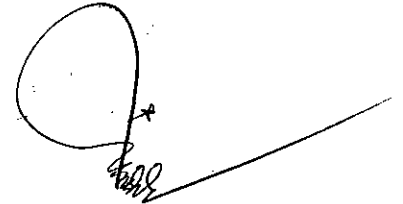


06.09.2022

Petitioner alongwith his counsel present. Mr. Muhammad Riaz Khan Paindakhel Assistant Advocate General alongwith Mr. Muhammad Amin, DEO and Mr. Touseef Ahmad, Litigation Officer for the respondents present.

As is evident from order sheet dated 09.06.2022, last opportunity was granted to the department whereas departmental representative stated at the Bar today that implementation is under process within the department and final implementation report will be submitted on the next date. Learned Assistant Advocate General also requested for time to contact senior level management of the respondents to submit implementation report on the next date. Request is acceded to but as a last chance whereafter coercive measures shall invariably be initiated against the respondents at fault. Adjourned. To come up for final implementation report on 04.10.2022 before S.B at Camp Court, Swat.



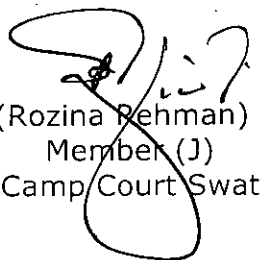
(Mian Muhammad)
Member (E)
Camp Court, Swat

04.10.2022

Nemo for petitioner.

Mr. Riaz Khan Paindakhel, learned Assistant Advocate General alongwith Muhammad Amin DEO and Ayat Ullah SDEO for respondents present and produced implementation report in respect of the present petitioner. The order of this Tribunal has been implemented vide order dated 30.09.2022 by the District Education Officer Dir Lower. As the grievances of the petitioner have been fully redressed, therefore the execution proceedings stand consigned being fully satisfied. No order as to costs.

Announced.
04.10.2022


(Rozina Rehman)
Member (J)
Camp Court Swat

9th June, 2022

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

Implementation report not submitted. Learned AAG seeks time to contact the respondents for submission of implementation report. Last opportunity is given to the respondents for submission of implementation report. To come up for implementation report on 04.07.2022 before the S.B at camp court Swat.



(Kalim Arshad Khan)
Chairman
Camp Court Swat

04.07.2022

Petitioner present in person. District Attorney alongwith Shahid Anwar, ADEO for respondents present.

Learned District Attorney seeks time for submission of implementation report. To come up for Implementation report on 02.08.2022 before S.B at camp court, Swat.



(Fareeha Paul)
Member (E)
Camp Court, Swat

2-8-22

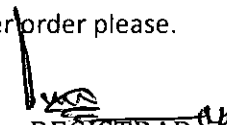
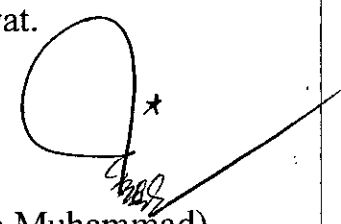
Due to Summer Vacation the case is adjourned to 6-9-22 for the same.



Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 143/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	15.03.2022	<p>The execution petition of Mr. Fazal Sardar submitted today by Mr. Fayyaz Muhammad Qazi Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	9.5.2022	<p>This execution petition be put up before to touring S. Bench at Swat on <u>9-5-2022</u>.</p> <p style="text-align: right;">CHAIRMAN</p> <p style="text-align: center;"><i>Due to non-functional of The Tribunal The case is adjourned for the reason of 10-5-2022 *</i> Reader</p>
	10.05.2022	<p>Petitioner in person present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.</p> <p>Implementation report not submitted. Learned AAG requested for a adjournment. Notices be issued to the respondents for submission of implementation report. Adjourned. To come up for implementation report on 09.06.2022 before S.B at camp court Swat.</p> <p style="text-align: right;"> (Mian Muhammad) Member(E) Camp Court Swat</p>

BEFORE THE KHYBER PAKHTOONKHWA SERVICE
TRIBUNAL PESHAWAR

Execution petition no. 143/2022

Fazal Sardar.....Petitioner

VERSUS

Government of Khyber Pakhtoonkhwa & othersRespondents

INDEX:

S.No	Description	Annexure	Pages
1	Memo of application		1-2
2	Affidavit		3
3	Appointment order	A	4-5A
4	Promotion order	B	6-10
5	Order dated 03.05.2019	C	11
6	Memo of appeal	D	12-12B
7	Copy of order dated 11.12.2021	E	13-15
8	Wakalatnama		16

Dated.14.03.2022

Through

Petitioner



Fayaz Muhammad Qazi
Advocate.

Cell No.0345-9135909

①

**BEFORE THE KHYBER PAKHTOONKHWA SERVICE
TRIBUNAL PESHAWAR**

Execution petition no. 143/2022

Fazal Sardar son of Hazrat Hassan resident of Tiknai Bala Tehsil Adenzai District
Dir Lower.

