copying of Copy 05/10/21 _____

Date of Delivery of Copy 05/10/21 _____



PROMOTION

In pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No. SO(PE)/4-5/SSRC/Meeting/2013/Teaching Cadre dated 24th 12/2013 and recommendations of the Departmental Promotion Committee, the following teachers and recommendations of the Departmental Promotion Committee, the following teachers/PTs/DMs/DMs, SATs/ATs, STTs/TTs, Senior Qaris/Qaris, PSTs/SPSTs/PSTs/PTs/PTs, are hereby promoted to the post of SST (Bio-Chem), SST (Phy-Maths), SST (Phy-Maths) posted in the schools noted against each in BPS-16 (Rs. 15910-15200-64510) plus usual allowances admissible under the rules on regular basis under the existing policy, on the terms and conditions given below, with immediate effect in the interest of public service.

SST/CT TO SST (General) BPS-16.

No.	Name	School	DOB	D. of App. as Regular CT	Qualif.	Name of School where posted
14	Sahib Zada	GMS Gul Baz	1/1/1966	1/9/1994	BA/B.Ed	GMS Gul Baz
15	Qadran Faqir	GMS Qalagai	5/4/1966	18/1/1995	BA/B.Ed	GMS Qalagai
16	Niaz Badshah	GHS Eka Ghund	13/3/1970	18/1/1995	BA/B.Ed	GHS Sub Han Khwar
17	Faraz Ali	GHS Yousaf Khei	16/10/1970	18/3/1995	BA/B.Ed	GHS Yousaf Khei
18	Faraz Gul	GHS Hamid Khan	15/4/1964	25/5/1995	BA/B.Ed	GMS Hamid Khan
19	Muhammad Gul	GHS Khataki Sharif	10/4/1972	6/10/1995	BA/B.Ed	GMS Saparaj Ekka Ghund
20	Karam Ullah	GHS Sra Shah	10/12/1968	11/10/1995	BA/B.Ed	GMS Koz Kadi
21	Khalid Khan	GMS Akhunzadgan	3/4/1967	26/10/1995	BA/B.Ed	GHS Saaidu Khei
22	Farheen Shah	GMS Gul Baz	9/2/1966	14/11/1995	BA/B.Ed	GHS Dab Kore
23	Faraz Khan	GHS Dab Kore	1/3/1969	19/9/1998	BA/B.Ed	GHS Hashim Kore
24	Farhad Ali	GMS Akhunzadgan	10/9/1968	19/9/1998	BA/B.Ed	GMS Bakhtinal Shah
25	Muhammad Amir Jan	GHS Dab Kore	21/2/1969	20/9/1998	BA/B.Ed	GHS Dainsh Kore
26	Muhammad Gul	GMS Hayati	2/3/1967	20/9/1998	BA/B.Ed	GMS Sher Tamanzai

PST/SPST/PST TO SST (General) BPS-16.

No.	Name of Official	School	DOB	D. of App. as Regular PST	Qualif.	Name of School where posted
1	Faraz Khan	GPS Tora Gani	4/3/1972	30/4/1992	BA/B.Ed	GMS Tamanzai
2	Faraz Khan	GPS Gharabi Gurbaz	30/3/1972	16/3/1993	BA/B.Ed	GMS Shawa
3	Faraz Khan	GPS Kadi No. 7	6/1/1969	1/9/1993	BA/B.Ed	GMS Min Min
4	Faraz Khan	GPS Kadi No. 7	6/1/1969	1/9/1993	BA/B.Ed	GMS Bhar Dag

Notification

In pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No. SO (PE)/4-5/SSRC/Meeting/2013/Teaching Cadre dated recommendations of the Departmental Promotion Committee, the following (CTs, ST)Ms/DMs, SATs/ATs, STTs/TTs, Senior Qaris/ Qaris, PSHT, SPST Mohmand, are hereby promoted to the post of SST (Bio-Chem), SST (Phy-Maths), SST and posted in the schools noted against each in BPS-16 9Rs. 18916-1520-64510 plus admissible under the rules on regular basis under the existing policy on the terms and below with immediate effect in the interest of public service.

