

07.11.2022

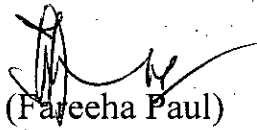
Nemo for appellant.

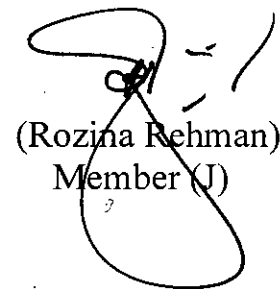
Naseer Ud Din Shah learned Assistant Advocate
General respondents present.

Case was called time and again but none appeared
on behalf of appellant till rising of the Bench. As such the
instant service appeal stands dismissed in default for non-
prosecution. No order as to costs. File be consigned to the
record room.

Announced

07.11.2022

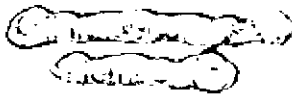

(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

19.04.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Vide order sheet dated 20.12.2021, respondents were given another last chance subject to cost of Rs.2000/ with the warning that in case they fail to submit the written reply/comments and cost, their right for reply/comments shall be deemed as struck off. The respondents failed to comply with the court order, therefore, their right to submit reply/comments has been struck off by virtue of that order. To come up for arguments on 09.06.2022 before the D.B






Chairman

09.06.2022

Clerk of learned counsel for the appellant present. Mr. Asif Khan, Assistant alongwith Mr. Muhammad Adeel Butt, Additional Advocate Genera for the respondents present.

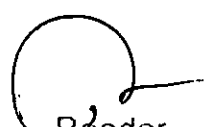
Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 30.08.2022 before the D.B.


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

30.08.2022

Bench is incomplete, therefore, case is adjourned to 07.11.2022 for the same as before.


Reader

20.12.2021

Counsel for the appellant and Mr. Muhammad Muhammad Adeel Butt, Addl. AG for the respondents present.


The respondents were afforded with last opportunity for submission of written reply/comments but even today they have not submitted reply/comments and seek adjournment through learned AAG. Let the respondents be afforded with another last chance subject to cost of Rs. 2000/- on or before next date with the warning that in case they fail to submit the written reply/comments and cost, their right for reply/comments shall be deemed as struck off by virtue of this order. Case to come up for arguments on 22.02.2022 before the D.B.


22.02.2022




Chairman

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 19.04.2022 for the same as before.

Case is adjourned to 19.04.2022 for the same as before.


to 19.04.2022 for the same as before.

15-2-21


Reader

30.12.2020

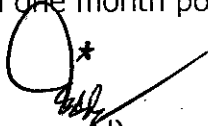
Due to summer vacation, case is adjourned to 17.3.2021 for the same as before.


Reader

17.03.2021

Counsel for the appellant and Addl. AG for the respondents present.

On 13.08.2020, the proceedings were adjourned for arguments, however, on subsequent two occasions, the matter was adjourned on the strength of Reader's Note. Learned AAG requests for time to furnish the reply/comments due to the said reason. Adjourned to 19.05.2021. On the next date arguments on the appeal shall be addressed while the respondents shall furnish the reply within one month positively.


(Mian Muhammad)
Member (E)


Chairman

19.5.21

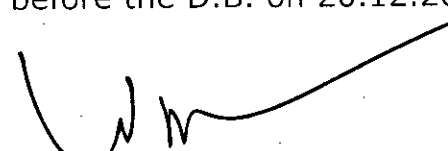
due to COVID 19, the case is adjourned to 10.9.21 for the same.



Reader

10.09.2021

Clerk of counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Clerk of counsel for the appellant stated that learned counsel for the appellant is unable to attend the Tribunal today due to strike of Lawyers. Adjourned To come up for arguments before the D.B. on 20.12.2021.


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

13.08.2020

Counsel for the appellant present. Nemo for the respondents.

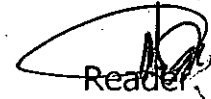
Despite last opportunity, the respondents have not furnished the requisite reply/comments. The matter is, therefore, posted to D.B for arguments on 28.10.2020.



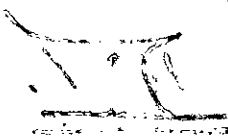
Chairman

28.10.2020

Proper D.B is on Tour, therefore, the case is adjourned for the same on 30.12.2020 before D.B.



Reader



27.01.2020

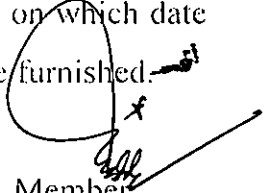
~~Proposed to be on the agenda for the case is~~
Clerk to counsel for the appellant present. Written reply not submitted. Irfan Assistant representative of the respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 04.03.2020 before S.B.

Member

04.03.2020

Junior to counsel for the appellant and Addl. AG for the respondents present

Learned AAG seeks time to contact the respondents and submit written reply. Adjourned to 13.04.2020 on which date the requisite reply/comments shall positively be furnished.


Member

13.04.2020


Due to public holiday on account of COVID-19, the case is adjourned to 07.07.2020 for the same. To come up for the same as before S.B.


Reader

07.07.2020

Counsel for the appellant present.

Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present and seeks time to submit comments. Last chance is given for submission of reply as well as for reply to application for suspension of notification, on 13.08.2020 before S.B


Member (J)

18.11.2019

Counsel for the appellant present.

Learned counsel states that some other appeals (1164/2019 & others) involving the identical issue are fixed for preliminary hearing on 04.12.2019. He, therefore, requests for adjournment of instant appeal to the said date.

Adjourned to 04.12.2019 for preliminary hearing before

S.B.

Chairman

04.12.2019

Counsel for the appellant present.

Contends that the appellant holds a master degree in Computer Science and is presently performing duty as SST (General/Science) BPS-16. He is fully qualified for promotion against the post of Subject Specialist (IT) BPS-17 in view of notification dated 24.07.2014 issued by the respondent department. He, however, has been denied such promotion ostensibly on the strength of minutes of SSRC meeting dated 10.08.2017. Referring to copy of minutes learned counsel contended that no quota for promotion of officials similarly placed and including the appellant has been earmarked for the requisite promotion. The said act of respondents is tantamount to denial of valuable service rights of appellant.

In view of the available record and arguments of learned counsel, instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 27.01.2020 before S.B.

Chairman


Account Deposited
Security & Process Fee

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 1059/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/08/2019	<p>The appeal of Mr. Muhammad Farooq resubmitted today by Mr. Saadat Ullah Khan Tangi 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;"><i>[Signature]</i> REGISTRAR 17/8/19</p>
2-	20/08/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>30/09/19</u></p> <p style="text-align: right;">CHAIRMAN</p>
	30.09.2019	<p>Notice be issued to appellant/counsel for preliminary hearing on 18.11.2019 before S.B.</p> <p style="text-align: right;">Chairman</p>


[Handwritten Signature]
21/9/19

The appeal of Mr. Muhammad Farooq SST GHS Paro D.I.Khan received today i.e. on 29.07.2019 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got singed by the appellatant.
- 2- Affidavit may be got attested by the Oath Commissioner.
- 3- Annexures of the appeal may be attested.
- 4- The authority to whom the departmental appeal was made/preferred has not been arrayed a necessary party.
- 5- Necessary party may be made in the heading of the appeal.

No. 1341 /S.T,

Dt. 31-7- /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Saadatullah Khan Tangi Adv. Pesh.

Re-Submitted after completion

17-08-2019

Qs

17/08/19

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. 1059 /2019

Muhammad Farooq.....**Appellant**

Versus

Govt. of KP through Secretary Elementary & Secondary
Education, Peshawar.....**Respondent**

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3.	Addresses of parties		7
4.	Copy of Appointment Letter	A	8-14
5.	Copy of Notification dt.24.07.2014	B	15-20
6.	Copy of minutes of the meeting	C	21-22
7.	Copies of departmental Appeal and Writ Petition	D & E	24-29
8.	Wakalatnama		30


Appellant

Through


Saadat Ullah Khan Tangi
Advocate High Court
Cell No.0331-5030566

Dated 18.07.2019

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. 1059 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1082

Dated 29/7/2019

Muhammad Farooq S/o Rahim Badshah,
Appointed as SS, GHS Paro,
District Dera Ismail Khan.....

Appellant

Versus

1. Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Peshawar
2. Govt. of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat, KPK Peshawar
3. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar

.....**Respondent**

Service Appeal U/S 4 of the Service Tribunal Act, 1974 against the non consideration of the appellant for promotion to the post of SS(IT) in line with the Notification No.SO (PE)4-5/ SSRC/meeting/ 2012/teaching Cadre dated 24.07.2014 published in official gazette and the same notification be also inserted in service rules 2019 and the appellant be considered for promotion to the post of SS(IT) on the basis of having master degree in Computer Science and having at least five year service as S.S.T (General/Science)

Filed to-day

Registrar

22/7/19

**Re-submitted to -day
and filed.**

Registrar

17/8/19

Respectfully Sheweth:

The appellant humbly submits as under:

1. That the appellant having qualification of B.ED, Master in computer Science was appointed as S.S.T, BPS-16 vide order dated 30.08.2016. (Copy of appointment letter is Annexure "A").
2. That since his appointment till date the appellant is performing his duty to the best of his ability and has not given any chance to displeasure of his superiors.
3. That previously in the rules pertaining to the year 2014 the category of appellant i.e. Master in Computer Science was made eligible for promotion to the post of S.S BPS-17. (Copy of Notification dated 24.07.2014 is annexure "B").
4. That later on meeting of respondent was held on 10.08.2017 in which SSTs (General /Science) having M.Sc (Computer Science)/BS (Computer Science)/MIT may be given 50% quota for promotion to the post of SS(IT) B-17. (Copy of minutes of the meeting is annexure "C").

5. That the respondent in utter violation of the notification, and minutes of the meeting as aforesaid is making promotions from SSTs (General/Science) but to utter violation are not considering the appellant for the promotion to the post of S.S(IT).
6. That the respondent is bent upon not to insert the above mentioned notification in the Rules and thereby depriving the appellant from the promotion to the post of SS(IT).
7. That the appellant after exhausting departmental remedies knocked at the doors of august High Court for the redressal of his grievance but the Hon'ble High Court dismissed the Writ Petition for being non maintainable and directed the appellant to approach competent forum for redressal of his grievances. (Copies of departmental Appeal and W.P is Annexure "D" & "E" respectively).
8. That the appellant prefer the instant Appeal on the following grounds inter alia

GRUNDS:

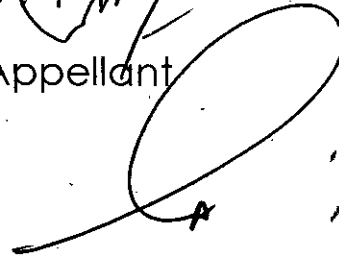
- A. That the non-considering of the appellant for promotion to the post of SS(IT) despite having requisite qualification of M.Sc Computer Science is in clear violation of Notification dated 24.07.2014 and minutes of the meeting dated 10.08.2017.
- B. That the non-insertion of the category of M.Sc Computer Science for the purpose of promotion to the post of SS(IT) is also violative of notification and minutes of the meeting mentioned above.
- C. That the appellant is quite eligible for promotion to the post of SS(IT) according to aforesaid minutes and Notification but the respondents is bent upon to deprive the appellant from his legal rights of promotion to the post of SS(IT).
- D. That the respondent is under legal obligation to act in accordance with law.
- E. That career progress is the right of every individual under the constitution of Pakistan.
- F. That the appellant reserves the right to agitate other additional grounds at the time of hearing.

It is, therefore prayed that on acceptance of the instant appeal non-considering of appellant for to the post of SS(IT) BPS-17 may kindly be declared as illegal, without lawful authority and notification mentioned above dated 24.07.2014 be also inserted in service rules 2019 and the appellant be considered for promotion to the post of SS(IT) BPS-17 on the basis of his Master Degree in Computer Science.