.....Petitioner

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 379

Dated 14/03/2022

VERSUS

1. Government of Khyber Pakhtoonkhwa through Secretary Elementary and Secondary Education Peshawar.
2. Director Elementary and Secondary Education Peshawar.
3. Deputy Director Elementary and Secondary Education Peshawar.
4. District Education Officer Dir Lower at Temergara.
5. District Accounts Officer Dir Lower at Temergara.

**APPLICATION FOR THE IMPLEMENTATION OF THE ORDER
OF THIS HONORABLE TRIBUNAL DATED 07.12.2021.**

Respectfully Submitted.


1. That the petitioner was appointed as certified Teacher(C.T) on 14.02.2009 and then his post was upgraded to SCT on 25.10.2016.
2. That thereafter the petitioner was promoted to Secondary School Teacher(SST) 22.02.2019 but the petitioner was not posted at any place against which the petitioner filed a writ petition 569-M/2019 but the same was dismissed as withdrawn with the direction to approach the proper forum. Copy of appointment and promotion order are annexure A and B.
3. That the petitioner then filed a departmental appeal but in the meanwhile the respondents withdrew the order of promotion dated 22.02.2019 vide order dated 03.05.2019. Copy of order dated 03.05.2019 is annexure C.
4. That against the impugned order dated 03.05.2019, the petitioner filed a departmental appeal and thereafter filed the appeal No.1729/ 2019 which was allowed by this Honorable Tribunal vide order dated 11.12.2019 and the impugned order was set aside and the petitioner was declared entitled to promotion since 22.02.2019. Copy of memo of appeal and order dated 11.12.2021 are annexure D and E respectively.

(2)

5. That the petitioner time and again approached the respondents but they did not pay any heed to the order of this Honorable Court.
6. That the respondents are bound to promote the petitioner according to the order of this Honorable Tribunal.
7. That the inaction of the respondents is unlawful and against the norms of justice.
8. That other arguments will be advanced at the time of arguments with the permission of this Honorable Court.

It is therefore most humbly prayed that on acceptance of this application, the respondents may graciously be compelled to act upon the order of this Honorable Tribunal.

Dated.14.03.2022

Petitioner
Through 
Fayaz Muhammad Qazi
Advocate. High Court
Swat

**BEFORE THE KHYBER PAKHTOONKHTWA SERVICE
TRIBUNAL PESHAWAR**

Fazal SardarPetitioner


VERSUS

Government of Khyber Pakhtoonkhwa & othersRespondents

AFFIDAVIT:

Fazal Sardar son of Hazrat Hassan resident of Tiknai Bala Tehsil Adenzai District Dir Lower, do hereby affirm and declare on oath, that the contents of the accompanying application are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Tribunal.


DEPONENT


14/3/22
ATTESTED
Sania Zahra Advocate
OATH COMMISSIONER
Peshawar

THE EXECUTIVE DISTRICT OFFICER (E&S) EDUCATION DISTRICT DIR LOWER.

Office Order:-

As per recommendations of the District Recruitment Committee, the following candidates are hereby appointed as CT in BPS.9 (3820-230-10720) plus usual allowances as due and admissible to them under the rules on Regular basis but without pension and gratuity in terms -19 of the Civil Servant Act 1973 as amended vide NWFP Civil Servants (Amendment) Act, 2005 with immediate effect under the provision of Establishment & Administration Department Circular bearing No. SOR-6(E&AD)13-1/2005 on subject to the following terms and conditions in the interest of public service with immediate effect.

(75 % BATCHWISE)

S#	Name, Father's Name & Residence	Session	Qual:	Score	Proposed School	Remarks
1	Muhammad Zahoor S/O Zoorzalam Khan R/O Shamshi Khan	29-11-87	MA.CT	49.81	GHS.Miskini	A: V:Post
2	Habibur Rahman S/O Sazan Khan R/O Gumbat Talash	10-07-94	MA.CT	51.59	GMS.Temtai	-do-
3	Said Dilawar Shah S/O Damsaz Pach R/O Lajbouk	15-11-94	MA.CT	49.23	GMS.Merakai	-do-
4	Saeedulhaq S/O Azizul Haq R/O Kambat	15-11-94	FA.CT	36.30	GMS.Shahi	-do-
5	Muhammad Yaqoub Khan S/O Khan Jan R/O Mayar(J)	24-11-94	BA.CT	45.28	GHS.Jawzo	-do-
6	Bakht Shah Zaib S/O Jehen Zaib R/O shekowlai	09-01-95	MA.CT	54.01	GHS.Chinarkot	-do-
7	Muhammad Riaz S/O Habib Said R/O Shekowlai	09-03-95	MA.CT	57.77	GHS.Manial	-do-
8	Rafiq Ahmad S/O Abid Ullah R/O Timergara	20-12-95	MA.CT	58.51	GMS.Gal	-do-
9	Ihsan Ullah S/O Shamsul Wahab R/O Muzain Banda	20-12-95	MA.CT	55.37	GHS.Takoro	-do-
10	Azizul Hakim S/O Azizur Rahman R/O Baroon	20-12-95	MA.CT	51.64	GMS.Babagam	-do-
11	Muhammad Usman S/O Habib Said R/O Shekowlai	24-01-96	MA.CT	61.93	GMS.Nimaskot	-do-
12	Said Muhammad S/O Amir Muhammad R/O Brangola	24-01-96	BA.CT	43.22	GHS.Pengal	-do-
13	Gul Akbar Khan S/O Said Anbar Khan R/O Sairtoormong	24-01-96	BA.CT	37.92	GMS.Kandomachla	-do-
14	Muhammad Ismail S/O Tajbar Khan R/O Dheri Talash	25-05-96	MA.CT	57.25	GMS.Kotkay (SH)	-do-
15	Hidayatul Haq S/O Fazal Ghani R/O Lal Qela	25-05-96	MA.CT	52.66	GMS.Gumbatbanda	-do-
16	Fazli Sardar S/O Hazrat Hassan R/O Tekni Bala	25-05-96	MA.CT	50.09	GHS.shorshing	-do-
17	Sardarul Mulk S/O Amanul Mulk R/O Shekolai	25-05-96	MA.CT	49.69	GHS.Manial	-do-
18	Asghar Ali S/O Gul Muhammad R/O Badwan Bala	30-08-96	MA.CT	55.48	GMS.Korshung	-do-

