

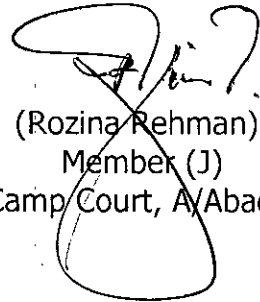
15.06.2022

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

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of reply/comments. To come up for reply/comments on 15.08.2022 before S.B at Camp Court, Abbottabad.

Rs-600/-
Appellant Deposited
Security & Process Fee

A. H. Shah
20/6/22


(Rozina Rehman)
Member (J)
Camp Court, A/Abad

17.10.2022

Appellant present in person.

Naseer Ud Din Shah, learned Assistant Advocate General for respondents present.

Reply not submitted. On the preceding date, office was directed to issue notice to respondents for reply but due to non-availability of envelopes and tickets, the same were not served. Therefore, appellant is directed to submit tickets and envelopes for notice to submission of reply for 14.11.2022 before S.B at Camp Court, Abbottabad.





(Rozina Rehman)
Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 341 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/03/2022	<p>The appeal of Mohammad Noor presented today in person may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR .</p> <p>This case is entrusted to touring S. Bench at Abbottabad for preliminary hearing to be put there on 21-4-22 ²¹⁻⁴⁻²²</p> <p style="text-align: right;"> CHAIRMAN</p> <p>21.04.2022</p> <p>Nemo for appellant.</p> <p>Notice of the instant appeal be issued to appellant/counsel for 15.06.2022 for preliminary hearing before S.B at Camp Court, Abbottabad.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J) Camp Court, A/Abad</p>

**BEFORE THE HONOURABLE SERVICE
TRIBUNAL, K.P.K. PESHAWAR**

Appeal No: 341/2022

Mohammad Noor.....Appellant

Versus

Secretary to Government of NWFP (Now
KPK) Elementary & Secondary Education
Department, Peshawar and
others.....Respondents

**APPEAL UNDER SECTION 4 OF THE
KPK SERVICE TRIBUNAL**

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Dated 08/03/2022



Muhammad Noor
(Appellant)

①

**BEFORE THE HONOURABLE SERVICE
TRIBUNAL, K.P.K. PESHAWAR**

Mohammad Noor son of Moulvi
Mehmood, resident of Village Maidan
Sharyal, Tehsil Palas District Kolai Palas
Kohistan, presently SPST, Government
Primary School Najam Kot Palas,
Kohistan.....**Appellant**

Versus

- 1) Secretary to Government of NWFP
(Now KPK) Elementary & Secondary
Education Department, Peshawar
- 2) Director Elementary & Secondary
Education Department, Peshawar.
- 3) District Education Officer (Male)
District Kolai Palas Kohistan
- 4) Sub-Divisional District Education
Officer (Male) District Kolai Palas
Kohistan.....**Respondents**

**APPEAL UNDER SECTION 4 OF THE
KPK SERVICE TRIBUNAL TO THE
EFFECT THAT THE APPELLANT WAS
APPOINTED AS PST IN DISTRICT
KOHISTAN VIDE APPOINTMENT
ORDER NO. 1556-60, DATED
12.08.1992 AGAINST VACANT
UNTRAINED PST POST IN DISTRICT
KOHISTAN, LATER-ON THE
APPELLANT HAS COMPLETED HIS
TRAINING AND ANNUAL INCREMENTS
WERE ALSO GRANTED FROM HIS 1ST
DATE OF APPOINTMENT, BUT
SENIORITY HAS NOT BEEN GIVEN.**

PRAYER: -

On acceptance of instant appeal the
respondents may kindly be directed
to consider the appellant as trained

2

PST from his 1st date of appointment.

Respectfully Sheweth!

- 1) That, the appellant was appointed as PST in the year 1992 as untrained teacher against the vacant post.

(Copy of order is annexed as Annexure "A").

- 2) That, during the service the appellant completed his training and become and trained teacher in the year 2013.

(Copy of result card is annexed as Annexure "B").

