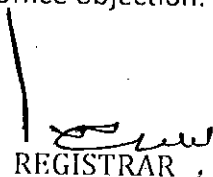
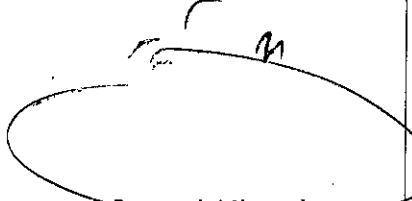


Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 7224 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	23/9/2020	<p>As per direction of the Worthy Chairman this case is submitted to the S. Bench for decision on office objection. To be put up there on <u>03/11/20</u>.</p> <p style="text-align: right;"> REGISTRAR,</p> <p>Nemo for appellant.</p> <p>Since the Members of the High Court as well as of the District Bar Association, Peshawar, are observing strike today, therefore, learned counsel for appellant is not available today. Adjourned to 19.01.2021 on which date to come up for arguments on office objection before S.B.</p> <p style="text-align: right;"> (Muhammad Jamal Khan) Member (Judicial)</p>

03.11.2020

19.01.2021 Appellant present through counsel.

Vide order dated 19.01.2021 in the connected service appeal titled Mst. Noor Shaheen Vs. Education Department, file to come up alongwith connected files on 20.02.2021 before S.B.



(Rozina Rehman)
Member (J)

20.04.2021 Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 05.08.2021 for the same as before.



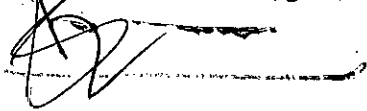
Reader

05.08.2021

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contends that the case of Mr. Asghar Ali Vide Service Appeal No. 1191/2020 involving common question of facts and law has already been admitted for regular hearing. Further contends that the appellant has suffered in term of her due right for promotion by wrong promotion of others i.e. private respondents. Points raised need consideration. The appeal is admitted for hearing subject to all legal objections including that of limitation to be determined during full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 21.10.2021 before the D.B.

**Appellant Deposited
Security & Process Fee**

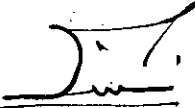



Chairman

21.10.2021

Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG for the official respondents present. Nemo for private respondents.

Written reply of the respondents is still awaited. Learned AAG is required to contact the official respondents. Proper notices be issued to private respondents. Last opportunity is granted to the respondents to furnish reply/comments within 10 days in office positively, failing which their right of reply shall be deemed as struck off. Case to come up for arguments on 11.01.2021 before the D.B.

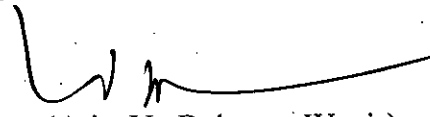

(Salah-ud-Din)
Member(J)


Chairman

11.01.2022

Junior to counsel for the appellant. Mr. Kabirullah Khattak, Addl. AG alongwith Mr. Usman ADEO for official respondents No. 1 to 3 present. Nemo for private respondents No. 4 to 8, hence proceeded ex-parte.

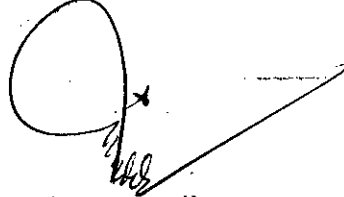
Representative of official respondents No. 1 to 3 submitted reply/comments which are placed on file. To come up for rejoinder if any, and arguments before the D.B on 28.04.2022.


(Atiq-Ur-Rehman Wazir)
Member (E)

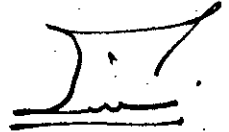
28.04.2022

Clerk of learned counsel for the appellant present. Mr. Riaz Ahmed Painsdakhel, Assistant Advocate General for official respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Supreme Court of Pakistan. Adjourned. To come up for arguments on 19.07.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

19.07.2022

Proper Bench is not available, therefore, case is adjourned to 20.10.2022 for the same as before.



Reader

20th Oct, 2022

Junior to counsel for the appellant present. Mr. Muhammad Riaz Khan Painsdakhel, Asst: AG for respondents present.

Junior to learned counsel for the appellant seeks adjournment on the ground that learned counsel is busy before the Hon'ble Peshawar High Court (Dar Ul Qaza) Swat Bench. Last opportunity is granted to argue the case on the next date failing which the case will be decided on the available record without the arguments. To come up for arguments on 01.11.2022 before D.B.



(Fareeha Paul)
Member(Executive)




(Kalim Arshad Khan)
Chairman


ORDER

1st Nov., 2022 01. Mr. Shamsul Hadi Advocate for appellant present. Mr. Muhammad Adeel Butt, Addl. Advocate General alongwith Mr. Muhammad Usman, ADEO (Litigation) for the respondents present.

02. Vide our detailed order of today, placed in connected Service Appeal No. 7211/2021, titled "Mst. Shaheen Vs. the Secretary (E&SE) Department, Peshawar and others", this appeal is also disposed of with the observations that the appellant may make application to the respondent/department for supply of latest final/notified seniority and in case appellant is aggrieved of the same he may resort to the legal proceedings to get his grievance redressed. On making application by the appellant, the department shall provide the list within 15 days. Cost shall follow the events. Consign.

03. **Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 1st day of November, 2022.**



(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

The present appeal was submitted on 23.6.2020 by the appellant through Mr. Majeedullah Advocate, so many deficiencies were found in the appeal, objections were raised by this office and appeal was returned to the counsel for the appellant. Today on 12.08.2020 the appeal is resubmitted by the appellant through Mr. Shamsul Hadi Advocate, the learned counsel totally changed the previous memo of appeal and submitted a new memo of appeal. It is pertinent to mention here that the learned counsel only changed the memo of original appeal but he submitted the previous spare copies which are also incomplete. There are contradiction between the original memo of appeal and spare copies. Moreover the counsel for the appellant filed the present appeal against the two different cause of action i.e. promotion and seniority list and also made/preferred two spare departmental appeals but impugned seniority list is not attached with the appeal. Therefore, the objections raised by this office on 23.6.2020 are still stand and the appeal is returned again to the counsel for the appellant for completion and resubmission within 20 days. Note. Original appeal as well as spare copies shall be submitted in approved file covers and duly tagged.

No. 2498 /S.T.

Dt. 13-8 /2020.


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

Mr. Shamsul Hadi Advocate, Swat.

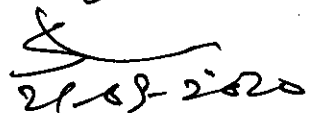
*Resubmitted after
needed Requirement*



24-8-20

Re-submitted. that the Seniority list was not pronounced to the appellant by the department that's why the said Seniority list was not pronounced & Furthermore there is no legal bar to hear both the promotion & Seniority in one and in the same appeal.

It is therefore request to file/part of the said appeal before the court / Tribunal to meet the ends of Justice



21-8-2020

The appeal of Mst. Shahida Bibi C.T received today i.e. on 23.06.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be flagged.
- 3- Annexures of the appeal may be attested.
- 4- Annexure-A of the appeal is illegible which may be replaced by legible/better one.
- 5- Address of appellant as well as respondent Nos. 4 to 8 are incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 6- Copy of impugned promotion order dated 25.2.2020 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.
- 7- Copy of departmental appeal against the impugned promotion order is not attached with the appeal which may be placed on it. Annexure-D is an appeal against the seniority list but not against a promotion order because the impugned promotion order was passed on 25.2.2020 and appeal was made on 24.2.2020 much before passing the impugned promotion order.
- 8- Copies of tentative seniority list and objection on tentative seniority list mentioned in para-2 of the memo of appeal are not attached with the appeal which may be placed on it.
- 9- Ten more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1289 /S.T,

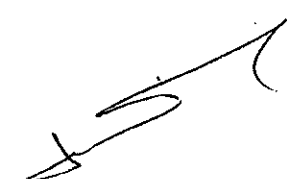
Dt. 23-06 /2020.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Majeedullah Adv.
District Court Dir Lower.

Respected sdr,

It is requested that the requisite documents as per order dated 23/6/2020 could not be received therefore it is requested that time be extended for compliance.



7.

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

Service Appeal No. _____/2020.

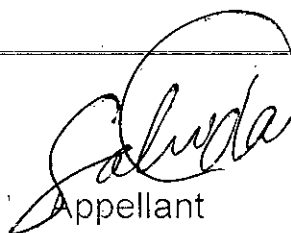
Mst Shahida Bi Bi (C.T).....Appellant.