TERMS & CONDITIONS:-

- They will be governed by such rules and regulations as may be prescribed by the Govt: from time to time for the category of Govt: service to which they belong.
- Their appointments are purely on temporary basis liable to termination at any time without notice. In case leaving the service, they will be required to submit one month prior notice, or deposit one month pay in Govt: treasury in lieu thereof.
- The appointment of the candidates mentioned above are subject to the condition that they are domiciled in District Dir Lower
- No TA/DA will be paid to them on joining the post.
- Charge reports should be submitted to all concerned.
- The Principals / HM concerned are directed to collect photo copies of the documents from the candidates and sent to this office for verification from their institutions concerned before taking over charge.
- The order is issued as errors and omissions excepted, as a notice only.
- They are directed to take over charge w.e. from 1-3-2009.

(SAEED KHAN)
EXECUTIVE DISTT: OFFICER
(E&S) EDUCATION DIR LOWER.

Endst: No. 2219-2262 / Dated: 14 / 02/2009

Copy of the above is forwarded to:-

- The Distt: Coordination Officer Dir Lower at Timergara.
- The Distt: Nazim Dir Lower at Timergara.
- P.A to Secretary Elementary & Secondary NWFP Peshawar.
- P.A to Director Elementary & Secondary Education NWFP Peshawar.
- 5-6 The Distt: Officers Elementary & Secondary Dir Lower at Timergara.
- 7 The Distt: Accounts Officer Dir Lower at Timergara.
- 8-25. The Principals, Headmasters/Headmistress & DDO concerned.
- 26-43. The candidates concerned.
44. DEMIS cell.

EXECUTIVE DISTT: OFFICER
(E&S) EDUCATION DIR LOWER.

مبارک شاہ
لہ ارجو منگوری اسٹافان

Secretary
(E&S) Education
Dir Lower
Peshawar
2009

AT 100-10



Directorate of Elementary and Secondary Education

SSTs (M) Dir Lower 1

Date: 22-02-2019

Office Order

Consequent upon promotion of Certified Teachers (CTs) Male B-15 to Senior Certified Teacher (SCT) B-16 on regular basis as Notified Vide Director Elementary & Secondary Education Khyber Pakhtunkhwa No.3786-92/5/16 No.2/Promotion Senior CT BPS-16 Dated Peshawar the 21/09/2016, the following Male CTs are hereby adjusted in the schools noted against their names in the interest of public service from the date of issue.

