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 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 9<sup>th</sup> 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

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# Form- A FORM OF ORDER SHEET

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Execution Petition No	<b>143</b> /2022
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S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	15.03.2022	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.
		REGISTRAR
2-		This execution petition be put up before to touring S. Bench at
		Swat on 9-5, 2-22.
		CHAIRMAN
	9:5.2022	
*	٠.	Due to non-functional of the tribunal The case is adjointed dot the someon of 10.5.2022 X Reader
10.	05.2022 Ac	Petitioner in person present. Mr. Kabirullah Khatta ditional Advocate General for respondents present.
-	re	Implementation report not submitted. Learned AA quested for a adjournment. Notices be issued to t
		pondents for submission of implementation report
		.06.2022 before S.B at camp court Swat.
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		(Mian Muhammad)
		Member(E) Camp Court Swat
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## BEFORE THE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL PESHAWAR

Execution Petition No. 143/2022

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Fazal Sardar	 Petitic	mar
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## VERSUS

Government of Khyber Pakhtoonkhwa & others ......Respondents

## INDEX:

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S.No	Description	Annexure	Pages
1	Memo of application		1-2
2	Affidavit		?
3	Appointment order	A	4-54
4	Promotion order	В	6-10
5	Order dated 03.05.2019	С	11
6	Memo of appeal	D	12 = 12 B
7	Copy of order dated 11.12.2021	Е	13-15
8	Wakalatnama		16

Through

Dated.14.03.2022

Petitioner

Fayaz Muhammad Qazi

Advocate.

Cell No.0345-9135909

# 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

Khyline Paliketukhwa i se Tribunal

VERSUS

Dated 14/03/2022

- 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.

## <u>APPLICATION FOR THE IMPLEMENTATION OF THE ORDER</u> <u>OF THIS HONORABLE TRIBUNAL DATED 07.12.2021.</u>

## 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.



- 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 PAKHTOONKHWA SERVICE TRIBUNAL PESHAWAR

Fazal Sardar.... .....Petitioner

VERSUS

Government of Khyber Pakhtoonkhwa & others .......Respondents

## **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

Sania Zahra Advocate OATH COMMISSIONER Peshawar

RICT OFFICER(E&S)EDUCATION DISTRICT DIR LOW

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 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

	(75 % BATCHWISE)					<del></del>
S#	Name, Father's Name & Residence	Session	Qual:	Score	Proposed School	Remarks .
_	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	
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):	-qo-
15	Hidayatul Haq S/O Fazal Ghani R/O Lal Qela	25-05-96	MA.CT	. 52:66:	GMS.Gumbatbanda	-do-
	Fazli Sardar S/O Hazrat Hassan N/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-
	7.05.00					

TERMS & CONDITIONS:-

They will be governed by such rules and regulations as may be prescribed by the Goyt: 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 with out 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

Endst:No. 2219 -

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

The Distt: Officers Elementary & Secondary Dir Lower at Timergara.

The Distt: Accounts Officer Dir Lower at Timergara.

The Principals, Headmasters/Headmistress & DDO concerned. . 8-25.

The candidates concerned. 26-43.

DEMIS cell. 44.

(E&S)EDUCATION DIR LOWER.

(E&S)EDUCATION DIR LOWER.





Daild:



Office Order

Consequent upon promotion of Certified Teachers (CTs) Male B-15 to Senior Certified Feathers (SCT) B-16 on regular basis as Notified Vide Director Elementary & Secondary Education Khyher Polithumlihwa No.3786-92/File No.2/Promotion Senior CT BPS-16 Dated Peshawar the 21/09/2016, the following Male CTs are