V E R S U S

Director, E&S Education KPK and others..... Respondents

INDEX

S.N	Description of Documents	Annex	Pages
1.	Memo of Appeal along with Affidavit.		1---5
2.	Addresses of Parties.		6
3.	Copies of appointment order and promotion order.	A	7-8
4.	Copy of Regularization Act,2018 and regularization order of respondent 4 to 8.	B	9-18
5.	Copy of impugned promotion order dated:13.02.2020	C	19-21
	Copies of departmental appeals	D	22-29
	Wakalat Nama		30


Appellant

Through


Shams ul-Hadi

Advocate.

Office: Swat Shopping Mall, Opposite Peshawar
High Court Mingora Bench.

Clerk Cell No.03474773449

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

APPEAL NO. 7224 /2020

Mst. SHAHIDA BIBI D/O

Certified Teacher (BPS-15),

Dir Lower KPAPPELLANT

VERSUS

1. The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
2. The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
3. The District Education Office (F), District Dir Lower.
4. Mst. Hafsa Bibi (GGHS Khazana) District Dir Lower.
5. Mst. Seema Gul (GGHS Mian Banda), District Dir Lower.
6. Mst. Nasira Bibi (GGHSS Odigram), District Dir Lower.
7. Mst. Zaib un Nisa (GGHSS Shawa), District Dir Lower.
8. Mst. Shehnaz (GGMS Ajabay), District Dir Lower.

All care of District Education officer (F), Dir Lower.....RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974, AGAINST THE PROMOTION ORDER ISSUED BY THE RESPONDENTS NO 1 TO 3 DATED: 25-02-2020, WHEREBY THEY ILLEGALLY PROMOTED THE PRIVATE RESPONDENTS NO 4 TO 19 ADHOC/CONTRACT EMPLOYEE OF 2014 CT BPS-15 TO SCT BPS-16 AND THE APPELLANT REGULAR EMPLOYEE OF CT BPS-15 IS EVENTUALLY PLACED JUNIOR TO THE PRIVATE RESPONDENTS NO 4 TO 19.

PRAYER

THAT ON ACCEPTANCE OF THIS APPEAL THE IMPUGNED ORDER DATED: 13-02-2020 ISSUED BY THE RESPONDENTS NO 1 TO 3 MAY KINDLY BE SET ASIDE TO THE EXTENT OF PROMOTION OF PRIVATE RESPONDENTS NO 4 TO 19 AND THEY MAY KINDLY BE CONSIDER JUNIOR TO APPELLANT AND THE APPELLANT BE PLACED SENIOR TO THE PRIVATE RESPONDENTS NO 4 TO 19 AND THE APPELLANT MAY KINDLY BE ORDERED TO BE PROMOTED TO THE POSTS OF SCT ON THEIR RESPECTIVE TURN.

R/SHEWETH:

ON FACTS:

1. That the appellant is initially appointed as PST and now serving on the regular post of CT (BPS-15) in education department.
2. That recently the District Education Officer (M), Dir Lower i.e. respondent No 3 circulated final seniority list of certified teachers of Dir Lower whereby the name of the appellant has totally been ignored while those NTS teachers who have been appointed as adhoc/contract C.T in BPS-15 in the year 2014 and were regularized vide office order

(PA)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

Service Appeal No. _____/2020.

Mst Shahida Bi Bi (C.T)

Presently posted at GGHS Bajaro, Dir Lower.

R/O Village Gero Tangy Dir Lower.....Appellant.

V E R S U S

1. Director, Elementary & Secondary Education, Khyer Pakhtunkhwa, Peshawar.
2. District Education Officer(Female), Dir Lower.
3. Secretary Education, Khyber Pakhtunkhwa, Peshawar.
4. Hafsa Bi Bi (C.T)
Presently posted at GGHS Khazana, Dir lower.
5. Seema Gul (C.T)
Presently posted at GHHS Mian Banda, Dir lower.
6. Nasira Bi Bi (C.T)
Presently posted at GGHHS Odegram, Dir lower.
7. Zaib un Nisa (C.T)
Presently posted at GGHSS Shewa, Dir lower.
8. Mst Shenaz (C.T)
Presently posted at GGMS, Ajaby Dir lower.

.....Respondents

APPEAL UNDER SECTION 4 OF KHYBER
PUKHTUNKHWA SERVICES TRIBUNAL, ACT
1974, AGAINST THE IMPUGNED PROMOTION
ORDER DATED;13.02.2020 THROUGH WHICH
Respondents Nos.4 to 8 WERE PROMOTED TO
THE POSTS OF SENIOR CERTIFIED TEACHER
SCT (BPS-16) ON REGULAR BASIS AND ALSO
AGAINST THE IMPUGNED SENIORITY LIST
THROUGH WHICH RESPONDENTS NOS.4 TO 8
WERE PLACED SENIOR FROM APPELLANT.

PRAYER IN APPEAL:

ON ACCEPTANCE OF THIS APPEAL, IMPUGNED PROMOTION ORDER DATED;13.02.2020 THROUGH WHICH RESPONDENTS Nos.4 to 8 WERE PROMOTED TO THE POSTS OF SENIOR CERTIFIED TEACHER, SCT (BPS-16) ON REGULAR BASIS MAY KINDLY BE SET ASIDE AND IMPUGNED SENIORITY LIST THROUGH WHICH RESPONDENTS NO.4 TO 8 WERE PALCED SENIOR FROM APPELLANT MAY ALSO KINDLY BE DECLARE ILLEGAL, AGAINST THE LAW AND RULES AND THE SAME MAY ALSO BE SET ASIDE AND RESPONDENTS NO. 4 TO 8 MAY KINDLY BE DECLARE JUNIOR TO APPELLANT.

Respectfully Sheweth:

1. That initially, the Appellant was appointed as Primary School teacher (PST) since long and latter on, the appellant was promoted to the posts of Certified Teacher (C.T BPS-15).(Copies of appointment order and Promotion order are annexure-A)
2. That Respondents Nos.4 to 8 were appointed as Certified Teacher (C.T) on 30.05.2014 on adhoc/contract basis through NTS and as such services of Respondents Nos. 4 to 8 were regularized in the year 2018 through an act i-e " The Khyber Pakhtunkhwa Employees (Regularization of Services Act, 2018". It is pertinent to mention here that according to section 5 of the ibid Act, the employees whose services are regularized under this Act shall placed/declared junior to all other similarly placed/similar cadre employees who are in service on regular basis.(Copy of regularization Act of 2018 and regularization order of 2018 are annexure-B)
3. That according to the relevant rules, promotion from C.T BPS-15 to the post of SCT BPS-16, 5 years service on CT post is mandatory but through impugned promotion order dated:13.02.2020 respondents Nos.4 to 8 were promoted to the

Posts of SCT BPS-16 against the relevant promotion rules and they were also placed senior on seniority list from the appellant without circulating the seniority list.(Copy of impugned promotion order dated:13.02.2020 is annexure-C)

4. That after the impugned promotion order dated:13.02.2020, the appellant approached respondents No.1 and 2 for getting copies of impugned seniority list and impugned promotion order where they have refused to provide copy of seniority list hence the appellant filed separate departmental appeals against the impugned promotion order dated;13.02.2020 and impugned seniority list, where the same were not decided within statutory period.(Copies of departmental appeals are annexure-D)
5. That time and again the Appellant made so many request to concerned officials for obtaining seniority list but till date no heed was paid to his requests nor the said seniority list was provided to appellant for further legal adjudication.

That being aggrieved the Appellant, prefers this appeal on the following grounds amongst others inter-alia.

GROUND:

- A. That the actions and inactions of the respondents by promoting the respondents and are against the law and policy laid down for the purpose and the same is also against the regularization Act,2018.
- B. That impugned promotion order dated:13.02.2020 has badly prejudice legitimate expectancy of promotion of the appellant because through impugned promotion order the official respondents have filled the vacant posts of SCT BPS-16 and they have also placed senior respondents Nos.4 to 8 on seniority list against the law and regularization Act.

4
C. That the posts of S.C.T BPS-16 were filled through promotion of the respondents on illegal seniority list and the said seniority list was also not circulated and till date the same has not been communicated to appellant, just to accommodate his blue eyed persons which clearly showing the ill intention of the respondents No.1 and 2.

It is, therefore, humbly prayed that on acceptance of this appeal, impugned promotion order dated;13.02.2020 through which respondents nos.4 to 19 were promoted to the posts of Senior Certified Teacher, SCT (BPS-16) on regular basis may kindly be set aside and impugned seniority list through which respondents no.4 to 8 were placed senior from appellant may also kindly be declare illegal, against the law and rules and the same may also be set aside and respondents no. 4 to 8 may kindly be declare junior to appellant.

