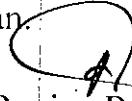


25.10.2022

Junior to counsel for appellant present.

Kabir Ullah Khattak, learned Additional Advocate General for respondents present.

File to come up alongwith connected Service Appeal No.573/2022 titled "Rahim Ullah Vs. Education Department" on 22.11.2022 before D.B at Camp Court, D.I Khan.


(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

30th June, 2022

Rs-700/-
Appell...
Security & Process Fee

Asif Masood
7/7/22

Learned counsel for the appellant. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Mujib Ur Rehman, Litigation Officer for respondents present and submitted copy of DPC minutes which is placed on file. Against the impugned order dated 03.12.2021, the appellant filed departmental representation on 20.12.2021 and awaiting ninety days statutory period when no reply was received from the respondents, he filed this appeal which is within time. Let it be admitted to full hearing subject to all just and legal objections by the other side. The question of limitation will be decided at the time of final hearing. The appellant is directed to deposit security and process fee and security within 10 days. Thereafter, notices be issued to the respondents. To come up for Written reply/comments on 22.08.2022 before S.B at camp court D.I.Khan.

9

(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

22.08.2022

Due to summer vacation, the case is adjourned for the same on 26.09.2022.

Reader

26th Sept 2022

Appellant in person present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Shafiq Ahmad, ADEO for respondents present.

Written reply/comments on behalf of respondents No. 1 to 5 submitted which is placed on file. A copy of the same is also handed over to the appellant. To come up for arguments on 25.10.2022 before D.B at Camp Court, D.I. Khan.

9

(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

11.04.2022

Learned counsel for the appellant present and heard. To come up for consideration tomorrow on 12.04.2022 before this S.B.


Chairman

12.04.2022

Counsel for the appellant present.

Let notice be given to respondent No. 5 to produce minutes of the Departmental Promotion Committee meeting held for promotion to the post of SST on the date fixed. Case to come up for preliminary hearing on 28.04.2022 before S.B at Camp Court, D.I.Khan.



Chairman

28/4/2022

Tour to Camp Court D-I-Khan has been cancelled to come up for the same as before on 01/07/2022



BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO 574 2022

SHAMS UR REHMAN

VS

EDUCATION DEPTT:

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APPELLANT

THROUGH:


AFRASIAB KHAN WAZIR
ADVOCATE HIGH COURT
PESHAWAR

CELL NO.03129888752

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. _____/2022

Mr. Shams Ur Rehman, CT (BPS-15),
GMS Ahmad Gul Kalai, South Waziristan Tribal District.....**APPELLANT.**

VERSUS

- 1- Government of Khyber Pakhtunkhwa, Through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
- 3- The Additional Director (Establishment) Marged District Khyber Pakhtunkhwa, Peshawar.
- 4- The Deputy Director (Establishment) Marged Area, Khyber Pakhtunkhwa, Peshawar.
- 5- The District Education Officer (Male) South Waziristan at Tank.

.....**RESPONDENTS.**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 03.12.2021 WHEREBY APPELLANT HAS BEEN IGNORED FOR PROMOTION TO THE POST OF SST (BPS-16) (BIO-CHEM) AS PER THEIR 75% SHARE OF PROMOTION IN VACANT POST WITH HIS COLLEAGUE AND AGAINST INACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NIINETY DAYS.

PRAYER:

That on acceptance of this instant appeal of the appellant the impugned order 03.12.2021 may very kindly be modified to the extent of appellant and the respondents may please be directed to consider the appellant for promotion to post of SST (BPS-16) (Bio-Chem) as per their 75% share of promotion in the vacant post with his colleague with all back benefits including seniority. Any other remedy which this August Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

The facts arising the present appeal are as under:-

- 1- That the appellant is the employee in education department and is appointed as Certified Teacher (BPS-15) in accordance with the judgment of Peshawar High Court D.I.Khan Bench vides dated 18.05.2019 and is serving quiet up-to the mark. Copy of the appointment order dated 18.05.2019 is attached as annexure.....**A.**
- 2- That the appellant moved representation vide dated 07.10.2019 to the respondent department to re-consider appointment of the appellant from the date whereby other colleagues were appointed i.e. from retrospective effects as per judgment of the Peshawar High Court D.I Khan Bench with all back benefits and seniority where after respondent department corresponded vide latter dated 22.12.2019 and 27.1.2020 for granting seniority and back benefits etc. Copy of the representation dated 07.10.2019, letter dated 22.12.2019 & 27.01.2020 are attached as annexure.....**B.**
- 3- That after their correspondence the appellant was then granted seniority and by the respondent department vide order dated 08.02.2020 and the appellant continued performing his duties with entire satisfaction to his superiors. Copy of the notification dated 08.02.2020 is attached as annexure.....**C.**
- 4- That after granting seniority to the appellant the respondent department issued order vides dated 25.06.2021 to respondent to display seniority lists of all District cadres for the departmental promotion committee to be held for promotion to the post of Senior Teacher (BPS-16) and SST (BPS-16) etc. Copy of Order dated 25.06.2021 is attached as annexure.....**D.**
- 5- That the respondent department where after framed final working paper for departmental promotion committee for promotion to the post of SST (BPS-16) (*Bio-Chem*) post wherein the appellant was included and working papers shows that there are 9 seats out of which share of promotion is 75%, meaning thereby 7 seats for promotion and 2 seats were advertised for initial recruitment but behind the curtain the respondents allocated/advertised 10 seats for initial recruitment through ETEA out of total seats i.e 17 seats while the criteria for the promotion in the service rules for the post of SST (BPS-16) is 75% on the basis of seniority cum fitness. Copy of the

working papers & ETEA list and service structure are attached as annexure.....**E, F & G.**