- 3) That, vide Government of NWFP, Finance Department (Regulation Wing) has issued a letter No. FD(PRC)502/2002 dated 30.10.2009 that all the untrained teacher who have passed their training will be allowed to draw annual increment from the date of his 1st appointment.

(Copy of letter is annexed as Annexure "C").

- 4) That, after issuance of the letter the appellant has applied for his arrears

3

which have been granted/allowed by the respondents Nos. 3 & 4.

(Copy of Pay Roll System is annexed as Annexure "D").

- 5) That, the appellant has filed an application before respondent No. 3 for his seniority from the date of his appointment, but his request has not been considered so far.

(Copy of application is annexed as Annexure "E").

- 6) That, in the light of above letter the appellant has approached to respondents for maintaining of his seniority, but the request of the appellant has not been considered as yet.

- 7) That, the respondents have granted annual increment to the appellant but seniority has not been considered from the date of 1st appointment.

(Copy of service book is annexed as Annexure "F").

That, feeling aggrieved the appellant has no other efficacious remedy except to

(4)

approach this Honourable Court *inter-alia*, on the following grounds: -

GROUND: -

- A) That, the act of the respondents regarding non - considering of seniority is against the law and facts hence not tenable in the eye of law.
- B) That, non considering of seniority is against the spirit of decision made by the Apex Supreme Court of Pakistan.
- C) That, most of the juniors have been placed as senior then the appellant.
- D) That, who have been placed senior then the appellant are enjoying the benefits of seniority and the rights of the appellant have been infringed and the appellant is sustaining huge monetary loss.
- E) That, in case the juniors have to be promoted to the next higher scale/ grade the appellant would suffer irreparable loss.
- F) That, non considering of appellant as senior the rights of the appellant would be suffered,
- G) That, the act of the respondents is against the law, spirit of decision

(5)

made by the Apex Supreme Court of Pakistan and the rights of the appellant would also be infringed.

H) That, other legal and factual points would be raised at the time of arguments.

It is, therefore, most humbly prayed and requested that on acceptance of instant appeal the respondents may graciously be directed to consider the appellant as senior then the other official who have been appointed later-on from the appellant and all the back benefits may also be ordered to be given.

Dated 08/03/2022


Muhammad Noor
(Appellant)

VERIFICATION

I, MOHAMMAD NOOR SON OF MOULVI MEHMOOD, RESIDENT OF VILLAGE MAIDAN SHARYAL, TEHSIL PALAS DISTRICT KOLAI PALAS KOHISTAN, PRESENTLY SPST, GOVERNMENT PRIMARY SCHOOL NAJAM KOT PALAS, KOHISTAN DO HEREBY VERIFY THAT THE CONTENTS OF FORE-GOING APPEAL ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS HONOURABLE TRIBUNAL.


MUHAMMAD NOOR
(DEPONENT)

(6)

**BEFORE THE HONOURABLE SERVICE
TRIBUNAL, K.P.K. PESHAWAR**

Mohammad Noor.....Appellant

Versus

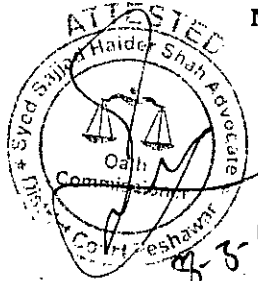
Secretary to Government of NWFP (Now
KPK) Elementary & Secondary Education
Department, Peshawar and
others.....Respondents

**APPEAL UNDER SECTION 4 OF THE
KPK SERVICE TRIBUNAL**

AFFIDAVIT

I, MOHAMMAD NOOR SON OF MOULVI MEHMOOD,
RESIDENT OF VILLAGE MAIDAN SHARYAL, TEHSIL
PALAS DISTRICT KOLAI PALAS KOHISTAN,
PRESENTLY SPST, GOVERNMENT PRIMARY SCHOOL
NAJAM KOT PALAS, KOHISTAN DO HEREBY OLEMNLY
AFFIRM AND DECLARE ON OATH THAT NO SUCH
SUBJECT MATTER APPEAL HAS EVER BEEN FILED
NOR PENDING NOR DECIDED. THAT THE CONTENTS
OF FORE-GOING AFFIDAVIT ARE TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE AND
BELIEF AND NOTHING HAS BEEN CONCEALED OR
SUPPRESSED FROM THIS HONOURABLE TRIBUNAL.