Appellant

Through



Saadat Ullah Khan Tangi

Advocate High Court

Dated 18.07.2019

CERTIFICATE

No such like appeal has earlier been preferred before this Hon'ble Tribunal.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. _____/2019

Muhammad Farooq.....**Appellant**

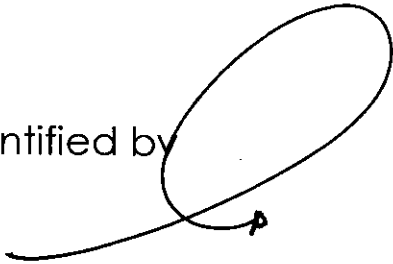
Versus

Govt. of KP through Secretary Elementary & Secondary
Education, Peshawar.....**Respondent**

AFFIDAVIT

I, Muhammad Farooq S/o Rahim Badshah, Appointed as SS, GHS Paro, District Dera Ismail Khan, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by



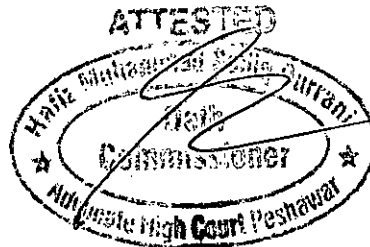
Saadat Ullah Khan Tangi
Advocate High Court



DEPONENT

CNIC#: 12101-7080970-7

07 AUG 2019



7

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. _____/2019

Muhammad Farooq.....**Appellant**

Versus ²
35

Govt. of KP through Secretary Elementary & Secondary
Education, Peshawar.....**Respondent**

ADDRESSES OF PARTIES

APPELLANT:

Muhammad Farooq, S/o Rahim Badshah,
Appointed as SS, GHS Paro,
District Dera Ismail Khan

RESPONDENTS:

1. Govt. of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education, Peshawar
2. Govt. of Khyber Pakhtunkhwa through Chief
Secretary Civil Secretariat, KPK Peshawar
3. Director Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Through

Appellant

Saadat Ullah Khan Tangi
Advocate High Court

Dated 18/07.2019

8

A



DISTRICT EDUCATION OFFICER (MALE)

DIKHAN (KHYBER PAKHTUNKHWA)

Tel. 0966-9280131/9280128

Email: gmsdikhan@yahoo.com

NOTIFICATION:

Consequent upon the recommendations of the Departmental Promotion Committee and in pursuance of the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar office Endst No. 7848-52/file No. 2/ Promotion SST B-16 Dated 24/08/2016, whereby the following S.Ts/ C.Ts, S.O.Ms/ D.Ms, S.A.Ts/ A.Ts, P.S.H.Ts/ S.P.S.Ts/ P.S.Ts were promoted to the post of SST (Physical Education) (General) noted against each in BPS-16 (Rs. 15380-1280-54280) plus usual allowances as admissible under the rules on regular basis under the existing policy of the provincial Government and hereby posted against vacant posts with effect from 05-05-2016 in the interest of public service on the following conditions:-

PROMOTION OF S.T/CT TO SST (MATH/PHYSICS)

S No.	S.L.No.	Name of Official	Present place of posting	Date of Birth	Date of Appointment as Regular CT	Posted at
1	131	Abdul Fawad	GHS Sikandar Janubi	12/12/1966	02/04/1992	GHS Chetban.
2	324	Hamid Ullah	GMS Basli Shekhan Wali	13/09/1972	05/11/1996	GHS No.02 Paharpur
3	350(A)	Muhammad Iqbal Javed	GMS Miran	31/08/1972	06/04/1999	GHS Naivela
4	404	Muhammad Farooq	GHS Paroa	12/03/1973	18/12/1999	GHS Paroa
5	411	Atul Sattar	GHS Ratta Kulachi	16/08/1977	20/03/2001	GHSS Band Kurai
6	413	Singhat Ullah	GHS Ratta Kulachi	15/03/1968	06/09/2001	GHSS Mandhra Kalan
7	424	Qadir Daud	GHS Maddi	11/02/1971	01/08/2002	GHSS Draban Kalan
8	428	Imayat Ullah	GMS Sheikh Yousif	07/03/1975	01/08/2002	GHS Ranjpur

PROMOTION OF P.S.H.T/S.P.S.T/P.S.T TO SST (MATH/PHYSICS)

S No	S.L.No.	Name of Official	Present place of posting	Date of Birth	Date of Appointment as Regular PST	Posted at
1.	1424	Abdul Hameed	GPS Malsar abad	12/02/1972	16/02/1998	GHS Mandhra Kalan
2.	1475	Syed Zafar Abbas Shah	GPS Wanda Mochian Wala	17/03/1973	21/04/1999	GHSS Draban Khord

PROMOTION OF S.T/CT TO SST (GENERAL)

S No.	S.L.No.	Name of Official	Present place of posting	Date of Birth	Date of Appointment as Regular CT	Posted at
1.	121	Ghulam Jeelan	GHS Hafiz Abad	12/10/1952	14/03/1991	GHS Hafiz Abad
2.	122	Ameen ud Din	GHSS NO.4 DIX	20/07/1963	14/03/1991	GHSS No.04 Dikhan
3.	123	S. Sadat Hussain	GHS Wanda Shah	13/09/1960	12/10/1991	GHS Mandhra Nader Shah

پر مشورہ

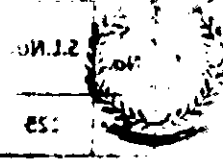
Attested

Abdul Ghafoor
S.S.T (SC)
G.H.S Naivela (D.I.K)

Page 1 of 2

(Signature)

DISTRICT SCHOOL OFFICER



NOTIFICATION OF PROMOTION OF SENIOR OFFICIALS

Notice is hereby given that the following persons have been promoted to the positions indicated in the accompanying schedule. The promotion is effective from the date of appointment.

Name of Officer	Present Position	Grade of Position	Date of Appointment	Post of
[Name]	[Position]	[Grade]	[Date]	[Post]
[Name]	[Position]	[Grade]	[Date]	[Post]
[Name]	[Position]	[Grade]	[Date]	[Post]

The following persons have been promoted to the positions indicated in the accompanying schedule. The promotion is effective from the date of appointment.

Name of Officer	Present Position	Grade of Position	Date of Appointment	Post of
[Name]	[Position]	[Grade]	[Date]	[Post]
[Name]	[Position]	[Grade]	[Date]	[Post]

The following persons have been promoted to the positions indicated in the accompanying schedule. The promotion is effective from the date of appointment.

Handwritten notes and signatures at the bottom of the page.

S No.	S.L.No.	Name of Official	Present place of posting	Date of Birth	Date of Appointment as Regular CT	Posted at
4.	125	Abah Nawaz	GHS Kurai	06/05/1960	30/03/1992	GHS Jatta

PROMOTION OF PSH/SPST/PST TO SST (GENERAL)

S No.	S.L.No.	Name of Official	Present place of posting	Date of Birth	Date of Appointment as Regular PST	Posted at
1.	221	Haq Nawaz	GPS Jhoke Machi	01/02/1959	05/10/1986	GHS Panoa
2.	455	S.Ghias ul Haq Shah	GPS Pathan Kot	21/06/1970	13/03/1990	GHS Mandhra Kalan

PROMOTION OF SDM/DM TO SST (GENERAL)

S No.	S.L.No.	Name of Official	Present place of posting	Date of Birth	Date of Appointment as Regular DM	Posted at
1	32	Mashal Khan	GHSS Abdul Khel	05/04/1960	05/12/1985	GHS Paniala

PROMOTION OF SAT/AT TO SST (GENERAL)

S No.	S.L.No.	Name of Official	Present place of posting	Date of Birth	Date of Appointment as Regular AT	Posted at
1	60	Salahuddin	GHS Wandha Maddat	13/06/1964	12/11/1987	GHS Paniala

Terms and conditions.

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Government.
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 within 15 days.
5. Their inter-se seniority on lower post will remain intact.
6. No TA/DA is allowed for joining his duty.
7. They will give an undertaking to be recorded in their service book to the effect that if any overpayment is made to him in light of this order will be recovered and if he is wrongly promoted he will be reversed.
8. Before handing over charge once again their original documents may be checked if they have not the required relevant qualifications as per rules, they may not be handed over charge of the post.

So
District Education Officer
(Male) Dera Ismail Khan

Encl: No. 16335-60 /AE-/SST/Promotion

Dated DIKhan the 30/8/2016

Copy forwarded to:

1. The Director, E&SED Khyber Pakhtunkhwa Peshawar,
2. The District Comptroller of Accounts, Dera Ismail Khan.,
3. The Deputy District Education Officer (M) DIKhan.
4. The concerned Principals/Head Masters, GHSS/GHS in DIKhan.
5. All the Sub-Divisional Education Officers (M) DIKhan.
6. PA to DEO (M) DIKhan.
7. Officials concerned.
8. Master File.

District Education Officer
(Male) Dera Ismail Khan

GOMAL UNIVERSITY

DERA ISMAIL KHAN



Name: SON of MALIK RAHIM BAKHSH. and

a student of GOVT COLLEGE, DERA ISMAIL KHAN.

having passed the prescribed examination in OCTOBER, 1994,

is this day admitted by the Gomal University to the **DEGREE** of

BACHELOR OF SCIENCE

in the Division. HE passed also in PAK. STUDIES & ISL. STUDIES as an

~~Additional Optional Subject/Practical Studies and Languages~~ Compulsory Subjects.

The Examination was taken as a whole/~~in parts.~~


Registered No. 3552-D-92

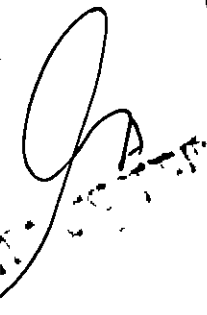
Roll No. 6067

MARCH 8, 1995

Countersigned


Controller of Examinations


Abdul Wahid
S.T (SC)
G.H.S. Dera Ismail Khan


Vice-Chancellor

Serial No. GU 2 00536

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

11

GOMAL UNIVERSITY

DERA ISMAIL KHAN



(Session 1993-95)

Farooq SON of Malik Rahim Bakhsh and
a student of the COMPUTER CENTER,

having passed the prescribed examination in SEPTEMBER, 1997,

is this day admitted by the Gomal University to the DEGREE of

MASTER OF SCIENCE

in the FIRST Class

The subject of examination being COMPUTER SCIENCE.

The Examination was taken as a whole/~~in parts~~

Registered No. 3552-D-92

Roll No. 858

SEPTEMBER 22, 1997

Attested

Admit Officer
S.S.T (SC)
G.H.S Naveela (D.I.K)

Countersigned

Chaudhary
Controller of Examinations

[Signature]
Vice-Chancellor

46826

Roll No. G-6373300

Allama Iqbal Open University



علامہ اقبال اوپن یونیورسٹی
محمد فاروق

MUHAMMAD FAROOQ

Regn. No.

97-NDN-1465

رہنمائی نمبر

son/daughter of

MALIK RAHIM BAKHSH

بن اہنت ملک رحیم بخش

having completed the prescribed requirements
in SPRING 19 2000 is awarded the degree of

۱۸ ماہ میں مطلوبہ شرائط مکمل کرنے پر

Bachelor of Education

بی۔ ایڈ

He/She secured 65 % marks and was placed
in B grade.

۶۵ فیصد نمبر لے کر بی گریڈ حاصل کیا

[Signature]
Vice Chancellor

وائس چانسلر

Islamabad

Dated : 22ND DEC, 2000

Controller of Examinations

کنٹرولر امتحانات

۲۲ دسمبر ۲۰۰۰

[Signature]
G.H. & Naivela (D.I.K)

This degree is to be read in conjunction with the Transcript, issued separately.