Or

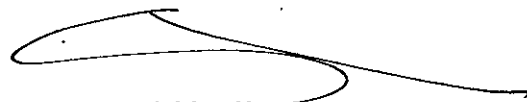
Any other relief which this august Court deems appropriate may kindly be awarded to meet the ends of justice.

Appellant



Mst Shahida Bi Bi

Through



Shams ul Hadi

Advocate, Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

Service Appeal No. _____/2020.

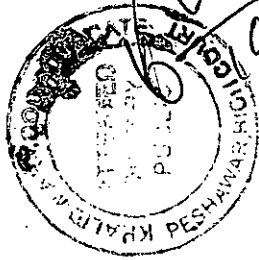
Mst Shahida Bi Bi (C.T).....Appellant.

VERSUS

Director, E&S Education KPK and others..... Respondents

AFFIDAVIT

I, **Shams ul Hadi**, Advocate, Peshawar do hereby as per information conveyed to me by my client solemnly affirm and declare that the contents of the **appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

Service Appeal No. _____/2020.

Mst Shahida Bi Bi (C.T)..... Appellant.

V E R S U S

Director, E&S Education KPK and others..... Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

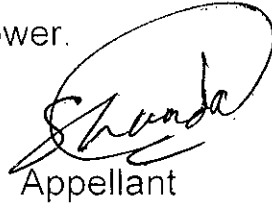
Mst Shahida Bi Bi (C.T)

Presently posted at GGHS Bajaro, Dir Lower.

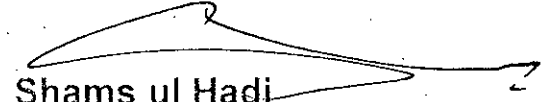
R/O Village Gero Tangy Dir Lower

RESPONDENTS:

1. Director, Elementary & Secondary Education Pakhtunkhwa, Peshawar.
2. District Education Officer(Female), Dir Lower.
3. Secretary Education, Khyber Pakhtunkhwa, Peshawar.
4. Hafsa Bi Bi (C.T)
Presently posted at GGHS Khazana, Dir lower.
5. Seema Gul (C.T)
Presently posted at GHHS Mian Banda, Dir lower.
6. Nasira Bi Bi (C.T)
Presently posted at GGHHS Odegram, Dir lower.
7. Zaib un Nisa (C.T)
Presently posted at GGHSS Shewa, Dir lower.
8. Mst Shenaz (C.T)
Presently posted at GGMS, Ajaby Dir lower.


Appellant

Through


Shams ul Hadi
Advocate, Peshawar.

Annex A: (7)

No.	Name	Date	Ref No.	Location	Remarks
1	D/O Shar	01/01/75	116/82	GGPS Katigam	V; Sajida Bibi term not selected on mar
2	D/O Hafiz Jamal	01/05/77	117/83	" Gawhargau	V; Shaukat as above
3	D/O ...	...	118/84	" Bagh Band	V; Saeeda Begum -do-
4	D/O ...	...	119/85	" Gawhar gat	V; Neghat -do-
5	D/O ...	...	120/86	" Raidgey	; Musna Begum ---do-
6	D/O ...	...	121/87	" ...	---do-
7	D/O ...	...	122/88	" Dalgram	V; Nasrat Begum --do-
8	D/O ...	...	124/70	" Bagh Band	V; Mumtaz Saeed --do-
9	D/O ...	...	125/71	" Gelgoat	V; Kishwar Sultan--do-
10	D/O ...	...	126/74	" Qilgaji (K)	; Rukhsana Malik--do-
11	D/O ...	...	127/75	" Chinarkot	V; Malayat Begum --do-
12	D/O ...	...	128/74	" Fazal Ibad	V; Yacmin Begum --do-
13	D/O ...	...	129/75	" Salo Band	V; Alia Begum --do-
14	D/O ...	...	130/76	" Bagh (M)	V; ... --do-
15	D/O ...	...	131/77	" Jun Kass	V; Sakina Bibi --do-
16	D/O ...	...	132/78	" Lamotai	V; ... --do-
17	D/O ...	...	133/79	" Nari Tangi	V; Shabana --do-
18	D/O ...	...	134/80	" Band (Munad)	V; Sajida Bibi --do-
19	D/O ...	...	135/81	" Mendezo	V; Musarat --do-
20	D/O ...	...	136/82	" Agherali	V; Qadar Bibi --do-
21	D/O ...	...	137/83	" Nawo Koto	V; Paresat --do-
22	D/O ...	...	138/84	" Shalkandai	V; Husainia --do-
23	D/O ...	...	139/85	" Band	V; Shah Jehan --do-
24	D/O ...	...	140/86	" Mian Banda	V; Rana Begum --do-
25	D/O ...	...	141/87	" Manogey	V; Dil Hasiat --do-
26	D/O ...	...	142/88	" Mian Honar	---do-
27	D/O ...	...	143/89	" Toran No, 1	V; Roshan Ara --do-
28	D/O ...	...	144/83	" Tingar	Post already occupie
29	D/O ...	...	160/97	" Kass Wari	V; Nishta Mina term; us not selected on mari
30	D/O ...	...	195/106	" Tia	V; Malikat as above.
31	D/O ...	...	...	" Pashtai	V; ... as above
32	D/O ...	...	...	" Jabagai	V; ... --do-
33	D/O ...	...	147/5	" Kumera	V; Shahida Begum --do-
34	D/O ...	...	149/8	" Badalai Bal	V; Zahira ...
35	D/O ...	...	...	" Cont; Fagu,	...

ATTESTED

Advocate

8

PST / PSHT
to CT

OFFICE OF THE DISTRICT EDUCATION OFFICER (F) DISTRICT DIR LOWER

Office Order

Consequent upon the recommendation of the District Selection/Promotion Committee Dir lower in its meeting held on 25/04/2016 and in pursuance of Notification No. SO(PE)4-5/SSRC/Meeting/2012/Teaching cadre Dated 13/11/2012 issued by the Govt. of Khyber Pakhtunkhwa (E&SE) Deptt: Peshawar and Notification No. SO(PE)4-5/SSRC/Meeting/2012/Teaching cadre dated 24/04/2013 issued by the Govt. of Khyber Pakhtunkhwa (E&SE) Deptt: Peshawar, the following SPST's/PSHT's are hereby promoted to CT B-15 (Rs: 10985-905-38135) plus usual allowances as admissible under the rules with immediate effect in the interest of public service.

S#	S.L #	Name of Teacher	Name of School	Adjusted at	Remarks
1	15	Hamida Begum	GCMS Sehsada	GGHSS Chakdara	Against vacant post
2	272	Fazilat Begum	GGCMS Haji Abad	GGMS Khungi	Against vacant post
3	312	Rehana vasmin	GGPS Ouch Band	GGMS Ouch Maina	Against vacant post
4	324	Khadija	GGPS Jango	GGHS Jango	Against vacant post
5	368	Nizaket Ara	GGPS Remyal	GGHSS Chakdara	Against vacant post
6	381	Tabassum Naz	GGPS Dab Timergara No.2	GGMS Qazi Abad	Against vacant post
7	388	Fatiha bibi	GGPS Dheri	GGMS Soghalay	Against vacant post
8	392	Farhana Bibi	GGPS Ouch Band	GGMS Ouch Maina	Against vacant post
9	393	Najma	GGPS Haji Abad 1	GGHS Haji Abad	Against vacant post
10	397	Wilayat Rana	GGPS Bandagai	GGMS Bandagai	Against vacant post
11	401	Kanwal	GGPS Ouch Sharqi	GGMS Warsak	Against vacant post
12	404	Nazish Begum	GGPS Dab Timergara No.2	GGMS Qazi Abad	Against vacant post
13	410	Naz Begum	GGPS Asiqi dara No.2	GGMS Saligram	Against vacant post
14	411	Sohil begum	GGPS Andheray	GGMS Kheema	Against vacant post
15	412	Noor Jehan	GGPS Tikas	GGMS Soghalay	Against vacant post
16	419	Tajul Haram	GGPS Bandagai	GGMS Bandagai	Against vacant post
17	424	Noor shahida	GGPS Mirza Abad	GGHS Shamshi Khan	Against vacant post
18	432	Shahida Bibi	GGPS Gero Tangay	GGHS Bajawroo	Against vacant post
19	436	Sadaqat Shehriyar	GGPS Munjai	GGMS Rehanpur	Against vacant post
20	449	Falak Naz Begum	GGPS Ouch Maina	GGMS Warsak	Against vacant post
21	452	Anwar Sultan	GGPS Koligram Payeen	GGMS Khair Abad	Against vacant post
22	489	Himayat Begum	GGPS Manyal	GGHS Manyal	Against vacant post
23	491	Musarrat Begum	GGPS Nambatai	GGMS Bandai Maidan	Against vacant post
24	504	Abida Begum	GGPS Latai Siar	GGMS Khair Abad	Against vacant post
25	514	Nagina Khanam	GGPS Khair Abad	GGMS Maina Ballan	Against vacant post
26	516	Fahmeda Bibi	GGPS Timergara No.1	GGMS Kheema	Against vacant post
27	528	Kalsoom Begum	GGPS Shaker Tangay	GGMS Shatai	Against vacant post
28	536	Ruqia	GGPS Tiso	GGHS Osakai	Against vacant post
29	538	Abda Bibi	GCMS Sehsada	GGHS Ramora	Against vacant post
30	539	Navida Bibi	GGPS Sancar	GGHS Rani	Against vacant post
31	546	Shamshad Begum	GGPS Nare tangay	GGMS Naray Tangay	Against vacant post
32	550	Nargis Saeed	GGPS Andheray	GGHS Khandaro	Against vacant post

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21/11/18
THE KHYBER PAKHTUNKHWA EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2018.