MUHAMMAD NOOR
(DEPONENT)



(7)

**BEFORE THE HONOURABLE SERVICE
TRIBUNAL, K.P.K. PESHAWAR**

Mohammad Noor.....**Appellant**

Versus

Secretary to Government of NWFP (Now
KPK) Elementary & Secondary Education
Department, Peshawar and
others.....**Respondents**

**APPEAL UNDER SECTION 4 OF THE
KPK SERVICE TRIBUNAL**

CORRECT ADDRESSES OF THE PARTIES

Respectfully Sheweth!

Correct addresses of the parties are as
under: -

APPELLANT

Mohammad Noor son of Moulvi Mehmood,
resident of Village Maidan Sharyal, Tehsil
Palas District Kolai Palas Kohistan, presently
SPST, Government Primary School Najam
Kot Palas, Kohistan

RESPONDENTS

- 1) Secretary to Government of NWFP (Now
KPK) Elementary & Secondary Education
Department, Peshawar
- 2) Director Elementary & Secondary
Education Department, Peshawar.
- 3) District Education Officer (Male) District
Kolai Palas Kohistan
- 4) Sub-Divisional District Education Officer
(Male) District Kolai Palas Kohistan

Dated 08/03/2022


Muhammad Noor
(Appellant)

AG

OFFICE OF THE DISTRICT EDUCATION OFFICER(M) PRIMARY EDUCATION KOHISTAN.

APPOINTMENT.

Mohammad Noor S/O Moli Mahmood is hereby appointed as an untrained Teacher in M/S Baer Kolad on Merit basis in RPS.07 Rs. 1095/- per month fixed plus usual allowance ~~is~~ interest of public w.e.f the date of taking over charge on the following terms and conditions.

CONDITIONS:-

1. Charge report should be submitted to concerned (in duplicated)
2. No TA/DA is allowed to him. 3. Original certificate of the candidate may Pl: be checked by the SDEO(M) Kohistan from the gazette before the handing over charge, if the certificate is found bogus service order will be considered as cancelled.
4. His services is liable to termination at any time w/out assigning any notice/reasons.
5. Age and Health certificate should be produced from DHO Kohistan
6. He should not be allowed to take over charge, if his age is less than 18 years and above 25 years.

AG
DISTRICT EDUCATION OFFICER(M)
PRIMARY EDUCATION KOHISTAN.

Enclst: NO 1556-60 Dated Kohistan the 12/8/1992.

Copy of the above is forwarded to the:-

1. Director Primary Education NWFP, Hayatabad Peshawar.
2. Sub-Divisional Education Officer (M) Kohistan w/the remarks that the original certificate may Pl: be got verified by the authority board before handing/taking over charge.
3. Candidate concerned.
4. District Account Officer Kohistan.
5. Office Order File.

AG
DISTRICT EDUCATION OFFICER(M)
PRIMARY EDUCATION KOHISTAN.

*Original copy
to be
file*

W

ANNEXURE (B)

ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD



Serial No. 266208

PROVISIONAL RESULT CARD

Name MUHAMMAD NOOR
Father's Name MALIUL MEHMOOD
Address 070 POST MASTER KOMILA

Roll No. A0617431
Registration No. 12NKN00067
Final Semester AUT- 2012

Tehsil DASU
District KOHISTAN
PRIMARY TEACHING CERTIFICATE
has successfully completed

The detail of passed courses is as under:

Semester	Course Code	Title of Course	Marks	
			Maximum	Obtained
SPR- 12	0614	EDUCATIONAL PSYCHOLOGY	100	58
SPR- 12	0616	SCHOOL COMMUNITY & PRACTICAL ARTS	100	67
SPR- 12	0615	SCHOOL ORGANIZATION & MANAGEMENT	100	56
AUT- 12	0618	TEACHING OF MATHEMATICS	100	66
AUT- 12	0619	TEACHING OF GENERAL SCIENCE & PHYSICAL EDUCATION	100	71
AUT- 12	0617	TEACHING OF URDU	100	63
AUT- 12	0620	TEACHING OF ISLAMIAT & SOCIAL STUDIES	100	61
AUT- 12	0613	PRINCIPLES OF EDUCATION	100	56
AUT- 12	0611	PRACTICAL WORKSHOP & TEACHING PRACTICE	100	80

CREDITS: 5

Total Marks / Obtained

900 / 578

64 B

Result Declared on JUNE 24, 2013

Percentage / Grade

Date of issue JULY 04, 2013

Controller of Examinations

Disclaimer:
This result card is issued provisionally, errors and omissions excepted, as a notice only. Any entry appearing in this card does not itself confer any right or privilege on a candidate for the grant of certificate/degree/diploma, which will be issued under the rules/regulations on the basis of the original record of the university student.

(10)

Annexure "C"



**GOVERNMENT OF N.W.F.P
FINANCE DEPARTMENT
(REGULATION WING)**

NO. FD (PRC) 5-2 /2002
Dated Peshawar the: 30-10-2009

To: The Secretary to Govt. of NWFP,
Elementary & Secondary Education Department,
Peshawar.

Subject: GRANT OF ANNUAL INCREMENT / RUNNING PAY TO
UNTRAINED TEACHERS IN THE LIGHT OF SUPREME
COURT JUDGMENT.

Dear Sir,

I am directed to refer to this Department letter No.FD (PRC) 5-2/2002, dated 30-03-2009 on the subject noted above and to say that certain quarters have raised some queries about the subject matter which are clarified as under:-

- i. All those untrained teachers who were appointed on fix pay and were subsequently regularized against their posts, on acquiring / completing requisite training successfully, would be entitled for such benefits of annual increments from the date of their first appointments as such, but without arrears.
- ii. The above benefit would also be admissible to all those retired teachers who fulfil the above conditions.
- iii. The above benefit would not be admissible to those who themselves resigned, or were removed / terminated from service.

2. This Department letter of even number dated 30-03-2009 shall be deemed to have been modified to the above extent.

Yours Faithfully,

(SHAUKAT ULLAH)
SECTION OFFICER (SR-1)

Endst: of even No. & date.

Copy for information and necessary action:-

- 1. Accountant General, NWFP.
- 2. All District Coordination Officers, NWFP.
- 3. All District / Agency Accounts Officers, NWFP / FATA.


SECTION OFFICER (SR-1)



PAYROLL SYSTEM
AMENDMENT FORM
SINGLE EMPLOYEE ENTRY

Date : _____

Page No. : _____

OFFICE OF THE : SDEO (M) PPT Kollegal

FOR THE MONTH OF : 1 / 1 2014

DDO Code (Cost Center) : KD7026 Description : SDEO (M)

Personnel Number : 00335582

Employee Name : Muhammad Noor

National ID Card Number : 13523-8532112-3

Grade (Pay Scale Group) : "12" PST

Salary Status : Start Stop

Info Type	Field ID	GENERAL DATA CHANGE New Contents	Wage Type	CHANGE IN PAYMENTS / DEDUCTIONS			Effective Date	Remarks
				Rupees	Paise	Adj		
		Base Pay	5801	254	9807			Plus admit given of pay due pending PTC and allowed continued Demand payment w.d.
		Base Pay	100001	130007				regular for 1/2014

Prepared By : _____

Audited / Checked By : _____

[Signature]
Sub-DIVISIONAL EDUCATION OFFICER
1-6/16/14
Entered / Verified by : *[Signature]*

Annexure D
(11)

To

The DEO (M)
Distt: Kotai Palas
Kohistan

Subject: Request for Seniority from date of 1st appointment instead of from passing P.T.C. in the light of Supreme Courts judgement

Most esteemed Sir,

I have the honour to lay down the following few lines for your very kind Order Please.


- 1, That I Muhammad Noor G. Maulvi Mahmood appointed on 12th 9/1957 as untrained teacher i.e. on fixed pay.
- 2, That I passed P.T.C examination in the year 2013
- 3, That in the light of Supreme Courts judgement I am entitled for benefits from the date of 1st appointment.
- 4, That I got increments from date of 1st appointment.
- 5, That the seniority is not granted me from the date of 1st appointment.
- 6, That I am entitled to consider trained teacher from date of 1st appointment in the light of Supreme Courts judgement.
- 7, That photo copy of Finance Dept's letter in which Supreme Courts judgement is explained is attached for ready reference.

Keeping in view the above mentioned facts it is therefore requested in your honour to very kindly issue order for implementation of this request with in the bounds of fair justice and compassionate grounds. I shall be extremely grateful to you.

your servant

With profound regards!

Date 20/4/2019


Muhammad Noor
SPST G.P. Najam Kot
Distt: K. Palas Kohistan

157	1920	12	156				
243	1925	12	157				
	1966	12	158				
	2067	12	159				
	2128	12	160				
	2207	12	161				
	3300	12	162				
	3420	12	163				
	3540	12	164				
	3660	12	165				
	4235	7	166				
	4375	12	167				
	4515	12	168				

RECEIVED
 1920

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 MIS. ...
 Rs. 5100 ...
 Rs. 5100 ...

Rs. 6380 ...
 Rs. 6170 ...
 Rs. 6760 ...
 Rs. 6950 ...

Rs. 5800 - 320 ...
 Rs. 560 ...
 Rs. 11880 ...

scale upgraded 13PS 7-10 13PS 12
 Rs. (7000 - 500 - 22000)

12000 / L.A.
 12500
 13000

W: 25688/
 Vid. S. No = 988. dt: 20-12-13.
 Gmt. No. = 1-6-2009 to 31-12-13
 due to allow. S. No. Train. 8
 Sorta-II. No. 11. dt: 1/1/14
 dt: 30-11-2013. No: 20186/
 31-12-2013. dt. S. No: 988.
 8-7 & 8-12. dt: 1-7-2012 &
 due to up-gradation of S. No.

Sorta-II. No. 11. dt: 1/1/14
 due to up-gradation of S. No.

Sorta-II. No. 11. dt: 1/1/14
 due to up-gradation of S. No.

Sorta-II. No. 11. dt: 1/1/14
 due to up-gradation of S. No.

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

T B A I A

No.

APPEAL No. 341 of 2022

Mohammad Noor

Appellant/Petitioner

Versus

Secy: (ESSE) Pesh.

RESPONDENT(S)

Resp: No 2

Notice to ~~Appellant/Petitioner~~

Director (ESSE)
Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 14-11-22 at 9.00 AM.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at crmp court

At Abad

For Reply

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.



66 'A'

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

T.B A/Abad

No.

APPEAL No. 341 of 20 22

Mohammad Nooy

Appellant/Petitioner

Versus

SECRETARY DIARY
27/10

Secy: (CESSE) Pesh.

No. _____
Dated 1/1/

RESPONDENT(S)

RESP: NO- I

Govt of KPK

Notice to ~~Appellant/Petitioner~~

(CESSE) Peshawar.

Through Secy: IOPK Pesh.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 14-11-22 at 9:00 AM.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at camp court

A/Abad.

For Reply

g

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

66 A 99

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

Regd
No.

TB

APPEAL No. 341 of 20 27

Mohammad Noor

Appellant/Petitioner

Versus

Secy. (E&SE) Pesh.

RESPONDENT(S)

Notice to Appellant/Petitioner
Resp No 3 District Education
Officer (Male)
Kotai Paise Kohistan.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 14-11-22 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at camp court
At Abad-
For Reply


Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KEYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

TB AIA

No.

APPEAL No. 341 of 2022

Mohammad Noor

Appellant/Petitioner

Versus

Serly: CE & SEJ Pesh

RESPONDENT(S)

Notice to ~~Appellant/Petitioner~~

RESP NO 4 Sub DIVISION DIST
Education officer (Male)
DIST Kotli Palas Kohistan

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 14-11-22 at 9.00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at CAMP COURT
At Abad.
For Reply

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.