1         Frazel Resistan         15         GMS Shomada         cell's Shomada         A Vivision           2         Mahldoozel Haq         16         GMS Qualitati         GHS Saburacial         A Vivision           3         Mohammond Farroq         16         GMS Qualitation         GHS Saburacial         Poot already of threety of the plant           4         Diswar Shah         16         GMS Teker Bala         GHS Sia Wangtor         A Vivosi           5         Habituthin         16         GMS Teker Bala         GHS Sia Wangtor         A Vivosi           6         Saped Di Rahman         16         GMS Siakery Paikhall         GHS Shalkondi         A Vivosi           7         Bashi Manir Klasa         16         GMS Koskay Paikhall         GHS Shalkondi         A Vivosi           9         Petantoj Klasa         16         GMS Manero Arbani         GHS Tanal         GHS Tanal         Poot already           10         Saud Wall         16         GHS Shalkondi         GHS Shalkondi         Poot already           11         Gold Roberta         16         GHS User Kambat         GHS Manal         Poot already           12         Sand Wall         16         GHS Dise Kambat         GHS Manal         Poot already	Name of Teacher (5CTs)	1325	Present Station	Place Of Pesting	i generales
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15         Mghanmad Ikram         16         GMS Ballabbar         GCMHS Timergan         A V Pa           16         Nako Mchanmad         16         GHSS Towda China         CHSS Towda China         Post alreader           17         Mohammad Rahim         16         GMS Shatai         GCMHS Timergan         A V.Post           18         Abdul Hanan         16         GHSS Khazana         Post alreader           19         Israrud Din         16         GHS Spina Khawra         GHSS Khazana         Post alreader           20         Mohim Badshah         16         GMS Bah Slinda         CHSS Main Brangola         A.V.Post           21         Surt Malaok         16         GMS Bangur         GHSS Khazana         A.V.Post           22         Mohammad Per viz         16         GMS Bangur         GHSS Khazana         A.V.Post           23         Abdul Hamid Jan         16         GMS Bangur Makhi         GHSS Khazana         A.V.Post           24         Israrud Din         16         GMS Bangur Makhi         GHSS Khazana         A.V.Post           25         Asiam Hussain         16         GHS Rayaseri         GHSS Havaseri         Post alreader           26         Abdul Hamid Jan         16 <td< td=""><td></td><td>16</td><td></td><td>* * * * * * * * * * * * * * * * * * * *</td><td></td></td<>		16		* * * * * * * * * * * * * * * * * * * *	
16         Make Mohamman         16         GMSC Tazada China         CHSS Tazada China         Post alreaded           17         Mohammad Rahim         16         GMS Shatai         GCMIIS Timorgaca         A.V.Post           18         Abdul Hanan         16         GMS Khazana         GMS Khazana         Post alreaded           19         Israrud Dm         16         GMS Shatana         GMS Shatana         Post alreaded           20         Mohim Badshah         16         GMS Rahanau         GHSS Main Brangola         A.V.Post           21         Sad Maleok         16         GMS Khanau         GHSS Khanana         A.V.Post           21         Mehammad Perwa         16         GMS Barjam Makhi         GHS Khanan         A.V.Post           22         Mehammad Perwa         16         GMS Barjam Makhi         GHS Khazana         A.V.Post           23         Abdul Hamid Jan         16         GMS Barjam Makhi         GHS Khazana         A.V.Post           24         Israrud Din         16         GMS Barjam Makhi         GHS Khazana         A.V.Post           25         Asiam Hussain         16         GHS Kharana         GHS Khazana         A.V.Post           26         Abdul Hamid Jan         16 </td <td>Mohammad Ikram</td> <td>16</td> <td></td> <td>GCMHS Timornaria</td> <td>re james and a second</td>	Mohammad Ikram	16		GCMHS Timornaria	re james and a second
11         Mohammad Rahim         16         GMS Shatai         GCMIIS Timergara         A.V.Post           15         Abdul Hanan         16         GHSS Khazana         GHSS Khazana         Post already of pos	Nake Mehammad	16			entre en
15. Abdul Hanan         16. GHS Khazana         Post already of GHS Khazana         Post already of GHS Spina Khawna         Post already of GHS Kharana         Post already of GHS Kharana         Post already of GHS Kharana         AV Post           20. Mohim Badshah         16. GMS Rharanu         GHS Kharanu         AV Post         AV Post           21. Sayt Malook         16. GMS Barjam Makhi         GHS Kharana         AV Post           22. Mohammad Perviz         16. GMS Barjam Makhi         GHS Kharana         AV Post           23. Abdul Hamid Jan         16. GMS Barjam Makhi         GHS Kharana         AV Post           24. Istarud Din         16. GMS Kharana         GHS Kharana         AV Post           25. Aslam Hussain         16. GHS Rhayaseri         GHS Kharana         Post already of Post already of Post already of Av Abdul Manan         16. GHS Rhayaseri         GHS Spina Kharana         Post already of Post already of GHS Spina Kharana         AV Post	1	16			1