Sr#	Name of Teacher (SCTs)	BPS	Present Station	Place of Posting	Remarks
1	Fazal Rahim	16	GMS Shontala	GHS Shontala	A.V. Post
2	Mahfoozul Haq	16	GMS Qawari	GHS Sadbarsalay	A.V. Post
3	Mohammad Farooq	16	GHS Darangal	GHS Darangal	Post already occupied
4	Dilawar Shah	16	GHSS Munda	GHSS Munda	Post already occupied
5	Habibullah	16	GMS Tekri Bala	GHS Sia Waighar	A.V. Post
6	Saeed Ur Rahman	16	GMS Sherkhani	GHSS Lai Qila	A.V. Post
7	Bakht Mumir Khan	16	GMS Kotkay Paikhail	GHS Shalkandi	A.V. Post
8	Fazal Rahim	16	GHS Pato Talash	GHS Pato Talash	Post already occupied
9	Behanur Khan	16	GMS Mator Asham	GHS Tazagram	A.V. Post
10	Said Wali	16	GHS Kamala	GHS Kamala	Post already occupied
11	Bakht Feroz Khan	16	GHS Rani	GHS Rani	Post already occupied
12	Khair Ul Rahman	16	GHS Dheri Kambat	GHS Dheri Kambat	Post already occupied
13	Hidayat Ul Haq	16	GMS Banr	GHS Mian Kalay	A.V. Post
14	Sahib Razaq	16	GHS Makhal	GHS Makhal	Post already occupied
15	Mohammad Ikram	16	GMS Balambhar	GCMHS Timergara	A.V. Post
16	Nake Mohammad	16	GHSS Tawda China	GHSS Tawda China	Post already occupied
17	Mohammad Rahim	16	GMS Shatai	GCMHS Timergara	A.V. Post
18	Abdul Hanan	16	GHSS Khazana	GHSS Khazana	Post already occupied
19	Israrud Din	16	GHS Spina Khawra	GHS Spina Khawra	Post already occupied
20	Mohim Badshah	16	GMS Bkht Bilinda	GHSS Main Brangola	A.V. Post
21	Said Malook	16	GMS Khanpur	GHS Khanpur	A.V. Post
22	Mohammad Pervez	16	GMS Barjam Makhi	GHS Makhal	A.V. Post
23	Abdul Hamid Jan	16	GMS Barjam Makhi	GHSS Khazana	A.V. Post
24	Israrud Din	16	GHS Koherai	GHS Koherai	Post already occupied
25	Aslam Hussain	16	GHSS Hayasari	GHSS Hayasari	Post already occupied
26	Abdul Manan	16	GHS Spina Khawra	GHS Spina Khawra	Post already occupied
27	Liaqat Ali Khan	16	GMS Shah Alam Baba	GHS Tazagram	A.V. Post
28	Nasiruddin	16	GMS Mator	GHS Behada	A.V. Post
29	Saeedul Haq	16	GMS Darangal	GHS Kambat	A.V. Post
30	Bakht Shah Zeb	16	GHS Mian Banda	GHS Mian Banda	Post already occupied
31	Rafiq Ahmad	16	GMS Kota	GHSS Tanji Timergara	A.V. Post
32	Husanullah	16	GMS Asharkor	GHSS Samarbagh	A.V. Post
33	Aziz Ul Hakeem	16	GHS Munjai	GHS Munjai	Post already occupied
34	Said Mohammad	16	GHS Mayar Khadagzai	GHS Mayar Khadagzai	Post already occupied
35	Fazal Sardar	16	GMS Tekri Bala	GHS Tazagram	A.V. Post
36	Sardar Ul Muik	16	GHS Haji Abad	GHS Haji Abad	Post already occupied
37	Asghar Ali	16	GMS Gul Muram	GHSS Chaklara	A.V. Post
38	Hassan Gul	16	GHS Pingal	GHS Pingal	Post already occupied
39	Fazal Naeem	16	GHS Sangwalai	GHS Sangwalai	Post already occupied
40	Kharon Gul	16	GHSS Tawda China	GHSS Tawda China	Post already occupied
41	Ghulam Rahman	16	GMS Mayar Khadagzai	GHSS Mayar Khadagzai	Post already occupied
42	Muhammad Ayoub	16	GHSS Hayasari	GHSS Hayasari	Post already occupied

25% share initial recruitment	03
75% share for Promotion.	06
20 % Share of promotion of PSHT/SPST/PST	02
Posts available for promotion	02
Proposed for Promotion	02
Recommended for promotion	02

S No	S.L No	Name of Official & Present Place of Posting	Date of Birth	Date of Appott: as Regular PSTs	Qualification	Remarks
1	879	Iftikhar Ul Haq GPS, Dheri Sangi Para	1/5/1988	1/3/2009	BS/B.Ed	Services placed at the disposal of DEO (M) Dir Lower for further posting against SST (Phy-Maths) post
2	903	Aftab Ur Rehman GPS Soghalai	1/5/1986	23/6/2009	BSc/B.Ed	-----do-----

C.T.C
[Signature]

C. SST (General)

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

Total No. of vacant Posts of SST (General)	50
25% share initial recruitment	13
75% share for Promotion.	37
40 % Share of promotion of SCT/CT	20
Posts available for promotion	20
Proposed for Promotion	20

S. No	S.L. No	Name of Official & Present Place of Posting	Date of Birth	Date of Appott: as Regular SCT	Qualification	Remarks
1	002	Faridoon Khan GMS Bakht Bilawan	24/1/1969	21/2/2013	MA/B.Ed	Services placed at the disposal of DEO (M) Dir Lower for further posting against SST (General) post.
2	112	Habibur Rahim GHSS Lal Qila	1/1/1971	21/2/2013	MA/B.Ed	-----do-----
3	118	Gul Mehmood GHSS Munda	1/1/1971	21/2/2013	MA/B.Ed	-----do-----
4	119	Muhammad Ibrahim GMS, Ashrogaal	2/2/1966	21/2/2013	MA B.Ed	-----do-----
5	121	Hamdullah GHSS Ziarat Talash	18/7/1969	21/2/2013	MA/B.Ed	-----do-----
6	122	Gul Muhammad Khan GHSS Mayar (J)	25/9/1965	21/2/2013	MA/B.Ed	-----do-----
7	123	Akbar Shad GHSS Serai Bala	18/3/1966	21/2/2013	MA/B.Ed	-----do-----
8	124	Muhammad Amin Khan GHSS Rabbat	4/2/1960	21/2/2013	MA/B.Ed	-----do-----
9	126	Gul Tahir Shah GHSS Saddo	25/2/1963	21/2/2013	MA/B.Ed	-----do-----
10	127	Fazal Mubood GHS Bania Talash	10/3/1965	21/2/2013	MA/B.Ed	-----do-----
11	128	Nazir Ahmad GHSS Serai Bala	10/3/1968	21/2/2013	MA/B.Ed	-----do-----
12	129	Obid Ullah GHS Toormang	4/11/1960	21/2/2013	MA/B.Ed	-----do-----
13	130	Mubarak Zeb GHSS Zaimdara	8/1/1962	21/2/2013	MA/B.Ed	-----do-----
14	131	Amir Zaman GHS Shamsi Khan	1/3/1962	21/2/2013	MA/B.Ed	-----do-----