Passed/Re-appear /
Failed in Agg/Failed/Absent

DETAILED MARKS CERTIFICATE

B.Sc. EXAMINATION PART - II

Session 1994 (Annual)

Roll No. 5067

Mr. / Miss Muhammad Farooq

Division First

The candidate secured the following marks

SUBJECTS	Total Number of Marks allotted	MARKS OBTAINED	
		In figures	In words
1. English.	75		
2. Botany	75		
3. Physics	75		
4. Chemistry.	75		
5. Computer Science.	75		
6. Zoology	75		
7. A Course of Maths	75	65	Sixty five
8. B Course of Maths	75	70	seventy only
9. Statistics	75	57	fifty seven
10. Geography	75		
11. Pak: Stud (Comp)	40	22	Twenty two
12. Aggregate of Part-I	285	210	Two (hd) + ten only.
TOTAL	550	424	four (hd) + twenty four

Nº 000601

Dated 8.3.1995

Attested

[Signature]
 S.S. CONTROLLER OF EXAMINATIONS,
 G.H.S. COMAL UNIVERSITY, DERA ISMAIL KHAN.

DEPT. OF AGRICULTURE
WASHINGTON, D.C.

DEPT. OF AGRICULTURE
WASHINGTON, D.C.

RECEIVED
OFFICE OF THE
SECRETARY OF AGRICULTURE
WASHINGTON, D.C.

The following has been placed in the hands of the

MARKS OBTAINED	Number of Copies	Number of Copies	Number of Copies
100 copies	100	100	100
50 copies	50	50	50
25 copies	25	25	25
10 copies	10	10	10
5 copies	5	5	5
2 copies	2	2	2
1 copy	1	1	1
TOTAL	193	TOTAL	193

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WASHINGTON, D.C.

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GOMAL UNIVERSITY



DERA ISMAIL KHAN

14

Passed/~~Appeared~~/~~Failed~~ in Agg.

DETAILED MARKS CERTIFICATE S: 1993-15

Science Examination 19 Annual / ~~Supplementary~~ / ~~Final~~ Term.

Roll No. 558 Held in sept: 1997

Mr / ~~Mrs~~ Muhammad Farooq


The candidate secured the following marks & has been placed in First Division.

SUBJECTS	Total Number of Marks allotted	MARKS OBTAINED	
		In figures	In words
1. Numerical Analysis	100	83	Eighty three
2. Artificial Intelligence	100	78	Seventy eight
3. Management Information System	100	44	Forty four
4. Thesis in Urdu	150	119	one hundred + nineteen
5. Aggregate 3rd Sem	350	249	Two hundred + forty nine
6. " 2nd "	500	298	Two hundred + ninety eight
7. " 1st "	500	366	Three hundred + sixty six
TOTAL	1800	1237	one thousand two hundred + thirty seven

No 026198

Dated 22.12.1997

Attested


 Controller of Examinations,
 Gomal University, Dera Ismail Khan.
 Abdul Ghaffar
 STIC
 New Building

SIXTYSEVEN

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT.



Peshawar, dated the 24th July, 2014.

NOTIFICATION

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 1B and before Serial No. 1B, as so renumbered, the following new entries shall be inserted in respective columns, namely:

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.
IA	Director Physical Education (BPS-17)	At least second class Master's Degree in Physical Education from a recognized University.	22-35 years	<p>(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:</p> <p>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 Teacher with at least five years service as such as having qualification mentioned in column No. 3;</p> <p>Note:- If no suitable candidate is available in the relevant cadres of the above teachers, the post falling in their promotion queue 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 column 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>and</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 per cent 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> <p>(b) four per cent from amongst the Senior Drawing Masters (BPS-16), with at least five years service as Senior Drawing Masters and Drawing Masters and having qualification mentioned in column No.3:</p>

18

				<p>Senior Drawing Masters for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Drawing Masters with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(c) four per cent from amongst the Senior Arabic Teachers(BPS-16), with at least five years service as Senior Arabic Teachers and Arabic Teachers, and having qualification mentioned in column No.3:</p> <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>
--	--	--	--	---

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19/11/2011

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;

- (e) three per cent from amongst the Senior Qaris (BPS-16), with at least five years service as Senior Qari and Qari and having qualification mentioned in column No. 3:

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;

- (f) twenty per cent from amongst the Primary School Head Teachers (BPS-16), 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

TESTED

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Endst : of even No & date:

1. The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department Peshawar.
3. The Secretary to Government of Khyber Pakhtunkhwa, Law Department Peshawar.
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General Khyber Pakhtunkhwa Peshawar.
6. The Director, Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
7. The Director of Education (FATA) Peshawar.
8. The Director, Curriculum and Teacher Education Khyber Pakhtunkhwa Abbottabad.
9. The Director, (PITE) Khyber Pakhtunkhwa Peshawar.
10. The Director, ESRU Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
11. Manager Government Printing Press Khyber Pakhtunkhwa Peshawar.
12. The Deputy Director, EMIS (S&SE) Department Khyber Pakhtunkhwa Peshawar.
13. All District Education Officer (M&F) in Khyber Pakhtunkhwa.
14. All District Account Officer in Khyber Pakhtunkhwa.
15. All Agency Education Officer in FATA.
16. All Agency Account Officer in FATA.
17. PS to Governor Khyber Pakhtunkhwa. Peshawar.
18. PS to Chief Minister Khyber Pakhtunkhwa. Peshawar.
19. PS to Chief Secretary Khyber Pakhtunkhwa. Peshawar.
20. PS to Minister E&SE Khyber Pakhtunkhwa. Peshawar.
21. PS to Secretary E&SE Khyber Pakhtunkhwa. Peshawar.
22. Master file

(7)

TAMIN KHAN MOMAN
SECTION OFFICER (PRIMARY)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Subject: MINUTES OF THE MEETING OF THE SSRC REGARDING ALLOTMENT OF 50% QUOTA TO SST (GEN/SC) FOR PROMOTION TO THE POST OF SS-IT

Meeting of the SSRC regarding the subject matter was held under the Chairmanship of Secretary Elementary & Secondary Education Department on 10/08/2017 at 11:00 am in the committee room of this Department. The following Officers/Officials of the concerned Department/attached Department attended the meeting.

The following attended the meeting:-

1. Dr. Shahzad Khan Bangash, Secretary E&SE Department (In Chair)
 2. Mr. Qaisar Alam, Special Secretary (Est.) E&SE Department.
 3. Mr. Muhammad Rafiq Khattak, Director E&SE, Peshawar.
 4. Mr. Muhammad Shoaib, Deputy Secretary (A), E&SE Department
 5. Mr. Javed Siddique, Deputy Secretary (R) Finance Department.
 6. Mr. Naik Muhammad, Section Officer (Primary) E&SE Department.
 7. Mr. Mohsin Mushtaq, Assistant (R-1) E&AD Department.
2. The forum was informed that E&SE Department vide Notification No. SOG/E&SED/1-86/SS.IT/2016 of E&SE Department Peshawar dated 15.08.2016 has notified the nomenclature of Information Technology Teaching Cadre/Posts serving in the Government High & Higher Secondary Schools of Khyber Pakhtunkhwa of E&SE Department, as Subject Specialist-IT (SS-IT/Computer Science) BPS-17 (Annex-A). Further E&SE Department vide Notification No. SO (PE)4-5/SSRC/Meeting/ 2013/ Teaching Cadre: dated 24/07/2014 has approved promotion to SS posts (BPS-17) from SST (BPS-16). The SST regular having 50% quota of the total sanctioned SS posts allotted for promotion (Annex-B). 50% quota has already been allotted for SSTs (General/Science) in 12 different subjects for Subject Specialist Post. But unfortunately, SSTs (General/Science) who have M.Sc (Computer Science)/BS (CS)/MIT qualification and are eligible for promotion to the post of SS (IT) B-17 have no quota for promotion.
3. In light of the above facts, this Department, therefore, proposed that all those SSTs (General/Science) who have M.Sc. (Computer Science)/BS (Computer Science)/MIT may be given 50% quota for promotion to the post of SS (IT) B-17 like other SSTs, so as to bring uniformity in the teaching cadre.
4. In the above context, the service rules/structure of SST (General/Science) & SST (IT) were approved as tabulated below: -

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45/7/2017

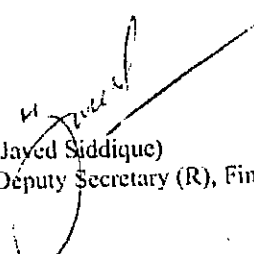
24
23


Decisions:


The following decisions were made in consensus: -


- i. The proposed amendments in the service rules/structure as depicted in the above table was approved.
- ii. Nomenclature of the post of CT(IT) was changed as Junior Teacher Information Technology (JT-IT)
- iii. Seniority of SST (General/Science) & SST (IT) will be clubbed together immediately for the purpose of promotion in light of the above amended service rules for the post of SST (General/Science) & SST (IT) to the post of SS(IT/Computer Science)

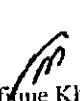
The meeting ended with vote of thanks to/from the Chair.



(Jayed Siddique)
Deputy Secretary (R), Finance Department

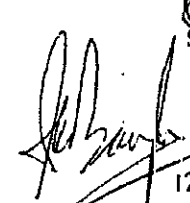

(Mohsin Mushtaq)
Assistant (R-I), E&AD Deptt:

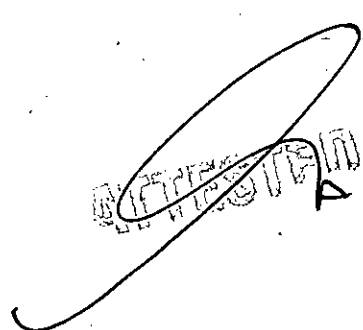

Naik Muhammad
Section Officer (Primary), E&SE Department


Muhammad Shoaib
Deputy Secretary (A), E&SE Deptt:


(Mohammad Rafique Khattak)
Director, E & SE, Peshawar


(Qaisar Akram)
Special Secretary, E&SE Deptt:


12/9/17
Dr. Shahzad Khan Bangash
Secretary E&SE Department
(Chairman)


SECRETARY
E&SE DEPARTMENT
A

To

The Most Respected
Director E&SE Department,
Khyber Pakhtunkhwa Peshawar

Subject:- APPEAL FOR THE NOTIFICATION OF THE MINUTES OF THE MEETING OF THE SSRC ON 10/08/2017 REGARDING ALLOTMENT OF 50% QUOTA TO SST (GEN/SC) FOR PROMOTION TO THE POST OF SS-IT.

Respected Sir,

With most veneration it is to bring in your kind notice that 50% quota has already been allotted for SSTs (General/Science) in the different subjects for subject specialist post but unfortunately, SSTs (General/Science) who have M.Sc (Computer Science)/BS(CS)/MIT qualification & are eligible for promotion to the post of SS(IT) BPS-17 have no quota for promotion.

But in the SSRC meeting on 10/08/2017 E&SE Department proposed that all those SSTs (General/Science) who have MSc. (Computer Science)/BS(CS)/MIT may be given 50% quota for promotion to the post of SS(IT) BPS-17 like other SSTs, so as to bring uniformity in the teaching cadre.

Now according to the SSRC meeting on 10/08/2017 the seniority of SST(General/Science) and SST(IT) will be clubbed together immediately for the purpose of promotion.

Date: 05.07.2018

Thanks

ATTESTED

1. Muhammad Ibrahim (SST)

2. Muhammad Imran (SST)

3. Abdul Ghafoor (SST)

4. Muhammad Farooq (SST)

5. Ghulam Abbas (SST)

6. Muhammad Naseem Ullah Khan (SST)

Respected Sir
5/07/2018

1.5

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH
(General Department)

24

25-26

"E"

Writ Petition No. 377-D with C.M. Nos. 1099-D & 1101-D of 2018

Abdul Ahad and 9 others

Versus

Govt. of Khyber Pakhtunkhwa through Secretary (E&S)
Peshawar and seven others



JUDGMENT

Date of hearing

30.01.2019

For petitioners:

Muhammad Anwar Awan Advocate

For respondents:

Mr. Kamran Hayat Miankhel, Addl:
A.G and Mr. Zia ur Rehman Qazi
Advocate

S.M. ATTIOUE SHAH, J.- Through the instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioners Abdul Ahad and others have prayed that:-

"In wake of above submission it is respectfully prayed that on acceptance of this writ petition may kindly direct the respondent to collect the documents from SST (General/Science) for promotion as Subject Specialist (IT) and consider them according to rules. It is also further prayed that may kindly direct the respondents to amend or interpret the promotion rules by providing ample opportunity to SST (General/Science) as Subject Specialist (IT) BS-17."