15	Abdul Hanan	16			
20         Mohim Badshah         16         GMS Biht Bilinda         CHSS Main Brangola         A.V.Post           21         Sat Malook         16         GMS Khangur         GHSS Khangur         A.V.Post           22         Mehammad Per viz         16         GMS Barjam Makhi         GHS Makhaf         A.V.Post           23         Abdul Hamid Jan         16         GMS Barjam Makhi         GHSS Khazana         A.V.Post           24         Israrud Din         16         GMS Roherai         GHS Koherai         Post already or           25         Aslam Hussain         16         GHSS Hayaseri         GHSS Hawaseri         Post already or           26         Abdul Manan         16         GHS Shah Alam Baba         GHS Shanakara         Post already or           27         Liagat Ali Khan         16         GMS Shah Alam Baba         GHS Tazagram         A.V.Post           28         Nasiroddin         16         GMS Darangal         GHS Kambar         A.V.Post           29         Saeedul Haq         16         GMS Darangal         GHS Kambar         A.V.Post           30         Bashi Shah Zeb         16         GHS Man banda         GHS Kambar         A.V.Post           31         Rafiq Ahmad <t< td=""><td>Israrud Dm</td><td>16</td><td>***************************************</td><td></td><td></td></t<>	Israrud Dm	16	***************************************		
21         Sayt Malpok         16         GMS Khanpur         GHS Khanpur         A.V.Post           22         Mohammad Perviz         16         GMS Barjam Makhi         GHS Makhai         A.V.Post           23         Abdul Hamid Jan         16         GMS Barjam Makhi         GHSS Khazana         A.V.Post           24         Israrud Din         16         GHS Koherai         GHS Khazana         A.V.Post           25         Aslam Hussain         16         GHSS Hayaseri         GHSS Hayaseri         Post already of           26         Abdul Manan         16         GHS Spina Khawra         GHS Spina Khawra         Post already of           27         Liagat Ali Khan         16         GMS Shah Alam Baba         GHS Spina Khawra         Post already of           28         Nasiruddin         16         GMS Mator         GHS Sainabal         A.V.Post           28         Nasiruddin         16         GMS Darangal         GHS Kambal         A.V.Post           29         Saeddu Haq         16         GMS Darangal         GHS Kambal         A.V.Post           30         Bakhi Shah Zeb         16         GHS Man Banda         GHS Kambal         A.V.Post           31         Rafiq Ahmad         16	Mohim Badshah	16			**-
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27Liagat Ali Khan16GMS Shah Alam BabaGHS TazagramA.V.Post28Masiruddin16GMS MatorGHS SehsadaA V.Post29Saeedul Haq16GMS DarangalGHS KambatA.V.Post30Bakht Shah Zeb16GHS Man BandaGHS Man BandaPost alimaty r31Rafiq Ahmad16GMS KotoGHSS Tangi TimergaraA.V.Post32Hisanullah16GMS AsharkorGHSS SamarbaghA.V.Post33Aziz Oli Hakeem16GHS ManjalGHS MunjalPost alimady r34Said Mohammad16GHS Mayar KhadajzaiGHS Mayar KhadajzaiPost alimady r35Fazal Sardar16GHS Haji AbadGHS Haji AbadGHS Haji AbadPost alimady r36Sardar Uli Mulk16GHS Haji AbadGHS Haji AbadPost alimady r37Asghar Ali16GHS PingalGHS FingalPost alimady r38Hassan Gul16GHS PingalGHS PingalPost alimady r39Fazal Nacem16GHS SangwalaiGHS SangwalaiPost alimady r10Kharan Gul16GHSS Tawda ChinaGHSS Yawda ChinaPost alimady r	Abdul Manan	16.			······································
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Ilisanullah   16 GMS Asharkor   GHSS Samarbagh   A.V.Post	Rafiq Ahmad	16	1		
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IS     Fazal Sardar     16     GMS Tekni Bala     GNS Tazagram     AV Post       IC     Sardar Ul Mulk     16     GHS Haji Abad     GHS Haji Abad     Post already of GHS Haji Abad     Post already of GHS Haji Abad     AV Post       IV     Asghar All     16     GMS Gil Miugam     GHSS Chakulara     AV Post       IR     Hassan Gul     16     GHS Pingal     GHS Pingal     Post already of GHS Sangwalai       IV     Kharan Gul     16     GHSS Tawda China     GHSS Yawda China     Post already of GHSS Yawda China	Said Mohammad	16			
General Company   General Co	Fazal Sardar	16			
Asghar Ali 16 GMS Gul Muqam GHS Chakdura A.V.Post  Hassan Gul 16 GHS Pingal GHS Pingal Post already of Fazal Nacem 16 GHS Sangwala: GHS Sangwalai Post already of  Charan Gul 16 GHSS Tawda China GHSS Yawda China Post already of		16			The state of the second section of the second section is
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	38 (M) Dir Lower 2
25% share initial recruitment	0.3
75% share for Promotion.	06
20 % Share of promotion of PSHT/SPST/PST	02 2
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 Apport: as Regular	Quaiifica tion	Remarks
[ <i>i</i>	879	Ifukhur UI Haq   GPS, Dheri Sangi   Para	1:5:1988	1/32009	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

