

15.06.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

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

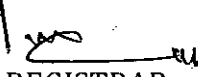

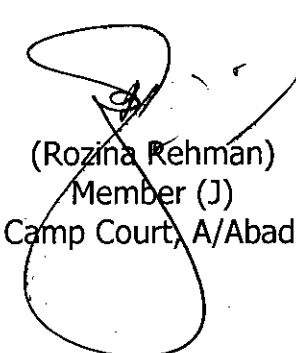
(Fareeha Paul)  
Member (E)  
Camp Court A/Abad

Form- A

# FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 176/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	09/02/2022	<p>The appeal of Mr. Muhammad Rawail received today by post through Mr. Muhammad Liaqat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p>	20.04.2022	<p>This case is entrusted to-touring S. Bench at A.Abad for preliminary hearing to be put there on <u>20.04.2022</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Appellant present through counsel. Preliminary arguments heard. Record perused.</p> <p>Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of reply/comments. To come up for reply/comments on 15.06.2022 before S.B at Camp Court, Abbottabad.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J) Camp Court, A/Abad</p>

*Rs-600/-*  
Appellate Deposited  
Security & Process Fee  
*A. M. J. / ink*  
*26/4/22*

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

Appeal No. 176/2022

Muhammad Rawail S/O Gul Zaman R/O Kuthaila Tehsil & District  
Abbottabad, presently posted as SPST GPS Mukdabi Circle PK Khan ,  
Abbottabad

.....APPELLANT

VERSUS

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

.....RESPONDENTS

**SERVICE APPEAL**

**INDEX**

S #	Description	Page No's	Annexures
1	Service appeal alongwith Affidavit	01 to 06	
2	Copy of Appointment Order	07	"A"
3	Copy of Pay Slip	08	"B"
4	Copy of HSSC Certificate	09	"C"
5	Copy of PTC Certificate	10	"D"
6	Copy of Notification dated 13-11-2012	11 to 21	"E"
7	Copy of Departmental Representation	22 to 23	"F"
8	Copy of the impugned order dated 02-02-2022	24	"G"
9	Copy of the Judgment-dated 07-11-2018 in WP No. 207/A/2018	25 to 28	"H"
10	Copy of minutes of the meeting dated 08-05-2018	29 to 31	"I"
11	Copy of judgment of this Honorable Tribunal dated 17-03-2021	32 to 36	"J"
12	Wakalat Nama	37	

Dated: 03-02-2022

*Rawail*  
.....APPELLANT

Through

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

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

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

Muhammad Rawail S/O Gul Zaman R/O Kuthaila Tehsil & District  
Abbottabad, presently posted as SPST GPS Mukdabi Circle PK Khan ,  
Abbottabad

.....APPELLANT

**VERSUS**

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

.....RESPONDENTS

**SERVICE APPEAL** UNDER SECTION 4 OF NWFP (NOW KPK) SERVICE TRIBUNAL, ACT, 1974 AGAINST THE OFFICE ORDER NO. 915/Lit DATED 02-02-2022 ISSUED BY RESPONDANT NO.3 VIDE WHICH DEPARTMENTAL REPRESENTATION OF THE APPELLANT WAS REJECTED WHICH IS TOTALLY AGAINST THE LAW, POLICY, WITHOUT JURISDICTION, ARBITRARILY, VOID ABINITIO, AND HAVING NO LEGAL EFFECT UPON THE VESTED RIGHTS OF THE APPELLANT.

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**PRAYER:-** ON ACCEPTANCE OF INSTANT APPEAL, THE IMPUGNED ORDER ENDST: NO. 915/(Lit) DATED 02-02-2022 ISSUED BY RESPONDANT NO.3 MAY GRACIOUSLY BE SET-ASIDE AND RESPONDENTS MAY GRACIOUSLY BE DIRECTED TO PROMOTE THE APPELLANT FROM SPST BPS-14 TO PSHT BPS-15 WITH EFFECT FROM WHEN JUNIORS WERE PROMOTED WITH ALL BACK BENEFITS AS PER

NOTIFICATION NO. SO(PE)SSRC/MEETING/2012/  
TEACHING CADRE DATED 13-11-2012 AND ANY  
OTHER RELIEF WHICH THIS HONOURABLE  
TRIBUNAL DEEMS PROPER IN THE  
CIRCUMSTANCES OF THE CASE BE GRANTED.