ATTENTION
EXAMINOR
Peshawar High Court
D.I. Khan Bench

any

2. The petitioners are serving as Secondary School Teacher (General/Science) and seek issuance of writ

ATTENTION
EXAMINOR
Peshawar High Court
D.I. Khan Bench

directing the respondents to collect documents from SST (General/Science) for promotion as Subject Specialist (IT) and to consider them according to rules and further directions to respondents to amend or interpret the promotion rules by providing ample opportunity to SST (General/Science) as Subject Specialist. Admittedly, the petitioners are civil servants and the matter in question relates to the terms and conditions of their service and in such like cases this Court has no jurisdiction to issue directions for the promotion of petitioners or direction for amendment in the Rules in question. In this respect, reliance is placed on the cases of Province of Punjab, Communication and Works Department, Lahore. Vs. Liaquat Ali Bukhari (1998 PLC(CS) 901), Muhammad Zafar Ali. Vs. Federation of Pakistan through Secretary Establishment, Islamabad (2018 PLC(CS) 116) and Hafiz Muhammad Ilyas. Vs. Government of Khyber Pakhtunkhwa (2018 PLC(CS) N 40). The Honourable Supreme Court of Pakistan in the case of Government of Khyber Pakhtunkhwa. Vs. Hayat Hussain (2016 SCMR 1021) held that:-

"No vested right of a government employee was involved in the matter of promotion or the rules determining their eligibility or fitness. High Court had no jurisdiction by means of constitution petition to strike down such rules."

ATTESTED
 12-02
 EXAMINOR
 Peshawar High Co.
 O.I. Khan Be

ATTESTED
 [Signature]

Thus, in view of above facts, it has conclusively been resolved that High Court has no jurisdiction to entertain matters relating to civil servants involving terms and conditions of their service, or any ground whatever.

3. Accordingly, for the reasons stated above, this petition is not maintainable and is dismissed alongwith enlisted C.Ms and interim relief. However, the petitioners are at liberty to approach the competent forums for the redressal of their grievance, if so advised.

Announced
Dt. 30.01.2019
[initials]

JUDGE

JUDGE

100
Hon'ble Mr. Justice S. H. Azhar Shah
Hon'ble Mr. Justice Shakti Anand

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11/2

G.R. No. 557
Applicable: Received on 12-02-19
Copies: _____
No of Pages: 05
Copies to: 04
Urgent Fee: _____
Total Fee: 200
Copy ready for issue: 12-02-19
Copy delivered on: 12-02-19
Signature of CLS: _____
12-02-19

Controlled to G.P. Blue Copy
12-02-19
EXAMINER
Petitioner's Copy
12-02-19

ATTESTED
[Signature]

BEFORE PESHAWAR HIGH COURT BENCH AT D.I.KHAN

Writ No. 817 of 2018.



1. Abdul Aliul N/O Ghulam Muhammad R/O Alimul
D.I.Khan currently working at GC/HS no. D.I.Khan as SST (Physics & Mathematics).
2. Kalim Ullah S/O Rehmat Ullah Case Baluch R/O Mohallah Ahmad Saib Eld
Gah D.I.Khan currently working as ASDEO SST (General) chudwan circle District D.I.Khan.
3. Dr. M. Naseem Ullah S/O Fateh Ullah R/O Gillani Town near Wensum College
D.I.Khan Currently posted at GHS Haji Mora as SST (General), (Phd).
4. Ghulam Abbas R/O Ghulam Qasim R/O Village Mialy Tehsil Parova D.I.Khan
currently posted at GHS Mangal SST (General).
5. Abdul Ghafoor S/O Ghulam Nabl Khan R/O Village Lunda Para Tehsil Parova
D.I.Khan currently posted as GHS Wanda Sheru D.I.Khan SST (General).
6. Muhammad Imran S/O Haji Ismail R/O Parova D.I.Khan currently posted at
GMS Malaikhi SST (General).
7. Muhammad Bilal S/O Malik Muhammad Amir R/O Currently posted at GHS
SST (General) Gara Rahid D.I.Khan.
8. Ruff Ullah S/O Hameed Ullah R/O Kot Nawaz District Tank, currently working
as ASDEO Education Office Tank SST (General).
9. Asmat Ullah S/O Rahmat Ullah R/O Shadi Khel Village Daraki District Tank
SST (General).
10. Muhammad Farooq S/O Rahim Balah R/O Village Chah Khan Wala Tehsil
Parova D.I.Khan currently posted at GHS Parova as SST (Physics & Mathematics).

VERSUS

EXAMINOR
Peshawar High Court
D.I. Khan

1. Govt of Khyber Pakhtunkhwa through Secretary (E/48) Education Peshawar.
2. Govt of Khyber Pakhtunkhwa through Secretary Establishment Department Peshawar.
3. Govt of Khyber Pakhtunkhwa through Secretary Finance Department Peshawar.
4. Govt of Khyber Pakhtunkhwa through Secretary Law Peshawar.
5. Director General (E&S) Education Khyber Pakhtunkhwa Peshawar.
6. Deputy Director EMIS (S&SK) Department Khyber Pakhtunkhwa Peshawar.
7. District Education Officer (Male) D.I.Khan.
8. District Account Officer D.I.Khan.

**PETITION UNDER ARTICLE 199 OF CONSTITUTION
OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973.**

Respectfully Sheweth:

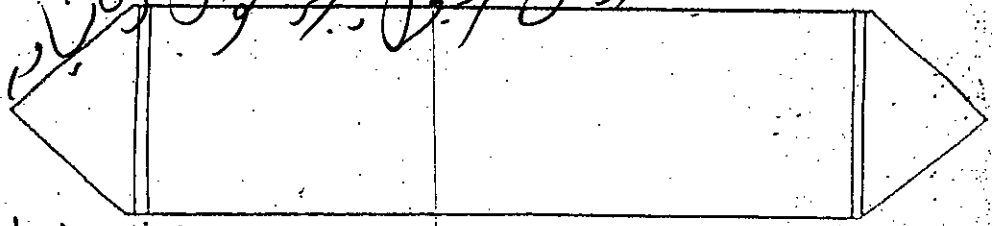
The facts leading rise to present writ petition in brief are:

1. That petitioner having degree of Bachelor of Science, appointed as Secondary School Teacher (General/Science). Copy of academic qualifications and notifications are annexure A & B.
2. That petitioner also acquired the degree of Master of Computer Science. Copy of Certificates is annexure C.
3. That respondent vide notification no. SO (PE) 4-5/SSRC/Meeting/2013/Teaching Cadre dated 24th of July 2014 approved some amendments regarding promotion of Secondary School Teacher BPS-16 to subject specialist BPS-17, according to which 50% promotion should be made on the basis of seniority cum fitness for the relevant subject amongst the SST with at least 5 year service along with 2nd class Master Degree or 4 year BS degree in the relevant subject. Copy of Notification is Annexure D.
4. That after the amendments some promotions were made but Secondary School Teacher (General/Science) were ignored reason best known to the respondents. In the

ATTACHED
A

EXAMINER
Peshawar High Court
D.I.Khan District

بعدالت سرسٹریٹجی کے لیے درخواستیں



2 پنجاب ایسٹریٹجی
بنام حکومت

گورنمنٹ

سرسٹریٹجی

موزعہ
مقدمہ
دعوی
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دیکل کاروائی متعلقہ
آن مقام سرسٹریٹجی کے لیے ~~سلسلہ ایجنسیوں کی~~ ~~اہم و اہمیت کے~~ ~~جوانی~~ ~~درجہ~~

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
دیکل صاحب کو راضی نامہ کرنے و تقریر ثالثہ فیصلہ برخلاف دیئے جواب دہی اور اقبال دعویٰ اور
بمسوزت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائس پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ درجہ جانشانہ التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا اوکالت نامہ لکھدیا کہ مندر ہے۔

الرقوم ۲۷
ماہ جولائی 2014

واہ العب
کے لئے منظور ہے۔

مقام سرسٹریٹجی

A
Accepted

گورنمنٹ وکٹوریہ ایسٹریٹجی

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No: 1059/2019

Muhammad Farooq, SST BPS-16 District D.I.KHAN.....Appellant.

VERSUS

Govt: of Khyber Pakhtunkhwa through the Sectary (E&SED) & others.....Respondents

Joint PARAWISE COMMENTS ON & FOR BEHALF OF RESPONDENTS 1-3.

Respectfully Sheweth :-

The Respondents submit as under:-

PRELIMINARY OBJECTIONS.

- 1 That the Appellant has got no cause of action / locus standi.
- 2 That the instant Service Appeal is badly time barred.
- 3 That the appellant has concealed material facts from this Honorable Tribunal in the instant service appeal.
- 4 That the instant service appeal is based on mala fide intentions.
- 5 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 6 That the Appellant is not entitled for the relief he has sought from this Honorable Tribunal.
- 7 That the instant Service Appeal is against the prevailing law & rules.
- 8 That the Appellant is estopped by his own conduct to file this service appeal.
- 9 That the appellant has been treated as per law rules & set procedure.
- 10 That the instant appeal is not maintainable in its present form.
- 11 That the instant appeal is bad for mis-joinder & non-joinder of the necessary parties.
- 12 That the instant Service Appeal is barred by law
- 13 That the Appellant is not competent to file the instant appeal against the Respondents.
- 14 That the Notification dated 24-07/2014 has been superseded by the service rules 2019 which is not applicable upon the case of the appellant for promotion as SS (IT) B-17 in the Respondent Department which is legally competent & liable to be maintained.
- 15 That the Appellant has been treated as per law, service rules 2019 & policy.

ON FACTS.

- 1 That Para-1 needs no comments being pertains to the service record of the appellant against the SST B-16 post in the Respondent Department & a copy where of is attached is **Ann-A**.
- 2 That Para-2 is also needs no comments as each & every civil servant is liable to serve his parent Department with his utmost devotion for the salary & other benefits he has drawing from the Govt; Treasury.
- 3 That Para-3 is incorrect & denied on the grounds that perusal of the cited policy notified vide Notification No.SO(PE)4-5/SSRC/Meeting/2013/Teaching Cadre dated 24/07/2014 with reference to serial No.1 under heading of Subject Specialist B-17 says that:-

- I. At least second class Master's Degree or four years BS Degree in the relevant subject; &
 - II. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualification from a recognized university with age limit of 23 to 35 years under 50% by promotion, on the basis of seniority-cum-fitness, for the relevant subject from amongst the SSTs B-16, with at least 05 years' service as such and having qualification as mentioned above. Wherein, the appellant was made not entitled for promotion against the SS (IT) B-17 post on the ground that his Master's Degree/subject of Computer Science is not relevant at Higher Secondary level in the Respondent Department & copy of the cited policy dated 24/07/2014 is **Ann-B**.
- 4 That Para-4, is correct to the extent that a meeting regarding allotment 50% quota SST (G/SC) for promotion to the post of SS (IT) B-17 was held on 10/08/2017 in the office of the Respondent No.1, however, the proposals of the said meeting was not incorporated in the relevant policy for promotion as SS (IT) B-17 by the Department as the subject of the appellant is irrelevant for HSSC/inter classes in the Respondent Department, hence, he cannot be promoted as SS (IT) B-17 due to the non-availability of post in the Respondent Department and a copy of the said meeting dated 10/08/2017 is **Ann-C**.
 - 5 That Para-5 is incorrect & denied on the grounds as mentioned para-4 of the present reply, hence, needs no further comments.
 - 6 That Para-6 is also incorrect & denied as the act of the Respondent Department with regard to the non-inclusion of the said cadre in the promotion criteria/policy is based on the Principles of natural justice, hence, the claim of the appellant is baseless & liable to be rejected.
 - 7 That Para-7 is also correct to the extent of filing W.P No. 377-D with CM NO.899-D & 1101-D/2013 under titled Abdul Ahad etc Vs Govt; KPK & others before the Honorable Peshawar High Court Peshawar but was dismissed vide judgment dated 30/01/2019 in favor of the Respondent Department on merits of the case & a copy of the judgment is **Ann-D**.
 - 8 That Para-8 is incorrect & denied. Neither, departmental appeal has been filed by the appellant, nor any such record is available in the offices of the Respondents. However, the Respondents further submit on the following grounds inter alia :-

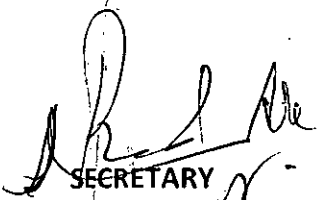
GROUND.