1. SCT/CT TO SST (General) BPS-16

S.No	S.No	Name of official	School	DOB	D of APP as Regular	Quality	Name of School where
		Sahibzada	GMS Gul Baz	1/1/1966	1/9/1994	B.A/B.Ed	GMS Gul Bar
		Ghulam Faqir	GMS Qalagai	5/4/1966	18/1/1995	B.A/B.Ed	GHS Qalagai
		Niaz Badshah	GHS Eka Ghund	13/3/1970	18/1/1995	B.A/B.Ed	GHS Subhan Khwar
		Murad Ali	GHS Yousaf Khel	10/10/1970	18/3/1995	B.A/B.Ed	GHS Yousaf Khel
		Riaz Gul	GHS Hamid Khan	15/4/1964	25/5/1995	B.A/B.Ed	GHS
		Muhammad Gul	GHS Khataki Sharif	10/4/1972	6/10/1995	B.A/B.Ed	GMS Supray Ekka Ghund
		Ikram Ullah	GHS Sra Shah	10/12/1968	11/10/1995	B.A/B.Ed	GMS Kot Kadi
		Khitab Khan	GMS Akhunzadgan	3/4/1967	26/10/1995	B.A/B.Ed	GHS Serdu Khel
		Zargoos Shah	GMS Gul Baz	9/2/1966	14/11/1995	B.A/B.Ed	GHS Dub jkar
		Zafar Khan	GMS Gul Baz	1/3/1969	19/9/1998	B.A/B.Ed	GHS Hashim Kare
		Farhad Ali	GHS Dab Kore	10/9/1968	19/9/1998	B.A/B.Ed	GMS Bakkhmal Shah
		Muhammad Ismail Jan	GMS Dab Kore	21/2/1967	20/9/1998	B.A/B.Ed	GHS Danish Khel
		Inayat Gul	GMS Hayati Kore	2/3/1967	20/9/1998	B.A/B.Ed	GMS Sher

2. PSHT/SPST/PST TO SST (General) BPS-16

S.No	S.No	Name of official	School	DOB	D of APP as Regular	Quality	Name of School where
		Nawab Khan	GPS Tora Garai	4/3/1972	30/4/1992	B.A/B.Ed	GMS Tamanza
		Ajmal Khan	GPS Gharabi Gurbaz	30/3/1972	16/3/1993	B.A/B.Ed	GMS Shawa
		Siraj Khan	GPS Kadi No. 7	6/1/1969	1/9/1993	B.A/B.Ed	GMS Bheri Dag

GMS Danish Kool	Dansh Kool	24/12/2012	Bsc/B.Ed	GHS Danish Kool
24/10/1989	24/10/1989	24/12/2012	Bsc/B.Ed	GHS Danish Kool

GHS Shaham Saly	Shaham Saly	1/9/1994	Bsc/B.Ed	GHS Shaham Saly
16/3/1967	16/3/1967	1/9/1994	Bsc/B.Ed	GHS Shaham Saly

GHS Yousof Kheh	Shaukat Ali	1/9/2010	Bsc/B.Ed	GHS Yousof Kheh
1/1/1983	1/1/1983	1/9/2010	Bsc/B.Ed	GHS Yousof Kheh
GHS Kharat Dara No.1	Lal Muhammad Anbar	19/12/2003	Bsc/B.Ed	GHS Kharat Dara No.1
14/5/1970	14/5/1970	19/12/2003	Bsc/B.Ed	GHS Kharat Dara No.1

GHS Dab Kori	Chund Muhammad Eka	30/1/2010	Bsc/B.Ed	GHS Dab Kori
15/3/1977	15/3/1977	30/1/2010	Bsc/B.Ed	GHS Dab Kori
GHS Mosa Kori	GMS Khan No.1	17/11/2009	Bsc/B.Ed	GHS Mosa Kori
1/4/1980	1/4/1980	17/11/2009	Bsc/B.Ed	GHS Mosa Kori
GHS Akhuzdgan	GHS Haji Yar Jan Kalai	29/10/2009	Bsc/B.Ed	GHS Akhuzdgan
6/9/1980	6/9/1980	29/10/2009	Bsc/B.Ed	GHS Akhuzdgan
GHS Azcem Kori	GHS Hamid Khan	10/3/2007	Bsc/B.Ed	GHS Azcem Kori
1/7/1970	1/7/1970	10/3/2007	Bsc/B.Ed	GHS Azcem Kori
GHS Ghazi Baig	GMS Hashim Kore	19/9/1998	Bsc/B.Ed	GHS Ghazi Baig
6/12/1970	6/12/1970	19/9/1998	Bsc/B.Ed	GHS Ghazi Baig