[Signature]

ATTESTED

8

		GHSS Khair Abad				
16	133	Dost Muhammad GHS Bagh Dush Khal	18/3/1963	21/2/2013	MA/B.ED	-----do-----
17	134	Bunir Gul GHS. Sadbar Kalay	8/6/1963	21/2/2013	MA/B.ED	-----do-----
18	135	Muhammad Yousaf GHSS Khazana	1/2/1964	21/2/2013	MA/B.ED	-----do-----
19	136	Sultan Rome GHS Shamsi Khan	1/1/1962	21/2/2013	MA/B.ED	-----do-----
20	137	Hussain Ahmad GHS Serai Bala	1/2/1969	21/2/2013	MA/B.ED	-----do-----

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

Total No. of vacant Posts of SST (General)	50
25% share initial recruitment	13
75% share for Promotion.	37
20 % Share of promotion of PSHT/SPST/PST	10
Posts available for promotion	10
Proposed for Promotion	10
Recommended for promotion	10

S. No	S.L No	Name of Official & Present Place of Posting	Date of Birth	Date of Appott: as Regular PSHT	Qualificat ion	Remarks
1	135	Aziz Ur Rehman GPS Sarpato	12/1/1960	27/2/2013	AA/B Ed	Services placed at the disposal of DEO (M) Dir Lower for further posting against SST (General) post.
2	217	Qasim Khan GPS Teerona	3/3/1960	27/2/2013	MA/B. Ed	-----do-----
3	227	Sami Ullah GPS Shalflam	4/12/1968	27/2/2013	BA/B. Ed	-----do-----
4	229	Sami Ul Haq. GPS Kamar Tall	20/5/1970	27/2/2013	BA/B. Ed	-----do-----
5	231	Shah Faisal GPS Ouch Sharqi	3/1/1971	27/2/2013	BA/B. Ed	-----do-----
6	233	Muhammad Sharif GPS Chinarona	12/6/1967	27/2/2013	BA/B. Ed	-----do-----
7	234	Hamid Akbar GPS Awi Shah Asbanr	17/7/1969	27/2/2013	MA/B. Ed	-----do-----
8	235	Muhammad Hussain GPS Ghaliqay	15/4/1970	27/2/2013	MA/B. ED	-----do-----
9	237	Lal Ud Din GPS Islam Dheri	5/1/1971	27/2/2013	MA/B. ED	-----do-----

3. PROMOTION OF SDM/DM TO SST (General) BPS-16.

Total No. of vacant Posts of SST (General)	50
25% share initial recruitment	13
75% share for Promotion.	37
04 % Share of promotion of SDM/DM	02
Posts available for promotion	02
Proposed for Promotion	02
Recommended for promotion	02

S. No	S.L No	Name of Official & Present Place of Posting	Date of Birth	Date of Appott: as	Qualifica tion	Remarks

APPROVED

1	17	Bakht Rehman GHSS Khanpur	21/3/1973	1/11/1994	MA/B.Ed	Services placed at the disposal of DEO (M) Dir Lower for further posting against SST (General) post.
2	18	Nasrullah Khan GMS Kharkai	6/5/1973	1/11/1994	MA/B.Ed	-----do-----

4. PROMOTION OF STT/TT TO SST (General) BPS-16.

Total No. of vacant Posts SST (General)	50
25% share initial recruitment	13
75% share for Promotion.	37
04 % Share of promotion of STT/TT	02
Posts available for promotion	02
Proposed for Promotion	02
Recommended for promotion	02

S. No	S.L No	Name of Official & Present Place of Posting	Date of Birth	Date of Appott: as Regular TT	Qualifica tion	Remarks
1	45	Muhammad Saeed GHS Khazana	24/4/1977	21/2/2013	MA/B.Ed	Services placed at the disposal of DEO (M) Dir Lower for further posting against SST (General) post.
2	46	Fazal Imran GHS Kamala	3/11/1981	21/2/2013	MA/B.Ed	-----do-----

5. Promotion of S Qari/Qari to SST (General) BPS-16

Total No. of vacant Posts of SST (General)	50
25% share initial recruitment	13
75% share for Promotion.	37
03 % Share of promotion of S Qari/Qari	02
Posts available for promotion	02
Proposed for Promotion	02
Recommended for promotion	02