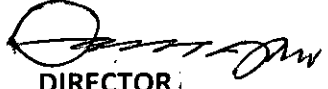
- A **Incorrect & denied.** The stand of the appellant is without any legal force as there is no mention of M.Sc Computer Science in the promotion policy dated 24/07/2014 as the subject of the appellant is irrelevant in the Respondent Department, hence, the appellant cannot be promoted as SS (IT) B-17 in the Respondent Department.
- B **Incorrect & denied.** The appellant has been treated as per law, rules & set procedure/criteria in the instant case by the Respondent Department.
- C **Incorrect & denied.** The appellant has been treated as per law, rules & set procedure & was not found fit for promotion against the SS (IT) B-17 post in the Respondent Department under the rules.
- D **Incorrect & denied.** Detailed reply of this ground has been given in the foregoing paras. Hence no further comments.
- E **Incorrect & denied.** The Respondent Department has acted as per law, rules & policy, wherein the appellant has been found unfit for the grant of promotion against the SS (IT) B-17 post in the Respondent Department on the grounds of having an irrelevant subject of M.Sc Computer Science.

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Incorrect & denied. The statement of the appellant is baseless & without any solid foundation. Because the appellant has been treated as per law rules & policy in the instant matter by the Respondent No: 1, hence the same is liable to be maintained in favor of the Respondents. However the Respondents also seek leave of this Honorable Tribunal to submit additional grounds & case law at the time of arguments on main appeal.

In view of the above made submissions, it is humbly requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant service appeal in favor of the Respondent Department in the interest of justice please.


SECRETARY
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondents No: 1 & 2)


DIRECTOR
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 3)

AFFIDAVIT

I, **Hayat Khan Asstt: Director (Lit: II) E&SE Department Khyber Pakhtunkhwa, Peshawar** do hereby solemnly affirm and declare on oath that the contents of the instant Parawise Comments in the titled Service appeal are true & correct to the best of my knowledge & belief & that nothing has been concealed from the ambit of this Honorable Tribunal.


Deponent

ATTESTED



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(1)

First Appointment order

To be substituted with even No and date
Appointment Order SST (General) Male Adhoc

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

PH No. 091-9210389, 9210938,
9210437, 9210957, 9210468
Fax 091-9210936
E-mail rafiq_kk851@yahoo.com

**APPOINTMENT.**

Consequent upon recommendation of the Departmental Selection Committee, appointment of the following candidates are hereby ordered against the post of Secondary School Teacher (SST General) School based in BPS-16 (Rs.10000-800-34000) @ Rs. 10000/- fixed plus usual allowances as admissible under the rules on adhoc basis on Contract under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with effect from the date of their taking over charge :-

Abbottabad					
S#	Name	Father Name	Address	Score	Name of School
1	Hafiz Khuram Nadeem Abbasi	Skander Khan	Dhik Hassu Muhallah Hafizabad, Street Number 09, House Number 432/A, Westridgh, Rawalpindi CNIC No 13101-9948555-3	140.51	GHS Hadora Bandi
2	Khurram Bilal Shah	Abdul Qayyum Shah	Manager United Bank Limited Lora Post Office Lora District Abbottabad CNIC No 13101-0995607-5	138.66	GHS Ghari Noorpur
3	Kala Khan	Gul Khitab	Village And Kalanda Post Office Nara Via Havelian. CNIC No 13101-8422407-9	133.68	GHS Sarhan
4	Faheem Sarwar	Muhammad Sarwar Khan	Hussain Town Itkad Road (Near To Ring Road) And Post Office Afg Col. Street No 4 House No 26 (Nasem Karyana) CNIC No 17301-7043669-7	129.29	GHS Pattan Kalan
5	Muhammad Fiaz Aziz	Haji Aziz Ur Rehman	Village Sanja Post Office Boi District And Tehsil Abbottabad CNIC No 13101-8016145-3	129.22	GHS Seer
6	Muneeb-Ur Rehman	Faqeer Muhammad	House Number Te 137 Mohallah Muhammad Zai Nawan Sher District Abbottabad CNIC No 13101-0835768-5	128.95	GHS Bagan
7	Syed Sajid Hussain Shah	Syed Sabir Hussain Shah	Village Kotnali Post Office Kakotri Tehsil And Distt Abbottabad CNIC No 13101-9695053-9	128.45	GHSs Tajwal
8	Shehar Yar Ahmed	Allah Ditta Awan	House C-10 CNIC No 13101-7105938-7	128.12	GHS Hadora Bandi
9	Ifikhar Ahmed	Sarwar Khan	Village Post Office Mohar Kalan Harno Atd CNIC No 13101-0932806-5	127.39	GHS Surjal
10	Rameez Hussain	Tanveer Hussain Shah	Pakistan Military Academy Kakul Road Shahzaman Colony Zaghama Manzil House No 58/48 C Tehsil And District Abbottabad CNIC No 13101-1552256-9	127.12	GHS Lakhala
11	Zaheer Hussain	Ghulam Mustafa	C/O Khurram Medical Store Near Sareban Chowk Link Road Tehsil And District Abbottabad CNIC No 13101-0824324-5	126.46	GHS Seer
Batagram					
S#	Name	Father Name	Address	Score	Name of School
1	Umar Shah	Syed Rajdar	Village Kund Post Office Besham, Tehsil Allai CNIC No 13201-1375159-9	134.52	GHS Jambura

[Handwritten signature and date]
16/11/16

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To be substituted with even No and date
Appointment Order SST (General) Male Adhoc

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6	Fazli Wadood	Abdul Wadood	Room No 108 Hostel No 2 University Of Peshawar CNIC No 15201-8746337-9	133.1	GHS Bang
D.I.Khan					
S#	Name	Father Name	Address	Score	Name of School
1	Shafqat Ullah Khan	Rab Nawaz Khan	Co Umar General Store Paroa CNIC No 12101-263306-7	139.37	GMS Basti Ali
2	Aurangzeb Khan	Jahangir Khan	Muhammad Asif Son Of Aman Ullah Khan (Late), Muhallah Nawazali, Gali Masjid Molana Elehuddin Sahib, Tehsil And District Dera Ismail Khan CNIC No 12102-2171695-5	136.68	GMS Kot Tagga
3	Hidayat Ullah	Muhammad Ramzan	Leeds College Of Science Technology Paharpur CNIC No 12103-1498985-1	136.47	GMS Wanda Narkani
4	Mr Faziz Ur Rahman	Muhammad Ramzan	Village Bigwani Shumali Sharqi Basti Post Office And Tehsil Pahar Pur CNIC No 12103-3039719-5	134.86	GMS Khanqah Yasin Zai
5	Muhammad Latif	Abdus Sattar	Gali Yasin Dukandar Basti Dirkhana Wali Di Khan CNIC No 12101-8535788-7	134.77	GMS Kot Essa Khan Kulachi
6	Muhammad Usman Shah	Syed Atta Ullah Shah	Khanqah Yasin Zai Post Office Paniala CNIC No 12103-5623967-5	133.67	GMS Gara Mir Alam
7	Saadat Ullah	Kifayat Ullah	Back Ali Zai Dalla Mills Post Office Muryali Dera Ismail Khan CNIC No 12101-7502413-1	131.52	GMS Wanda Gandhair
8	Ghulam Abbas	Ghulam Qasim	C/O Computer Operator Municipal Committee Paroa Tehsil And District Dera Islamil Khan CNIC No 12101-0935031-7	131.75	GMS Mangal
9	Farhan Ali	Muhammad Ramzan	Co M Jan Shopkeeper Imania Colony Near Kotli Imam Kachi Paind Khan CNIC No 12101-7110511-3	130.94	GMS Kotla Qaim Shah
10	Fahim Ullah Khan	Rehmat Ullah Khan	Fahim Ullah Khan Co Hizbullah Khan Mohallah, Faqr Aslam Qasuria Chowk CNIC No 12101-6598980-3	130.44	GMS Mir Bazi
11	Muhammad Daud	Muhammad Ayub	Mohallah Passeri Tehsil Daraban Kalan District Dera Ismail Khan CNIC No 12104-8020940-9	129.62	GMS Kori Hote
12	Muhammad Zaid	Ghulam Abbas	Mohallah Khojan Wala Tehsil Pahar Pur Tehsil And District Dera Islamil Khan CNIC No 12103-2868540-1	129.57	GMS Shah Hassan.Khel
13	Inamullah	Ghulam Subhani	Islamabad Colony P/O Ratta Kulachi Dera Ismail Khan CNIC No 12101-2462720-9	129.42	GMS Gara Bakhtiar
14	Muhammad Ramzan	Allah Nawaz	C/O M Hashim Srbc Atv Plot No 36 House No 9 Islamabad CNIC No 12103-6104524-5	128.27	GMS Tir Garh
15	Shah Nawaz	Rab Nawaz	St Helen's School And College Qasim Road Dera Ismail Khan CNIC No 12103-8663958-5	127.94	GMS Kurar Shidi
Dir Lower					
S#	Name	Father Name	Address	Score	Name of School
1	Tausif Khan	Gul Naeem Khan	Shinwari Food Grain Dealer Malak Market Hospital Road CNIC No 15306-5141461-7	145.38	GHS Manz Banda

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**To be substituted with even No and date
Appointment Order SST (General) Male Adhoc**

5	Muhammad Mazhar Ali	Muhammad Anwer	Muhammad Mazhar Ali S/O Muhammad Anwer C/O Kamran Book Centre Undroon Fakirhi Gate Dera Ismail Khan CNIC No 12201-1876982-3	125.82	GHS No. 3 Tank
6	Faiz Muhammad	Ghulam Rabbani	Village Garwaki Machen Khel Post Office Gomal Bazar District Tank CNIC No 12201-1877459-1	124.04	GHS Gomal Bazar
7	Tauseef Ahmad	Muhammad Shafiq	H No 098 St Khalipha Wali Moh Maidan CNIC No 12201-7322731-5	123.55	GHS Tator
8	Malik Arshad Pervez	Malik Ashraf Gul	Karim Medical Store Bolan Market Tank CNIC No 12201-8630884-1	121.14	GHS Kirri Marwati
9	Najeeb Ullah	Nasr Ullah	Kashif Cloth House Saddam Shopping Tank, Parvez And Sanamillah CNIC No 12201-0429138-9	120.6	GHS Akbari
10	Mushtaq Ahmad	Shah Alam Khan	Village And Post Office Gara Baloch District Tank CNIC No 12201-4607757-1	119.56	GHS Kirri Haider

Toor Ghar

S#	Name	Father Name	Address	Score	Name of School
1	Muhammad Ismaeel	Hazrat Islam	Allama Iqbal Hostel No 9 University Of Peshawar Room No 83 Peshawar CNIC No 13504-3104781-5	120.48	GHS Manjakot
2	Saeed Shah	Sadawat Shah	Village Dewal P/O Belian Tehsil Oghi Mansehra CNIC No 13504-8043568-9	115.06	GHS Tili
3	Rehmat Zameen	Gul Sharif	Village Takia Bazargay Po And Tehsil Oghi Co Al Mujahid Book Centre Milad Chowk Oghi CNIC No 13504-4202282-3	114.18	GHS Bimbal
4	Abdul Baes	Fazal Mabood	Village Guu Bagh Post Office Dilbort Tehsil Oghi CNIC No 13504-8429252-7	114.07	GMS Chound
5	Shah Nawaz Khan	Sultan Room	Dhari Kaka Khalil Po Sarkhaili Banda Man Dist Mansehra CNIC No 13504-2253871-7	113.02	GMS Bartoon
6	Naseeb Shah	Naimat Shah	Kotkay Hasan Zai Tehsil Kandar Rehman Po Darband Gpo Tor Ghar, CNIC No 42201-8211791-9	108.43	GMS Darbani
7	Abdul Khaliq	Rahim Dad	C/O Kohi Noor Tea Store Nwees Darband Mansehra CNIC No 13504-2231547-7	106.43	GMS Dadam
8	Hazrat Nosh	Raziq Muhammad	P-34 Colony Tea Company Regal Road Jhang Bazar Faisalabad CNIC No 33102-8347721-9	89.31	GMS Charakot

TERMS & CONDITIONS.