GMS Babli Kheh	GPS Babli	25/10/1994	BA/B.Ed	GMS Babli Kheh
25/10/1972	25/10/1972	25/10/1994	BA/B.Ed	GMS Babli Kheh
GHS Misa Kori	Zariat GPS Banda	29/5/1994	BA/B.Ed	GHS Misa Kori
15/8/1969	15/8/1969	29/5/1994	BA/B.Ed	GHS Misa Kori
GHS Kharat Dara No.1	Shah Kore GPS Said	29/5/1994	BA/B.Ed	GHS Kharat Dara No.1
10/4/1971	10/4/1971	29/5/1994	BA/B.Ed	GHS Kharat Dara No.1
GMS Adhuzai	Kore GPS Marat	29/5/1994	BA/B.Ed	GMS Adhuzai
15/1/1972	15/1/1972	29/5/1994	BA/B.Ed	GMS Adhuzai

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	Muhammad Sherin	GPS Marai Kore	15/1/1972	29/5/1994	B.A/B.Ed	GMS Abdul Kor Khwaizai
	Namdar Khan	GPS Said Shah Kore	10/4/1971	29/5/1994	B.A/B.Ed	GHS Kharai Dara No. 1
	Amir NAWab	GPS Banda Ziarat Admazi	15/8/1969	29/5/1994	B.A/B.Ed	GHS Musa Kor
	Munir Muhammad	GPS Babi Khel	4/1/1972	25/10/1994	B.A/B.Ed	GMS Babi Khel

3. CT/CT TO SST (Phy/Maths) BPS-16

S.No	S.No	Name of official	School	DOB	D of APP: as Regular	Quality	Name of School where
1		Izat Shah	GMS Hashim Kore	6/12/1970	19/9/1998	BSc/B.Ed	GHS Ghazi Baig
2		Muhammad Fayaz	GHS Hamid Khan	1/7/1970	10/3/2007	BSc/B.Ed	GHS Azeem Kor
3		Lazim Khan	GHS Haji Yar Jan Kalai	6/9/1980	29/10/2009	BSc/B.Ed	GHS Akhunzadgan
4		Hayat Khan	GM'i Khari No. 1	1/4/1980	17/11/2009	BSc/B.Ed	GHS Mosa Kor
5		Muhammad Tariq	GHS Eka Ghund	15/3/1977	30/1/2010	BSc/B.Ed	GHS Dab Kor

4. PHST/SPST/PST TO SST (Phy/Maths) BPS-16

S.No	S.No	Name of official	School	DOB	D of APP: as Regular	Quality	Name of School where
1	298	Lal Muhammad	GPS Prekary Anbar	14/5/1970	19/12/2003	BSc/B.Ed	GHS Kharai Dara No. 1
2	372	Shaukat Ali	GPS Rahat Kore	1/1/1970	1/9/2010	BSc/B.Ed	GHS Yousaf Khel

5. SDM/DM TO SST (Phy/Maths) BPS-16

S.No	S.No	Name of official	School	DOB	D of APP: as Regular	Quality	Name of School where
1		Darvish	GHS Sra Shah	16/3/1967	1/9/1994	BSc/B.Ed	GHS Shalam Salay

6. SCT/CT TO SST (Bio/Chem) BPS-16

S.No	S.No	Name of official	School	DOB	D of APP: as Regular	Quality	Name of School where
1		Raz Muhammad	GMS Danish Kool	2/10/1989	24/12/2012	BSc/B.Ed	GHS Danish Kool

Name of Officer	School	DOB	as Regular	Quali	posted
Amjad Ali	GHS Rahat Kore	1/4/1973	1/3/1993	BA/B.Ed	GHS Akhunzadgan
Harat Dal	GMS Abdul Baqi	5/11/1970	1/3/1993	BA/B.Ed	GMS Abdul Baqi

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TA/DA TO SST (General) BPS-16.

Ser. No.	Name of official	School	DOB	D. of App. as Reg. AP	Quali	Name of School where posted
	Saeed Ali	GMS Shawa	18/2/1964	5/9/1995	BA/B.Ed	GMS Shawa
	Sana Shah Ali	GHS Lakarai	26/2/1974	29/1/2000	BA/B.Ed	GHS Lakarai

TA/DA TO SST (General) BPS-16.

Ser. No.	Name of official	School	DOB	D. of App. as Regular	Quali	Name of School where posted
	Asif Khan	GHS Prang Ghar	27/3/1985	1/9/2007	BA/B.Ed	GMS Faiz Abad Ambar

Terms and conditions:

1. These teachers at S.No.1-3 above would be on probation for a period of one year extendable for another period of one year.
2. They will be governed by such rules and regulations as and when issued from time to time by the Govt.
3. Their services can be terminated at any time; in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. No TA/DA is allowed for joining his duty.
6. They the teachers at S.No.1-3 above will give an under taking to be recorded in their service book to the effect that if any over payment is made to him in the light of this order will be recovered and if he is wrongly promoted, he will be reverted.
7. Before handing over charge once again their document may be checked if they have not the prescribed qualifications as per rules, they may not be handed over charge of the post.
8. The prescribed qualifications/ documents may be verified from the concerned Universities/ Institutions by the DEO concerned.