(KHYBER PAKHTUNKHWA ACT NO. X OF 2018)

Printed and published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa (Extraordinary), dated the 7th March, 2018.

AN
ACT

to provide for the appointment and regularization of services of certain employees appointed on adhoc basis against civil posts and contract basis against project posts in the Province of the Khyber Pakhtunkhwa.

WHEREAS it is expedient to provide for the appointment and regularization of services of certain employees appointed on adhoc basis against civil posts and contract basis against project posts in the Province of the Khyber Pakhtunkhwa;

It is hereby enacted as follows:

1. Short title, application and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018.

(2) It shall apply to all the employees as defined in clause (c) of subsection (1) of section 2 of this Act.

(3) It shall come into force at once.

2. Definitions.--- (1) In this Act, unless the context otherwise requires;

(a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;

(b) "contract appointment" means the appointment of a duly qualified person, for a specific period, made against project posts, in a prescribed manner;

(c) "Departmental Selection Committee" means a Departmental Selection Committee, constituted for the purpose of making selection for initial recruitment to civil post under a Government Department or office of Government;

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(d) "Government" means the Government of the Khyber Pakhtunkhwa;

(e) "employees" mean duly qualified,-

(i) one hundred and fifty-eight (158) District Specialists of Health Department, who are appointed on adhoc basis against civil posts w.o.f. 4th July, 2017 and holding such civil posts till the commencement of this Act; and

(ii) persons, who are appointed in the projects on contract basis in accordance with the project policy;

(f) "Government Department" means a Government Department, as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985;

(g) "law or rule" means the law or rule, for the time being in force, governing the selection and appointment of civil servants;

(h) "project" means a perpetual nature project, the continuation on which and conversion to regular budget is essential for service delivery duly identified by the Departments and reflected in the Schedule;

(i) "civil post" means a civil post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission;

(j) "project post" means a post in the project; and

(k) "Schedule" means a Schedule appended to this Act.

(2) The expression "adhoc appointment" shall have the same meaning as is assigned to it in the Khyber Pakhtunkhwa Civil Servants Act, 1970 (Khyber Pakhtunkhwa Act No. XVIII of 1970).

3. Regularization of services of adhoc employees.--Notwithstanding anything contained in any law or rule, the employees at sub-section (1) of clause (e) of sub-section (1) of section 2 of this Act, appointed on adhoc basis against civil posts and holding such civil posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis, from the date of commencement of this Act.

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subject to verification of their qualifications and other credentials by the concerned Government Department.

4. Regularization of services of project employees.---Notwithstanding anything contained in any law or rules, the employees of sub-clause (ii) of clause (c) of sub-section (1) of section 2 of this Act, appointed on contract basis against project posts and holding such project posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis from the date of commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Government Department.

Provided that the terms and conditions of services of employees reflected at S.No.5 of the Schedule shall further be governed under the National Disaster Management Authority Act, 2010 (Act No. XXIV of 2010) and Regulations made thereunder, and the terms and conditions of services of employees reflected at S.No.6 & 7 of the Schedule shall be governed under the Khyber Pakhtunkhwa Emergency Relief Services Act, 2012. (Khyber Pakhtunkhwa Act No. XV of 2012).

5. General conditions for regularization.---For the purpose of regularization of the employees under this Act, the following general conditions shall be observed:

- (i) the service promotion quota of all service cadres shall not be affected;
- (ii) the employees shall possess the same qualification and experience as required for a regular post;
- (iii) the employees have not resigned from their services or terminated from services on account of misconduct, inefficiency or any other grounds before the commencement of this Act; and
- (iv) the services of such employees shall be deemed to have been regularized only on the publication of their names in the Official Gazette.

6. Seniority.---(1) Except the employees mentioned in the proviso to section 4 of this Act, whose services are to be regulated by their respective laws and rules, all other employees whose services are regularized under this Act or in the process of regularizing services at the commencement of this Act, shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission or Departmental Selection Committee, as the case may be, made before

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the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority inter-se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous affiliation in such service or cadre.

Provided that if the date of continuous affiliation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

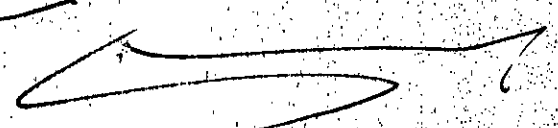
7. **Removal of difficulties.**---If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister may make such order not inconsistent with the provisions of this Act as may appear to it to be necessary for the purpose of removing such difficulty.


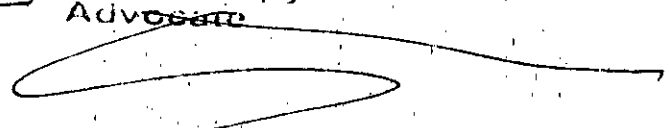
Provided that no such powers shall be exercised after the expiry of one year from the coming into force of this Act.

8. **Overriding effect.**---Notwithstanding anything to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

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SCHEDULE
See section 2(1)(h)(k)

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1. Capacity Building of Planning and Development Department.
2. Establishment of M&E System in Khyber Pakhtunkhwa.
3. Sustainable Development Unit, Planning and Development Department.
4. Urban Policy Unit, Planning and Development Department.
5. Provincial Reconstruction, Rehabilitation & Settlement Authority under Provincial Disaster Management Authority.
6. Establishment of Emergency Rescue Services (Rescue 1122) in 16 Districts.
7. Establishment of Planning, Monitoring & Evaluation Wing in ERS (Rescue 1122) Headquarter.
8. Roll Back Malaria Control Program.
9. Prime Minister's Program for prevention and control of Hepatitis.
10. Establishment of Financial Management Cell in Health Department.
11. Establishment of Safe Blood transfusion.
12. Strengthening of TB Control Program Khyber Pakhtunkhwa.
13. Establishment of Procurement Cell in office of DCI Health Services, Peshawar.
14. Mother, Neonatal and Child Health (MNCH) Program in Khyber Pakhtunkhwa.

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15. Social Health Protection Initiative for Khyber Pakhtunkhwa.
 16. Establishment of Bachu Khan Medical College Mardan.
 17. Integrated HIV, Hepatitis and Thalassemia Control Program.
 18. Construction of Shaheed Mohtarama Benazir Bhutto Children Hospital Mardan.
 19. Higher Education Management Information System (HEMIS) Cell.
 20. Project Management Unit (PMU) for Implementation of BS Program and Special Initiatives.
 21. Computerization of Arms License.
 22. Prison Management Information System.
 23. Development of Common Application for Government Departments.
 24. ICT Infrastructure for Government of Khyber Pakhtunkhwa.
 - 24A. IT Support for Improvement of Health Service Delivery.
 - 24B. IT Professional Training Centre.
 25. Strengthening of Planning Cell at Elementary & Secondary Education Department.
 26. Provision of free text book to all students of Khyber Pakhtunkhwa upto Intermediate level (Phase-XIV).
 27. Strengthening of Planning Cell at Industries Department.
 28. Establishment of Special Media Cell in the Directorate of Information.
 29. Strengthening of Information Department.