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**Respectfully Sheweth:-**

1. That the appellant was appointed as PTC/PST vide office order No. 148 dated 01-10-1981 having prescribed qualification and presently working as SPST BPS-14 at GPS Mukdabi, Abbottabad. (Copy of appointment order and pay slip are annexed herewith as Annexure "A" & "B" respectively).
2. That the appellant passed HSSC in 2015 and PTC course in the year 1981. (Copy of HSSC certificate and PTC certificate are annexed as Annexure "C" & "D" respectively).
3. That on 28-01-2022, appellant submitted departmental representation alongwith judgment of this Honorable Tribunal passed in appeal No. 2231/19 dated 17-03-2021 on 10-01-2022 to the respondent No. 3 to the effect that appellant be promoted as PSHT as per the Policy dated 13-11-2012 as well as in view of the judgment 17-03-2021. (Copy of the Policy dated 13-11-2012 and departmental representation are annexed herewith as Annexure "E" & "F" respectively).
4. That the departmental representation of the appellant was rejected by the respondent No. 3 vide Endst: No. 915 dated 02-02-2022 with the remarks that as per Notification dated 30-01-2018 appellant do not fulfill the requisite eligibility criteria for promotion. (Copy of the impugned order dated 02-02-2022 is annexed herewith as annexure "G").

Now appellant seeks indulgence of this Honourable Tribunal for setting aside the impugned order dated 02-02-2022 inter-alia on the following amongst many others:-

**GROUND:-**

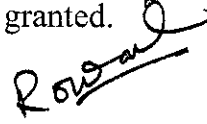
- a) That the impugned order dated 02-02-2022 against the law, facts and circumstances.
- b) That the impugned order is illegal passed in highly capricious manner which is void abinitio and without legal authority.
- c) That the respondents had illegally not consider the appellant for promotion and deprived the appellant for his legal right.
- d) That the identical issue was decided by the Honourable Peshawar High Court Abbottabad Bench in WP No. 207-A/2018 dated 07-11-2018 wherein, Honourable Court held that *“there is no mention in Notification dated 30-01-2018 that the same would have retrospective effect.”* (Attested copy of the Judgment dated 07-11-2018 is annexed here with as Annexure “H”).
- e) That the impugned order dated 02-02-2022 is against the Policy as a meeting was held on 08-05-2018 at committee room of E&SE KP under the chairmanship of respondent No. 2 wherein, issue of promotion was discussed at Serial No. 10 and respondent No. 2 directed all the DEOs including respondent No. 3 **“that the promotion cases of PSTs to SPSTs/PSHTs must be entertained according to the previous Policy of promotion while new Rules are to be applied for new induction/recruitment.”** (Copy of minutes of the meeting dated 08-05-2018 is annexed herewith as Annexure “I”).

- f) That the Notification dated 30-01-2018 is not applicable in the case of appellant as at the time of appointment no such terms and conditions was incorporated in the appointment order of the appellant. Hence, Notification dated 30-01-2018 has no legal value in the case of appellant as appellant is eligible for promotion in view of Notification No. SO(PE)SSRC/Meeting/2012/Teaching Cadre dated 13-11-2012.
- g) That the Notification dated 30-01-2018 is silent whether the same would have retrospective or prospective effect. Hence, impugned order dated 02-02-2022 is liable to be set aside on this score alone.
- h) That the valuable rights of the appellant are involved.
- i) That the common question of laws and facts have already been decided by this Honorable Tribunal at camp court Abbottabad in service appeal Nos. 2231/19, 2234/19, 2235/19, 2236/19 & 2237/19 dated 17-03-2021 and this Honorable Tribunal accepted the appeal and directed the respondents to consider the cases of promotion of similar placed teachers as per guidelines contained in the promotion policy of 2012. (Copy of judgment dated 17-03-2021 is annexed herewith as Annexure "J")
- j) That the appellant seeks leave of this Honourable Tribunal to raise additional grounds during the course of arguments with the permission of Honourable Tribunal.
- k) That the instant service appeal is well within time.

It is, therefore, very humbly prayed that on acceptance of instant appeal impugned order issued vide Endst: No. 915/ (Lit)

dated 02-02-2022 issued by respondent No.3 may graciously be set-aside and respondents may graciously be directed to promote the appellant from SPST BPS-14 to PSHT BPS-15 with effect from when juniors were promoted with all back benefits as per Notification No. SO(PE)SSRC/Meeting/2012/Teaching Cadre dated 13-11-2012. Any other relief which this Honourable Tribunal deems proper in the circumstances of the case be granted.