1. NO TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary & contract basis initially for one year wef May 1st, 2014 to April 30th, 2015.
4. She should not be handed over charge if she exceeds 35 years or below 18 years of age. Age relaxation case may be submitted to competent authority.
5. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO (concerned), any one found producing bogus Certificate will be reported to the law enforcing agencies for further action.
6. His/her services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
7. Pay will not be drawn until and unless a certificate to the effect by DEO (concerned) is issued that his/her certificates are verified


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To be substituted with even No and date
Appointment Order SST (General) Male Adhoc

8. He/She should join his post within 10 days of the issuance of this notification. In case of failure to join the post within 10 days of the issuance of this notification, his/her appointment will expire automatically and no subsequent appeal etc shall be entertained.
9. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
10. He/she will be governed by such rules and regulations as may be issued from time to time by the Govt.
11. His/her services shall be terminated at any time, in case his performance is found unsatisfactory during his/her contract period. In case of misconduct, he/she shall be preceded under the rules framed from time to time.
12. His/her appointment is made on School based, He/she will have to serve at the place of posting, and His/her service is not transferable to any other station.
13. Before handing over charge once again their document may be checked if they have not the required relevant qualifications as per rules, they may not be handed over charge of the post.

(Muhammad Rafiq Khattak)
Director
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

Endst: No. / File No.2/A-14/SST/Adhoc/Apptt: Dated Peshawar the 30/04/2014.

- Copy forwarded for information and necessary action to the:-
1. Accountant General Khyber Pakhtunkhwa Peshawar.
 2. Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar.
 3. District Education Officers Concerned
 4. District Accounts Officer Concerned
 5. Official Concerned.
 6. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
 7. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
 8. M/File

Dy: Director (Estab)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar


/4/2014

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT



Peshawar, dated the 24th July, 2014.

NOTIFICATION

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 1B and before Serial No. 1B, as so renumbered, the following new entries shall be inserted in respective columns, namely:

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

(1)

				<p>recruitment, and (b) fifty percent by initial recruitment.</p>
IA	Director Physical Education (BPS-17)	At least second class Master's Degree in Physical Education from a recognized University.	22-35 years	<p>(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:</p> <p>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 Teacher with at least five years service as such as having qualification mentioned in column No. 3;</p> <p>Note:- If no suitable candidate is available in the relevant cadres of the above teachers, the post falling in their promotion queue 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 column 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>and</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 per cent by promotion, on 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 among 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> <p>(b) four per cent from amongst the Senior Drawing Masters (BPS-16), with at least five years service as Senior Drawing Masters and Drawing Masters and having qualification mentioned in column No.3:</p>

Senior Arabic Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Drawing Masters with at least five years service as such and having qualification mentioned in column No. 3;

(c) four per cent from amongst the Senior Arabic Teachers(BPS-16), with at least five years service as Senior Arabic Teachers and Arabic Teachers, and having qualification mentioned in column No.3:

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;

(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:

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;

- (e) three per cent from amongst the Senior Qaris (BPS-16), with at least five years service as Senior Qari and Qari and having qualification mentioned in column No.3:

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;

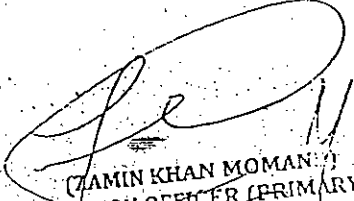
- (f) twenty per cent from amongst the Primary School Head Teachers (BPS-16), with at least seven years service as Primary School Head Teachers and Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No. 3:

Provided that if no suitable candidate is available from amongst

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Endst : of even No & date:

1. The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department Peshawar.
3. The Secretary to Government of Khyber Pakhtunkhwa, Law Department Peshawar.
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General Khyber Pakhtunkhwa Peshawar.
6. The Director, Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
7. The Director of Education (FATA) Peshawar.
8. The Director, Curriculum and Teacher Education, Khyber Pakhtunkhwa Abbottabad.
9. The Director, (PITE) Khyber Pakhtunkhwa Peshawar.
10. The Director, ESRU Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
11. Manager Government Printing Press Khyber Pakhtunkhwa Peshawar.
12. The Deputy Director, EMIS (S&SE) Department Khyber Pakhtunkhwa Peshawar.
13. All District Education Officer (M&F) in Khyber Pakhtunkhwa Peshawar.
14. All District Account Officer in Khyber Pakhtunkhwa.
15. All Agency Education Officer in FATA.
16. All Agency Account Officer in FATA.
17. PS to Governor Khyber Pakhtunkhwa. Peshawar.
18. PS to Chief Minister Khyber Pakhtunkhwa. Peshawar.
19. PS to Chief Secretary Khyber Pakhtunkhwa. Peshawar.
20. PS to Minister E&SE Khyber Pakhtunkhwa. Peshawar.
21. PS to Secretary E&SE Khyber Pakhtunkhwa. Peshawar.
22. Master file


(ZAMIN KHAN MOMAN)
SECTION OFFICER (PRIMARY)

C / - - - C

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

Subject: MINUTES OF THE MEETING OF THE SSRC REGARDING ALLOTMENT OF 50% QUOTA TO SST (GEN/SC) FOR PROMOTION TO THE POST OF SS-IT

Meeting of the SSRC regarding the subject matter was held under the Chairmanship of Secretary Elementary & Secondary Education Department on 10/08/2017 at 11:00 am in the committee room of this Department. The following Officers/Officials of the concerned Department/attached Department attended the meeting.

The following attended the meeting:-

1. Dr. Shalazad Khan Bangash, Secretary E&SE Department / (In Chair)
2. Mr. Qaisar Alam, Special Secretary (Est.) E&SE Department.
3. Mr. Muhammad Rafiq Khattak, Director E&SE, Peshawar.
4. Mr. Muhammad Shoaib, Deputy Secretary (A), E&SE Department
5. Mr. Javed Siddique, Deputy Secretary (R) Finance Department.
6. Mr. Naik Muhammad, Section Officer (Primary) E&SE Department.
7. Mr. Mohsin Mushtaq, Assistant (R-I) E&AD Department.

2. The forum was informed that E&SE Department vide Notification No. SOG/E&SED/1-86/SS.IT/2016 of E&SE Department Peshawar dated 15.08.2016 has notified the nomenclature of Information Technology Teaching Cadre/Posts serving in the Government High & Higher Secondary Schools of Khyber Pakhtunkhwa of E&SE Department, as Subject Specialist-IT (SS-IT/Computer Science) BPS-17 (Annex-A). Further E&SE Department vide Notification No. SO (PE)4-5/SSRC/Meeting/ 2013/ Teaching Cadre: dated 24/07/2014 has approved promotion to SS posts (BPS-17) from SST (BPS-16). The SST regular having 50% quota of the total sanctioned SS posts allotted for promotion (Annex-B). 50% quota has already been allotted for SSTs (General/Science) in 12 different subjects for Subject Specialist Post. But unfortunately, SSTs (General/Science) who have M.Sc (Computer Science)/BS (CS)/MIT qualification and are eligible for promotion to the post of SS (IT) B-17 have no quota for promotion.

3. In light of the above facts, this Department, therefore, proposed that all those SSTs (General/Science) who have M.Sc. (Computer Science)/BS (Computer Science)/MIT may be given 50% quota for promotion to the post of SS (IT) B-17 like other SSTs, so as to bring uniformity in the teaching cadre.

4. In the above context, the service rules/structure of SST (General/Science) & SST (IT) were approved as tabulated below: -

No	Nomenclature of the post	Minimum Qualification for appointment by initial recruitment or by transfer.	Age Limit	Method of recruitment
1	Subject Specialist-Information Technology (SS-IT) (B-17) Government Higher Secondary Schools/ Govt. comprehensive High Schools and other equivalent posts in the Teaching Cadre.	i.) Master Degree in Computer Science/IT at least in 2 nd Division, or equivalent qualification from any recognized University. ii.) Bachelor Degree of Education (B.Ed) at least in 2 nd Division from any recognized University	21-35	a). Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the Secondary School Teacher-IT with at least five years' service AND Secondary School Teacher (SST) (General/Science) possessing master degree in IT or equivalent qualification with 05 years' experience b). Fifty percent by initial recruitment. Note: If no suitable candidate is available for promotion in the relevant cadre than by initial recruitment. Their seniority may be clubbed with SS and amendment may be made in the existing service rules.
2.	Secondary School Teacher Information Technology (SST-IT) (B-16) Govt. High / Higher Secondary Schools	i). Bachelor Degree with the subject of Computer Science at least in 2 nd Division or equivalent Qualification from any recognized institution. ii). Bachelor Degree of Education (B. Ed) at least in 2 nd Division from any recognized institution.	21-35	a). Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the Computer Lab in-charge with (05) years' service having the qualification prescribed for the post of IT Teacher. b). Fifty percent by initial recruitment. Note: If no suitable candidate is available for promotion in the relevant cadre than by initial recruitment.
3.	Junior Teacher- Information Technology (JT-IT) (B-12) Govt. High/Higher Secondary Schools	Intermediate or equivalent qualification from any recognized institution with one-year Diploma in IT/Computer Science from any recognized institution and Certified Teacher Certificate/Diploma or equivalent qualification from any recognized institution.	18-35	By initial recruitment.

The committee members discussed the proposed amendments in the service rules/structure for the SST (General/Science) & SST (IT) in depth and were agreed upon unanimously.

Decisions:

The following decisions were made in consensus: -

- i. The proposed amendments in the service rules/structure as depicted in the above table was approved.
- ii. Nomenclature of the post of CT(IT) was changed as Junior Teacher Information Technology (JT-IT)
- iii. Seniority of SST (General/Science) & SST (IT) will be clubbed together immediately for the purpose of promotion in light of the above amended service rules for the post of SST (General/Science) & SST (IT) to the post of SS(IT/Computer Science).

The meeting ended with vote of thanks to/from the Chair.

(Javed Siddique)
Deputy Secretary (R), Finance Department

(Mohsin Mushtaq)
Assistant (R-I), E&AD Deptt:

Naik Muhammad
Section Officer (Primary), E&SE Department

Muhammad Shoaib
Deputy Secretary (A), E&SE Deptt:

(Mohammad Rafique Khattak)
Director, E & SE, Peshawar

(Qaisar Adam)
Special Secretary, E&SE Deptt:

Dr. Shahzad Khan Bangash
Secretary E&SE Department
(Chairman)

(37) "D"

To

The Most Respected
Director E&SE Department,
Khyber Pakhtunkhwa Peshawar

Subject:- APPEAL FOR THE NOTIFICATION OF THE MINUTES OF THE MEETING OF THE SSRC ON 10/08/2017 REGARDING ALLOTMENT OF 50% QUOTA TO SST (GEN/SC) FOR PROMOTION TO THE POST OF SS-IT.