6- That the respondents to hide their malafide issued impugned order dated 03.12.2021 whereby the appellant has not been granted share in the promotion as per vacant seats for promotion while the appellant's colleagues were promoted to the post of SST (BPS-16) (Bio-Chem). Copy of the impugned order dated 03.12.2021 is attached as annexure.....**H.**

7- That the appellant feeling aggrieved from the impugned order dated 03.12.2021 preferred departmental appeal to the appellate authority vide dated 20.12.2021 upon which the respondent department corresponded and accepted the malafide vide dated 02.02.2022 & 12.02.2022 they have committed but still they haven't upon the departmental appeal of the appellant. Copy of the departmental appeal dated 20.12.2021 and letters dated 02.02.2022 & 12.02.2022 are attached as annexure.....**I & J.**

8- That the appellant feeling aggrieved and having no other remedy but to file this instant appeal on the following grounds inter alia.

ON GROUNDS:

A- That the issuance of impugned order dated 03.12.2021 by the respondent department and not considering the appellant for the promotion to the post of SST BPS-16 as per share in the vacancies/seat is against law, rules and norms of natural justice and material on record, hence impugned order dated 03.12.2021 may be modified to extent of the appellant and be considered for promotion to the post of SST (BPS-16) (Bio-Chem) as per their share in the post.

B- That the appellant has not been treated by the respondents in accordance with law and rules and as such respondents violated Article 4 and 25 of the Constitution of Islamic republic of Pakistan 1973.

C- That the respondent acted in arbitrary and malafide manner by not considering the appellant for promotion to the post of SST BPS-16 (Bio-Chem) as per 75% share in the promotion quota in allocated which the respondents with malafide intention advertised for initial recruitment.

D- That the respondent department acted in sheer discriminatory manner by not considering the appellant for promotion to the post of SST (Bio-Chem) while the appellant colleague was promoted to the post of SST BPS-16 (Bio-Chem) having same seniority but the appellant is ignored for promotion to the post of SST (BPS-16) (Bio-Chem).

E- That the action of the respondents by not considering the appellant for promotion to the post of SST (BPS-16) (Bio-Chem) is against Section-8, 9 of civil servant Act, 1973 and Rule-7, 17 of (Appointment, Promotion and Transfer) Rules, 1989. Hence impugned order dated 03.12.2021 is liable to be modified to extent of the appellant and appellant be considered for promotion to the post of SST (BPS-16) (Bio-Chem) as per their share in promotion quota.

F- That the appellant seeks permission to advance any other grounds ad proof at the time of regular hearing.

It is therefore, most humbly prayed that the appeal of the appellant may very kindly be accepted as prayed for.

Date: 05.04.2022

APPELLANT


SHAMS UR REHMAN

THROUGH:


AFRASIAB KHAN WAZIR
ADVOCATE HIGH COURT

List of books:

- 1- Service Laws Books.
- 2- Constitution of Islamic Republic of Pakistan, 1973.
- 3- Other laws as per need.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. _____/2022

SHAMS UR REHMAN

V/S

EDUCATION DEPTT:

AFFIDAVIT

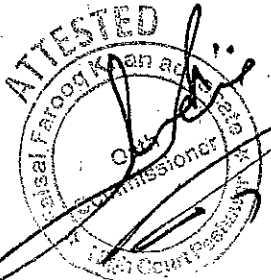
I **Afrasiab Khan Wazir, Advocate**, on the instructions and on behalf of my client, do hereby solemnly affirmed that the contents of this instant service appeal is true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.


AFRASIAB KHAN WAZIR
ADVOCATE HIGH COURT

Certificate:

No earlier appeal has been filed between the parties on this fresh Cause of action of the appellant.


AFRASIAB KHAN WAZIR
ADVOCATE HIGH COURT

ATTESTED

05/04/2022

Aax - (A) - (B) - (C) - (D) - (E)

H - (6)

OFFICE OF THE DISTRICT EDUCATION
OFFICER, S.W.T.D. AT TANK.

APPOINTMENT ORDER: -

Consequent upon the Judgment of Peshawar High Court D.II:Khan Bench Dated 17.11.2015 in W.P. No. 45-D/2014 and in Write petition 189-D/2016 decided on 25.03.2019, the following candidates of SWTD, already Selected by the Recruitment/ Selection Committee are hereby appointed against vacant Certified Teachers in BPS-15 (16120-1330-56020) plus usual allowances as admissible under rules, with immediate effect without any retrospective & back benefits in the schools noted against their names.