O Sognatur	
C. <u>SST (General)</u>	
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

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 &	Date of Birth	Date of Apport: as	Qualificat ion	Remarks
		Present Place of Posting		Regular SCT		
1	002	Faridoon Khan GMS Bakht Bilanna	24/1/1969	21/2/2013	MA/S.Ed	Services rlaced 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	1/1/197!	21/2/2013	MA B.Ed	do
4	119	Muhammad Ibrahim GMS, Ashrogal	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	MAYB.Ed	do
7	123	Akbar Shad GHSS Serai Bala	18/3/1966	21/2/2013	MA/B.Ed	do
S	124	Muhammad Amin Khan GHSS Rabbat	4/2/1960	21/2/2013	MA/B.Ed	do
y	126	Gul Tahır Shah GHSS Saddo	25/2/1963	21/2/2013	MAI'B Ed	do
10	127	Fazal Mabood GHS Bunda Talash	10/3/1965	21/2/2013	M I/B.Ed	do
11	128	Nazır 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 GHSSS 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

SSTs (M) Dir Löwer

	<del>,</del>	<del></del>	···			SSIs (NI) Dir Lower
		GHSS Khair Abad				ı
16	133	Dost Muhammad GHS Bagh Dush Khail	18/3/1963	27 2 2013	MA/B.ED	do
1?	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	MALE 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 Apport: as Regular PSHT	Qualificat ion	Remarks
I	/35	Azız 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	
7	234	Hamid Akbar GPS Awı Shah Asbanr	17/7/1969	27./2/20/3	MA/B.Ed	do
S	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

Posts available for promotion 02
Proposed for Promotion 02
Recommended for promotion 02

	S. No	No	Name of Official &	Date of Birth	Date of Appoit:	Qualifica tion	Remarks
		1	Present Place	l	as		
•			A D	F			!

SSTs (M) Dir Lower

		,		•	•	3313 (11) Bit Bower
. 「	17	Bakht Rehman	21/3/1973	1 11 1994	MA B.Ed	Services placed at the disposal of DEO
{		GHSS Khanpur				(M) Dir Lower for further posting
	i				:	against SST (General) post.
2	18	Nasrullah Khan	6/5/1973	1/11/1994	MA/B.Ed	do
	<u> </u>	GMS Kharkai	4.		i	0

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.	S.L	Name of	Date of	Date of	Qualifica	Remarks
No	No	Official &	Birth	Appott:	tion	i
	į	Present	1	as	i	
İ		Place of	İ	Regular		
İ		Posting		TT	<u> </u>	<u> </u>
/	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	16	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	Qualific ation	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.Fd	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 Theu will be governed by such rules and regulations as may be issued from time to time by

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SSTs (M

SSTs (M) Dir Lower . 5

<u>C.T.</u>

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 qulifications as per rules, they may not be handed over charge of the post.

(Hafiz Dr. Muhammad Ibrahim)
Director

Elementary and Secondary Education Khyber Fakhtunkhwa Peshawar

Endst: No. / File No.2/Promotion SST B-16: Dated Peshawar the 27 Copy forwarded for information and necessary action to the: -

1. Accountant General Khyber Pakhtuni hwa 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

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

ATATED





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 3<sup>rd</sup> Division as reported by the DEO (M) Dir Lower. CTX

DIRECTOR

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

Dated Peshawar the

Copy of the above is to the:-

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

7. Master File.

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

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR Mhyber Pakhtokhwa Service Tribunal

Servicer Appeal No. 17.29.... of 2019

Mary No. 1802

Appella

khunkhn

Fazal Sardar son of Taraf Hassan resident of Tiknai Bala Tehsil Adenzai District

Dir Lower.

## VERSUS

Mawar 1. Governement 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.

### KHYBER THE OF SECTION **UNDER** APPEAL PAKHTOONKHWA CERVICE TRIBUNALS ACT, 1973

## Respectfully Submitted:

1.47% 经证明

- 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.
- 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 6.06.2019. Copy is annexure D.

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





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;

## **GROUNDS:**

- 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 3<sup>rd</sup> 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 2<sup>nd</sup> division and secondly the denial to promotion on the reason of 3<sup>rd</sup> 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.

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



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.

Appellant

Through

Dated. 10.07.2019

Fayaz Muhammad Qazi

Advocate.

## **CERTIFICATE:**

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

Through

Dated. 10.07.2019

Appellant

Fayaz Muhammad Qazi

Advocate.