Respected Sir,

With most veneration it is to bring in your kind notice that 50% quota has already been allotted for SSTs (General/Science) in the different subjects for subject specialist post but /unfortunately, SSTs (General/Science) who have M.Sc (Computer Science)/BS(CS)/MIT qualification & are eligible for promotion to the post of SS(IT) BPS-17 have no quota for promotion.

But in the SSRC meeting on 10/08/2017 E&SE Department proposed that all those SSTs (General/Science) who have MSc. (Computer Science)/BS(CS)/MIT may be given 50% quota for promotion to the post of SS(IT) BPS-17 like other SSTs, so as to bring uniformity in the teaching cadre.

Now according to the SSRC meeting on 10/08/2017 the seniority of SST(General/Science) and SST(IT) will be clubbed together immediately for the purpose of promotion.

Date: 05.07.2018

Respected Sir
5/07/2018

Thanks

1. Muhammad Ibrahim (SST)
2. Muhammad Imran (SST)
3. Abdul Ghafoor (SST)
4. Muhammad Farooq (SST)
5. Ghulam Abbas (SST)
6. Muhammad Naseem Ullah Khan (SST)

D

(38)

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, DELKHAN BENCH
Basic Department

"E"

Writ Petition No. 877-D with C.M. Nos. 1099-D & 1101-D of 2018

Abdul Ahad and 9 others

Versus

Govt. of Khyber Pakhtunkhwa through Secretary (E&S)
Peshawar and seven others



JUDGMENT

Date of hearing: 20.01.2019
For petitioners: Muhammad Awar Awan Advocate
For respondents: Mr. Kamran Hayat Miankhel, Addl:
A.G and Mr. Zia ur Rehman Qazi
Advocate

S.MATTIOUE SHAH, J.- Through the instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioners Abdul Ahad and others have prayed that:-

"In wake of above submission it is respectfully prayed that on acceptance of this writ petition may kindly direct the respondent to collect the documents from SST (General/Science) for promotion as Subject Specialist (IT) and consider them according to rules. It is also further prayed that may kindly direct the respondents to amend or interpret the promotion rules by providing ample opportunity to SST (General/Science) as Subject Specialist (IT) BS-17."

ATTESTED
20-01-2019
EXAMINOR
Peshawar High Court
D.I. Khan Bench

long

2. The petitioners are serving as Secondary School Teacher (General/Science) and seek issuance of writ

directing the respondents to collect documents from SST (General/Science) for promotion as Subject Specialist (IT) and to consider them according to rules and further directions to respondents to amend or interpret the promotion rules by providing ample opportunity to SST (General/Science) as Subject Specialist. Admittedly, the petitioners are civil servants and the matter in question relates to the terms and conditions of their service and in such like cases this Court has no jurisdiction to issue directions for the promotion of petitioners or direction for amendment in the Rules in question. In this respect, reliance is placed on the cases of Province of Punjab, Communication and Works Department, Lahore. Vs. Liaquat Ali Bukhari (1998 PLC(CS) 901), Muhammad Zafar Ali. Vs. Federation of Pakistan through Secretary Establishment, Islamabad (2018 PLC(CS) 116) and Hafiz Muhammad Ilyas. Vs. Government of Khyber Pakhtunkhwa (2018 PLC(CS) N 40). The Honourable Supreme Court of Pakistan in the case of Government of Khyber Pakhtunkhwa, Vs. Hayat Hussain (2016 SCMR 1021) held that:-

"No vested right of a government employee was involved in the matter of promotion or the rules determining their eligibility or fitness. High Court had no jurisdiction by means of constitution petition to strike down such rules."

ADJUTANT
23/02/2022
EXAMINOR
Jashwar High Co.
D.I. Khan Be

Confirmed to be the Co-Author
 of the Affidavit
 Signed by Co-Author
 of the Affidavit
 on [illegible]
 1/10/19

12-27-19

O.R. No. 557
 Appellant: James Earl Ray
 Appellee: State of Tennessee
 Cause No. 2019-00011
 No of Pages: 57
 Copies: 05
 Certified Fee: 05
 Urgent Fee: 05
 Total Fee: 05
 Copy ready for filing: 12-27-19
 Copy delivered on: 12-27-19
 Signature of Clerk: [Signature]

off
1/1/19

From the 10th Judicial District Court
 Davidson County, Tennessee
 01/10/2019

JUDGE

JUDGE

Docketed
 12-30-01-2019
 10/10/19

Thus, in view of those facts, a non-exhaustive, open
 resolved that High Court has no jurisdiction to entertain
 matters relating to civil matters involving, terms and
 conditions of their service, or any groups whatever.
 3. Accordingly, for the reasons stated above, this
 petition is not maintainable and is dismissed along with
 entitled CMA and interests relief. However, the petitioners
 are at liberty to approach the competent forums for the
 redressal of their grievances, if so advised.

**BEFORE THE LEARNED SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR**



C.M No. _____/2020

In

Service Appeal No./~~2019~~/2019

Muhammad FarooqPetitioner

Vs

Govt of KPK & Others.....Respondents

Subject:- **APPLICATION FOR EARLY HEARING IN THE
CAPTIONED CASE ALONG WITH CONNECTED
PETITIONS.**

Respectfully Sheweth:-

The petitioner humbly submits as under:-

- 1- That the captioned connected Service Appeals is pending adjudication before this August Tribunal for 07.07.2020.
- 2- That the respondents issued notification dated 08.06.2020, and it is very necessary to restrain them from acting upon the same, that's why the petitioners preferred stay applications in the same.
- 3- That the date given is too late and the petitioner request this Hon'ble Tribunal that as such the noted date may please be expedited and be fixed at earliest.

It is therefore, respectfully prayed that on acceptance of this application the above titled case may kindly be fixed at earliest to meet the ends of justice.

*Shall remain posted
to the date already fixed.*

[Signature]
26/6

Through

Petitioners

Saadat Ullah Khan Tangi
Advocate High Court
Peshawar
Cell#0331-5030566

Dated:-23.06.2020

(D)

BEFORE THE LEARNED SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

C.M No. _____/2020

In

Service Appeal No. _____/_____

Muhammad FarooqPetitioner

Vs

Govt of KPK & Others.....Respondents



Put up to the court N
Sumit 18/6/20
Subject:- **APPLICATION FOR SUSPENSION OF NOTIFICATION**
NO.332-52 SS (IT) PROMOTION DATED PESHAWAR
THE 08/06/2020, TILL THE FINAL DISPOSAL OF THE
SERVICE APPEAL.

Respectfully Sheweth:-

Reader The petitioner humbly submits as under:-

- 1- That the captioned Service Appeal is pending adjudication before this August Tribunal for 07.07.2020.
- 2- That the Directorate of E&SE KPK issued notification No.332-52 SS (IT) Promotion dated Peshawar the 08.06.2020 inviting application/documents for Promotion of SST (IT) BS-16 to SS (IT) BS-17 Regular. (**Attested Copy of Notification is attached as Annexure "A"**).
- 3- That vide the said notification, the respondents intends to deprive the petitioner from his valuable rights of promotion, that's why the petitioner seeks indulgence of this Hon'ble Court for restraining the respondents from acting upon the same till the final disposal of the Service Appeal on the following grounds inter alia.

GROUNDS:-

A- That the impugned notification is against the law on the point and violative of fundamental rights of the petitioner as well as against promotion Rules 2014 & Minutes of SSRC dated 10.08.2017.

(2)

B- That the petitioner has good prima facie case, Balance of Convenience lies in favour of petitioner & if impugned notification is not suspended the petitioner would face irreparable loss as the petitioner is discriminated in the matter.

It is, therefore, prayed that on acceptance of the instant application, notification impugned above may kindly be suspended till final disposal of the main service appeal.

Petitioner

~~_____~~

Through

Saadat Ullah Khan Tangi

Advocate High Court

Peshawar

Cell#0331-5030566

Dated:-15.06.2020

3

**BEFORE THE LEARNED SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR**

C.M No. ____/2020

In

Service Appeal No. ____/____

Muhammad Farooq.....Petitioner

Vs

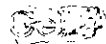
Govt of KPK & Others.....Respondents

AFFIDAVIT

I, Muhammad Farooq S/O Rahim Badshah (Petitioner), do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


DEPONENT



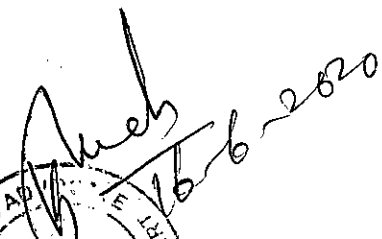
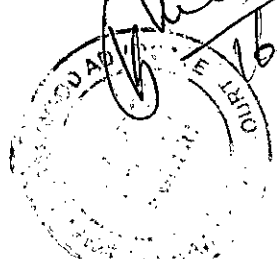


Identified by

Saadat Ullah Khan Tangi

Advocate High Court

Peshawar



Directorate of Elementary & Secondary Education Khyber
Pakhtunkhwa

No. 379-12 SS (IT) Promotions

Dated Peshawar the: 8/6/2020

Handwritten initials and signature 'A'

To

1. All the District Education Officers (Male) Khyber Pakhtunkhwa
2. All the District Education Officers (Male) Newly Merged District in Khyber Pakhtunkhwa

Subject: SUBMISSION OF APPLICATION/DOCUMENTS FOR PROMOTION OF
SST (IT) BS-16 TO THE POST OF SS (IT) BS-17 REGULAR

Memo:

I am directed to refer to the subject cited above and to state that the Elementary & Secondary Education (E&SE) Khyber Pakhtunkhwa intends the promotions of SSTs(IT) (Male) BS-16 to the post of Subject Specialist (SS-IT) BS-17 (Regular), hence you are directed to inform the SSTs (IT) concerned having regular appointments up to 2014 against SST (IT) post in your respective districts to provide the applications alongwith relevant documents as per detail given below for the purpose of promotions to SS (IT) post on the following format.

S#	Sen#	Name	Qual:	Div in master	Prof: Qual:	DOB	Domicile	DO 1 st appt	DO of appt as regular	Contact#	Remarks if any

Note: - the relevant documents will be consisting of:

1. Bio Data/CNIC
2. 1st App: order/Contract Order
3. Regular App: as SST IT BS-16
4. Service Certificate
5. Non involvement certificate (duly countersigned by DEO)
6. Last 5 Years results
7. Pay slip
8. synopsis
9. ACRs (from 1st app: till 2019) Synopsis / ACRs should be submitted in separate file and documents in separate file, ACR and synopsis should be handed over with the conveying letter from concerned D.E.O to ACR brach.
10. All certificate/degrees with DMCs (duly attested)
11. Domicile
12. Information as per format referred to the above may be provided in hard.
13. Applications/Documents/ information should be reached to this directorate within (10) days after the issuance of this letter.
14. Candidates having 3rd division in Mater are not eligible.

Handwritten signature

DEPUTY DIRECTOR (ESTAB)
Directorate of Elementary & Secondary
Education Khyber Pakhtunkhwa

8/6/20

Endst.No. _____ Dated _____/2020

Copy of the above is forwarded to the: -

1. PA to Secretary to Govt: E& SE Deptt Khyber Pakhtunkhwa
2. PA to Director E&SE Khyber Pakhtunkhwa Peshawar

DEPUTY DIRECTOR (ESTAB)
Directorate of Elementary & Secondary
Education Khyber Pakhtunkhwa

(D)

**BEFORE THE LEARNED SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR**

C.M No. ____/2020

In

Service Appeal No. ____/____

Muhammad FarooqPetitioner

Vs

Govt of KPK & Others.....Respondents

Subject:- **APPLICATION FOR SUSPENSION OF NOTIFICATION
NO.332-52 SS (IT) PROMOTION DATED PESHAWAR
THE 08/06/2020, TILL THE FINAL DISPOSAL OF THE
SERVICE APPEAL.**

Respectfully Sheweth:-

The petitioner humbly submits as under:-

- 1- That the captioned Service Appeal is pending adjudication before this August Tribunal for 07.07.2020.
- 2- That the Directorate of E&SE KPK issued notification No.332-52 SS (IT) Promotion dated Peshawar the 08.06.2020 inviting application/documents for Promotion of SST (IT) BS-16 to SS (IT) BS-17 Regular. (**Attested Copy of Notification is attached as Annexure "A"**).
- 3- That vide the said notification, the respondents intends to deprive the petitioner from his valuable rights of promotion, that's why the petitioner seeks indulgence of this Hon'ble Court for restraining the respondents from acting upon the same till the final disposal of the Service Appeal on the following grounds inter alia.