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- 30. Establishment of three FM Stations at Kohat, Swat and Abbottabad.
- 31. Establishment of Planning Cell at Local Government and Rural Development Department.
- 32. Retirement Benefit and Death Compensation Cell.
- 33. Automation of Pension Payment System (APPS).
- 34. Energy Monitoring Unit.
- 35. Establishment of Planning Cell in Food Department.
- 36. Automation of Food Department.
- 37. Operationalization of Redesigned Energy and Power Department.
- 38. Establishment of Planning Cell in Energy and Power Department.
- 39. Computerization of Land Record.
- 40. Creation of MRS Cell in C&W Department.
- 41. Enhancement of existing facilities in MIS/CIS for C&W Department.
- 42. Strengthening of Planning Cell and Monitoring of Developmental Projects of Agriculture Department.
- 43. Project Coordination Unit (PCU) for Implementation of Law and Order Initiative in Khyber Pakhtunkhwa.
- 44. Afghan Management and Repatriation Cell at Home Department.
- 45. Traffic Control Management System and FM Radio 693-120173.
- 46. Strengthening of Prosecution Directorate, PCMC and Planning Cell at Home Department.

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- 47. Establishment of 100 Family Welfare Centers.
- 48. Establishment of Population and Research Training Institute and Social Mobilization.
- 49. Value Addition/Research and Development works on Ore Minerals in Khyber Pakhtunkhwa.
- 50. Establishment of Model Coal Mine at Shuhkot District Nowshera.
- 51. Establishment of Zoo for Peshawar Division.
- 52. Development and Management of National Park in Khyber Pakhtunkhwa.
- 53. Conservation and Management of Wildlife in Central and Northern Division.
- 54. Establishment of Monitoring, Evaluation, Compliance and Inquiry Cell in Administrative Department.
- 55. Establishment of Climate Change Cell for Multilateral Environmental Agreements.
- 56. Carbon Stock Assessment in Khyber Pakhtunkhwa.
- 57. Introduction of Range Management Initiatives in Khyber Pakhtunkhwa.
- 58. Establishment of Engineering Wing in Sports, Tourism, Archeology, Youth Affairs and Museums Department.

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ANEXTURE No. 1
District Education Officer Female Dir Lower

PH No. 0945-9250083,

Fax : 0945-824083

E-mail emisdeofdirlower@gmail.com

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Notification.

Under the provision of The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2018 (Khyber Pakhtunkhwa Act No.1 of 2018), & Elementary and Secondary Education Govt. of Khyber Pakhtunkhwa notification No.SO(S/F) E&SED/3-2/2018/SITT/Contract dated:16/02/2018, Services of the following Certified Teachers (CT's) appointed on adhoc basis on Contract, are hereby regularized in BPS-15, on the same posts in Teaching Cadre on the terms and condition given below with effect from the date of their appointment on the CT post

CT-2014

Sr	RollNo	Name	Address	Total Marks [out of 200]	School	Appointment order No and dated	Extens order No and date if any
1.	2410180	Hafsa Bibi	Sado Dir Lower CNIC NO 15302-1690111-4	122.17	GGMS Shuntala	1075-78 Date 03/052014	5472-7 dated 108-20
2.	2410211	Shahnaz	Mayar Dir Lower CNIC NO 71501-020706-6	120.49	GGMS Maskani	---do---	---do---
3.	2411518	Shaista Bibi	Chakdara Dir lower	117.13	GGMS Laram	---do---	---do---
4.	2410206	Seema Gull	Chakdara Dir lower CNIC no 15307-1808310-6	116.86	GGMS Nary Tangai	---do---	---do---
5.	2410159	Nasira Bibi	Balambat Dir Lower CNIC NO 15306-4398096-0	115.85	GGMS Lajbok	---do---	---do---
6.	2410186	Zeb Un Nisa	Tindodog Adenzai Dir Lower 37301-2228890-0	115.02	GGMS Mator	---do---	---do---

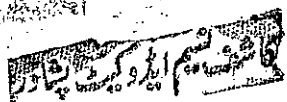
CT-2015

Sr	RollNo	Name	Address	Total Marks [out of 200]	School	Appointment order No and dated	Extens order No and date if any
1.	891101402	TAHIRA JAMAL	SHAHI KHEL TALASH	118.8	GGMS Beroo	---do---	---do---
2.	451100420	NEELEM HABIB	PILA KHAIL LUND KHWAR DISTRICT MARDAN	117.2	GGMS Buchakay	---do---	---do---
3.	891101252	SAADAT BIBI	SHAHI KHEIL	115.3	GGMS Dehrai	---do---	---do---

order ①

District Education officer
 (B) Distt: Dir (L)

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Dir Lower Female Regularization Order CT Adhoc

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33.	8942000105	AISHA BEGUM	VILLAGE MUSSA ABAD TEHSIL AND POST OFFICE MUNDA DISTRICT LOWER DIR	103.57	GGMS BERO	---do---
34.	8942000520	NASIM	Talash Dir Lower	105.59	GGMS Ajoo	2977-85 Dated: 1-06- 2017
35.	8942000672	LUBNA NAZ	Talash Dir Lower	106.56	GGHS INZARO	2796-2804 Dated: 13-06- 2017
36.	8942000771	SAFIA BIBI	Adenzai Dir Lower	106.28	GGHSS MAYAR	---do---
37.	8942000224	SADIA	Malakand Dir Lower	106.05	GGHSS MAYAR	---do---
38.	7741000336	NASHA SARDAR	Adenzai Dir Lower	105.44	GGHS TAWDA CHINA	---do---
39.	7742000726	UZMA GHAFOR	Dargai Malakand	105.42	GGHS MIAN BRANGOLA	---do---
40.	8942000305	ASMA GUL	Talash Dir Lower	103.00	GGHS DAMTAL	---do---
41.	8942000364	HINA RAFI	KHall Dir Lower	99.26	GGMS KOWARO MANAI	---do---

TERMS & CONDITIONS.

1. The regularization will not be in favour of those, who have not taken over charge or has remained absent from duty or resign from service and also not for those who are under disciplinary proceedings.
2. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
3. The employees whose services are regularized under The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2018 (Khyber Pakhtunkhwa Act No.1 of 2018) or in the process of attaining service at the commencement of The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2018 (Khyber Pakhtunkhwa Act No.1 of 2018) shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2018 (Khyber Pakhtunkhwa Act No.1 of 2018), and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

Distt. Education Officer
(F) Distt. Dir (L)

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Dir Lower Senior Cadre Page 11

**Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar**

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Notification

Consequent upon the recommendation of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary & Secondary Education Notification No. SO (B&A)/1-18/E&SE/2012 dated: 11.07.2012 and Finance Department Endorsement No. SO (FR)/FD/10-22(B) 2010 dated: 16.07.2012, the following CT, DM, AT, TT and PET (Female) are promoted to the post of Senior CT, Senior DM, Senior AT, Senior TT and Senior PET are promoted in BPS-16 (Rs. 18910-1520-64510) respectively, plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and condition given below with immediate effect, and further they will be adjusted by the District Education Officer (Female) concerned.

ITEM NO.1 PROMOTION OF CT B-15 TO SCT B-16 ON REGULAR BASIS

Method of Recruitment		Total Posts
By Promotion	Total No. of CT Posts (duly verified from DAO)	538
	1/3 % share of Senior CT Posts	177
	Already Promoted	139
	Not to Be Promoted	38
	Proposed for Promotion	10

S.No	S.L. No	Name	Place of Posting	Date of Birth	Date of Appointment as Regular	Remarks
01	01 ✓	Nazima Kalsoom	GGMS Markhanai	28/02/1973	28/02/1998	Services placed at the disposal of DEO (F) Dir Lower for further adjustment against the vacant post of SCT BPS-16 on regular basis with immediate effect.
02	02 ✓	Farzana Noz	GGMS Bandagai	15/12/1978	01/03/2004	Services placed at the disposal of DEO (F) Dir Lower for further adjustment against the vacant post of SCT BPS-16 on regular basis with immediate effect.
03	03 ✓	Zainab BiBi	GGMS Seer Toomang	15/05/1978	01/05/2004	Services placed at the disposal of DEO (F) Dir Lower for further adjustment against the vacant post of SCT BPS-16 on regular basis with immediate effect.
04	04 ✓	Jawhar Sani	GGMS Khali Payten	20/03/1978	01/04/2005	Services placed at the disposal of DEO (F) Dir Lower for further adjustment against the vacant post of SCT BPS-16 on regular basis with immediate effect.
05	05 ✓	Rukhsana Sultan	GGMS Warsak	01/07/1982	25/11/2006	Services placed at the disposal of DEO (F) Dir Lower for further adjustment against the vacant post of SCT BPS-16 on regular basis with immediate effect.
06	06 ✓	Mahiyat Begum	GGHS Maniyal	01/12/1976	01/03/2009	Services placed at the disposal of DEO (F) Dir Lower for further adjustment against the vacant post of SCT BPS-16 on regular basis with immediate effect.
07	07 ✓	Rabia Hina	GGMS Adam Dheri	01/03/1981	01/06/2011	Services placed at the disposal of DEO (F) Dir Lower for further adjustment against the vacant post of SCT BPS-16 on regular basis with immediate effect.
08	08 ✓	Neelam Shahzadi	GGHS Dara Ramora	01/04/1979	01/06/2011	Services placed at the disposal of DEO (F) Dir Lower for further adjustment against the vacant post of SCT BPS-16 on regular basis with immediate effect.
09	09 ✓	Jawahirat	GGHS Lajbook	10/07/1976	26/11/2011	Services placed at the disposal of DEO (F) Dir Lower for further adjustment against the vacant post of SCT BPS-16 on regular basis with immediate effect.