Dated: 03-02-2022



....APPELLANT

Through

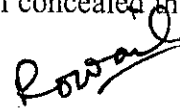


(Muhammad Liaqat)

(Advocate High Court, Abbottabad)

**VERIFICATION:-**

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



....APPELLANT



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

Appeal No. \_\_\_/2022

Muhammad Rawail S/O Gul Zaman R/O Kuthaila Tehsil & District  
Abbottabad, presently posted as SPST GPS Mukdabi Circle PK Khan ,  
Abbottabad

.....APPELLANT

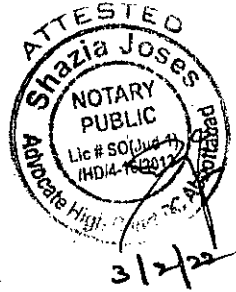
VERSUS

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

.....RESPONDENTS

**AFFIDAVIT**

I, Muhammad Rawail S/O Gul Zaman R/O Kuthaila Tehsil  
& District Abbottabad, presently posted as SPST GPS Mukdabi Circle PK  
Khan Abbottabad, do hereby solemnly affirm and declare on oath that the  
contents of foregoing appeal are true and correct to the best of my  
knowledge and belief and nothing has been concealed from this  
Honourable Tribunal.



*Rawail*  
DEPONENT

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER(M) ABBOTTABAD

APPOINTMENT/ADJUSTMENT.

Officer order No. 148

Dated Abbottabad, the 1/10/1981

Consequent upon completion of PTC training at Government Teacher Training School Haripur, the following appointment/adjustment as approved by the District Education Officer(M) Abbottabad vide his No. 29403 dated 1/10/1981 are hereby ordered in the interest of public with immediate effect:-

S.No.	Name of Teacher	from	To	Remarks.
1.	Shafiqur Rehman S/O. Azizur Rehman village Chattri P.O. Richbhan.	Candidate.	GPS. Gehal Qazian	Against newly created post.
2.	Mohd Arshad S/O Qalandar Khan Village Narduba P.O. N/Sher.	"	GPS. Mandroch. <i>C.M/Sher</i>	---do---
3.	Shafiqur Rehman Village Kalanda P.O. Nara.	Candidate.	GPS. Palkote.	---do---
4.	Mohd Rustam Village Akhora P.O. Bandi Dhundan.	"	GPS. Akhora.	---do---
5.	Karam Dad Village <i>Mahdabi</i> P.O. Kuthiala.	"	GPS. Bigakote	---do---
6.	Abdur Rashid Village Akhora P.O. Bandi Dhundan.	"	GPS. Akhora	---do---
7.	Mohd Riaz Village Akhora P.O. Bandi Dhundan.	"	GPS. Qalandar Abad	---do---
8.	Mohd Rowail Village & P.O. Jalalia.	"	GPS. Silote.	---do---

CONDITIONS.

1. Chare reports should be submitted to all concerned
2. NO TA/DA & Transfer grant is allowed to any one.
3. Fresh candidate will have to submitted their age and health certificate and other testimonials immediately after taking over the charge failing which no salary will be drawn.
4. The fresh candidate should over charge by 12-10-81, otherwise their candidature will automatically stand cancelled.
5. The appointment is purely temporary and subject to termination at any time without notice and assigning any reasons.
6. The appointment made under all services conditions laid down by the Government.

*M. Yusaf*  
 (MOHAMMAD YOUSAF)  
 SUB DIVISIONAL EDUCATION OFFICER(M)  
 ABBOTTABAD SUB DIVISION ABBOTTABAD.

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER(M) ABBOTTABAD.

Endst No. 10712-28 /GB.1. Dated Abbottabad, the 1/10/81/1981

1. Copy forwarded for information & Necessary action to:-
2. Headteacher GPS. concerned.
3. Candidate concerned.
4. The District Education Officer(M) Abbottabad with reference to his No: 29403/PTC/EB-ii/1 dated ~~at~~ the 1/10/1981
5. O.O. File.

*M. Yusaf*  
 SUB DIVISIONAL EDUCATION OFFICER(M)  
 ABBOTTABAD SUB DIVISION ABBOTTABAD.