S. No	S.L No	Name of Official & Present Place of Posting	Date of Birth	Date of Appott: as Regular Qari	Qualifica tion	Remarks
1	60	Rahatullah GHS Toor Qila	4/3/1985	28/2/2013	MA/B.Ed	Services placed at the disposal of DEO (M) Dir Lower for further posting against SST (General) post.
2	61	Muhammad Shoaib GHS Kamala	5/2/1985	28/2/2013	MA/B.Ed	-----do-----

Terms and conditions:-

- 1 They would be on probation for a 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 preceded under the rules framed from time to time.
- 4 Charge report should be submitted to all concerned.
- 5 Their Inter-Se- seniority on lower post will remain intact.
- 6 No TA/DA is allowed for joining his duty.
- 7 They 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 light this order will be recovered and if he/she is wrongly promoted he/She will be reversed.
- 8 They will be governed by such rules and regulations as may be issued from time to time by

ATTESTED

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~~10~~

SSTs (M) Dir Lower .5

Their posting will be made on School based, they will have to serve at the place of posting, and their service is not transferable to any other station.

Before handing over charge once again their document may be checked if they have not the required relevant qualifications as per rules, they may not be handed over charge of the post.

(Hafiz Dr. Muhammad Ibrahim)
Director
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

4573-78

Endst: No. / File No.2/Promotion SST B-16: Dated Peshawar the 22/2/2019

Copy forwarded for information and necessary action to the: -

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officer (M) Dir Lower.
3. District Accounts Officer Dir Lower.
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

C.T.C



22/2/19

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



~~ATTESTED~~

NOTIFICATION

The Promotion order in respect of Mr. Fazal Sardar SCT GHS, Tazagram Dir Lower from SCT to SST (Phy-Maths) issued vide Notification No. 4573-78 dated 22/03/2019 is hereby withdrawn as he acquired his BSc Degree in 3rd Division as reported by the DEO (M) Dir Lower.

Endst: No. 1954-60 /F.No.01/Vol-02/SST (M) General Appeals/KP

DIRECTOR

CTK
JM

Dated Peshawar the 3/5 2019

Copy of the above is to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (M) Dir Lower.
3. District Accounts Officer Dir Lower.
4. Principal concerned.
5. Official concerned.
6. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
7. Master File.

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

ME
30/7/19

ATTACHED

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No...1729..... of 2019

Diary No. 1802

Date: 11/12/2019

Fazal Sardar son of ^{Hazrat} Hassan resident of Tiknai Bala Tehsil Adenzai District
Dir Lower.

Appellant

VERSUS

1. Government of Khyber Pakhtoonkhwa through secretary Elementary and Secondary Education Peshawar.
2. Director Elementary and Secondary Education at Peshawar.
3. Deputy Director Elementary and Secondary Education at Peshawar
4. District Education Officer Dir Lower at Temergara.
5. District Accounts Officer, Dir Lower at Temergara.

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTOONKHWA SERVICE TRIBUNALS ACT, 1973

Respectfully Submitted:

1. That Appellant was appointed on the post of CT vide appointment order dated 14.02.2009. Copy is annexure A.
2. That later on the post of the Appellant was upgraded to SCT vide order dated 25.10.2016. Copy is annexure B.
3. That after that the Appellant was promoted to the post of SST(Maths Physics) vide order dated 22.02.2019. Copy is annexure C.
4. That though the Appellant was promoted to the post of SST(Maths Physics) but the respondents had not posted the petitioner on the post of SST(Maths Physics) nor any of its benefit was extended to the Appellant hence the Appellant challenged the said inaction of the respondents before the Peshawar High-Court Mingora Bench by filing a writ petition however that was returned due to lack of jurisdiction being a matter within the appellate jurisdiction of the Learned Tribunal vide order dated 16.06.2019. Copy is annexure D.

ATTESTED

REGISTRAR
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

5. That the Appellant had already filed a departmental appeal before the Respondent No.2 and the appellant approached the respondents to get its copy on 27.06.2019 but suddenly the appellant was handed over with the

12 A

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copy of the impugned order dated 03.05.2019 wherein the promotion order dated 22.02.2019 of the Appellant was withdrawn without any notice to the appellant or without providing any opportunity of hearing to the appellant. Copy is annexure E.

6. That having no other adequate remedy and being aggrieved of the above said order, the Appellant is constraint to approach this Honorable Tribunal in its appellate jurisdiction, on the following grounds inter alia;

GROUND:

C.T-C



- A. That the impugned withdrawal order of the respondents of the respondents is against law and against the norms of justice.
- B. That promotion order of the appellant has been withdrawn without any proper reason and without completing the legal formalities.
- C. That the petitioner has approached the respondents time and again but the respondents have kept the appellate unaware of the impugned order uptill he got its copy.
- D. That the appellant have neither been served through any notice or a show cause notice nor any opportunity of hearing has been provided to the appellant.
- E. That the single reason shown in the order impugned order that the BSc degree of the petitioner is in 3rd division is also illegal and unlawful and against the norms of justice as on the one side the Appellant has completed additional mathematics and has secured 2nd division and secondly the denial to promotion on the reason of 3rd division has been declared null and void. Copy is annexure F.
- F. That it is the responsibility of the respondents to treat the appellant according to law.
- G. That other grounds shall be advanced at the time of arguments with the permission of this Honorable Court.