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16	✓	Shaheena Parveen	GGCMS Timergara	25/10/1973	28/10/2014	Services placed at the disposal of DEO (F) Dir Lower for further adjustment against the vacant post of SCT BPS-16 on regular basis with immediate effect.	
11	17	✓	Salsalat Begum	GGMS Mandish	01/01/1973	28/10/2014	Services placed at the disposal of DEO (F) Dir Lower for further adjustment against the vacant post of SCT BPS-16 on regular basis with immediate effect.
12	18	✓	Fahana	GGMS Tikni Payeen	01/03/1969	28/10/2014	Services placed at the disposal of DEO (F) Dir Lower for further adjustment against the vacant post of SCT BPS-16 on regular basis with immediate effect.
13	19	✓	Shahi Sultan	GGMS Assigal	02/03/1966	28/10/2014	Services placed at the disposal of DEO (F) Dir Lower for further adjustment against the vacant post of SCT BPS-16 on regular basis with immediate effect.
14	20	✓	Zahida BIBI	GGMS Qazi Abad	01/01/1974	15/11/2014	Services placed at the disposal of DEO (F) Dir Lower for further adjustment against the vacant post of SCT BPS-16 on regular basis with immediate effect.
15	10		Hafsa BIBI	GGHS Khazana	04/05/1983	03/05/2014	Services placed at the disposal of DEO (F) Dir Lower for further adjustment against the vacant post of SCT BPS-16 on regular basis with immediate effect.
16	12		Secma Oul	GGHS Mian Brangola	23/03/1986	03/05/2014	Services placed at the disposal of DEO (F) Dir Lower for further adjustment against the vacant post of SCT BPS-16 on regular basis with immediate effect.
17	13		Nasira BIBI	GGHS Odigram	03/03/1987	03/05/2014	Services placed at the disposal of DEO (F) Dir Lower for further adjustment against the vacant post of SCT BPS-16 on regular basis with immediate effect.
18	14		Zaib un Nisa	GGHS Shawa	21/12/1979	03/05/2014	Services placed at the disposal of DEO (F) Dir Lower for further adjustment against the vacant post of SCT BPS-16 on regular basis with immediate effect.
19	15		Shahnaz	GGMS Ajabay	03/01/1980	03/05/2014	Services placed at the disposal of DEO (F) Dir Lower for further adjustment against the vacant post of SCT BPS-16 on regular basis with immediate effect.

ITEM NO.2 PROMOTION OF DM B-15 TO SDM B-16 ON REGULAR BASIS

Method of Recruitment		Total Posts
By Promotion	Total No. of TT Posts(duly verified from DAO)	106
	1/3 % share of Senior TT Posts	35
	Already Promoted	26
	Need to be Promoted	09
	Proposed for Promotion	04

S.No	S.L. No	Name	Place of Posting	Date of Birth	Date of Appointment as Regular	Remarks
01	01	Nargis	GGMS Aslgy	01/03/1965	15/08/1995	Services placed at the disposal of DEO (F) Dir Lower for further adjustment against the vacant post of SDM BPS-16 on regular basis with immediate effect.
02	02	Nihayat BIBI	GGHS Khadagzal	01/05/1975	13/05/1997	Services placed at the disposal of DEO (F) Dir Lower for further adjustment against the vacant post of SDM BPS-16 on regular basis with immediate effect.
03	03	Taslim BIBI	GGHS Dajawro Talashi	01/05/1977	29/03/2001	Services placed at the disposal of DEO (F) Dir Lower for further adjustment against the vacant post of SDM BPS-16 on regular basis with immediate effect.
04	05	Kalsoom	GGMS Tikas Banrgay	01/01/1985	24/08/2007	Services placed at the disposal of DEO (F) Dir Lower for further adjustment against the vacant post of SDM BPS-16 on regular basis with immediate effect.

ITEM NO.3 PROMOTION OF PET B-15 TO SPET B-16 ON REGULAR BASIS

Method of Recruitment		Total Posts
By	Total No. of PET Posts(duly verified from DAO)	115

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		Dir Lower Senior Cadre. Page 14				
18	Navida	GGHS Kolkai PayeeKheel	21/05/1977	11/06/1999	Services placed at the disposal of DEO (F) Lower for further adjustment against the vac post of STT BPS-16 on regular basis immediate effect.	
04	20	Shahnaz Ara	GGHS Badin	12/04/1981	01/08/2004	Services placed at the disposal of DEO (F) Lower for further adjustment against the vac post of STT BPS-16 on regular basis immediate effect.
05	22	Uzma Tabasum	GGHS Hajid Abad	03/02/1986	31/7/2004	Services placed at the disposal of DEO (F) Lower for further adjustment against the vac post of STT BPS-16 on regular basis immediate effect.
16	24	Alia Begum	GGHS Sligram	02/01/1985	01/08/2004	Services placed at the disposal of DEO (F) Lower for further adjustment against the vac post of STT BPS-16 on regular basis immediate effect.

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 proceeded 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 TADA 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 of this order will be recovered and if he/she is wrongly promoted he/she will be reversed.
8. Before handing over charge once again their document may be checked if they have not the required relevant qualifications as per rules, they may not be handed over charge of the post.

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

Endst: No. 104-09 /A-17/DPC-2019/KPK

Dated Peshawar the 13-2-2020

Copy forwarded for information and necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officer (F) 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

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Advocate

H. M. I.
Deputy Director Establishment (F)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

H. M. I.
13/2/2020

Annexure
"D" 22

(10)

بخدمت جناب ڈائریکٹر صاحب "ایگمنٹری اینڈ سیکنڈری ایجوکیشن KP پشاور

درخواست / اپیل برادرنگی Seniority لسٹ بغرض Promotion /

ترقی سائیلہ درعہ 16-SCT-BPS -

جناب عالی! حسب ذیل عرض ہے۔

1- یہ کہ سائیلہ بحیثیت CT ملازم محکمہ تعلیم میں بمقام بطور ریگولر ملازمہ فرائض سرانجام دیتی چلی آ رہی ہے۔

2- یہ کہ حال ہی میں محکمہ تعلیم ڈسٹرکٹ ایجوکیشن افسر دیر پائین نے CT ملازمین درعہ ہند سینارٹی لسٹ غیر قانونی طور پر مرتب کی ہے۔ جس کے خلاف وجوہات ذیل درخواست / اپیل ہذا دائر کی جاتی ہے۔

1- یہ کہ سائیلہ بطور ریگولر ملازم عرصہ دراز سے محکمہ تعلیم میں خدمات سرانجام دیتا چلا آ رہا ہے۔ جبکہ سینارٹی لسٹ مرتب کردہ محکمہ تعلیم دیر پائین میں سال 2014 میں ایڈہاک / کنٹریکٹ پر بھرتی شدہ ملازمین شامل کئے گئے ہیں۔ جو کہ سال 2018 میں بروئے

Khyber Pakhtunkhwa Employees Regularization of

service Act 2018 مستقل / پرمٹ کئے گئے ہیں۔

ii- یہ کہ مذکورہ بالا ایکٹ کے دفعہ 5 ذیلی دفعہ (i) کے تحت یہ قرار دیا گیا ہے۔ کہ ملازمین کے

پروموشن (Promotion Quota) متاثر نہیں ہوگا۔ اس بنامذکورہ دفعہ ذیل عرض

کیجاتی ہے۔

Section 5:- General Condition for Regularization for the Purpose of regularization of the employees under this act, the following general condition shall be observed

ATTESTED
ATTESTED
to be true copy
Advocate
پشاور

~~(11)~~

(i). The service Promotion quota of all service, cadets shall not be affected..