Wali Dad

*Attest*  
*[Signature]*

1/10/81

14 NOV 2021 13

(88)

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

Personal Information of Mr MUHAMMAD RAWAIL, d/w/s of GUL ZAMAN.

Personnel Number: 00009396 CNIC: 1310146892191 NTN: 0  
 Date of Birth: 11.11.1962 Entry into Govt. Service: 01.10.1981 Length of Service: 40 Years 02 Months 001 Days

**Employment Category: Vocational Temporary**

Designation: SENIOR PRIMARY SCHOOL TEA 81065819-DISTRICT GOVERNMENT KHYBE

DDO Code: AD6298-District Abbottabad

Payroll Section: 003 GPF Section: 001 Cash Center: 08

GPF A/C No: EDU 004917 Interest Applied: Yes **GPF Balance: 1,139,169.00**

Vendor Number: -

**Pay and Allowances:** Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 14 Pay Stage: 27

Wage type		Amount	Wage type		Amount
0001	Basic Pay	46,770.00	1001	House Rent Allowance 45%	3,321.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1968	Incentive Allowance 20%	1,000.00	2148	15% Adhoc Relief All-2013	975.00
2199	Adhoc Relief Allow @10%	672.00	2211	Adhoc Relief All 2016 10%	3,526.00
2224	Adhoc Relief All 2017 10%	4,677.00	2247	Adhoc Relief All 2018 10%	4,677.00
2264	Adhoc Relief All 2019 10%	4,677.00	2309	Adhoc Relief All 2021 10%	4,677.00
2316	Teaching Allowance 2021	3,036.00			0.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3014	GPF Subscription	-2,620.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-1,226.00	3990	Emp.Edu. Fund KPK	-125.00
4004	R. Benefits & Death Comp:	-600.00			0.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance

**Deductions - Income Tax**

Payable: 19,625.50 Recovered till NOV-2021: 6,138.00 Exempted: 4906.20 Recoverable: 8,581.30

**Gross Pay (Rs.): 82,364.00 Deductions: (Rs.): -5,771.00 Net Pay: (Rs.): 76,593.00**

Payee Name: MUHAMMAD RAWAIL.

Account Number: 22843-6

Bank Details: NATIONAL BANK OF PAKISTAN, 230301 MAIN BRANCH, ABBOTABAD. MAIN BRANCH, ABBOTABAD., ABBOTABAD

Leaves: Opening Balance: Aailed: Earned: Balance:

**Permanent Address:**

City: ATD

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

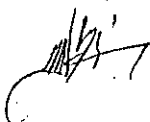
City:

Email: muhammadrowailpst12@gmail.com

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\* All amounts are in Pak Rupees

\* Errors & omissions excepted (SERVICES/30 11 2021/16-07-24)

*Attested*  


# Allama Iqbal Open University Islamabad



Serial No 136733

Certified that *Mr/Ms* MUHAMMAD ROWAIL  
*Son/Daughter of* GUL ZAMAN  
*Registration No* 13-NAD-01462 *Roll No* AU-319386  
*Semester* Autumn 2014 *having met all the requirements under*  
*the semester system is this day awarded the*

## Higher Secondary School Certificate Group - General

*He/She has secured* 61 *%marks*  
*and has been placed in* B *grade*



Result declared on: August 21, 2015

Date of issue: November 24, 2015

*[Signature]*

*[Signature]*  
Controller of Examinations

Note: This certificate is issued without alteration/errata.  
The detail of courses is overleaf.

*Attested*  
*[Signature]*

# گورنمنٹ کالج آف ایجوکیشن مہرئی پور ضلع ایبٹ آباد

سال ۱۹۶۰-۶۱

روز نمبر ۱۲

نام طالب علم محمد رسول ولدیت گل دہلہ سکونت حلالہ ایبٹ آباد جماعت پندرہویں  
تاریخ پیدائش ۱۱/۱۱/۱۹۴۲ جہاں پلین