S.No	NAME	Father's Name	Domicile	Name of School	Remarks
01	Mr. Akbar Zaman	Khan Faraz	Tiarza	GMS Spin Kamar	A.V,CT Post
02	Mr. Rahim Ullah	Saeed, Ullah	Ladha	GHS Tiarza	A.V,CT Post
03	Mr. Shams ur Rehman	Rahim Jan	Ladha	GMS Ahmad Gul Kajai	A.V,CT Post

TERMS & CONDITIONS: -

1. The Services of the Candidates will be governed as per government policy, rules and laws.
2. Charge report should be submitted to all concerned in duplicate.
3. All kinds of documents should be verified from the concerned institutions before the drawl of their / his salaries.
4. Health and Age certificates should be produced to this office duly signed by the Agency Surgeon concerned.
5. They / He should / Would not be handed over charge of the post if he is below 18 years or above 35 years.
6. If they / he failed to report of their / his arrival within 15 days, their / his appointment order will be considered as cancelled.
7. In case of resign they / he will submit the application one month before the date of resignation otherwise they / he will deposit the pay of one month in Govt. Treasury.
8. They / He should produce a certificate on stamp paper that they / he have / has no service in any Govt. institution / Semi Govt. institution.

DISTRICT EDUCATION OFFICER
S.W.T.D. AT TANK.

Endst. No: 7154-571 Dated Tank the 18/5/2019.

Copy of the above is forwarded to the:-

1. Director of Education, NMTDs, KPK, Peshawar
2. District Accounts Officer, S.W.T.D. at Tank.
3. ADEO / Head Master Concerned.
4. Candidate concerned.

DISTRICT EDUCATION OFFICER
S.W.T.D. AT TANK.

ATTESTED

To

THE DISTRICT EDUCATION OFFICER
SOUTH WAZIRISTAN DISTRICT AT TANK

B-7

SUBJECT: APPEAL FOR FOLLOWING OF JUDGMENT OF PESHAWAR HIGH COURT D I KHAN, BENCH DATED 17.11.2015 IN WRIT PETITION NO.45-D/2014 IN TRUE SENSE

Respected Sir,

With reference to the subject cited above our appointment letters were made on 18.05.2019 on the basis of Judgment in WP No.45-D/2014 dated 17.11.2015 & W.P-189-D/2016, while on that particular decision 37-appointment orders were made on dated 29.06.2016.

Therefore we are requesting to change our date of appointments from retrospective effect, as per Judgment of Peshawar High Court D I Khan bench Dated 17.11.2015 in WP No.45-D/2014.

Note: All 37-appointment orders are attached for the ready reference.

Dated: 07.10.2019

Your Obediently

1. Shams Ur Rehman, C.T
GMS Ahmad Gul Kalaj, Tehsil
Tiarza, SWD
2. Rahim ullah, C.T
GHS Ladha, Tehsil Ladha SWD
3. Akbar Zaman, C.T
GMS Spin Kamar Tehsil
Makin SWD
4. Syed Muhammad Bilal, PET
GHS Angoor Adda, Tehsil
Birmal, SWD

ATTESTED



OFFICE OF THE DISTRICT EDUCATION OFFICER, S.W.T.D AT TANK

No. 18803/SWTD
Dated 27/12 2019

8

To

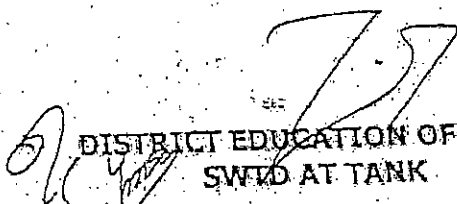
The Director of Education
Merged Districts, Khyber Pakhtunkhwa
Peshawar

Subject: - REQUEST FOR SENIORITY / BACK BENEFITS

Memo: -

Enclosed please find herewith an application lodged by the applicants for the subject above with all documents for further consideration please.

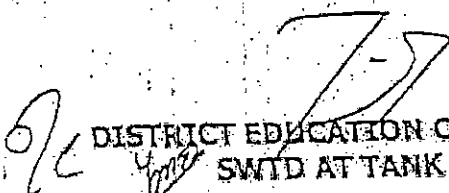
Enclosure: - Relevant documents attached.


DISTRICT EDUCATION OFFICER
SWTD AT TANK

Encls: No. 18804/SWTD
Copy to the: -

Dated Tank the 27/12 2019

1. Director ER&SE, Khyber Pakhtunkhwa Peshawar for information please.


DISTRICT EDUCATION OFFICER
SWTD AT TANK

ATTESTED



Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

PH No. 091-9210387, 9210938.

9210437, 9210987, 9210468

Fax 091-9210938

No. 1072

dated 27/1/2020

To

The District Education Officer
Tribal District South Waziristan.

Subject: Request for Seniority Back Benefits.