سید
27/2

(iii) یہ کہ مذکورہ بالا ایکٹ کے دفعہ 3 کے تحت قرار دیا گیا ہے۔ کہ ایڈہاک / کنٹریکٹ ملازمین کی ریکورڈنگ / رجسٹریشن / جو ایکٹ کے تحت مستعمل کیے گئے ہیں۔ ہر صورت میں ان ریکورڈنگ / رجسٹریشن سے جو نیوز تصور ہونگے۔ جو ایکٹ کے اجراء سے قبل منغاضہ عہدہ پر تعینات ہوں مندرجہ دفعہ جو کہ ذیل عرض کیا جاتا ہے۔

iv - یہ کہ مذکورہ بالا ایکٹ کے دفعہ 6 کے تحت کنٹریکٹ / ایڈہاک ملازمین جو کہ ایکٹ مذکورہ بالا کے تحت مستعمل کیے گئے ہیں۔ ہر صورت میں ان ریکورڈنگ / رجسٹریشن سے جو نیوز تصور ہونگے۔ جو ایکٹ کے اجراء سے قبل منغاضہ عہدہ پر تعینات ہوں مندرجہ دفعہ جو کہ ذیل عرض کیا جاتا ہے۔

(i). Except the employees Proviso to section 4 of this act, whose services are to be regulated by mentioned in the their respective laws and rules, all other employees whose service are regularized under this act are in process of attaining service at the commencement of this act, shall rank junior to all Civil servant belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this act, and shall also rank junior to such other persons, if may, who, in pursuince of the recommendation of the commission or department selection committee, as the case may be, made before the commencement of this act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

~~ATTESTED~~
~~ATTESTED~~
ATTESTED
Official Seal

24

10

Section 6 Seniority:-

-v- یہ کہ KP Employees Regularization of service Act 2018 کے دفعہ 8 کے تحت یہ قرار دیا گیا ہے۔ کہ ایک متذکرہ دیگر ہر قسم قوانین پر فوقیت حاصل ہوگی۔ جو کہ ذیل عرض کیا جاتا ہے۔

Section 8 overriding Effect:-

Notwithstanding anything to the contrary contained in any other law or rule for the time being enforce, the provision of this act shall have an overriding effect and the provision of any such law or rule to the extent of inconsistency to this act shall cease to have effect.

-vi- یہ کہ مذکورہ بالا ایکٹ سے یہ امر عیاں ہے کہ سائیلہ کو سنیارٹی لسٹ بغرض پروموشن / ترقی در عہدہ SCT-BPS-16 میں بمقابلہ (دیگر کنٹریکٹ / ایڈہاک ملازمین جو کہ ایکٹ ہذا کے تحت سال 2018 میں بطور ریگولر ملازمین تعینات ہوئے ہیں)۔ پر فوقیت حاصل ہے۔ لیکن ایسا نہ کر کے حکمہ تعلیم دیرپا نہیں نے سنگین قانونی غلطی کی ہے۔

سوالیات بالا استدعا ہے کہ درخواست سائیلہ کو منظور فرمایا جاوے۔

مورخہ: 24-02-2020

ATTESTED

محمد شمیم ایڈووکیٹ پشاور

(Handwritten Signature)

عنایت اللہ صاحب ضلع دیرپا

کاپی نو۔

1- ڈسٹرکٹ ایجوکیشن افسیر (ٹی میل) ضلع دیرپا پانچ بجہ مقام تیسر گره

2- سیکرٹری ایلیمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختون خواہ

3- سیکرٹری فنانس خیبر پختون خواہ پشاور

25

(15)

بخدمت جناب ڈائریکٹر صاحب ایگمنٹری اینڈ سیکنڈری ایجوکیشن KP پشاور

درخواست / اپیل برادر درستی Seniority لسٹ بغرض Promotion /

ترقی سائیکلہ در عہدہ 16-SCT-BPS -

جناب عالی! حسب ذیل عرض ہے۔

1- یہ کہ سائیکلہ بحسبیت CT ملازم محکمہ تعلیم میں بمقام بطور ریگولر ملازمہ فرائض سرانجام دیتی چلی آرہی ہے۔

2- یہ کہ حال ہی میں محکمہ تعلیم ڈسٹرکٹ ایجوکیشن افسر دیرپائین نے CT ملازمین در عہدہ 16-SCT-BPS پروموشن کی ہے۔ جس میں سائیکل سے جو نیئر ملازمین کو ترقی دے کر سیناریو لسٹ غیر قانونی طور پر مرتب کی ہے۔ جس کے خلاف بوجوہات ذیل درخواست / اپیل ندادا تیر کی جاتی ہے۔

i- یہ کہ سائیکلہ بطور ریگولر ملازم عرصہ دراز سے محکمہ تعلیم میں خدمات سرانجام دیتا چلا آرہا ہے۔ جبکہ سیناریو لسٹ مرتب کردہ محکمہ تعلیم دیرپائین میں سال 2014 میں ایڈہاک / کنٹریکٹ پر بھرتی شدہ ملازمین شامل کئے گئے ہیں۔ جو کہ سال 2018 میں بروئے Khyber Pakhtunkhwa Employees Regularization of service Act 2018 مستقل / پرمنٹ کئے گئے ہیں۔

ii- یہ کہ مذکورہ بالا ایکٹ کے دفعہ 5 ذیلی دفعہ (i) کے تحت یہ قرار دیا گیا ہے۔ کہ ملازمین کے پروموشن (Promotion Quota) متاثر نہیں ہوگا۔ اس بنا مذکورہ دفعہ ذیل عرض کیجاتی ہے۔

Section 5:- General Condition for Regularization for the Purpose of regularization of the employees under this act, the following general condition shall be observed

ATTESTED

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(i). The service Promotion quota of all service cadets shall not be affected.

سید
20/12

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ATTESTED
[Signature]
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Section 6 Seniorit:-

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بحالات بالا استدعا ہے کہ درخواست سائیکلہ کو منظور فرمایا جاوے۔

مورخہ: 20-02-2020

Rahida

ضلع دیرپائین

سائیکلہ: *Rahida*

کاپی نو۔

1- ڈسٹرکٹ ایجوکیشن افسر (فی میل) ضلع دیرپائین بمقام تیسر گره

2- سیکرٹری ایلیمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختون خواہ

3- سیکرٹری فنانس خیبر پختون خواہ پشاور

Rahida

حضرت صاحب سیدنا امجدی امجدی صبر صبر صبر صبر صبر

29

جدا جدا کی اسٹیٹس کیا جاتی ہے کہ لکھنا 500 500 500 500 500
 تقسیم میں اس کی خدمات لکھنا 500 500 500 500 500
 اس میں لاگتوں سے اس کی خدمات لکھنا 500 500 500 500 500
 اس میں لاگتوں سے اس کی خدمات لکھنا 500 500 500 500 500
 اس میں لاگتوں سے اس کی خدمات لکھنا 500 500 500 500 500

Regulation
 Act 2016

کے لیے قانونی قرار دے کر واپس لے لیا گیا ہے

کے لیے

24/2/2020

ATTESTED
 To be true copy
 Advocate

C. A. C.

بعدالت کسروس کمپیوٹل سہتا ور

قیمت ایک روپیہ	کورٹ فیس
----------------	----------

۲۰ منجانب
صفا آہ شاہدہ لئی بی نام حکومت و سہتا ور

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکے

مقدمہ مندرجہ بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کاروائی متعلقہ آن مقام کسروس کمپیوٹل سہتا ور کی طرف سے مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زراس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ ڈائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ بصورت ضرورت مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برواختہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب سے ہاگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا ک سند ہے

Shahid Bibi

المقام
گواہ شہادہ العبد
کے لئے منظور ہے

کسروس کمپیوٹل


Attested
Shams-ul-Hadi Advi

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.
SERVICE APPEAL NO. 7224/2021

Mst; Shahida Bibi CT.....VS.....Govt. of Khyber Pakhtunkhwa and others.

Index:

S.No	Description	Page
1	Para wise comments	1-2
2	Affidavit	3
3	Authority Letter	4


District Education Office (F)
District Dir Lower.
4

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.
SERVICE APPEAL NO. 7224/2021.

MST; Shahida Bibi (CT)

Presently Posted at GGHS Bajaro, Dir Lower

R/O Village Gero Tangy; Dir Lower.....Appellant

VERSUS.

1. The Director (Elementary & Secondary Education), Khyber Pakhtunkhwa Peshawar.
2. The District Education Officer (Female) Dir lower at Timergara
3. The Secretary Elementary and Secondary education Khyber Pakhtunkhwa Peshawar.
4. Hafsa Bibi (CT), Presently Posted at GGHS Khazana Dir Lower.
5. Seema Gul (CT) Presently Posted at GGHS Naray Tangai Dir Lower.
6. Nasira Bibi (CT) Presently Posted at GGHS Odigram Dir Lower.
7. Zaib Un Nisa (CT) Presently Posted at GGHS Shawa Dir Lower.
8. Shenaz (CT) Presently Posted at GGMS Ajabay Dir Lower.