## ریکارڈ امتحانات

### مہقات اول

### مہقات دوم

کل نمبر ۵۵۰

حاصل کردہ نمبر ۲۹۶

کل نمبر ۷۰۰

حاصل کردہ نمبر ۲۹۶

نمبر شمار	مضامین	کل نمبر	حاصل کردہ نمبر	گریڈ	جی بی اے	نمبر شمار	مضامین	کل نمبر	حاصل کردہ نمبر	گریڈ	جی بی اے
۱	اسلامیات	۱۰۰	۳۳	E		۱	اسلامیات	۱۰۰	۴۲	D	
۲	عاشقین علوم	۱۰۰	۳۶	C		۲	عاشقین علوم	۱۰۰	۵۱	C	
۳	ریاضی	۱۰۰	۳۳	E		۳	ریاضی	۱۰۰	۵۱	C	
۴	سائنس	۱۰۰	۴۰	D		۴	سائنس	۱۰۰	۶۵	B	
۵	اسلام و تاریخ	۱۰۰	۴۱	D		۵	اسلام و تاریخ	۱۰۰	۸۵	A	
۶	عملی اسائن	۲۰۰	۹۵	D		۶	عملی اسائن	۲۰۰	۲۹۶		

۲۱-۹-۶۱

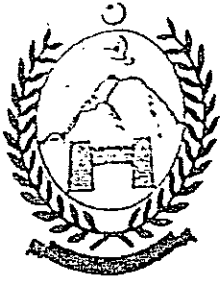
دو ٹون مسٹرون میں کل نمبر ۱۲۰۰  
جی بی اے گریڈ D  
مہرئی پور ایبٹ آباد

حاصل کردہ نمبر ۵۹۳  
جی بی اے گریڈ A  
مہرئی پور ایبٹ آباد

۱۹۶۰-۶۱

Principal  
30/9/61

GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.



NOTIFICATION

*Peshawar, dated the November 13, 2012.*

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

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

Endst. No. & Date as above.

Copy forwarded to:-

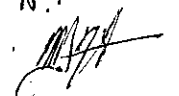
1. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Law Department.
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General,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

Attested  
[Signature]


Annexure 'E' (11)

Scanned with CamScanner

S.No.	Nomenclature of the post.	Minimum qualification and experience for initial appointment or by transfer.	Age limit.	Method of recruitment.
1.	2.	3.	4.	5.
1.	Secondary School Teacher (BPS-16).	(i) Second class Bachelor's Degree with two subjects as Chemistry, Botany, Zoology, Physics, Mathematics, Statistics Humanities and other equivalent groups from a recognized University; or (ii) MA in Education or Bachelor's Degree in Education, from a recognized University.	18 to 35 years.	(a) Fifty percent by promotion on the basis of <u>seniority-merit-fitness</u> , in the following manner: (i) forty per cent from amongst the Certified Teachers (General), Certified Teachers (Agriculture), Certified Teachers (Industrial Arts) and Certified Teachers (Home Economics) with at least five years service as such and having qualification mentioned in column No. 3; (ii) four per cent from amongst the Drawing Masters with at least five years service as such and having qualification mentioned in column No.3; (iii) four per cent from amongst the Physical Education Teachers with at least five years service as such and having qualification mentioned in column No. 3.


Attested  


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

*Attest*  




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

Attested  


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

*Attended*

Certificate or two years Associate Degree in Education from a recognized University or eighteen months Diploma in Education.

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

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

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

14. Certified Teacher (Industrial Arts) (BPS-15).

(i) Bachelor's Degree from a recognized University with two years training in the relevant technical subjects from any Government Industrial or Govt. Technical Vocational Institute or Center, or  
  
(b) Bachelor's Degree from a recognized

18 to 35 years.

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

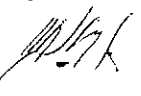
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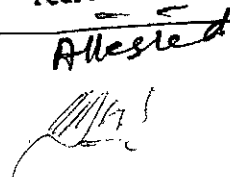
		University with nine months training from any Government Agro Technical Teacher Training Center of the Level of Certified Teacher, Agro technical (Industrial Arts).		<p>(Industrial Arts):</p> <p>Provided that if no suitable candidate is available amongst the Primary School Head Teachers for promotion,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

Attested



	any Government Agro Technical Teacher Training Center of the Level of Certified Teacher, Agro technical (Agriculture).		<p>promotion, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (Agriculture).</p> <p><u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.</p>
16. Certified Teacher (Home Economics) (BPS-15).	<p>(i) Bachelor's Degree with Home Economics, as one of the subject, from a recognized University with in service training from Government Agro Technical Teacher Training Center; or</p> <p>(ii) Certified Teacher Certificate with Home Economics, as one of the subjects, from any Government Training school or college with Bachelor's Degree; or</p> <p>(iii) Bachelor's Degree from a recognized University with nine months training from Government Agro Technical Teacher Training Center of the level of the Certified Teacher Agro Technical (Home Economics); or</p> <p>(iv) Bachelor's Degree, from a recognized</p>	18 to 35 years.	<p>(a) Forty per cent by Initial recruitment; and</p> <p>(b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service as such and having qualification prescribed for initial recruitment of Certified Teacher (Home Economics):</p> <p>Provided that if no suitable candidate is available amongst the Primary School Head Teachers for promotion, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of</p>