Memo-

Reference to your office letter No. 18603/SWTD dated 27-12-2019 and to state that being a Competent Authority for appointment from BS-1 to BS-15, appointment have already been made by your goodself in the light of Court Orders, so the seniority may be granted.

Assistant Director (Litigation)

Encls: No. _____ Dated: / / 2020.

Copy forwarded to:-

1. PA to Director, E&SE, Khyber Pakhtunkhwa.

Assistant Director (Litigation)

ATTACHED



OFFICE OF THE DISTRICT EDUCATION OFFICER

SOUTH WAZIRISTAN TRIBAL DISTRICT

No. /

Dated Tank the / / 2020

29.6.2016
Granted
Seniority

NOTIFICATION:

Consequent upon the approval by the Competent Authority, vide Assistant Director (Litigation), Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar letter No.1072 Dated 27-01-2020. The following Male Teachers (C.T/ PET) appointed vide this office No. & Date mentioned against their names are hereby granted seniority with effect from 29-06-2016 without back benefit.

Note: Necessary entry to this effect should be made in their service books

S.NO	NAME WITH FATHERS NAME	DESIG:	SCHOOL WHERE APPOINTED	REMARKS
01	AKBAR ZAMAN S/O KHAN FARAZ	C.T (BPS-15)	GMS Spin Kamar, SWTD	Appointed vide this office No.7154-57 Dated Tank the 18-05-2019
02	RAHIM ULLAH S/O SAEED ULLAH	C.T (BPS-15)	GHS Ladha, SWTD	-DO-
03	SHAMS UR REHMAN S/O RAHIM JAN	C.T (BPS-15)	GMS Ahmad Gul Kalai, SWTD	-DO-
04	SAID MUHAMMAD BILAL	PET (BPS-15)	GHS Angoor Adda, SWTD	Appointed vide this office No.7174-77 Dated Tank the 18-05-2019

DISTRICT EDUCATION OFFICER
SOUTH WAZIRISTAN TRIBAL DISTRICT AT TANK

Endst: No. 678-82 Dated Tank the 8 / 02 / 2020

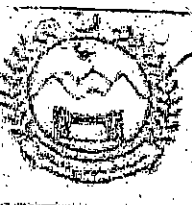
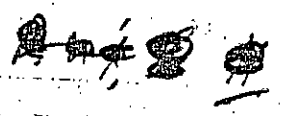
Copy forwarded to the:-

1. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar for information with reference to his No. quoted above
2. Director of Education NMDs, Peshawar.
3. District Accounts Officer SWTD at Tank.
4. Principal / Head Master concerned.
5. Teachers concerned.

DISTRICT EDUCATION OFFICER
SOUTH WAZIRISTAN TRIBAL DISTRICT AT TANK

AT/Tank

D-14



(A)

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA

MINISTRY OF EDUCATION, GOVERNMENT OF KHYBER PAKHTUNKHWA

25/10/21

All the District Education Officers
Merged Districts of Khyber Pakhtunkhwa

⇒ Needed final
seniority list
from the DEOs
⇒ How much are
vacant post for
promotions & initial
recruitment.

Subject: UPDATING SENIORITY LISTS FOR THE UPCOMING DPC MEETING FOR PROMOTION TO SENIOR TEACHERS (BS-16) AND SST (BS-16)

I am directed to refer to the subject cited above and to state that keeping in view the upcoming DPC Meeting for Promotion to Senior Teacher Posts (BS-16) and SST posts (BS-16), you are requested to display Seniority Lists of all Districts Cadres, dispose off the appeals and extract updated, undisputed and error free final Seniority Lists within one month. Furthermore submit a certificate to the effect that the directions mentioned above have been implemented in letter and spirit.

In this regard, I am further directed to inform you to start working upon the updated sanctioned posts, dividing them into the filled and vacant and subdividing them into the posts available under the promotion quota and the posts available for recruitment. In addition to above, it is also intimated not to submit any further promotion related appeals/cases to this office till the next DPC please.

Deputy Director (Estab)
Merged Areas

Endst: No. 10344-15

Copy to:

1. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. PA to Additional Director (Estab) Merged Districts Khyber Pakhtunkhwa Peshawar.