(RESPONDENTS)

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS, 1, 2, 3

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS;

1. The appellant is not an aggrieved person with the meaning of Sec: 4 of Service tribunal Act 1974.
2. The appellant has concealed the material fact from this Honorable Tribunal, hence liable to be dismissed.
3. The appellant has not approached this Honorable Tribunal with clean hands.
4. The appellant has filed the instant appeal just pressurize the respondents.
5. The instant appeal is against the prevailing laws & rules.
6. That the instant service appeal suffers from laches, hence not maintainable in the form.
7. The appellant has got no locus standi to file the instant appeal.
8. The instant appeal is badly time bard.

ON FACT:

1. Para No.1 of the facts pertains to the appellant's appointment and record hence need no comments.
2. Para-2 also correct, in detail it is submitted that the respondent No.4 to 8 were appointed as CT BPS-15 by respondent No.1 on Adhoc/contract bases and later on they were regularized through Regularization Act 2017.
3. Para-3 of the facts is correct to the extent of the relevant rules for the promotion from the post of CT (B-15) to SCT (B-16), it is also pertinent to mention here that respondent No.4 to 8 were appointed in the year 2014 and regularized in 2017 as per section 3 of the Act ibid, from the date of first appointment , so fulfilling five years of service they all were promoted as per law and rules whereas the appellant was promoted to CT post vide

order dated 26/08/2017, so the due to laps of tenure the appellant was not considered for promotion to SCT (B-16).

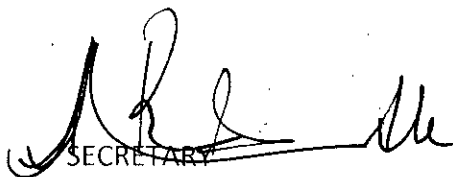
The seniority inter-se of those employees, whose services are regularized under this Act within the cadre, shall be determined based on their continues service in cadre.

4. Para-4 of the facts pertain to record, further more details has also been submitted in the above paras.
5. Detail reply has been submitted in the above para.

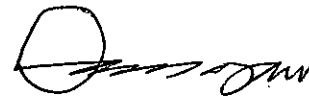
GROUNDS:-

- A. Incorrect hence denied, the respondent always follow rules and policies in letter and spirit. The appellant not eligible for promotion and no any case of the CT teacher was submitted by respondent No.3 to Directorate for promotion as they all did not completed their length of service i.e 5 years.
- B. Incorrect hence denied, the appellant has been treated as per law and rules.
- C. Incorrect, hence denied.

It is therefore, humbly prayed that on acceptance of the above submission, the instant Service appeal may very graciously be dismissed in favor of the answering respondents with cost.



SECRETARY
GOVT: KHYBER PUKHTOON KHWA
ELEMENTRY AND SECONDARY DEPARTMENT
(Respondent No.1)



DIRECTOR
ELEMENTRY & SECODARY
EDUCATION KHYBER PAKHTOON KHWA
(Respondent No.2)



DISTRICT EDUCATION OFFICER (F)
DIR LOWER AT TIMERGARA
(Respondent No.3)

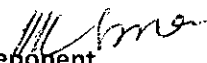
BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.
SERVICE APPEAL NO. 7224/2021

Mst; Shahida Bibi CT.....VS.....Govt. of Khyber Pakhtunkhwa and others.

Affidavit

I Muhammad Usman ADEO O/O the DEO (F) Dir Lower do hereby solemnly affirm and declare the contents of the accompanying para wise comments are true and correct to the best of my knowledge and belief and noting has been concealed from this August court.

~~~~~

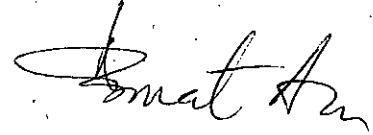
  
Deponent  
Muhammad Usman

4

## AUTHORITY LETTER

Mr, Muhammad Usman ADEO O/O the DEO (F) Dir Lower is hereby authorized to submit the comments / reply in the Service Appeal No.7224/2021.

Tital : Mst. Shahida Bibi v/s Govt o Khyber Pakhtunkhwa through Secretary , Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar on behalf of the undersigned.



District Education Office (F)  
District Dir Lower.  
**(Respondent No.3)**

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.  
SERVICE APPEAL NO. 7224/2021

Mst; Shahida Bibi CT.....VS.....Govt. of Khyber Pakhtunkhwa and others.

Index:

| S.No | Description        | Page |
|------|--------------------|------|
| 1    | Para wise comments | 1-2  |
| 2    | Affidavit          | 3    |
| 3    | Authority Letter   | 4    |

District Education Office (F)  
District Dir Lower.

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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.  
SERVICE APPEAL NO. 7224/2021.

MST; Shahida Bibi (CT)  
Presently Posted at GGHS Bajaro, Dir Lower  
R/O Village Gero Tangy, Dir Lower.....Appellant

VERSUS.

1. The Director (Elementary & Secondary Education), Khyber Pakhtunkhwa Peshawar.
2. The District Education Officer (Female) Dir lower at Timergara
3. The Secretary Elementary and Secondary education Khyber Pakhtunkhwa Peshawar.
4. Hafsa Bibi (CT), Presently Posted at GGHS Khazana Dir Lower.
5. Seema Gul (CT) Presently Posted at GGHS Naray Tangai Dir Lower.
6. Nasira Bibi (CT) Presently Posted at GGHS Odigram Dir Lower.
7. Zaib Un Nisa (CT) Presently Posted at GGHS Shawa Dir Lower.
8. Shenaz (CT) Presently Posted at GGMS Ajabay Dir Lower.

(RESPONDENTS)

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS, 1, 2, 3

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS;

1. The appellant is not an aggrieved person with the meaning of Sec: 4 of Service tribunal Act 1974.
2. The appellant has concealed the material fact from this Honorable Tribunal, hence liable to be dismissed.
3. The appellant has not approached this Honorable Tribunal with clean hands.
4. The appellant has filed the instant appeal just pressurize the respondents.
5. The instant appeal is against the prevailing laws & rules.
6. That the instant service appeal suffers from laches, hence not maintainable in the form.
7. The appellant has got no locus standi to file the instant appeal.
8. The instant appeal is badly time bard.

ON FACT:

1. Para No.1 of the facts pertains to the appellant's appointment and record hence need no comments.
2. Para-2 also correct, in detail it is submitted that the respondent No.4 to 8 were appointed as CT BPS-15 by respondent No.1 on Adhoc/contract bases and later on they were regularized through Regularization Act 2017.
3. Para-3 of the facts is correct to the extent of the relevant rules for the promotion from the post of CT (B-15) to SCT (B-16), it is also pertinent to mention here that respondent No.4 to 8 were appointed in the year 2014 and regularized in 2017 as per section 3 of the Act ibid, from the date of first appointment, so fulfilling five years of service they all were promoted as per law and rules whereas the appellant was promoted to CT post vide

order dated 26/08/2017, so the due to laps of tenure the appellant was not considered for promotion to SCT (B-16).

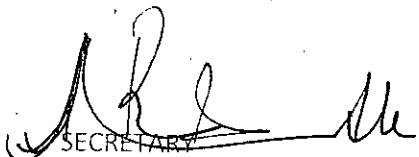
The seniority inter-se of those employees, whose services are regularized under this Act within the cadre, shall be determined based on their continues service in cadre.

- 4. Para-4 of the facts pertain to record, further more details has also been submitted in the above paras.
- 5. Detail reply has been submitted in the above para.

GROUNDS:-

- A. Incorrect hence denied, the respondent always follow rules and policies in letter and spirit. The appellant not eligible for promotion and no any case of the CT teacher was submitted by respondent No.3 to Directorate for promotion as they all did not completed their length of service i.e 5 years.
- B. Incorrect hence denied, the appellant has been treated as per law and rules.
- C. Incorrect, hence denied.

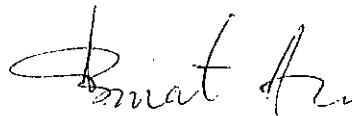
It is therefore, humbly prayed that on acceptance of the above submission, the instant Service appeal may very graciously be dismissed in favor of the answering respondents with cost.



SECRETARY  
GOVT: KHYBER PUKHTOON KHWA  
ELEMENTRY AND SECONDARY DEPARMENT  
(Respondent No.1)



DIRECTOR  
ELEMENTRY & SECODARY  
EDUCATION KHYBER PAKHTOON KHWA  
(Respondent No.2)



DISTRICT EDUCATION OFFICER (F)  
DIR LOWER AT TIMERGARA  
(Respondent No.3)