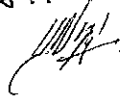
*Attested*  


		University with one year vocational training from any Government training center or institute with nine months training from Government Agro Technical Teacher Training center of the level of certified Teacher Agro Technical (Home Economics).		<p>Certified Teacher (Home Economics).</p> <p><u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.</p>
17.	Drawing Master (BPS-15).	Bachelor's Degree from a recognized University with one year Drawing Master (DM) course Certificate.	18 to 35 years.	<p>(a) Eighty per cent by initial recruitment; and</p> <p>(b) twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Drawing Master.</p> <p>Provided that if no suitable candidate is available for promotion then on the basis of seniority-cum-fitness, from Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Drawing Master.</p> <p><u>Note:</u> In case of non-availability of suitable candidate for promotion, then by initial recruitment.</p> <p><i>Attested</i></p> 

18.	Physical Education Teacher (BPS-15).	Bachelor's Degree from a recognized University with one year junior Diploma in Physical Education course or Army equivalency or other equivalent qualification.	18 to 35 years.	<p>(a) Eighty per cent by initial recruitment; and</p> <p>(b) twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Physical Education Teacher.</p> <p>Provided that if no suitable candidate is available for promotion then on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Physical Education Teacher.</p> <p><u>Note:</u> In case of non-availability of suitable candidate for promotion, then by initial recruitment.</p>
19.	Primary School Head Teacher (PSHT) (BPS-15).			By promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least ten years service and having qualification prescribed for initial recruitment of Primary School Teacher.
20.	Senior Primary School Teacher (BPS-14).			By promotion, on the basis of seniority-cum-fitness, from amongst Primary School Teachers

*Attested*

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

*Attested*  




To

The ASDEO PK Khan,  
Tehsil Lower Tanawal Abbottabad.

Annexure 'F'

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

Respected Sir,

1. That the applicant was appointed as PTC / PST having prescribed qualification vide appointment officer order No 148 dated 01-10-981 and presently working as SPST (BPS-14) at GPS Mukdabi, Circle Pind Kargu Khan Tehsil Lower Tanawal.
2. That consequent upon the recommendations of the DPC applicant was promoted from the post of PST (B-12) to SPST (B-14) vide Notification Endorsement No. 1639-45 dated 16-02-2017.
3. That in pursuance to the Notification dated 13-11-2012, applicant submitted his file for promotion against the post of PSHT (B-15) but the file was returned with the reason that as per new policy 2018 the prescribed qualification for the promotion has been enhanced from intermediate to Bachelor degree.
4. That applicant is eligible for promotion under the policy 2012 as applicant acquired the requisite qualification i-e intermediate in the year 2015.
5. That the new Notification dated 30-11-2018 wherein, the requisite educational qualification was enhanced from FA to BA is not applicable in the case of applicant as at the time of appointment, no such term & conditions was incorporated in the appointment order of the applicant.
6. That there is no mention in the notification dated 30-01-2018 that the same would have retrospective effect hence, applicant is eligible for promotion in view of Notification dated 13-11-2012.
7. That the common question of law & facts have already been decided by the Honourable Khyber Pakhtunkhwa Service Tribunal Peshawar at Camp Court Abbottabad in service appeal Nos 2231/19, 2234/19, 2235/19, 2236/19 and 2237/19 dated 17-03-2021 and accepted the appeals & directed the department to consider the cases of promotion of the appellant as per guidelines contained in the promotion policy of 2012.
8. That as per 2009 SCMR I if the Service Tribunal or Supreme Court decides a point of law relating to the Terms & service of a civil servant which covers not only the case of civil servants who litigated but also of other civil servants who may have not taken any legal

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*[Signature]*

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

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

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

*Rawal*  
28/1/22

Muhammad Rawail  
SPST GPS Mukdabi  
Circle PK Khan  
Sub Division Lower Tanawal

Dated : 28 Jan 2022

Forwarded to worthy SDEO(M)  
Y/T for your please  
A 28/01

22  
ASDEO PK  
Assistant District Education Officer  
Abbottabad

Attested  
*[Signature]*

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABADNo. 915 / (Lit)Dated: 02/10/2022

0992-9310102, 0992-330131



EDO.Education.Atd@gmail.com

To

Mr. Rawail, PST GPS Mukdabi Circle Pind Kargu Khan  
Sub Division Lower Tanawal Abbottabad.