Deputy Director (Estab)
Merged Areas

25/10/21

25/10

ATTESTED

15

① - ②

OFFICE OF THE DISTRICT EDUCATION OFFICER SOUTH WAZIRISTAN DISTRICT

STATUS OF RECRUITMENT THROUGH ETEA 2020-21

S: NO	Name/Clature of Post	Total NO. of Post advertised			Mode of Appointment	Remarks
		Male	Female	Total		
1	SST General (BPS-16)	29	13	42	on Adhoc Basis / Through ETEA	Final Merit List & working Papers have been submitted to Directorate of E&SE KPK (DSC) on 31.08.2021
2	SST Bio/Chemistry (BPS-16)	10	5	15	on Adhoc Basis / Through ETEA	Final Merit List & working Papers have been submitted to Directorate of E&SE KPK (DSC) on 31.08.2021
3	SST Physic/ Maths (BPS-16)	3	8	11	on Adhoc Basis / Through ETEA	Final Merit List & working Papers have been submitted to Directorate of E&SE KPK (DSC) on 31.08.2021
4	SST (IT) (BPS-16)	7	1	8	on Adhoc Basis / Through ETEA	Final Merit List & working Papers have been submitted to Directorate of E&SE KPK (DSC) on 31.08.2021
5	CT (BPS-15)	32	12	44	on Adhoc Basis / Through ETEA	Scrutiny/ Interviews of Candidates are under process.
6	DM (BPS-15)	22	12	34	on Adhoc Basis / Through ETEA	Scrutiny/ Interviews of Candidates are under process.
7	AT (BPS-15)	21	12	33	on Adhoc Basis / Through ETEA	Final Merit lists are ready for DSC
8	PET (BPS-15)	20	12	32	on Adhoc Basis / Through ETEA	Final Merit lists are ready for DSC
9	Qari (BPS-15)	8	2	10	on Adhoc Basis / Through ETEA	Final Merit lists are ready for DSC
10	PST (BPS-12)	37	0	37	on Adhoc Basis / Through ETEA	Screening test has been conducted on 26.09.2021
11	CT IT (BPS-07)	0	3	3	on Adhoc Basis / Through ETEA	Final Merit lists are ready for DSC
Total		189	80	269		

The meeting of DSC for District Cadre Positions will be scheduled after Finalization of all District Cadres Merit Lists. So as to acquire the option on Judicial stamp paper from the candidates whom selected in more than one category for appointment in accordance with their choice of category and the gap created in their declined categories, will be filled with from amongst the next succeeding meritorious and deserving candidates in the interest of public service.

DATED: 27/09/2021

DISTRICT EDUCATION OFFICER
SOUTH WAZIRISTAN TRIBAL DISTRICT AT TANK

ATTESTED

Answer

1-19

1-19

9-16

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 27TH FEBRUARY, 2018

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

NOTIFICATION

Peshawar, dated the 24th July, 2014.

No. SO(PE)4-5/SSRC/Meeting/2013/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, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby directs that in this Department's Notifications No. SO(G)S&LD/1-28/2003/Vol-II dated, 09-04-2004, Notification No. SO(G)S&L/1-69/06/Vol-1/DPE/LIB, dated 13-11-2007, and Notification No. SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre, dated, 13.11.2012, the following further amendments shall be made, namely:

AMENDMENTS

In the appendix, -

- (i) Serial No. 1 shall be renumbered as 18 and before Serial No. 18, as so renumbered, the following new entries shall be inserted in respective columns, namely:

1216

REGISTERED

MAILED

(17)

18

KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 27th FEBRUARY, 2018. 1218

			<p>Note:- if no suitable candidate is available in the relevant cadres of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment; and</p> <p>(b) Fifty percent by initial recruitment"; and</p>
--	--	--	---

(ii) against Serial No. 1B, as so renumbered, for the existing entries, the following Shall be substituted, in respective columns, namely:

1	2	3	4	5
1B.	Secondary School Teacher (BPs-16).	<p>i. At least second class Bachelor Degree's from a recognized University on need basis from the following groups with two subject</p> <p>✓ (a) (Chemistry, Botany or Zoology), Or (b) (Physics, Maths "A" or "B" or Statistics) Or (c) (Humanities and other equivalent groups at degree level with English as compulsory subject;</p> <p>✓ ii. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualifications from a recognized University.</p>	21 to 35 years	<p>1. Seventy five percent by promotion, on the basis of seniority-cum-fitness, from the district concerned in the following manner:</p> <p>(a) Forty per cent from amongst the Senior Certified Teachers (BPS-16), with at least five years service as Senior Certified Teacher and Certified Teacher and having qualification mentioned in column No. 3:</p> <p>Provided that if no suitable candidate is available from amongst Senior Certified Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers, with at least five years service as such and having qualification mentioned in column No. 3;</p>

SECRET

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18

159

1217 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 27th FEBRUARY, 2018

1	2	3	4	5
1.	Subject specialist (BPS-17)	i. - At least second class Master's Degree or four years BS Degree in the relevant subject; and ii. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualification from a recognized University.	23 to 35 years	(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, for the relevant subject from amongst the Secondary School Teachers (BPS-16), with at least five years service as such and having qualification mentioned in column No. 3. Note: If no suitable candidate is available in the relevant subject the post falling in their promotion quota shall be filled by initial recruitment; and (b) Fifty percent by initial recruitment
1A	Director Physical Education (BPS-17)	At least second class Master's Degree in Physical Education from a recognized University.	22-35 years	(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst Senior Physical Education Teachers (BPS-16), with at least five years service as Senior Physical Education Teacher and Physical Education Teacher and having qualification mentioned in column No. 3; Provided that if no suitable person is available from amongst Senior Physical Education Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst the Physical Education Teachers, with at least five year service as such and having qualification mentioned in column No. 3;

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(i) twenty per cent from amongst the Primary School Head Teachers (BPS-15), with at least seven years service as Primary School Head Teachers and Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No. 3:



Provided that if no suitable candidate is available from amongst Primary School Head Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least seven years service as Senior Primary School Teachers and Primary Schools Teachers and having qualification mentioned in column No. 3:

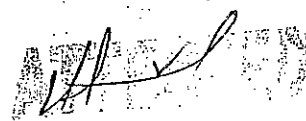
Provided further that if no suitable candidate is available from amongst Senior Primary School Teachers for promotion then the post shall be filled from amongst Primary School Teachers with at least seven years service as such and having qualification mentioned in column No. 3; and

(iii) twenty Five percent by initial recruitment.