(Hafiz Dr. Muhammad Ibrahim)
 Director Elementary & Secondary Education
 Khyber Pakhtunkhwa
 Dated Peshawar the 11/11/2007

Encl: No

Copy forwarded for information and necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officer Mohmand.
3. District Accounts Officer Mohmand
4. PS to Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
5. PS to Secretary Finance Khyber Pakhtunkhwa Peshawar.
6. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
7. Principal/Head Mistress concerned.
8. Promotees Concerned.
9. M/File.

Deputy Director (Estab) 11/11/07

S.No	S.No	Name of official	School	DOB	D of APP: as Regular	Quality	Name of School where
1		Amjid Ali	GHS Rahat Kore	1/4/1973	1/3/1993	B.A/B.Ed	GHS Akhunzadgan
		Ziarat Gul	GMS Abdul Baqi	5/11/1970	1/3/1993	B.A/B.Ed	GMS Abdul Baqi

SAT/AT TO SST (General) BPS-16

S.No	S.No	Name of official	School	DOB	D of APP: as Regular	Quality	Name of School where
1		Saeed Ul Haq	GMS Shawa	18/2/1964	5/9/1995	B.A/B.Ed	GMS Shawa
		Said Shah Ali	GHS Lakarai	26/2/1974	29/1/2000	B.A/B.Ed	GHS Lakarai

S.Qari/Qari TO SST (General) BPS-16

S.No	S.No	Name of official	School	DOB	D of APP: as Regular	Quality	Name of School where
1		Asif Khan	GHS Parang Ghar	27/3/1985	1/9/2007	B.A/B.Ed	GMS Faiz Abad Ambar

Terms and Conditions:-

1. They teachers at S.No. 1-3 above would be on probation for a period of one year extendable for a further period of one year.
They will be governed by such rules and regulations as and when issued from time to time by the Govt.
2. Their services can be terminated at any time; in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
3. Their services can be terminated at any time; in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. No TA/DA is allowed for joining his duty.
6. They the teachers at S.No. 1-3 above will give an under taking to be recorded in their service book to the effect that if any over payment is made to him in the light of this order will be recovered and if he is wrongly promoted, he will be reverted.
7. Before handing over charge once again their document may be checked if they have not the prescribed qualifications as per rules, they may not be handed over charge of the post.
8. The prescribed qualifications/documents may be verified from the concerned universities/institutions by the DEO concerned.

Dist. Govt. KP-Provincial
District Accounts Office GHALANAI
Monthly Salary Statement (December-2021)



-21-

Personal Information of Mr MOHAMMAD FAYAZ d/w/s of MOHAMMAD KHAN
Personnel Number: 00353127 CNIC: 1610262387785 NTN:
Date of Birth: 01.07.1970 Entry into Govt Service: 30.03.2007 Length of Service: 14 Years 09 Months 003 Days

Employment Category: Active Temporary
Designation: SECONDARY SCHOOL TEACHER

81024451-DISTRICT GOVERNMENT KHYBE

DDO Code: MG6060-Tribal District

Payroll Section: 001

GPF Section: 001

Cash Center:

GPF A/C No:

Interest Applied: Yes

GPF Balance:

381,291.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 16

Pay Stage: 16

Wage type	Amount	Wage type	Amount
0001 Basic Pay	43,230.00	1001 House Rent Allowance 45%	4,091.00
1210 Convey Allowance 2005	5,000.00	1300 Medical Allowance	1,500.00
1528 Unattractive Area Allow	2,500.00	1560 Science Teaching Allowan	200.00
2148 15% Adhoc Relief All-2013	740.00	2199 Adhoc Relief Allow @10%	530.00
2211 Adhoc Relief All 2016 10%	2,740.00	2224 Adhoc Relief All 2017 10%	4,323.00
2247 Adhoc Relief All 2018 10%	4,323.00	2264 Adhoc Relief All 2019 10%	4,323.00
2309 Adhoc Relief All 2021 10%	4,323.00	2316 Teaching Allowance 2021	3,782.00

Deductions - General

Wage type	Amount	Wage type	Amount
3016 GPF Subscription	-3,340.00	3501 Benevolent Fund	-1,500.00
3609 Income Tax	-1,203.00	3990 Emp.Edu. Fund KPK	-150.00
4004 R. Benefits & Death Comp:	-650.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 18,688.25 Recovered till DEC-2021: 6,801.00 Exempted: 4671.71 Recoverable: 7,215.54