Subject: DECISION ON DEPARTMENTAL REPRESENTATIONS

With reference to your applications received through SDEO (M) Lower Tanawal vide letter No. 448 dated 29-01-2022, undersigned examined the case of the applicants thoroughly.

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

  
District Education Officer (M)

Abbottabad

Endst: No. 916Dated: 02-02-22

Copy forwarded for the information to the:-

SDEO (M) Lower Tanawal with reference to letter No. 448 dated 29-01-2022.

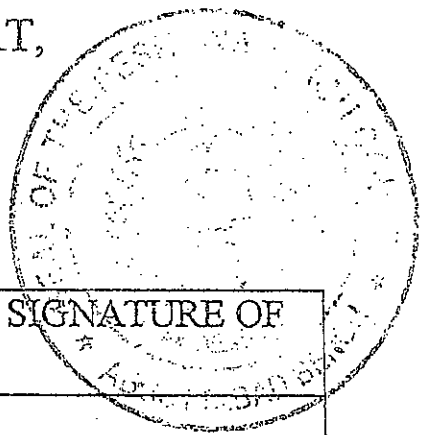
  
District Education Officer (M)

Abbottabad

Attested  


o/c

PESHA WAR HIGH COURT,  
 ABBOTTABAD BENCH  
 FORM 'A'  
 FORM OF ORDER SHEET



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

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

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

4. Arguments heard and record perused.

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

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

Attested  
/s/

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

Attested



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

Announced.  
07.11.2018

JUDGE

JUDGE

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

Tufail\*

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

Allesad

Annex "I"



**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION DEPARTMENT KHAYBER PAKHTUNKHWA**  
 PH: 091-922504-4206, 091-9823415 Email: zulfloorhamidk@gmail.com

No. \_\_\_\_\_ Dated: / / 2018  
 Near Government Shohedal Hussaini School Haher Buzandari School No-1 City Peshawar

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

**Venue:** Committee room Directorate of E&SE VP Peshawar  
**Timing:** 09:00 AM to 04:00 PM  
**Chaired By:** Mr. Farid Khattak Director E&SE KP, Peshawar  
**Participants:** List Attached

**Proceedings:**

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

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

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

**Note:** All employees of E&SE department & other concerned offices please come to follow the instructions of the Director E&SE KP Peshawar on your mobile phone regarding the above to receive the copy of Director E&SE KP Peshawar on your mobile phone.





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

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

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

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

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

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

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

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

**Participants:** List Attached

**Proceedings:**

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

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

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

*Attested*  
*[Signature]*

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



39/2018

**DIRECTORATE OF ELEMENTARY & SECONDARY  
EDUCATION DEPARTMENT KHYBER PAKHTUNKHWA**  
PH: 091-9225314/Fax: 091-9225315 Email: [edu@kpk.gov.pk](mailto:edu@kpk.gov.pk)