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			<p>Provided that if no suitable candidate is available from amongst Senior Arabic Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from Arabic Teachers with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(d) four per cent from amongst the Senior Theology Teachers (BPS-16), with at least five years service as Senior Theology Teachers and Theology Teachers and having qualification mentioned in column No. 3:</p> <p>Provided that if no suitable candidate is available from amongst Senior Theology Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(e) three per cent from amongst the Senior Qaris (BPS-15), with at least five years service as Senior Qari and Qari and having qualification mentioned in column No. 3:</p> <p>Provided that if no suitable candidate is available from amongst the Senior Qaris then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from Qaris with at least five years service as such and having qualification mentioned in column No. 3;</p>
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KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 27th FEBRUARY, 2018. 1222

			<p>Note:</p> <p>I. if no suitable candidate is available in the relevant cadre of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment.</p> <p>II. Posts of General SST and SSTs-1 Science and SST-2 Science shall be filled by promotion or initial recruitment, each on need basis separately."</p>
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SECRETARY TO
GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT.

Attested

ATTESTED

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H-23

SST Promotion (M) South Waziristan

DIRECTORATE OF ELEMENTARY &
SECONDARY EDUCATION KHYBER
PAKHTUNKHWA



Notification

Consequent upon the recommendations of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No.SO(PE)/4-5/SSRC/Meeting/2013/Teaching Cadre dated 24th July, 2014, the following SCTs/CTs and PSHTs/SFSTs/PSTs/STTs/TTs & SATs/ATs, are hereby promoted to the post of SST (G), SST(Bio/Chem) and SST (Phy/Maths) in BPS-16 (Rs. 18910-1520-64510) plus usual allowances as admissible under the rules on regular basis under the existing policy, on the terms and conditions given below, with immediate effect:

A. SST(G)

Item #1 SCT/CT to SST(G)

S.N	Sen No	Name	School	DOB	D of App: as Regular CT	Quali	Remarks
1	37	Muhammad Wali	GHS Sam	05/07/1971	25/12/1993	BA/B.Ed	Services are placed at the disposal of DEO South Waziristan for further adjustment against vacant post of SST (G)
2	43	Sher Zaman	GMS Masap Mela	04/03/1971	08/10/1995	BA/B.Ed	—do—
3	46	Farid Ullah Khan	GMS Dowatoi	02/01/1966	19/10/1995	BA/B.Ed	—do—
4	47	Abdul Hameed	GMS Dowatoi	01/04/1968	20/10/1995	BA/B.Ed	—do—
5	48	Gul Faraz	GMS Bangewala	4/05/1967	24/10/1995	BA/B.Ed	—do—
6	49	Anar Gul	GHS Shinkai	09-07-1968	24/10/1995	BA/B.Ed	—do—
7	50	Amjad Ali	GHS Sam	15/3/1969	24/10/1995	BA/B.Ed	—do—

Item #2 SFT/TT TO SST(G)

S. No	Sen No	Name	School	DOB	D of App: as Regular TT	Quali	Remarks
1	80	Ahmad Ali	GPS Laman	3/8/1973	13/12/1999	BA, B.Ed Shahada tul-ul-Alamin	Services are placed at the disposal of DEO South Waziristan for further adjustment against vacant post of SST (G)

APPROVED

Item # 3 SAT/AT TO SST(G)

S. No	Serial No	Name	School	DOB	D of App: as Regular AT	Quali	Remarks
	19	Shahi Ajam Khan	GIS Azam Warsak	31/10/1971	12/9/1994	HA/B.Ed	Services are placed at the disposal of DEO South Waziristan for further adjustment against vacant post of SST (G)

Item # 4 PSST/SPST/PST to SST (G)

S. No	Serial No	Name	School	DOB	D of App: as Regular PST	Quali	Remarks
	68	Noor Habib	GPS DAB Kot	10/1/1966	1/12/1991	HA/B.Ed	Services are placed at the disposal of DEO South Waziristan for further adjustment against vacant post of SST (G)
	101	Haji Iqbal Shah	GPS Bader Giga Khel	9/3/1965	20/5/1994	HA/B.Ed	do
	102	Allaud Din	GPS Lakarai	1/3/1969	1/11/1994	HA/B.Ed	do

B. SST(B/C)

Item # 1 SCT/CT to SST (B/C)