AUZZO



## 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



khtunkhn

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

## JUDGMENT -

ATIO-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

dated 22-02-2019 with all back benefits.

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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

- 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 3<sup>rd</sup> Division is also illegal and unlawful as on one side the appellant has completed additional mathematics and has 2<sup>nd</sup> division and secondly the appellant is Master Degree holder as was as holding B Ed; that as per service rules, 2<sup>nd</sup> 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 3<sup>rd</sup> division in his bachelor degree; that as per notification dated 13-11-2012, 2<sup>nd</sup> class bachelor degree is required for promotion to the post of SST, but the appellant was holding 3<sup>rd</sup> 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

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:

Second class Bachelor Degree with two subjects as chemistry , botany, zoology, physics, mathematics, statistics, humanities and other equivalent groups from the recognized university OR

MA in Education OR Bachelor degree in Education, from recognized university.

Record reveals that the appellant is holding 3'd 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.

We are of the considered opinion that the appellant has not been treated in 06. 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.

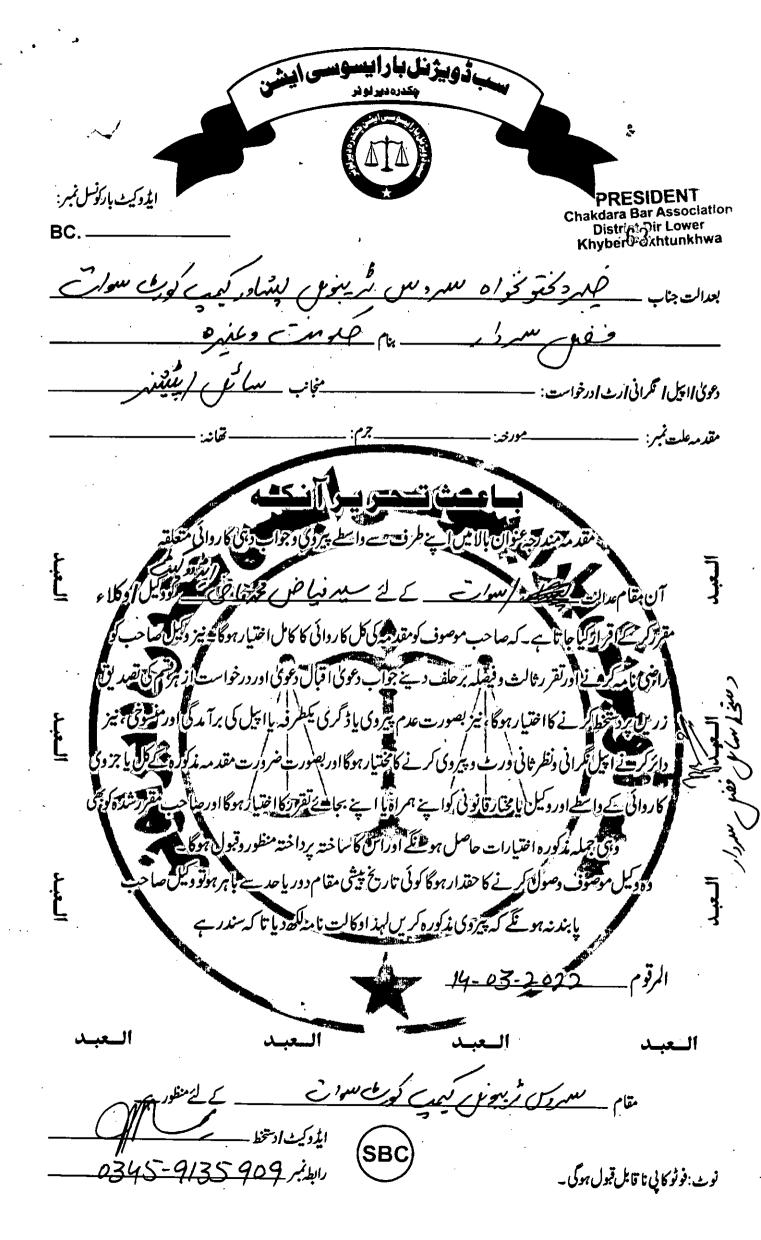
ANNOUNCED 07.12.2021

> REHMAN) **SWAT**

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

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# 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: \_\_\_\_\_

/09/2022

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

- 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
DISTRICT EDUCATION OFFICER



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

### NOTIFICATION.

- 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 Paklstan. 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

Endst: No: 4557-62

Dated Peshawar the: 23/9/2022

Copy forwarded for information & n/action to the:-

Learned Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar. 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.

g Master file.

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