APPEALED

It is therefore most humbly prayed that on acceptance is this service appeal, the impugned order dated 03.05.2019 to withdraw the promotion order dated 22.02.2019 of the appellant may graciously be declared as illegal, unlawful and null and void and may graciously be set aside and the respondents may graciously be directed to post the

12B

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Appellant according to the promotion order dated 22.02.2019 with all the back benefits. Any other relief that is just and proper may also be passed in favour of the appellant.


Dated. 10.07.2019

Through

Appellant



Fayaz Muhammad Qazi
Advocate.

ET-C


CERTIFICATE:

It is certified that no such like other service appeal has earlier been filed before this Honorable Court or before any other Court.

Dated. 10.07.2019

Through

Appellant



Fayaz Muhammad Qazi
Advocate.

ATTACHED

13 (E)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT SWAT

Service Appeal No. 1729/2019

Date of Institution ... 11.12.2019

Date of Decision ... 07.12.2021



Fazal Sardar son of Hazrat Hassan resident of Tiknai Bala Tehsil Adenzai District Dir Lower. ... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar and four others. ... (Respondents)

Fayaz Muhammad Qazi,
Advocate

... For Appellant

Riaz Khan Paindakheil,
Assistant Advocate General

... For Respondents

ROZINA REHMAN
ATIQU-UR-REHMAN WAZIR

...
...

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):-

Brief facts of the case

are that the appellant was appointed as Certified Teacher (CT) vide order dated 14-02-2009 and post of the appellant was later on up-graded vide order dated 25-10-2016. The appellant was promoted as Secondary School Teacher (SST) vide order dated 22-02-2019, but was not posted against the post, against which the

appellant filed Writ Petition No. 569-M/2019, which was dismissed as withdrawn vide judgment dated 25-06-2019 with direction to the appellant to avail his remedy before the proper forum. The appellant filed departmental appeal before respondent No. 2, in response the appellant was handed over copy of the impugned order dated 03-05-2019, wherein promotion order dated 22-02-2019 of

ATTESTED
MEMBER
Khyber Pakhtunkhwa Service Tribunal
Peshawar

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the appellant was withdrawn without any notice. The appellant filed department appeal against the impugned order, which was not responded, hence the instant service appeal with prayers that the impugned order dated 03-05-2019 may be set aside and the appellant may be posted in accordance with his promotion order dated 22-02-2019 with all back benefits.

02. Learned counsel for the appellant has contended that the impugned withdrawal order of the respondents is against law and norms of natural justice; that promotion order of the appellant has been withdrawn without any proper reason and without completing the legal formalities; that the appellant has neither been served through any notice or show cause notice nor any opportunity of hearing has been provided to the appellant; that the single reason shown in the impugned order is that the B.Sc degree of the appellant is in 3rd Division is also illegal and unlawful as on one side the appellant has completed additional mathematics and has 2nd division and secondly the appellant is Master Degree holder as was as holding B Ed; that as per service rules, 2nd class bachelor degree or MA in Education or Bachelor Degree in Education is required for such promotion, but the appellant was illegally deprived of such promotion.

03. Learned Assistant Advocate General for the respondents has contended that the appellant was promoted vide order dated 22-02-2019 but such order was withdrawn vide order dated 03-05-2019 as it was found that the appellant was holding 3rd division in his bachelor degree; that as per notification dated 13-11-2012, 2nd class bachelor degree is required for promotion to the post of SST, but the appellant was holding 3rd division, hence was not eligible to be promoted, hence his order of promotion was withdrawn.

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

05. Record reveals that the appellant was promoted as SST vide order dated 22-02-2019, but such order was withdrawn vide order dated 03-05-2019 under the

ATTESTED

[Signature]
 ATTORNEY GENERAL
 STATE OF KARNATAKA

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pretext that the appellant was holding 3rd division in his bachelor degree. Notification dated 13-11-2012 was perused, wherein minimum qualification for promotion against the post of SST is reproduced as under:

- i. *Second class Bachelor Degree with two subjects as chemistry , botany, zoology, physics, mathematics, statistics, humanities and other equivalent groups from the recognized university OR*
- ii. *MA in Education OR Bachelor degree in Education, from recognized university.*


Record reveals that the appellant is holding 3rd division in bachelor degree but the appellant is also holding bachelor degree in Education as well and on this score alone, the appellant is entitled for promotion to the next grade. The appellant also qualified additional subject in mathematics in 2nd division and after qualifying the additional subject, his overall division comes to 2nd division, which however was not accepted by the respondents. The appellant is also holding Mater Degree as well.