S. No	Serial No	Name	School	DOB	D of App: as Regular CT	Quali	Remarks
	171	Ibrar Ullah	GMS Warsakai	15/4/1981	01/9/2009	HA/B.Ed	Services are placed at the disposal of DEO South Waziristan for further adjustment against vacant post of SST (B/C)
	173	Purhad Ahmed	GMS Badinzar Tungi	23/10/1985	01/9/2009	B.Sc/ BEd	do
	170	Amir Ullah	GMS Mandana	23/4/1984	29/6/2016	B.Sc/ BEd	do

Item # 2 PSST/SPST/PST to SST (B/C)

S. No	Serial No	Name	School	DOB	D of App: as Regular PST	Quali	Remarks
	187	Muhammad Jamshaid	GPS Sara Roghin	3/4/1974	21/9/1992	B.Sc/Bed (Add:Chem)	Services are placed at the disposal of DEO South Waziristan for further adjustment against vacant post of SST (B/C)
	188	Muhammad Javed	GPS Ladha	2/5/1972	2/3/2007	B.Sc/Bed (Add:Chem)	do

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C. SST (P/M)

Item # 1 SCT/CT to SST (P/M)

Sl. No	Sen No	Name	School	DOB	D of App as Regular CT	Quali	Remarks
1	136	Muhammad Nawaz	GHS Kot Kai	20/5/1977	1/11/2005	BA/B.Ed (Add:Phy/ Maths)	Services are placed at the disposal of DEO South Waziristan for further adjustment against vacant post of SST (P/M)
2	182	Shefidullah	GHS Abbas Khel Tangi	12/4/1993	14/11/2012	B.Sc/B.Ed	-----do-----
3	185	Zia Ur Rehman	GMS Badher Giga Khel	1/4/1994	25/6/2014	BA/B.Ed (Add:Phy/ Maths)	-----do-----
4	186	Muhammad Imran	GMS Ghawa Khawa	3/2/1980	29/6/2016	BSc/B.Ed (Add:Phy)	-----do-----

Item # 2 PSHT/SPST/PST to SST (P/M)

Sl. No	Sen No	Name	School	DOB	D of App as Regular PST	Quali	Remarks
1	315	Rub Nawaz	GPS Kami Gurrum	15/4/1984	1/6/2006	BA/B.Ed (Add:P/ST)	Services are placed at the disposal of DEO South Waziristan for further adjustment against vacant post of SST (P/M)
2	420	Adnan Azmi	GPS Badher Zharwar	3/1/1990	9/3/2013	BSc/B.Ed	-----do-----

Terms and Conditions: -

1. They would be on probation for a period of one year extendable for further period of one year.
2. They will be governed by such rules and regulations as and when 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. No TA/DA is allowed for joining the duty.
6. They will give an undertaking to be recorded in their Service Book to the effect that if any over payment is made to them in the light of this order will be recovered and if they are wrongly promoted, they will be reverted.
7. Before handing over charge once again their documents may be checked if they have not the prescribed qualifications as per rules, they may not be handed over charge of the post.

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- 8. The prescribed qualifications/ documents may be verified from the concerned Universities/ Institutions by the DEO concerned.
- 9. The Promotion granted on the basis of the Additional Subject/Subjects in Science Group after Bachelor of Arts, will be subject to the outcomes of this Office Letter No.624 dated 15-10-2021.

(Hafiz Dr. Muhammad Ibrahim)
 Director Elementary & Secondary Education
 Khyber Pakhtunkhwa
 Dated Peshawar the 1/ /2020.

Encl: No. 1

Copy forwarded for information and necessary action to the -

- 1. Accountant General Khyber Pakhtunkhwa Peshawar.
- 2. District Education Officer South Waziristan
- 3. District Accounts Officer South Waziristan
- 4. PS to Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 6. Principal/Head Mistress concerned.
- 7. Promotees Concerned.
- 8. M/file.

(Signature)
 Deputy Director (Estab)
 Merged District

APPROVED

To

The Secretary (E&SE) Education Department,
Khyber Pakhtunkhwa, Peshawar.

SUBJECT:

**DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER
DATED 03.12.2021 WHEREBY THE APPELLANT HAS BEEN
IGNORED FROM PROMOTION BY THE RESPONDENTS TO THE
POST OF SST (BPS-16) (BIO-CH) ILLEGALLY AND UNLAWFULLY**