Gross Pay (Rs.): 81,605.00 Deductions: (Rs.): -6,843.00 Net Pay: (Rs.): 74,762.00

Payee Name: MOHAMMAD FAYAZ

Account Number: 17352-8

Bank Details: HABIB BANK LIMITED, 220472 TAKHT BAI, MARDAN. TAKHT BAI, MARDAN., MARDAN

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: MOHMAND AGENCY

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: m03469187838@gmail.com

System generated document in accordance with APPM 4.6.12.9(451641/25.12.2021/3.0)

* All amounts are in Pak Rupees

* Errors & omissions excepted (SERVICES/31.12.2021/13:12:51)

Dist. Govt. KP-Provincial
District Accounts Office GHALANAI
Monthly Salary Statement (December-2021)



-22-

Personnel Information of Mr MOHAMMAD FAYAZ d/w/s of MOHAMMAD KHAN
Personnel Number: 00353127 CNIC: 1610262387785 NTN:
Date of Birth: 01.07.1970 Entry into Govt. Service: 30.03.2007 Length of Service: 14 Years 09 Months 003 Days

Employment Category: Active Temporary
Designation: SECONDARY SCHOOL TEACHER 81024451-DISTRICT GOVERNMENT KHYBE
DDO Code: MG6060-Tribal District
Payroll Section: 001 GPF Section: 001 Cash Center:
GPF A/C No: Interest Applied: Yes GPF Balance: 381,291.00
Vendor Number: -
Pay and Allowances: Pay scale: BPS For- 2017 Pay Scale Type: Civil BPS: 16 Pay Stage: 16

Wage type		Amount	Wage type		Amount
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Permanent Address:

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City:

Email: m03469187838@gmail.com

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* All amounts are in Pak Rupees

* Errors & omissions excepted (SERVICES/31.12.2021/13:12:51)

"E"

- 23 -

To

The Secretary (E&SE) Department,
Khyber Pakhtunkhwa Peshawar.

Subject:

DEPARTMENTAL APPEAL FOR PROMOTION TO
THE POST OF SST, (Phy-Maths) WITH
RETROSPECTIVE EFFECT

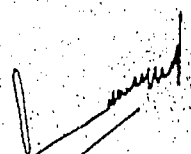
R/Sir,

Most respectfully, It is stated that was initially appointed as CT vide dated 29-03-2007. In the year, 2012 the government had notified service structure /rules for promotion of the PST (s) and SST(s) and other different disciplines department void notification dated 24-17-2014 promoted many of our colleague Teacher of the province working on settle side on the post of PST to the post of SST (BPS-16) and accordingly by following the analogy void notification dated 01-11-2014 teachers working as PSTs of the district charsadda were promoted to the post of SST (BPS-16) in the light of notification dated 24-07-2014 and as such some of my colleagues who were working in FATA who were also promoted to the post of SST (BPS-16) but with immediate effect and from the date when his colleague working on the settle side were promoted i.e w.e.f 4-07-2014 those promoted colleague knock the door of Khyber Pakhtunkhwa service tribunal appeal No 1266/2018 which was decided in favor of my colleagues judgment dated 14-05-2021.

I was also promoted to the post of the SST(BPS-16) vide impugned Notification dated 7.12.2020 with immediate effect and not from the date when the other teachers are promoted i.e. w.e.f 30.4.2016.

In light of the above and keeping the judgment passed by the Service tribunal I may also be allowed/granted promotion to the post of SST (BPS-16) w.e.f: 30.4.2016 with all back benefits including seniority and obliged, please.

Dated.13-06-2022


Muhammad Fayaz

SST (Phy/Maths),

GHS Azim Kor, District Mohmand

-25-

VAKALATNAM
BEFORE THE KHYBER PAKHTUNKHERVICE TRIBUNAL
PESHAWAR

APPEAL NO: _____ OF 20

M. Fayaz Ali

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Fayaz Ali



Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitrator for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

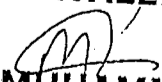
Dated. ____/____/202


CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK
(BC-10-0853)
15401-0705985-5

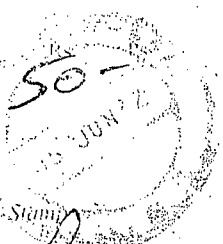

UMAR FAROOQ

WALEED ADNAN

&

MUHAMMAD AYUB
ADVOCATES

OFFICE:
Flat No.(TF) 291-292 3rd floor
Deans trade centre Peshawar cantt:
Mobile No. 0224 527222

No. 463 RGL81891571

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