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

**Near-Government Sheheed Hussain Shahi Higher Secondary School No-1 City Peshawar.**

4	Autonomy of HSS	The chair directed the DEOs to shift the funds under hiring of teachers (only) in Autonomy budget of HSS to the PTC accounts of the respective school to be utilized on need basis through PTCs afterwards in the new session only for the same purpose of hiring. Chair also directed the DEOs to conduct weekly meeting with concerned principals of GHSSs/GHSSs to discuss the issues in the utilization of autonomy budget and its resolution.	DEOs
5	Release of Remaining 25% budget under Non-salary head	It was revealed that almost 75% of the budget under Non-Salary head have been utilized therefore the chair directed DEOs to write a letter to their respective DO (F&P) for the release of remaining 25% budget immediately.	DEOs
6	Utilization of Conveyance Charges for Female ASDEOs	As per the direction of the Secretary E&SE, utilization under this head is alarmingly low, therefore as per decision of the Secretary E&SE the chair further directed DEOs to submit & clear all the pending bills immediately & in future submit all such bills along with relevant documents to the account offices up to 5 <sup>th</sup> of each month for clearance. The bills of previous month (if not cleared for any reason) shall not be paid to the ASDEOs afterwards.	DEOs
7	Reporting of issues regarding budget execution to Directorate	It was revealed in the meeting that some DEOs have issues on part of DC office, DO (F&P) and District Govt. with reference to the budget execution. In this regard the Deputy Director P&D suggested that they should report such issues well in time to Directorate in order to tackle such issues immediately at proper forums.	DEOs
8	GPS Coordinates for developmental schemes	Regarding PC-1 for developmental schemes Deputy Director P&D suggested the DEOs to send GPS coordinates, GIS map location with PC-1 for proper verification of the proposed site. Sample GPS coordinates, GIS map sheet will be shared with all DEOs via email.	DEOs DD P&D
9	Vacant Positions	All the DEOs (Male & Female) directed to provide vacant position of all cadres & data regarding retirement of personnel (from 1 <sup>st</sup> April 2018 to 30 <sup>th</sup> September 2018) of each cadre with proper school wise STR must be sent ASAP.	DEOs DD P&D
10	Promotions	The Chair directed the DEOs that the promotions cases of PST to SPSTs/PSHTs must be entertained according to the previous policy of promotion while new rules are to be applied for new induction/recruitment.	DEOs

NOTE: All employees E&SE department & other interested ones, please type "Follow Dir\_ESE KP" in your mobile message & send it to "40101" to get free tweets of Directorate of E&SE KP Peshawar on your mobile.

Attended



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

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

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

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

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

*Attested*  
m/ks



**DIRECTORATE OF ELEMENTARY & SECONDARY  
EDUCATION DEPARTMENT KHYBER PAKHTUNKHWA**  
PHONE: 92751447 FAX: 091-9225945 Email: info@edmdkpk.com

No. \_\_\_\_\_ Dated: 1/ / 2010

**Near: Government, Shahqad Hussaini Sharif Higher Secondary School No-1 City Peshawar.**

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

*Handwritten signature*

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

Encl: No. \_\_\_\_\_ Meeting minutes/DRES-1/ Dated: 1/ / 2010

Copies communicated to:

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

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

NOTE: All documents/CSs/ directives of the Director, Govt. of Khyber Pakhtunkhwa, are available on the website of the Directorate of Education, Govt. of Khyber Pakhtunkhwa.



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

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

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

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

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

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

Copies communicated to:

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

*Attested*  
*[Signature]*

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

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

EXHIBIT  
A 32  
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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**  
**AT CAMP COURT, ABBOTTABAD**

Service Appeal No. 2231/2019

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

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

... (Appellant)

VERSUS

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

... (Respondents)

Muhammad Liaqat,  
Advocate

... For appellant.

Riaz Khan Paindakheil,  
Assistant Advocate General

... For respondents.

ROZINA REHMAN  
ATIQU UR REHMAN WAZIR

... MEMBER (J)  
... MEMBER (E)

JUDGMENT

ROZINA REHMAN, MEMBER : This judgment is intended to dispose of  
05 connected service appeals which are:

1. Service Appeal No.2231/2019

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EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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(33)

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

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

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

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

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

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

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EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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

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

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

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Signature  
Kishor Chandra  
Service Tribunal  
Pune



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

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

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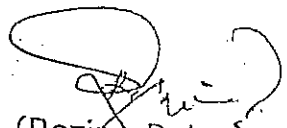
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar


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

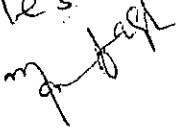
ANNOUNCED:  
17.03.2021

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

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

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Khylar Paktak  
Service Tribunal  
Peshawar

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# وکالت نامہ

کورٹ فیس

بعدالت صدر جسٹس عبدالرشید صاحب محترم قاضی صاحب

عنوان: محمد روپیں بنام گمر گنٹھ خواہر

منجانب:

نوعیت مقدمہ:

## باعث تحریر آئیکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آن مقام

محمد رضا صاحب ایڈووکیٹ اور دیگر

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گیا اور اس کا ساختہ پر داختم مجھ کو منظور قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست ہمراہ استجارت نائش بیضہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المقوم: محمد روپیں 2021

Attested  
Accepted

بمقام:

Roman Urdu