Respected Sir,

That the appellant is the employee in education department and is appointed as Certified Teacher (BPS-15) in accordance with the judgment of Peshawar High Court D.I.Khan Bench vides dated 18.05.2019 and is serving since appointment quiet up-to the mark. That after appointment the appellant moved application vide dated 07.10.2019 to the department to re-consider appointment from retrospective effects as per judgment of the Peshawar High Court D.I Khan Bench where after department corresponded vide latter dated 27.12.2019 and 27.1.2020 for granting seniority. That after their correspondence the appellant was then granted seniority by the department vides order dated 08.02.2020 w.e.f 29.06.2016 and the appellant continued performing his duties with entire satisfaction to his superiors. That after granting seniority to the appellant the department issued order vides dated 25.06.2021 to display seniority lists of all District cadres for the departmental promotion committee to be held for promotion to the post of Senior Teacher (BPS-16) and SST (BPS-16). That the department where after framed final working paper for departmental promotion committee for promotion to the post of SST (BPS-16) (Bio-Chem) wherein the department allocated 7 seats for promotions and 2 seats are allocated/advertised for initial recruitment but behind the curtain respondents allocated/advertised 10 seat for initial recruitment through ETEA out of total seats i.e 17 while the criteria in service rules for promotion to the post SST on basis of seniority-cum-fitness basis is 75%. It is pertinent to mention that those who are promoted vide impugned order dated 03.12.2021 are ineligible being BA Arts Degree Holder and also took additional science degrees without NOC from the department for the promotion to SST (BPS-16) (Bio-Chem) being over and above 35 years of age, while the Bs.c degree is considered to be regular degree for which age limit is 22 years and the respondent department notified all the DEO's to strictly follow the existing policy/rules that no degree will be acceptable without prior permission/NOC/study leave within the prescribed age limit, otherwise strict disciplinary action will be taken against the defaulter vides order dated 17.07.2021 & 02.09.2021 but the department deliberately ignored the appellant for promotion to the post of SST BPS-16 (Bio-Chem) being regular degree holder of Ms.c chemistry and M.ed and B.ed and proper seniority. The action of the department by not promoting the appellant to the post of SST (Bio-Chem) on the basis of 75% promotion Quota is against law and rules and have no footings to stand upon it.

It's is therefore most humbly prayed that on acceptance of this departmental appeal the impugned order dated 03.12.2021 may very kindly be modified/rectified and granted promotion to the post of SST (BPS-16) (BIO-Chem) as per their share in the allocated seats on the basis of 75% quota for promotion through rules/policy with all back benefits including seniority. Any other remedy which your good self deems fit that may also be awarded in favor of the appellant.

Dated: 20/12/2021

APPELLANT

Shams ur Rehman
SHAMS UR REHMAN, CT (BPS-15)
GMSAHMAD GUL KALAI,
SOUTH WAZIRISTAN
TRIBAL DISTRICT.

NO. 1560

FAX NO. 0000000000

DATE 3/2/2022


To

The District Education Officer (Male),
South Waziristan at Tank.

Subject: - DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED 03-12-2021, WHEREBY THE APPELLANT HAS BEEN IGNORED FROM PROMOTION BY THE RESPONDENTS TO THE POST OF SSST (B/C) BS-16 ILLEGALLY AND UNLAWFULLY.

I am directed to refer to enclose here with a copy of letter No. SO(PE)E&SED/2-8/DSC/Meeting/2021-22 Dated 05-01-2022 and Even Number Dated 10-01-2022 along with a copy of appeals in respect of the following teacher for your perusal with the remarks to submit clear/detailed report into the matter to this Directorate within 15 days positively for onward submission to high ups as desired, please :-

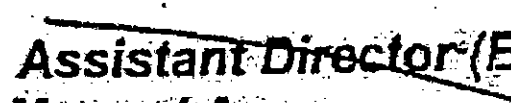
1. Mr. Shams Ur Rehman CT GMS Ahmad Gul Kalai.
2. Said Nawaz CT GHS Kot Kai.
3. Mr. Rahim Ullah CT GHS Ladha.


Assistant Director (Est
Merged Areas)

Endst: No. _____ /

Copy of the above is forwarded to the:-

1. Section Officer (Primary) Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar
2. PA to Director Elementary and Secondary Education Khyb Pakhtunkhwa Peshawar.


Assistant Director (E
Merged Areas)



OFFICE OF THE DISTRICT EDUCATION OFFICER

SOUTH WAZIRISTAN TRIBAL DISTRICT

No. 1078 /

Dated Tank the 12.1.22 /2022

To

The Additional Director,
E&SE, Khyber Pakhtunkhwa, Peshawar

SUB: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED 03.12.2021 WHEREBY THE APPELLANTS HAVE BEEN IGNORED FROM PROMOTION BY THE RESPONDENTS TO THE POST OF SST (B/C) ILLEGALLY AND UNLAWFULLY

Memo:

Reference to your letter No.1560 Dated 03.02.2022 on the subject cited above.

It is submitted for your kind information that this office has sent the final seniority list of Six Sr-CT / C.T male Teachers for SST (B/C) for DPC and the appellants were included in the list but at that time only four positions were available for promotion to SST (B/C) and now new positions of SST (B/C) have been sanctioned by Finance Department and are available.

So that's why the appellants grievances could be solved as they are already present in the working papers submitted to the directorate of E&SE vide this office No. 452 dated 31.01.2022.

DISTRICT EDUCATION OFFICER
SOUTH WAZIRISTAN TRIBAL DISTRICT AT TANK

Encl: No. 1078-79.....Dated Tank the 12.1.22.../2022

Copy forwarded to the Assistant Director (Estab) E&SE (NMDs), KPK, Peshawar for information and necessary action please.

DISTRICT EDUCATION OFFICER
SOUTH WAZIRISTAN TRIBAL DISTRICT AT TANK