06. We are of the considered opinion that the appellant has not been treated in accordance with law and he was illegally deprived of his rightful promotion. In view of the above discussion, the instant appeal is accepted and the impugned order dated 03-05-2019 is set aside by restoring his promotion order dated 22-02-2019. The appellant stands entitled to promotion from 22-02-2019 with all consequential benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
07.12.2021


(ROZINA REHMAN)
MEMBER (J)
CAMP COURT SWAT

Certified to be true copy
E. J. N. V. R.
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)
CAMP COURT SWAT.

Date of Presentation of Application 04-1-22
Number of Words 1680
Copying Fee 18/-
Urgent 3/7
Total 227/-
Name of Copyist _____
Date of Completion of Copy 04-1-22
Date of Delivery of Copy 04-1-22



**OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
Dir Lower (Phone # 0945 9250081-82)**

OFFICE ORDER

In compliance with the judgment of the Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar No.1729/2019 dated 07/12/2021 and Promotion Notification issued by the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar Endst. No.4557-62/F.No/AD(Lit-II/Notification/2022 dated Peshawar the 23/09/2022, Mr.Fazal Sardar S/O Hazrat Hussain is hereby promoted /adjusted at GHS Sia Warghar against the vacant post of SST (Maths-Phy), conditionally as per the outcome of CPLA in the honorable Supreme Court in the interest of public service with immediate effect.

(MUHAMMAD AMIN)
DISTRICT EDUCATION OFFICER
DIR LOWER AT TIMERGARA

Endst No: 8632-39

Dated Timergara the: 30 /09/2022

Copy of the above is forwarded for information & necessary action to the: -

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar reference his order No. 4557-62 Dated 23/09/2022
2. Learned Registrar Khyber Pakhtunkhwa Service tribunal Peshawar.
3. Learned AG Khyber Pakhtunkhwa Service Tribunal Peshawar.
4. District Account Officer Dir Lower.
5. District Monitoring Officer EMA, Dir Lower.
6. Principal/Headmaster concerned.
7. The candidates concerned.
8. Master File.


DISTRICT EDUCATION OFFICER
DIR LOWER AT TIMERGARA

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**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR**

NOTIFICATION.

1. Whereas, the appellant namely Mr. Fazal Sardar was appointed against the CT Post vide appointment Order dated 14-02-2009 & was further upgraded/promoted to the post of SCT (BS-16) vide order dated 25-10-2016 in view of his service record in the E&SE Department.
2. And whereas, the appellant was promoted to the post of SST (BS-16) vide Notification No. 4573 dated 22-02-2019 which was latter on withdrawn vide Notification dated 03-05-2019 by the competent authority under Section-21 of General Clauses Act 1897 amended in 1956 on the grounds of his B.Sc degree in 3rd division obtained under Roll No. 42551 with further qualification of his additional subject in Maths-B under Roll No. 65167 in second division from the University of Peshawar.
3. And whereas, feeling aggrieved from the Notification dated 03-05-2019, the appellant filed a W.P No. 569-M/2019 before the Honorable Peshawar High Court, Peshawar which was dismissed vide order dated 25-6-2019. Hence the appellant filed a Service Appeal No. 1729/2019 under the above said titled on 11-12-2019 before the Honorable Service Tribunal which was decided vide dated 07-12-2021, whereby, the impugned order dated 03-05-2019 was set aside by restoring his promotion order dated 22-02-2019 with all consequential benefits.
4. And whereas, aggrieved by the the Judgment dated 07-12-2021 of the Service Tribunal, the Respondent Department filed CPLA against the judgement ibid before the august Supreme Court of Pakistan which is pending adjudication before the apex Court & in the meantime, the appellant filed an E.P No. 143/2022 before the Honorable Service Tribunal for the implementation of the judgment under reference.

Now therefore, in pursuance of the Judgment dated 7-12-2021 passed by the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar in Service Appeal No. 1729/2019 & consulting with the promotion policy in vogue, the undersigned, in a capacity of being competent authority, is pleased to set aside the order bearing Endst: No. 1954-60 dated 03-05-2019 by restoring the promotion Notification bearing Endst: no. 4573-78 dated 22-02-2019 in respect of Mr. Fazal Sardar SCT (BS-16) conditionally till the final outcome of pending CPLA against the judgment dated 07-12-2021 before the august Supreme Court of Paktstan. Moreover, the services of aforementioned teacher are hereby placed at the disposal of the DEO (M) Dir Lower for further adjustment against the SST (BS-16) with immediate effect in the interest of public service.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.

Endst: No: 4557-62 / F.No. AD(Lit-II)/Notification/2022 Dated Peshawar the: 23/9/2022

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- 1 Learned Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
- 2 Learned AG Khyber Pakhtunkhwa Service Tribunal Peshawar.
- 3 District Education Officer (Male) Dir Lower.
- 4 District Account Office District Dir Lower.
- 5 Deputy Director (Legal) E&SE Khyber Pakhtunkhwa Peshawar.
- 6 Official concerned.
- 7 PA to Director E&SE Khyber Pakhtunkhwa Peshawar.
- 8 Master file.


Deputy Director (Estab/M-I)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar