

15.06.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.


Notices be issued to the respondents for submission of reply/comments. To come up for reply/comments on 16.08.2022 before S.B at Camp Court Abbottabad.

(Fareeha Paul)  
Member (E)  
Camp Court A/Abad

18<sup>th</sup> Oct., 2022

Q  
Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. Advocate General alongwith Sohail Ahmad Zaib, Litigation Officer for the respondents present.

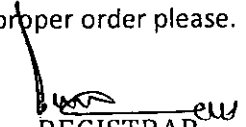

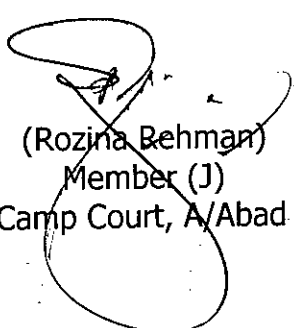
Written reply/comments on behalf of respondents have been submitted, which is placed on file and a copy whereof handed over to learned counsel for the appellant. To come up for rejoinder/arguments on 27.12.2022 before D.B at camp court, Abbottabad.

  
(Fareeha Paul)  
Member(E)

## FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 14892022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/02/2022	<p>The appeal of Mr. Abdul Razzaq Ahmad received today by post through Muhammad Liaqat Advocate 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>
2-		<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put there on <u>21-04-2022</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	21.04.2022	<p>Appellant present through counsel. Preliminary arguments heard. Record perused.</p> <p>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 15.06.2022 before S.B at Camp Court, Abbottabad.</p> <p style="text-align: right;"> (Rozina Behman) Member (J) Camp Court, A/Abad</p>

*Rozina Behman*  
Appellant Deposited  
Security & Process Fee  
*A. Liaqat*  
27/4/22

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Appeal No. 149 /2022

Abdul Razzaq Ahmad S/O Muhammad Iqbal Khan R/O Haal Lakhala  
Tehsil Lower Tanwal District Abbottabad, presently posted as SPST GPS  
Lakhala Circle Pind Kargu Khan Abbottabad.

.....APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Elementary &  
Secondary Education Department, Khyber Pakhtunkhwa & Others

.....RESPONDENTS

**SERVICE APPEAL**

**INDEX**

S #	Description	Page No's	Annexures
1	Service appeal alongwith Affidavit	01 to 06	
3	Copy of Appointment Order	07 to 09	"A"
4	Copy of Pay Slip	10	"B"
5	Copy of HSSC Certificate	11	"C"
	Copy of PTC Certificate	12	"D"
6	Copy of Notification dated 13-11-2012	13 to 23	"E"
7	Copy of Departmental Representation	24 to 25	"F"
8	Copy of the impugned order dated 18-12-2019	26	"G"
9	Copy of the Judgment dated 07-11-2018 in WP No. 207/A/2018	27 to 30	"H"
10	Copy of minutes of the meeting dated 08-05-2018	31 to 33	"I"
12.	Copy of judgment of this Honorable Tribunal dated 17-03-2021	34 to 38	"J"
13.	Wakalat Nama	39	

Dated: 28-01-2022

*Abdul Razzaq*  
.....APPELLANT

Through

*M. Liaqat*  
(Muhammad Liaqat)  
(Advocate High Court, Abbottabad)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Appeal No. \_\_\_\_/2022

Abdul Razzaq Ahmad S/O Muhammad Iqbal Khan R/O Haal Lakhala Tehsil Lower Tanwal District Abbottabad, presently posted as SPST GPS Lakhala Circle Pind Kargu Khan Abbottabad.

**VERSUS**

1. Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department (E&SED), Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary & Secondary Education (E&SE), Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (M) Abbottabad.
4. Sub Divisional Education Officer (M) Lower Tanawal Abbottabad.

**.....RESPONDENTS**

**SERVICE APPEAL** UNDER SECTION 4 OF NWFP (NOW KPK) SERVICE TRIBUNAL, ACT, 1974 AGAINST THE OFFICE ORDER NO.445-47/Lit DATED 18-01-2022 ISSUED BY RESPONDANT NO.3 VIDE WHICH DEPARTMENTAL REPRESENTATION OF THE APPELLANT WAS REJECTED WHICH IS TOTALLY AGAINST THE LAW, POLICY, WITHOUT JURISDICTION, ARBITRARILY, VOID ABINITIO, AND HAVING NO LEGAL EFFECT UPON THE VESTED RIGHTS OF THE APPELLANT.

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**PRAYER:-** ON ACCEPTANCE OF INSTANT APPEAL, THE IMPUGNED ORDER ENDST: NO. 445-47/(Lit) DATED 18-01-2022 ISSUED BY RESPONDANT NO.3 MAY GRACIOUSLY BE SET-ASIDE AND RESPONDENTS MAY GRACIOUSLY BE DIRECTED TO PROMOTE THE APPELLANT FROM SPST BPS-14 TO PSHT BPS-15 WITH EFFECT FROM WHEN JUNIORS WERE PROMOTED WITH ALL BACK BENEFITS AS PER NOTIFICATION NO.

SO(PE)SSRC/MEETING/2012/TEACHING CADRE DATED 13-11-2012 AND ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEMS PROPER IN THE CIRCUMSTANCES OF THE CASE BE GRANTED.

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**Respectfully Sheweth:-**

1. That the appellant was appointed as PTC/PST vide appointment order No. 43 dated 23-09-1985 having prescribed qualification and presently working as SPST BPS-14 at GPS Lakhala Abbottabad. (Copy of appointment order & pay slip are annexed herewith as Annexure "A" & "B" respectively).
2. That the appellant passed HSSC in 2014 and PTC course in the year 1997. (Copy of HSSC certificate and PTC certificate are annexed as Annexure "C" & "D" respectively).
3. That on 10-01-2022, appellant submitted departmental representation alongwith judgment of this Honorable Tribunal passed in appeal No. 2231/19 dated 17-03-2021 on 10-01-2022 to the respondent No. 3 to the effect that appellant be promoted as PSHT as per the Policy dated 13-11-2012 as well as in view of the judgment 17-03-2021. (Copy of the Policy dated 13-11-2012 and departmental representation are annexed herewith as Annexure "E" & "F" respectively).
4. That the departmental representation of the appellant was rejected by the respondent No. 3 vide Endst: No. 445-47 dated 18-01-2022 with the remarks that as per Notification dated 30-01-2018 appellant do not fulfill the requisite eligibility criteria for promotion. (Copy of the impugned order dated 18-01-2022 is annexed herewith as annexure "G").

Now appellant seeks indulgence of this Honourable Tribunal for setting aside the impugned order dated 18-01-2022 inter-alia on the following amongst many others:-

**GROUND:-**

- a) That the impugned order dated 18-01-2022 against the law, facts and circumstances.
- b) That the impugned order is illegal passed in highly capricious manner which is void abinitio and without legal authority.
- c) That the respondents had illegally not consider the appellant for promotion and deprived the appellant for his legal right.
- d) That the identical issue was decided by the Honourable Peshawar High Court Abbottabad Bench in WP No. 207-A/2018 dated 07-11-2018 wherein, Honourable Court held that *“there is no mention in Notification dated 30-01-2018 that the same would have retrospective effect.”* (Attested copy of the Judgment dated 07-11-2018 is annexed here with as Annexure “H”).
- e) That the impugned order dated 18-01-2022 is against the Policy as a meeting was held on 08-05-2018 at committee room of E&SE KP under the chairmanship of respondent No. 2 wherein, issue of promotion was discussed at Serial No. 10 and respondent No. 2 directed all the DEOs including respondent No. 3 **“that the promotion cases of PSTs to SPSTs/PSHTs must be entertained according to the previous Policy of promotion while new Rules are to be applied for new induction/recruitment.”** (Copy of minutes of the meeting dated 08-05-2018 is annexed herewith as Annexure “I”).

- f) That the Notification dated 30-01-2018 is not applicable in the case of appellant as at the time of appointment no such terms and conditions was incorporated in the appointment order of the appellant. Hence, Notification dated 30-01-2018 has no legal value in the case of appellant as appellant is eligible for promotion in view of Notification No. SO(PE)SSRC/Meeting/2012/Teaching Cadre dated 13-11-2012.
- g) That the Notification dated 30-01-2018 is silent whether the same would have retrospective or prospective effect. Hence, impugned order dated 18-01-2022 is liable to be set aside on this score alone.
- h) That the valuable rights of the appellant are involved.
- i) That the common question of laws and facts have already been decided by this Honorable Tribunal at camp court Abbottabad in service appeal Nos. 2231/19, 2234/19, 2235/19, 2236/19 & 2237/19 dated 17-03-2021 and this Honorable Tribunal accepted the appeal and directed the respondents to consider the cases of promotion of similar placed teachers as per guidelines contained in the promotion policy of 2012. (Copy of judgment dated 17-03-2021 is annexed herewith as Annexure "J")
- j) That the appellant seeks leave of this Honourable Tribunal to raise additional grounds during the course of arguments with the permission of Honourable Tribunal.
- k) That the instant service appeal is well within time.

It is, therefore, very humbly prayed that on acceptance of instant appeal impugned order issued vide Endst: No. 445-47/

(Lit) dated 18-01-2022 issued by respondent No.3 may graciously be set-aside and respondents may graciously be directed to promote the appellant from SPST BPS-14 to PSHT BPS-15 with effect from when juniors were promoted with all back benefits as per Notification No. SO(PE)SSRC/Meeting/2012/Teaching Cadre dated 13-11-2012. Any other relief which this Honourable Tribunal deems proper in the circumstances of the case be granted.

Dated: 28-01-2022

*Abdur Rezaq*  
....APPELLANT

Through

*M/Liaqat*  
(Muhammad Liaqat)  
(Advocate High Court, Abbottabad)

**VERIFICATION:-**

Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.

*Abdur Rezaq*  
....APPELLANT



**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Appeal No. \_\_\_\_/2022

Abdul Razzaq Ahmad S/O Muhammad Iqbal Khan R/O Haal Lakhala  
Tehsil Lower Tanwal District Abbottabad, presently posted as SPST GPS  
Lakhala Circle Pind Kargu Khan Abbottabad.

.....APPELLANT

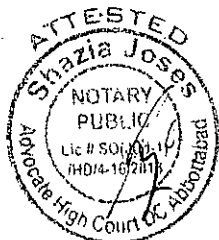
VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Elementary &  
Secondary Education Department, Khyber Pakhtunkhwa & Others

.....RESPONDENTS

**AFFIDAVIT**

I, Abdul Razzaq, S/O Muhammad Iqbal Khan R/O Haal  
Lakhala Tehsil Lower Tanwal District Abbottabad, presently posted as  
SPST GPS Lakhala Circle Pind Kargu Khan Abbottabad, do hereby  
solemnly affirm and declare on oath that the contents of foregoing appeal  
are true and correct to the best of my knowledge and belief and nothing  
has been concealed from this Honourable Tribunal.



*Abdul Razzaq*  
DEPONENT

28/1/22

OFFICE OF THE DIVISIONAL EDUCATION OFFICER (BET) ABBOTTABAD.

Annexure A  
7

LETTER ORDER NO. 43  
DATED A.A.M.D THE 25.9. /1985.

APPOINTMENT / ADJUSTMENT.

Appointments/adjustments of the following P.T.C/PT candidates against newly sanctioned/vacant posts in different Middle/Primary Schools of Abbottabad Sub Division are hereby ordered in the interest of public service with effect from 1st, October 1985.

S.NO	NAME OF CANDIDATE WITH COMPLETE ADDRESS.	PROF.	MO	REMARKS.
1.	Aftab Ahmed S/O Mohammad Din R/O Khola Kahal Abbottabad	Candidate	GT S. Manjok	Against vacant post
2.	Mohd Sabir S/O Musarrar Din R/O Hajpath	"	MS Phalloh	Vice No 3
3.	Mohammad Sharif PT	GMS Phalloh	GMS Langan	Vacant Post
4.	Mohammad Muntaz PT	GFS Gulaga	GFS Jastar	"
5.	Mohd Ramzan S/O Abdur Rehman R/O Makool Bala.	Candidate	" Kohari	Vice No 46
6.	Sarfraz Khan S/O Mir Hussain R/O Mandrouch F/O Nawansher.	"	Mos: Banj	Vacant Post
7.	Mohammad Bashir PT	GMS Phalkot	" Kutli (Mhali)	"
8.	Mohammad Arif PT	GFS Bocrnawali	" Chiar	"
9.	Farooq Khan S/O Sar Khan R/O Dhodial Nawansher.	Candidate	MS Hien	De Seri Vice No 5257
10.	Abdur Razaq PT	Mos: Waker	MS Bocrnawali	Vice No 8
11.	Abdul Malik PT	GFS Chahan	MS Hien	Vacant Post
12.	Tahir Nadam S/O Mohd schrab GHS Beroto.	Candidate	MS Somet	"
13.	Sarfraz Khan S/O Farid Khan R/O Batangi.	"	MS Bab Bategni	"
14.	Mohd Saeed Khan S/O Mohabat Khan R/O Kakul	"	Mos: Kothkila	"
15.	Saeed Hussain Shah PT	Mos: L/Banier	MS Phalloh	"
16.	Jehangir Khan PT	GFS Tanala	MS L/ Western	"
17.	Qari Intiaz Rafique S/O Mohd Rafiq R/O Rehmatabad Ltd.	Candidate	MS Kohari	"
18.	Mohd Rashid S/O Sher Ahmed R/O Bandi Danak Havellian	"	"	"
19.	Soail Akhtar S/O Fazal Dad R/O Havellian	"	GPS Salwala	Vice No 102
20.	Abdur Razaq S/O Mohd Yusuf R/O Jhangri	"	" S Hazri	Vice No Post
21.	Qamar Hussain S/O Sarwar Hussain R/O Darwaza.	"	" Inja Qazi	Vice No 41
22.	Khalil-ur-Rehman PT	"	GFS Darwaza	Vacant Post
23.	Mohammad Hanif PT	Mos: Fatotay	MS Fatotay	"
24.	Mohd Intiaz S/O Mohd Ashraf R/O Moli	" Kothkilar	MS Goren	"
25.	Taj Mohd S/O Rehmat Ullah R/O Pathar Gali Kukman.	Candidate	GFS Jankar	Wice No 52
26.	Nasir-ur-Rehman S/O Sad-ur-Rehman S/O Mohd Sadiq Habib Bank Sherwan	Candidate	MS Haidan	Vacant Post
27.	Mohd Khurshid S/O Lal Khan S/O Dhodial Nawansher	"	" Tabor	"
28.	Mohd Iqbal S/O Afsar Dad R/O Chatpari Kutla Havellian.	"	" Jocran	Vice No 31
			" Shamba	Vacant Post
			Cont:....2	.....

Attested  
M.H.

29. Abdul Waheed S/O Kulu Khan R/O Dalola G/O Abdul Ghyum HM GHS Dalola	Candidate	GHS Tarkot	Against vacant post
30. Mohd Javed S/O Malik Dadun Khan	"	" Jandar Bari	"
31. Jehanzeb PT	" Seergah	GHS Ghumawan	"
32. Mohammad Fiaz PT	Mos: Hajia	" Bhuraj	"
33. Duri Aman PTC	GHS Mari	Mos: Hajia	Vice No 32
34. Mohd Khalid Khan S/O Taj Mohd Khan R/O Tootni.	Candidate	GHS Kasaki Kolan	Vacant Post
35. Mohd Bashir S/O Mohd Sarfraz R/O Namal.	"	" Julial	"
36. Waseem Fazal S/O Fozal-ur-Rehman R/O Kunj Jadeed Abbottabad	"	GMS Abbottabad	"
37. Mohd Sadiq S/O Abdur Raheem R/O Aziz Bang R/O Aziz Abad	"	GHS Chahan	Vice No 11
38. S. Iftikhar Ahmed S/O Cabool Shah R/O Seen Katha P/O Public School	"	" Lower Barian	Vide No 15
39. Shahid Khan S/O Sher Dil Khan R/O Kakul "	Mos: Abdal	" Bandi Berote	Vacant Post
40. Mohammad Afzal PTC	GHS Banda Qazi	" Tarhary	"
41. Mohammad Binaras PT	" Langra	" Dobather	"
42. Jhafar Khan PT	" Langra	" Banda Shih Khan	"
43. Mohd Nawaz S/O Khani Zaman R/O Boi	Candidate	" Darra Dalola	"
44. Ishtiaq Ahmed S/O Mir Afzal Khan R/O Banda Phagwarian	"	" Langra	Vide No 42
45. Nasir Ahmed S/O Taj Mohd R/O Sherwan Khurd.	"	Mos: Lunji	Mundri Vacant Post
46. Zakir Rehman PT	GHS Kehari	" Abtal	Vice No 40
47. Saif-ur-Rehman PT	PS Maira Aziz Bang	" GHS Jarrri	Vacant Post
48. Mohd Waseem S/O Mohd Roshan R/O Bakot	Candidate	" Lower Bakot	"
49. Obaid-ur-Rehman S/O Mohd Riaz Khan R/O Khanis pur Ayubia.	"	" Khanis pur Ayubia	Vacant
50. Shabbir Ahmed S/O Mohd Zaman R/O Phalkot	"	GHS Phalkot	Vice No 7
51. Ali Asghar PT	G PS Mian de Seri	PS Malbeer	Vacant Post
52. Mohammad Amin L/O	Candidate	" Khokhar	Vice No 66
53. Mohd Sabir S/O Sher Mohd R/O Chamhatti	Candidate	" Dhori Rakhala	Vacant Post
54. Dilawar Hussain S/O Mohzam Shah R/O	"	" Mari	"
55. Javed Akhtar S/O Hafeez Akhtar R/O Kunj Jadeed Abbottabad.	"	" Nari Hoteer	"
56. Jehangir Khan S/O akbar Khan R/O Nakar Kukmong	"	" Naro Hoteer	"
57. Aurangzeb S/O Mohd Ashraf Peon GMS Thunda.	"	" Joorjal	"
58. Mohd Naeem S/O Mohd Yusuf R/O Chamhatti	"	" Maira Romal	"
59. Rasat Ali S/O Mohd Yaqoob R/O Rankot Boi	"	Mak: Langaloot	"
60. Mohd Afsar S/O Khalilur Rehman R/O Phateel Sherwan	"	GHS Tarala Bagla	Vice No 16
61. Azhar Hussain Shah S/O Mohd Shah R/O Chamnaka.	"	Mos: Kollian	"
62. Ihjaz Hussain S/O Mohd Ikhlas R/O Khanis pur Ayubia.	"	GHS Longal	"
63. Mohd Safdar S/O Mirabullah R/O Phalkot	"	Mos: Nakar (Phalkot)	"
64. Mohd Sadiq S/O Ghulam Hussain R/O Shaheed abad Sherwan	"	GHS Panjooth.	"
65. Kala Khan PT	GHS Khokhar	" Kokal Bardeen	"

Attested  
M/S/4

CONDITIONS

1. Charge reports should be submitted to all concerned in duplicate.
2. No P.I./D.I./Try grant/Joining time is allowed to any one.
3. Each candidate is required to produce his age and health certificate from Medical authorities concerned before taking over charge.
4. Fresh candidates who fail to take over charge within 15 days after issuing the appointment orders, their appointment will automatically be cancelled.
5. The appointments are purely temporary subject to the termination at any time without assigning any notice.
6. The appointment is made under all services conditions laid by the Government.
7. In case age exceeds 25 years or below 18 years at the time taking over may not be held over, charge.
8. All concerned should not take over/hold over of charge will take effect from 1-10-1985 (S.W) and not earlier than that in any case.

Sixxxxxxxxxxxxx  
 Chairman  
 District Council  
 Abbottabad.

Sixxxxxxxxxxxxx  
 (MOHAMMAD IQBAL MALIK)  
 DISTRICT EDUCATION OFFICER(MALE)  
 ABBOTTABAD DISTRICT ABBOTTABAD.

Enstt: No. 6946-7019

- Copy of the above is forwarded to the -
- 1-101. All the Head Master/Head teacher concerned.
  102. The District Education Officer(M) Abbottabad.
  103. The Chairman District Council Abbottabad.
  104. The Head Master Govt High School Dhantaur.
  105. The Head Master Govt Middle School Thund.
  - 106-110. All A. S. D. E. Os local office.
  111. Local Accounts Branch/office.
  112. O. O. File.

(M. BASHIR)  
 (ASDEO(M))

(MOHAMMAD ANWAR KHAN)  
 I/O SUB DIVISIONAL EDUCATION OFFICER(M)  
 ABBOTTABAD SUB DIVISION ABBOTTABAD.

Attested

M/12/1

Annex "B"  
10

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



**Personal Information of Mr ABDUR RAZAQ d/w/s of MUHAMMAD IQBAL**

Personnel Number: 00009414 CNIC: 1310165498091 NTN:  
Date of Birth: 09.01.1963 Entry into Govt. Service: 01.10.1985 Length of Service: 36 Years 03 Months 001 Days

**Employment Category: Vocational Temporary**

Designation: SENIOR PRIMARY SCHOOL TEA 81065819-DISTRICT GOVERNMENT KHYBE

DDO Code: AD6298-District Abbottabad

Payroll Section: 003

GPF Section: 001

Cash Center:

GPF A/C No: EDUAD008294

Interest Applied: Yes

GPF Balance:

1,232,628.00

Vendor Number: -

**Pay and Allowances:**

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 14

Pay Stage: 23

Wage type		Amount	Wage type		Amount
0001	Basic Pay	42,090.00	1001	House Rent Allowance 45%	3,321.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1593	Incentive Allowance	1,000.00	2148	15% Adhoc Relief All-2013	800.00
2199	Adhoc Relief Allow @10%	535.00	2211	Adhoc Relief All 2016 10%	2,714.00
2224	Adhoc Relief All 2017 10%	4,209.00	2247	Adhoc Relief All 2018 10%	4,209.00
2264	Adhoc Relief All 2019 10%	4,209.00	2309	Adhoc Relief All 2021 10%	4,209.00
2316	Teaching Allowance 2021	3,036.00			0.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3014	GPF Subscription	-2,620.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-939.00	3990	Emp. Edu. Fund KPK	-125.00
4004	R. Benefits & Death Comp:	-600.00			0.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance

**Deductions - Income Tax**

Payable: 14,610.40 Recovered till DEC-2021: 5,329.00 Exempted: 3651.84 Recoverable: 5,629.56

Gross Pay (Rs.): 74,688.00 Deductions: (Rs.): -5,484.00 Net Pay: (Rs.): 69,204.00

Payee Name: ABDUR RAZAQ

Account Number: 1304-0201000248-4

Bank Details: MCB BANK LIMITED, 241304 MCB KANGRORA, Abbottabad

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address:

City: ATD

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: abdurrazqkhan9414@gmail.com

Attested  
M/S/K

System generated document in accordance with APPM 4.0.12.9(891984/24.12.2021/v3.0)

\*All amounts are in Pak Rupees

\*Errors & omissions excepted (SERVICES/31.12.2021/11:46:04)



**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION**  
**ABBOTTABAD**

HSS 323682141

Khyber Pakhtunkhwa (Pakistan)

Higher Secondary School Certificate Examination

**PROVISIONAL & DETAILED MARKS CERTIFICATE**

Roll No: 23682

Group: HUMANITIES

Part - II

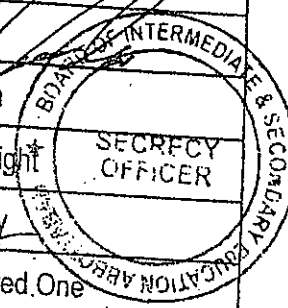
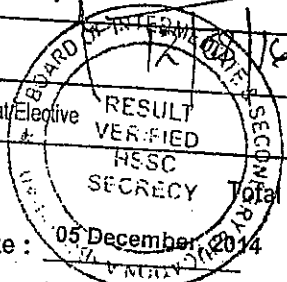
Session: 2014 (Supply)

Name: ABDUR RAZAQ  
Father Name: MUHAMMAD IQBAL  
Reg No: 5826AB/AD-intMP13  
Institution/  
District: ABBOTTABAD



has secured the marks shown against each subject in the Higher Secondary School Certificate Examination Part-II held in the month of Oct/Nov as a Private Candidate.

Subjects	Marks	Marks Obtained					Total	Marks in Words
		Part-I		Part-II				
		Theory	Pract	Theory	Pract			
English	200	41	-	33	-	74	Seventy-Four	
Urdu (Comp)	200	34	-	33	-	67	Sixty-Seven	
Islamyat Compulsory	50	18	-	-	-	18	Eighteen	
Pakistan Studies	50	-	-	17	-	17	Seventeen	
Islamic History	200	36	-	42	-	78	Seventy-Eight	
Civics	200	44	-	36	-	80	Eighty Only	
Islamyat Elective	200	68	-	33	-	101	One Hundred, One	
<b>Total: 1100</b>							435	Four Hundred Thirty-Five Only



Date: 05 December, 2014

Remarks:

Checked By: [Signature]

[Signature]

Controller of Examinations

Note: Errors / Omissions excepted. Any mistake in Name, Father Name etc must be intimated within 30 days of the issuance date of this certificate to BISE Abbottabad. Visit us: [www.biseatd.edu.pk](http://www.biseatd.edu.pk)

Attested  
[Signature]

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# EDUCATION DEPARTMENT, N.-W.F.P., PESHAWAR.



## PRIMARY TEACHING CERTIFICATE (CONDENSED COURSE).

ROLL NO. 28 Marks obtained 216  
Division III

Certified that Abdur-Bazaq Khan  
born on 01-09-1963 (Ist September Nineteen hundred and Sixty three)  
Son/Daughter of Muhammad Iqbal Khan  
resident of x x x x x Tehsil Abbottabad District Abbottabad

having passed the P. T. C. Examination held in 1997, is qualified to teach in Primary and Middle School except English.

Trained at District A. Abad From 15-6-96 To 15-9-96.

Dated Peshawar.  
the 13-05-1997 I9  
Prepared [Signature]  
Checked by [Signature]

Attested  
[Signature]

[Signature]  
Registrar,  
Departmental Examinations,  
Education Department, Peshawar.

Peshawar, dated the November 13, 2012.

Anx. "E"  
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No.SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all Notifications issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby lays down the method of recruitment, qualification and other conditions specified in the Appendix to this Notification which shall be applicable to all the posts specified in Column No. 2 of the said Appendix and the schedule therewith.

SECRETARY TO GOVERNMENT OF THE KHYBER  
PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

Endst. No. & Date as above.

Copy forwarded to:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Law Department.
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General, Khyber Pakhtunkhwa Peshawar.
6. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.

1 | Page of 12

Service Rules & Appointment / Promotion Rev: 2012-13

Attested

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No.	Nomenclature of the post.	Minimum qualification and experience for initial appointment or by transfer.	Age limit.	Method of recruitment.
1.	2.	3.	4.	5.
1	Secondary School Teacher BPS-15	(i) Second class Bachelor's Degree with two subjects as Chemistry, Botany, Zoology, Physics, Mathematics, Statistics Humanities and other equivalent groups from a recognized University; or  (ii) M.A in Education or Bachelor's Degree in Education, from a recognized University.	18 to 35 years.	(a) Fifty percent by promotion on the basis of seniority-juniority, in the following manner:  (i) forty per cent from amongst the Certified Teachers (General), Certified Teachers (Agriculture), Certified Teachers (Industrial Arts) and Certified Teachers (Home Economics) with at least five years service as such and having qualification mentioned in column No.3;  (ii) four per cent from amongst the Drawing Masters with at least five years service as such and having qualification mentioned in column No.3;  (iii) four per cent from amongst the Physical Education Teachers with at least five years service as such and having qualification mentioned in column No.3.

SERVICE RULES & APPOINTMENT / PROMOTION 2010-13

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				(iv) one per cent from amongst the Instructional Material Specialists, with atleast five years service as such and having qualification mentioned in column No. 3; and  (v) one per cent from amongst the Arabic Teachers with at least five years service as such and having qualification mentioned in Column No.3; and  (b) fifty per cent by initial recruitment.
2.	Senior Arabic Teacher (SAT) (BPS-16)		-	By promotion, on the basis of seniority-cum-fitness, from amongst Arabic Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Arabic Teacher.
3.	Senior Theology Teacher (STT) (B-16).		-	By promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Theology Teacher.
4.	Senior Certified Teacher (SCT)(General) (BPS-16).		-	By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (General), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (General).

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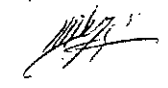
	(BPS-16).		By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Industrial Arts), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Industrial Arts).
6.	Senior Certified Teacher (Agriculture) (BPS-16).		By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Agriculture), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Agriculture).
7.	Senior Drawing Master (BPS-16).		By promotion on the basis of seniority-cum-fitness from amongst Drawing Masters, with at least five years service as such and having qualification as prescribed for initial recruitment of Drawing Master.
8.	Senior Certified Teacher (SCT) (Home Economics) (BPS-16).		By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Home Economics), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Home Economics).
9.	Senior Physical Education Teacher (BPS-16).		By promotion, on the basis of seniority-cum-fitness, from amongst Physical Education Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Physical Education Teacher.

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10. Arabic Teacher (AT) (BPS-15).	(i) Second Class Secondary School Certificate, from a recognized Board with Shahdatul Alamia Fil Uloomul Arabia wal Islamia from a recognized Tanzimuatul Wafaqul Madaris: or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by the Government from time to time; or (ii) Second Class Master's Degree in Arabic from a recognized University.	20 to 35 years.	By initial recruitment
1. Theology Teacher (TT) (BPS-15).	(i) Second Class Secondary School Certificate, from a recognized Board with Shahdatul Alamia from a recognized Tanzimatul Wafaqul Madaris or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by the Government from time to time; or (ii) Second Class Master's Degree in Islamiyat from a recognized University.	20 to 35 years.	(a) Seventy-five per cent by initial recruitment; and (b) twenty-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Qaris, with at least five years service and having qualification prescribed for initial recruitment of Theology Teacher: <u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.
Senior Qari (BPS -15).			By promotion, on the basis of seniority-cum-fitness, from amongst Qaris, with at least five years service as such and having qualification prescribed for initial recruitment.
Certified Teacher (General) (BPS-15).	Bachelor's Degree or equivalent qualification from a recognized University with Certified Teacher	18 to 35 years.	(a) Forty per cent by initial recruitment; and

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		Certificate or two years Associate Degree in Education from a recognized University or eighteen months Diploma in Education.		<p>(b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (General):</p> <p>Provided that if no suitable candidate is available amongst the Primary School Head Teachers for transfer, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (General).</p> <p><u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.</p>
14.	Certified Teacher (Industrial Arts) (BPS-15).	<p>(i) Bachelor's Degree from a recognized University with two years training in the relevant technical subjects from any Government Industrial or Govt. Technical Vocational Institute or Center; or</p> <p>(b) Bachelor's Degree from a recognized</p>	18 to 35 years.	<p>(a) Forty per cent by initial recruitment; and</p> <p>(b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher</p>

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any Government Agro Technical Teacher Training Center of the Level of Certified Teacher, Agro technical (Industrial Arts).

(Industrial Arts):

Provided that if no suitable candidate is available amongst the Primary School Head Teachers for promotion, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (Industrial Arts).

Note: In case of non availability of suitable person for promotion, then by initial recruitment.

15.	Certified Teacher (Agriculture) (BPS-15).	<p>(i) Bachelor's Degree from a recognized University with one year training in Agriculture from any Government institute or center with nine months training from Government Agro Technical Teacher Training Center of the level of Certified Teacher Agro Technical (Agriculture); or</p> <p>(ii) Bachelor's Degree with Agriculture as one of the subject, from a recognized University; or</p> <p>(iii) Bachelor's Degree from a recognized University with nine months training from</p>	18 to 35 years.	<p>(a) Forty per cent by Initial recruitment; and</p> <p>(b) sixty per cent by promotion, on the basis of seniority-cum-fitness from amongst the Primary School Head Teachers, with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (Agriculture);</p> <p>Provided that if no suitable candidate is available amongst the Primary School Head Teachers for</p>

Attested  
*[Signature]*

any Government Agro Technical Training Center of the Level of Certified Teacher, Agro technical (Agriculture).

promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (Agriculture).

Note: In case of non availability of suitable person for promotion, then by initial recruitment.

16. Certified Teacher (Home Economics) (BPS-15).

- (i) Bachelor's Degree with Home Economics, as one of the subject, from a recognized University with in service training from Government Agro Technical Teacher Training Center; or
- (ii) Certified Teacher Certificate with Home Economics, as one of the subjects, from any Government Training school or college with Bachelor's Degree; or
- (iii) Bachelor's Degree from a recognized University with nine months training from Government Agro Technical Teacher Training Center of the level of the Certified Teacher Agro Technical (Home Economics); or
- (iv) Bachelor's Degree, from a recognized

18 to 35 years.

- (a) Forty per cent by Initial recruitment; and
- (b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service as such and having qualification prescribed for initial recruitment of Certified Teacher (Home Economics):

Provided that if no suitable candidate is available amongst the Primary School Head Teachers for promotion, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of

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from any Government training center or institute with nine months training from Government Agro Technical Teacher Training center of the level of certified Teacher Agro Technical (Home Economics).

Note: In case of non availability of suitable person for promotion, then by initial recruitment.

17. Drawing Master (BPS-15).

Bachelor's Degree from a recognized University with one year Drawing Master (DM) course Certificate.

18 to 35 years.

(a) Eighty per cent by initial recruitment; and

(b) twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Drawing Master.

Provided that if no suitable candidate is available for promotion then on the basis of seniority-cum-fitness, from Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Drawing Master.

Note: In case of non-availability of suitable candidate for promotion, then by initial recruitment.

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	Teacher (BPS-15).	With one year junior Diploma in Physical Education course or Army equivalency or other equivalent qualification.	(b) twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Physical Education Teacher.  Provided that if no suitable candidate is available for promotion then on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Physical Education Teacher.  <u>Note:</u> In case of non-availability of suitable candidate for promotion, then by initial recruitment.
19.	Primary School Head Teacher (PSHT) (BPS-15).		By promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least ten years service and having qualification prescribed for initial recruitment of Primary School Teacher.
20.	Senior Primary School Teacher (BPS-14).		By promotion, on the basis of seniority-cum-fitness, from amongst Primary School Teachers

*Attested*  
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				with at least five years service as such and having qualification prescribed for initial recruitment of Primary School Teacher.
21.	Primary School Teacher (BPS-12).	(i) Intermediate or equivalent qualification, from a recognized Board with Primary School Teacher Certificate/ Diploma in Education from a recognized Institute; or  (ii) Secondary School Certificate, from a recognized Board in second Division with two years Associate Degree in Education from a recognized University..	18 to 35 years.	By initial recruitment on merit at Union Council level: provided that if no suitable candidate is within the Union Council is available, then from the adjacent Union Councils on merit.
22.	Qari (BPS-12).	Intermediate with Hifz-e-Quran and Qirat Sanad from a recognized Institution.	18 to 35 years.	By initial recruitment.

Attested  
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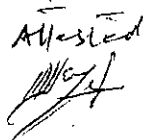
To

The ASDEO PK Khan,  
Tehsil Lower Tanawal Abbottabad.

Subject: DEPARTMENTAL REPRESENTATION / BENEFIT OF EXTENSION OF  
JUDGMENT PASSED IN SERVICE APPEAL NO 2231/19 DATED 17/03/2021  
& 2009 SCMR I

Respected Sir,

1. That the applicant was appointed as PTC / PST having prescribed qualification vide appointment officer order No 43 dated 23-09-1985 and presently working as SPST (BPS-14) at GPS U. Lakhalla, Circle Pind Kargu Khan Tehsil Lower Tanawal.
2. That consequent upon the recommendations of the DPC applicant was promoted from the post of PST (B-12) to SPST (B-14) vide Notification No 1639-45 EB-11/Promotion PST to SPST dated 16-02-2017
3. That in pursuance to the Notification dated 13-11-2012, applicant submitted his file for promotion against the post of PSHT (B-15) but the file was returned with the reason that as per new policy 2018 the prescribed qualification for the promotion has been enhanced from intermediate to Bachelor degree.
4. That applicant is eligible for promotion under the policy 2012 as applicant acquired the requisite qualification i-e intermediate in the year 2014.
5. That the new Notification dated 30-11-2018 wherein, the requisite educational qualification was enhanced from FA to BA is not applicable in the case of applicant as at the time of appointment, no such term & conditions was incorporated in the appointment order of the applicant.
6. That there is no mention in the notification dated 30-01-2018 that the same would have retrospective effect hence, applicant is eligible for promotion in view of Notification dated 13-11-2012.
7. That the common question of law & facts have already been decided by the Honourable Khyber Pakhtunkhwa Service Tribunal Peshawar at Camp Court Abbottabad in service appeal Nos 2231/19, 2234/19, 2235/19, 2236/19 and 2237/19 dated 17-03-2021 and accepted the appeals & directed the department to consider the cases of promotion of the appellant as per guidelines contained in the promotion policy of 2012.
8. That as per 2009 SCMR I if the Service Tribunal or Supreme Court decides a point of law relating to the Terms & service of a civil servant which covers not only the case of civil

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servants who litigated but also of other civil servants who may have not taken any legal proceedings in such a case, the dictates & rule of good governance demand that the benefit of such judgment by Service Tribunal / Supreme Court be extended to other civil servants who not be parties to the litigation instead of compelling them to approach the Service Tribunal or any other forum.

9. That the valuable rights of the applicant are involved.

Keeping in view of the above fact & circumstances it is requested that on acceptance of instant departmental representation applicant may kindly be promoted against the post of PSHT (BPS-15) with effect from the date when juniors teachers were promoted with all constitutional back benefits.

Abdur Razaq

Abdur Razaq  
SPST GPS Lakhalla  
Circle PK Khan  
Sub Division Lower Tanawal

Dated : 10 Jan 2022

Forwarded to worthy SDEO (M)  
L/Tanawal for n/a please.

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11-01-2022

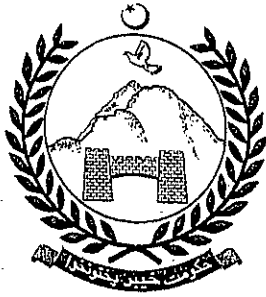
Assistant District Education Officer  
Abbottabad

ASDEO

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[Signature]

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD

Anx<sup>cc</sup> G  
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No. 445-47/(Lit)

Dated: 18/01/2022



0992-9310102, 0992-330131



EDO.Education.Atd@gmail.com

To

1. Mr. Abdur Razzaq, SPST GPS Lakhalla Circle PK Khan,  
Sub Division Lower Tanawal Abbottabad
2. Mr. Khawaja Waqar Ahmad SPST GPS Darra Mannah Circle PK Khan  
Sub Division Lower Tanawal Abbottabad
3. Mr. Imtiaz Khan, PST GPS Khirpir Circle Sherwan  
Sub Division Lower Tanawal Abbottabad.

Subject: DECISION ON DEPARTMENTAL REPRESENTATIONS

With reference to your applications received through SDEO (M) Lower Tanawal vide letter No. 440 dated 12-01-2022, undersigned examined the case of the applicants thoroughly.

In view of Notification No. SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre/2017 dated 30-01-2018, wherein, the requisite educational qualification has been enhanced from Intermediate to Graduation and applicants do not fulfill the requisite eligibility criteria for promotion hence, departmental representations of the above referred applicants are hereby rejected accordingly.

District Education Officer (M)  
Abbottabad

Endst: No. 448

Dated: 18-01-22

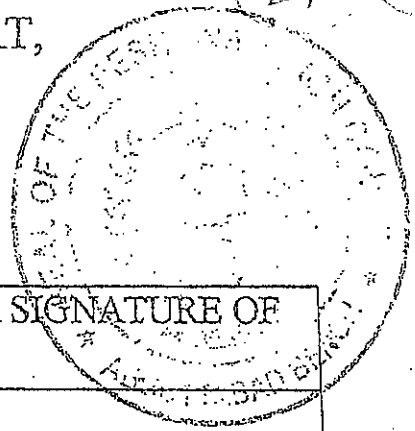
Copy forwarded for the information to the:-

SDEO (M) Lower Tanawal with reference to letter No. 440 dated 12-01-2022.

Attested

District Education Officer (M)  
Abbottabad

PESHAWAR HIGH COURT,  
ABBOTTABAD BENCH  
FORM 'A'  
FORM OF ORDER SHEET



Date of Order or Proceedings	ORDER OR PROCEEDINGS WITH SIGNATURE OF JUDGE/JUDGES
1	2
07.11.2018	<p><u>W.P No. 207-A/2018.</u></p> <p>Present:- Mr. Awais Abbasi, Advocate for the petitioner.</p> <p>Sardar Muhammad Asif, AAG for the respondents.</p> <p>***</p> <p><u>SYED MUHAMMAD ATTIQUE SHAH, J.-</u> Petitioner</p> <p>Muhammad Ali has invoked the constitutional jurisdiction of this court praying that:-</p> <p><i>"On acceptance of this writ petition, the respondents may graciously be directed to forthwith issue appointment order of the petitioner on the post of PST (BPS-12) with immediate effect in GPS Nagri Tutial Union Council Nagri Tutial or GPS Rahi Union Council Phalla. Any other relief as may be deemed fit and proper in the circumstances of the case."</i></p> <p>2. In essence, the case of petitioner is that as per Clause-I of the advertisement dated 30.08.2016, when no candidate was available in the concerned union council, then the candidate from adjacent union council was to be considered and since the petitioner was hailing from the</p> <p>Attested</p>

Stamp: Received by Mr. ...

M

Attested

adjacent union council, therefore, he was required to have been appointed on the subject post.

3. Respondents were put on notice who appeared and contested the petition by filing their para-wise comments wherein they have relied upon the notification dated 30.01.2018 whereby amendment was made against Serial No. 1 in column No. 3 & 4 of the appendix to Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989 and submitted that the petitioner was not having the requisite qualification for his appointment.

4. Arguments heard and record perused.

5. Perusal of record reveals that the respondents advertised posts of PST through advertisement dated 30.08.2016, wherein it has clearly been mentioned in clause-I of terms and conditions of advertisement that when a candidate in the concerned union council is not available, then the candidate from the adjacent union council would be considered. It is very much clear from the record as well as comments filed by the respondents that the petitioner fulfill the criteria for his appointment against the subject post.

6. So far as the contention of the respondents that in the light of notification No. SO (PE)4-5SSRC/Meeting/2012/Teaching Cadre/2017 dated 30.01.2018, the petitioner was lacking the requisite

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qualification, is concerned, suffice it to mention that in advertisement dated 30.08.2016, the respondents advertised certain posts of Primary School Teacher (PST) and the requisite qualification for the said post was mentioned in the advertisement as Intermediate or equivalent certificate from any recognized board along with Primary School Teacher Certificate or SSC Second division along with two years Associate Degree in Education from any recognized University. Consequent to the said advertisement, several candidates including the petitioner, having qualification upto intermediate, have applied for the said post and appeared in the screening test and some of them having the same qualification, were also appointed against the vacant posts after qualifying the test and interview. Moreover, the advertisement was issued on 31.08.2016 and consequent thereof, the appointments were made on 10.04.2017, whereas the amendment in the rules through the ibid notification was made on 30.01.2018. There is no mention in the notification dated 30.01.2018 that the same would have retrospective effect, therefore, the petitioner carrying the qualification mentioned in the advertisement, would not be subject to the ibid amendment and the respondents without any whim and reason have refused to appoint him which is otherwise against the very terms and conditions of their advertisement.

Attested

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7. Resultantly, while accepting this writ petition, we direct the respondent No. 1 to consider the petitioner for his appointment against the subject post in accordance with law.

Announced.  
07.11.2018

JUDGE

JUDGE

Certified to be True Copy  
EXAMINER  
23 NOV 2018  
Peshawar High Court Aid. Bench  
Authorized Under Sec: 75 Evid Ordns.

Tufail\*

Hon'ble Justices Lal Jan Khattak & Syed Muhammad Attique Shah.

Attested

ANNEXURE 35



DIRECTORATE OF PRIMARY & SECONDARY  
EDUCATION DEPARTMENT, KHYBER PAKHTUNKHWA  
P.O. Box 122, F-10/4, G-10/1, D-22, S-1/5, Faisal Road, Peshawar  
E-mail: zulfikar@psec.edu.pk

Non-Governmental School/Institution/Boarding School/Non-Governmental School/Boarding School

MINUTES OF THE DPEC MEETING WITH DEOs (M&F) ON May 08, 2018

**Venue:** Committee room Directorate of E&S S.K.P. Peshawar  
**Time:** 09:00 AM to 04:00 PM  
**Chaired by:** Mr. Ahmad Khailak, Director, E&S K.P. Peshawar  
**Participants:** List Attached

**Proceedings**

A meeting was held on 08/05/2018 at committee room of E&S K.P. Peshawar. The meeting was chaired by Mr. Ahmad Khailak, Director, E&S K.P. Peshawar local office. The meeting started with the recitation from the holy Quran.

The participants discussed the following agenda items & agreed upon the following points:

S.No	ACTIVITY	Observations	Responsibility
1	Construction of Group Latrines for Girls Students Under Conditional Grant 2017-18	The chair directed DEOs concerned to consult group latrines (only for girls schools) under CG 2017-18 as per the decision of Secretary, E&S in the light of court decision. Work on the rest of schemes/facilities must not be started till the decision of socio-engineering team.	DEOs
2	Pending facilities under CG 2014-15, 2015-16 & 2016-17	The chair shared the gravanda of worthy Secretary, E&S regarding pending facilities under CG 2014-15, 2015-16 & 2016-17 on which work still not completed. He also directed DDU team to share the list of pending facilities with concern DEOs and also a copy of it may also be provided to the chair. The chair further directed the concerned DEOs to provide school lists of pending facilities & complete all such pending facilities and work on such facilities may also be monitored on weekly basis.	DDU team DEOs
3	Purchase of Science Equipment for Schools & IT Equipment for newly created SDEOs Offices	The chair was informed by a few DEOs that their respective Deputy Commissioners are not willing to convene the purchase committee meetings for the purchase of Science Equipment, PCF and IT equipment for newly established SDEOs offices. The chair directed DEOs to constitute local committees under their personal chairmanship and ensure the utilization of the budget under the said heads up to 30 May 2018. The target set was set by all the DEOs.	DEOs

Attended  
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Note: All employees E&S department & other interested ones please type E&S DPEC/any other possible reference send into 10101 to get direct views of Directorate of E&S K.P. Peshawar on your email.



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

PH : 091-925344/ FAX : 0919225345 Email : [zulfiqarulumulk@gmail.com](mailto:zulfiqarulumulk@gmail.com)

No: \_\_\_\_\_ Dated \_\_\_\_\_ / \_\_\_\_\_ 2018

Near. Government Shaheed Hussain Sharif Higher Secondary School No-1 City Peshawar

**MINUTES OF THE DPEC MEETING WITH DEOs (M&F) ON MAY 08, 2018**

**Venue:** Committee room of Directorate E&SE KP, Peshawar.

**Timing:** 09:00 AM to 04:00 PM

**Chaired by:** Mr. Farid Khattak Director E&SE KP, Peshawar.

**Participants:** List Attached

**Proceedings:**

A meeting was held on 08/05/2018 at committee room of E&SE KP Peshawar. The meeting was chaired by Mr. Farid Ahmad Khattak Director E&SE KP Peshawar local office. The meeting started with the recitation from the holy Quran.

The participants discussed the following agenda items & agreed upon the following points:

S#	Activity	Decisions	Responsibility
1.	Construction of Group Latrines for Girls Students under Conditional Grants 2017-2018	The chair directed DEOs concerned to construct group latrines (only for girls schools) under CG 2017-18 as per the decision of Secretary E&SE in the light of court decision. Work on the rest of schemes /facilities must not be started till the decisions of socio-engineering team.	DEOs
2.	Pending facilities under CG 2014-15, 2015-16 & 2016-17	The chair shared the grievance of worthy Secretary E&SE regarding pending facilities under CG 2014-15, 2015-16 & 2016-17 on which work still not completed. He also directed DDU team to share the list of pending facilities with concern DEOs and also a copy of it may also be provided to the chair. The chairs further directed the concerned DEO to provide school wise lists of pending facilities & complete all such pending work on such facilities may also be monitored on weekly basis.	DDU team, DEOs
3.	Purchase of Science Equipment for Schools, F&F IT Equipment for newly created SDEOs Offices	The chair was informed by a few DEOs that their respective Deputy Commissioners are not willing to convene the purchase committee meetings for the purchase of science equipment F&F and IT equipment for newly established SDEOs offices. The chair directed DEOs to constitute local committee under their personal chairmanship and ensure the utilization of the budget under the said heads up to 30 May 2018 (The target get was set by all the DEOS)	DEOs

**Note:** All employees E&SE department & other interested ones, please type "Follow Dir\_ESE\_KP" in your mobile message & send it to "40404" to get free tweets of Directorate of E&SE KP Peshawar on your mobile.

Attested



**DIRECTORATE OF ELEMENTARY & SECONDARY  
EDUCATION DEPARTMENT KHYBER PAKHTUNKHWA**  
Pir: 091-9225344 / Fax: 091-9225345 Email: [office@edsekp.gov.pk](mailto:office@edsekp.gov.pk)

No. \_\_\_\_\_

Dated \_\_\_\_\_ / \_\_\_\_\_ / 2018

**Near Government Sholeed Hussain Shahi Higher Secondary School No. 1 Gird/Peshawar**

4	Autonomy of HSS	The chair directed the DEOs to shift the funds under hiring of teachers (only) in Autonomy budget of HSS to the PTC accounts of the respective school to be utilized on need basis through PTCs afterwards in the new session only for the same purpose of hiring. Chair also directed the DEOs to conduct weekly meeting with concerned principals of GHSSs/GMHSSs to discuss the issues in the utilization of autonomy budget and its resolution.	DEOs
5	Release of Remaining 25% budget under Non-Salary head.	It was revealed that almost 70% of the budget under Non-Salary head have been utilized therefore the chair directed DEOs to write a letter to their respective DO (F&P) for the release of remaining 25% budget immediately.	DEOs
6	Utilization of Conveyance Charges for Female ASDEOs.	As per the direction of the Secretary E&SE, utilization under this head is alarmingly low. Therefore as per decision of the Secretary E&SE the chair further directed DEOs to submit & clear all the pending bills immediately & in future submit all such bills along with relevant documents to the account offices up to 5 <sup>th</sup> of each month for clearance. The bills of previous month (if not cleared for any reason) shall not be paid to the ASDEOs afterwards.	DEOs
7	Reporting of issues regarding budget execution to Directorate	It was revealed in the meeting that some DEOs have issues on part of DO office (DO (F&P) and District Govt. with reference to the budget execution. In this regard the Deputy Director P&D suggested that they should report such issues well in time to Directorate in order to tackle such issues immediately at proper forums.	DEOs
8	GPS Coordinates for developmental schemes	Regarding PC-1 for developmental schemes Deputy Director P&D suggested the DEOs to send GPS coordinates/ GIS map location with PC-1 for proper verification of the proposed site. Sample GPS coordinates/ GIS map sheet will be shared with all DEOs via email.	DEOs DD P&D
9	Vacant Positions	All the DEOs (Male & Female) directed to provide vacant position of all cadres & data regarding retirement of personnel (from 1 <sup>st</sup> April 2018 to 30 <sup>th</sup> September 2018) of each cadre with proper school wise STR must be sent ASAP.	DEOs DD P&D
10	Promotions	The Chair directed the DEOs that the promotions cases of PST to SPSTs/PSHTs must be entertained according to the previous policy of promotion while new rules are to be applied for new induction/recruitment.	DEOs

**NOTE:** All employees (E&SE department & other interested ones) please type "Follow Dir\_E&SE\_KP" in your mobile message & send it to "40404" to get free tweets of Directorate of E&SE KP Peshawar on your mobile.

*Attested*

*[Signature]*

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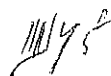
**DIRECTORATE OF ELEMENTARY & SECONDARY  
EDUCATION DEPARTMENT KHYBER PAKHTUNKHWA**

PH : 091-925344/ FAX : 0919225345 Email : [zulfiqarulmulk@gmail.com](mailto:zulfiqarulmulk@gmail.com)

No. \_\_\_\_\_ Dated \_\_\_\_\_ / \_\_\_\_\_ 2018

4.	Autonomy of HSS	The chair directed the DEOs to shift the funds under hiring of teachers (only in Autonomy budget of HSS to the PTC accounts of the respective schools to be utilized on need basis through PTC afterwards in the new session only for the same purpose of meeting. Chair also directed the DEOs to conduct weekly meeting with concerned principals of GHSS/ GGHSS to discuss the issues in the utilization of autonomy budget and its resolution.	DEOs
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10.	Promotions	The chair directed the DEOs that the promotions cases of PST to SPSTs/ PSHTs must be entertained according to the previous policy of promotion while new rules are to be applied for new induction recruitment	DEOs

**Note:** All employees E&SE department & other interested ones, please type "Follow \_ESE\_KP" in your mobile message & send it to "40404" to get free tweets of Directorate of E&SE KP Peshawar on your mobile.

Attested  


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**DIRECTORATE OF ELEMENTARY & SECONDARY  
EDUCATION DEPARTMENT KHYBER PAKHTUNKHWA  
PHONE: 2225310 / FAX: 09225315 Email: d/office@kpkde.com**

No. \_\_\_\_\_ Dated: 1/ / 2018

North Government School, Miran, Shimililaba, Secondary School, No. City, Peshawar			
11	Possible Transfer of NTS (non/rep) (Teacher)	The chair directed to implement a policy regarding transfer of employees appointed through NTS in addition to mutual transfers and ex-gress as per rules and regulations already notified.	DEOs
12	Half day school visits	DEOs to ensure supervised visits of their schools after the duty hours to prevent the unauthorized use of school building resources.	DEOs
13	Communication with District Officials	Chair directed DEOs to respond the official calls/SMS/emails within the duty hours as well as after the close of business. All of them must follow the official WhatsApp group and not to quit it. The officials are advised to use the official WhatsApp group for only relevant contents/communications.	DEOs
14	Scout	DEOs are directed not to follow the orders/instruction/suggestions of personnel not related to the E&SE Department regarding scout activities.	DEOs
15	Social media Communication	With reference of the CS directives all the DEOs (M&F) directed to create their official distinct level Face book & Twitter accounts, update them regularly and share their proper links along with details of local person with DD P&D immediately.	

Deputy Director (P&D)  
E&SE Khyber Pakhtunkhwa

Encl: No. \_\_\_\_\_ Meeting minutes/DPES-1/ Dated: 1/ / 2018

- Copies communicated to:
1. PS to Director local office
  2. All the DEOs (M&F) for information & proper compliance
  3. Office file

Deputy Director (P&D)  
E&SE Khyber Pakhtunkhwa

*Attested*



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

PH : 091-925344/ FAX : 0919225345 Email : [zulfiqarulmulik@gmail.com](mailto:zulfiqarulmulik@gmail.com)

No. \_\_\_\_\_ Dated \_\_\_\_\_ / \_\_\_\_\_ 2018

11.	Posting/ Transfer of NTS appointee teachers	The chair directed to implement wedlock policy regarding transfer of employees appointed through NTS in addition to mutual transfers and exigency as per rules and regulations already notified	DEOs
12.	Date time school visit	DEOs to ensure surprise visits of their schools after the duty / hours to prevent the authorize use of school building resource.	DEOs
13.	Communication with District Officials	Chair directed DEOs To respond the official calls /SMS/ emails within the duty hours as well as after the close of business. All of them must follow the official whatsApp group and not to quit it. The officials are advised to use the official whatsApp group for only relevant contents / communications.	DEOs
14.	Scout	DEOs are directed not to follow the orders / instructions/ suggestions of personnel not related to the E&SE department regarding scout activities.	DEOs
15.	Social media communication	With reference of the CS directives all the DEOs (M&F) directed to create their official district level Face book & Twitter accounts, update them regularly and share their proper links along with details of focal person with DD P&D immediately.	

Deputy Director (P&D)  
E&SE Khyber Pakhtunkhwa

Endst No 2742-93 Meeting minutes/DPES-I/Dated 16-05-2018

Copies communicated to:

1. PS to Director local office.
2. All the DEOs (M&F) for information & proper compliance.
3. Office file

\_\_\_\_\_ sd \_\_\_\_\_  
Deputy Director (P&D)  
E&SE Khyber Pakhtunkhwa

**Note:** All employees E&SE department & other interested ones, please type "Follow \_ESE\_KP" in your mobile message & send it to "40404" to get free tweets of Directorate of E&SE KP Peshawar on your mobile

Attested  
*[Signature]*

Ann (A) (4)

Ann "J"

(34)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR  
AT CAMP COURT, ABBOTTABAD**

Service Appeal No. 2231/2019

Date of Institution ... 26.12.2019  
Date of Decision ... 17.03.2021

Muhammad Iqbal son of Abdul Kareem Khan, presently S.P.S.T  
G.P.S No.4 Tehsil & District Abbottabad.  
... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary  
Elementary & Secondary Education (E&SE) Khyber Pakhtunkhwa  
Peshawar and three others.

... (Respondents)

Muhammad Liaqat,  
Advocate ... For appellant.

Riaz Khan Paindakheil,  
Assistant Advocate General ... For respondents.

ROZINA REHMAN ... MEMBER (J)  
ATIQU UR REHMAN WAZIR ... MEMBER (E)

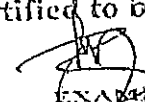
JUDGMENT

ROZINA REHMAN, MEMBER : This judgment is intended to dispose of


05 connected service appeals which are:

1. Service Appeal No.2231/2019

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Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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2. Service Appeal No. 2234/2019
3. Service Appeal No. 2235/2019
4. Service Appeal No. 2236/2019
5. Service Appeal No. 2237/2019

In view of common questions of law and facts, the above captioned appeals are being disposed of by this order.

2. The relevant facts leading to filing of instant appeals are that appellants were appointed as P.T.C/P.S.T. having prescribed qualification. There were duly qualified and eligible for promotion however, promotion was denied only on the strength of amendments brought about through notification dated 30.01.2018 wherein the requisite educational qualification was enhanced from Intermediate to B.A. Some of the appellants also filed Writ Petition before the august Peshawar High Court Abbottabad Bench which was treated as departmental representation and was sent to the respondents for decision which was rejected, hence, the present service appeal.

3. We have heard Muhammad Liaqat Advocate for appellant and Riaz Khan Paindakheil learned Assistant Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

4. Muhammad Liaqat Advocate counsel appearing on behalf of appellants, inter-alia, contended that the order dated 18.12.2019 is against law and facts which is void ab-initio and without legal authority.

He argued that the impugned order is against the policy as a meeting

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Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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was held on 08.05.2018 wherein issue of promotion was discussed at Serial No.10 and all the D.E.Os were directed that the promotion cases of the P.S.Ts to S.P.S.Ts/P.S.H.T must be entertained according to the previous policy of promotion while new rules are to be applied for new induction/recruitment. Learned counsel further submitted that the notification dated 30.11.2018 is not applicable in the case of appellants as at the time of their appointment, no such terms & conditions were incorporated in the appointment order of the appellants, hence, notification mentioned above has no legal value in the case of appellants and they are eligible for promotion in view of notification dated 13.11.2012.

5. As against that learned A.A.G submitted that as per notification dated 30.11.2018, the requisite qualification for promotion is Bachelor Degree, whereas, appellants do not fulfill the requisite qualification.

6. From the record, it is evident that the respondents had issued a notification dated 13.11.2012, wherein, method of recruitment/promotion has been laid down for Primary School Teachers (P.S.T BPS-12) Senior Primary School Teachers (S.P.S.T BPS-14) and Primary School Head Teachers (P.S.H.T B.P.S-15). Criteria for promotion from P.S.T to S.P.S.T is on the basis of seniority-cum-fitness with at least five years service with Intermediate or equivalent qualification. Similarly, promotion from S.P.S.T to P.S.H.T is based on seniority-cum-fitness with at least ten years service with Intermediate or equivalent. Appellants were appointed as P.S.T who were holding

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Member, Rajasthan  
Service Tribunal  
Jaipur

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almost 20-25 years of service with Intermediate qualification obtained during the year 2014-16. Record reveals that the appellants approached the Hon'ble Peshawar High Court in Writ Petition for their promotion on the strength of Promotion Policy 2012 and the High Court converted their petition into departmental appeals with directions to the respondents to consider their grievances and decide the same in accordance with law. The respondents accordingly processed their request but in the meanwhile, certain amendments were made in the promotion policy re-emerging as Promotion Policy 2018, wherein qualification for promotion was enhanced from Intermediate to Bachelor Degree, therefore, their requests were turned down as by now they were not eligible for promotion according to new policy. The appellants were qualified for promotion under the Policy of the year 2012 after obtaining the required qualification in 2014-16 but they were not promoted and their due right of promotion was violated. It is also evident from the Minutes of Meeting dated 16.05.2018 whereby respondent No.2 was conscious of the fact that promotions need to be done as per criteria laid down in 2012 Policy but somehow, the District Education Officer did not comply with such directions which resulted into miscarriage of justice.

7. In view of above, the instant appeals are accepted with direction to the respondents to consider the cases of promotion of the appellants as per guidelines contained in the Promotion Policy of 2012.

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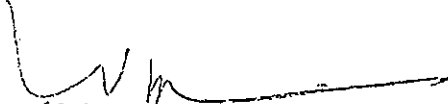
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Service Tribunal  
Peshawar

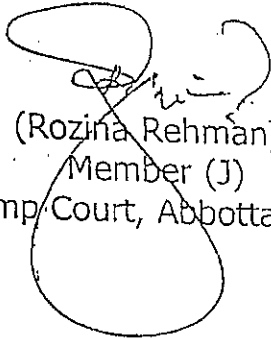
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Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED:  
17.03.2021

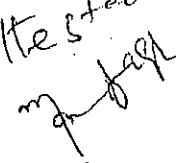
  
(Atiq ur Rehman Wazir)  
Member (E)  
Camp Court, Abbottabad

  
(Rozina Rehman)  
Member (J)  
Camp Court, Abbottabad

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Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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# وکالت نامہ

کورٹ فیس

بعدالت جناب حمید الزرقانی سروسز لٹریچر پبلسٹری

عنوان: عبد الزرقانی احمد بنام گورنمنٹ ر.پ.ک. ڈپلومہ

منجانب: ایبلا

نوعیت مقدمہ:

## باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب وہی کل کارروائی متعلقہ آں مقام

محمد لیاقت علی ایڈووکیٹ سے باقی کورٹ سے

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر حالت فیصلہ برحلاف وہی نے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کارروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا جملہ سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمواد تجارت ناٹش بھیہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المترجم:

Attested  
Accepted  
[Signature]

بمقام:

المستعین

المستعین

عبد الزرقانی احمد سروسز لٹریچر پبلسٹری