GROUND:-

- A- That the impugned notification is against the law on the point and violative of fundamental rights of the petitioner as well as against promotion Rules 2014 & Minutes of SSRC dated 10.08.2017.

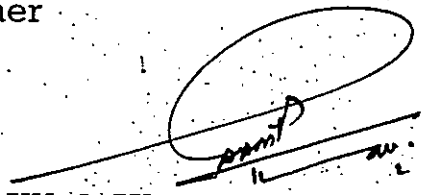
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B- That the petitioner has good prima facie case, Balance of Convenience lies in favour of petitioner & if impugned notification is not suspended the petitioner would face irreparable loss as the petitioner is discriminated in the matter.

It is, therefore, prayed that on acceptance of the instant application, notification impugned above may kindly be suspended till final disposal of the main service appeal.

Petitioner

Through



Saadat Ullah Khan Tangi

Advocate High Court

Peshawar

Cell#0331-5030566

Dated:-15.06.2020

3

BEFORE THE LEARNED SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

C.M No. ____/2020

In

Service Appeal No. ____/____

Muhammad Farooq.....Petitioner

Vs

Govt of KPK & Others.....Respondents

AFFIDAVIT

I, Muhammad Farooq S/O Rahim Badshah (Petitioner), do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

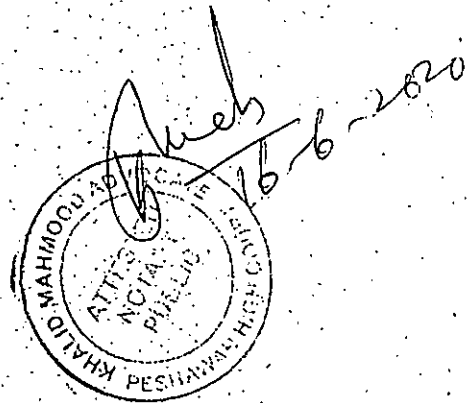

DEPONENT

Identified by


Saadat Ullah Khan Tangi

Advocate High Court

Peshawar





Directorate of Elementary & Secondary Education Khyber
Pakhtunkhwa

No. 339-12 SS (IT) Promotions

Dated Peshawar the: 8/16/2020

To

1. All the District Education Officers (Male) Khyber Pakhtunkhwa
2. All the District Education Officers (Male) Newly Merged District in Khyber Pakhtunkhwa

Subject: SUBMISSION OF APPLICATION/DOCUMENTS FOR PROMOTION OF
SST (IT) BS-16 TO THE POST OF SS (IT) BS-17 REGULAR

Memo:

I am directed to refer to the subject cited above and to state that the Elementary & Secondary Education (E&SE) Khyber Pakhtunkhwa intends the promotions of SSTs(IT) (Male) BS-16 to the post of Subject Specialist (SS-IT) BS-17 (Regular), hence you are directed to inform the SSTs (IT) concerned having regular appointments up to 2014 against SST (IT) post in your respective districts to provide the applications alongwith relevant documents as per detail given below for the purpose of promotions to SS (IT) post on the following format.

S#	Sen#	Name	Qual:	Div in master	Prof: Qual:	DOB	Domicile	DO 1 st apptt	DO of apptt as regular	Contact#	Remarks if any

Note: - the relevant documents will be consisting of:

1. Bio Data/CNIC
2. 1st App: order/Contract Order
3. Regular App: as SST IT BS-16
4. Service Certificate
5. Non involvement certificate (duly countersigned by DEO)
6. Last 5 Years results
7. Pay slip
8. synopsis
9. ACRs (from 1st app: till 2019) Synopsis / ACRs should be submitted in separate file and documents in separate file, ACR and synopsis should be handed over with the conveying letter from concerned D.E.O to ACR branch.
10. All certificate/degrees with DMCs (duly attested)
11. Domicile
12. Information as per format referred to the above may be provided in hand.
13. Applications/Documents/ information should be reached to this directorate within (10) days after the issuance of this letter.
14. Candidates having 3rd division in Mater are not eligible.

DEPUTY DIRECTOR (ESTAB)

Directorate of Elementary & Secondary
Education Khyber Pakhtunkhwa

8/16/2020

Endst.No. _____ Dated _____/2020

Copy of the above is forwarded to the: -

1. PA to Secretary to Govt: E& SE Deptt Khyber Pakhtunkhwa
2. PA to Director E&SE Khyber Pakhtunkhwa Peshawar

DEPUTY DIRECTOR (ESTAB)

Directorate of Elementary & Secondary
Education Khyber Pakhtunkhwa

(D)

BEFORE THE LEARNED SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

C.M No. ____/2020

In

Service Appeal No: ____/____

Muhammad FarooqPetitioner

Vs

Govt of KPK & Others.....Respondents

Subject:- **APPLICATION FOR SUSPENSION OF NOTIFICATION**
NO.332-52 SS (IT) PROMOTION DATED PESHAWAR
THE 08/06/2020, TILL THE FINAL DISPOSAL OF THE
SERVICE APPEAL.

Respectfully Sheweth:-

The petitioner humbly submits as under:-

- 1- That the captioned Service Appeal is pending adjudication before this August Tribunal for 07.07.2020.
- 2- That the Directorate of E&SE KPK issued notification No.332-52 SS (IT) Promotion. dated Peshawar the 08.06.2020 inviting application/documents for Promotion of SST (IT) BS-16 to SS (IT) BS-17 Regular. (**Attested Copy of Notification is attached as Annexure "A"**).
- 3- That vide the said notification, the respondents intends to deprive the petitioner from his valuable rights of promotion, that's why the petitioner seeks indulgence of this Hon'ble Court for restraining the respondents from acting upon the same till the final disposal of the Service Appeal on the following grounds inter alia.

GROUND:-

A- That the impugned notification is against the law on the point and violative of fundamental rights of the petitioner as well as against promotion Rules 2014 & Minutes of SSRC dated 10.08.2017.

BEFORE THE LEARNED SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

C.M.No. 12020

In

Service Appeal No. _____

Muhammad Farooq.....Petitioner

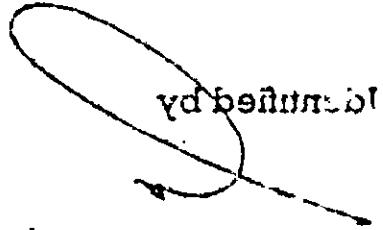
vs

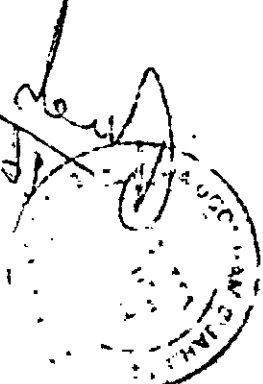
Govt of KPK & Others.....Respondents

AFFIDAVIT

I, Muhammad Farooq S/O Rahim Badshah (Petitioner), do hereby solemnly affirm and declare on oath that the contents of this Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


DEPONENT

Examined by

Advocate Ullah Khan Tangi
Advocate High Court
Peshawar



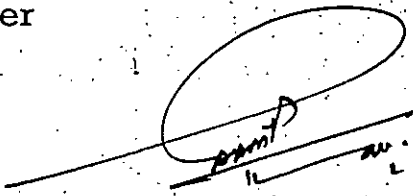
2

B- That the petitioner has good prima facie case, Balance of Convenience lies in favour of petitioner & if impugned notification is not suspended the petitioner would face irreparable loss as the petitioner is discriminated in the matter.

It is, therefore, prayed that on acceptance of the instant application, notification impugned above may kindly be suspended till final disposal of the main service appeal.

Petitioner

Through



Saadat Ullah Khan Tangi
Advocate High Court
Peshawar
Cell#0331-5030566.

Dated:-15.06.2020

(B)

BEFORE THE LEARNED SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

C.M No. ____/2020.

In

Service Appeal No. ____/____.

Muhammad Farooq.....Petitioner

Vs

Govt of KPK & Others.....Respondents

AFFIDAVIT

I, Muhammad Farooq S/O Rahim Badshah (Petitioner), do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

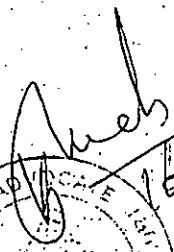
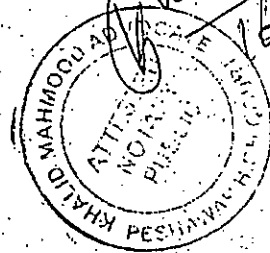

DEPONENT

Identified by


Saadat Ullah Khan Tangi

Advocate High Court

Peshawar


16/6/2020




Directorate of Elementary & Secondary Education Khyber
Pakhtunkhwa

No. 339-52 SS (IT) Promotions

Dated Peshawar the: 8/6/2020

To

1. All the District Education Officers (Male) Khyber Pakhtunkhwa
2. All the District Education Officers (Male) Newly Merged District in Khyber Pakhtunkhwa

Subject: SUBMISSION OF APPLICATION/DOCUMENTS FOR PROMOTION OF
SST (IT) BS-16 TO THE POST OF SS (IT) BS-17 REGULAR

Memo:

I am directed to refer to the subject cited above and to state that the Elementary & Secondary Education (E&SE) Khyber Pakhtunkhwa intends the promotions of SSTs(IT) (Male) BS-16 to the post of Subject Specialist (SS-IT) BS-17 (Regular), hence you are directed to inform the SSTs (IT) concerned having regular appointments up to 2014 against SST (IT) post in your respective districts to provide the applications alongwith relevant documents as per detail given below for the purpose of promotions to SS (IT) post on the following format.

S#	Sen#	Name	Qual:	Div in master	Prof: Qual:	DOB	Domicile	DO 1 st apptt	DO of apptt as regular	Contact#	Remarks if any

Note: - the relevant documents will be consisting of:

1. Bio Data/CNIC
2. 1st App: order/Contract Order
3. Regular App: as SST IT BS-16
4. Service Certificate
5. Non involvement certificate (duly countersigned by DEO)
6. Last 5 Years results
7. Pay slip
8. synopsis
9. ACRs (from 1st app: till 2019) Synopsis / ACRs should be submitted in separate file and documents in separate file, ACR and synopsis should be handed over with the conveying letter from concerned D.E.O to ACR brach.
10. All certificate/degrees with DMCs (duly attested)
11. Domicile
12. Information as per format referred to the above may be provided in hard.
13. Applications/Documents/ information should be reached to this directorate within (10) days after the issuance of this letter.
14. Candidates having 3rd division in Mater are not eligible.

DEPUTY DIRECTOR (ESTAB)
Directorate of Elementary & Secondary
Education Khyber Pakhtunkhwa

8/6/2020

Endst.No. _____ Dated _____/2020

Copy of the above is forwarded to the:-

1. PA to Secretary to Govt: E& SE Deptt Khyber Pakhtunkhwa
2. PA to Director E&SE Khyber Pakhtunkhwa Peshawar

DEPUTY DIRECTOR (ESTAB)
Directorate of Elementary & Secondary
Education Khyber Pakhtunkhwa

(D)

BEFORE THE LEARNED SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

C.M No: ____/2020

In

Service Appeal No. ____/____

Muhammad FarooqPetitioner

Vs

Govt of KPK & Others.....Respondents

Subject:- **APPLICATION FOR SUSPENSION OF NOTIFICATION**
NO.332-52 SS (IT) PROMOTION DATED PESHAWAR
THE 08/06/2020, TILL THE FINAL DISPOSAL OF THE
SERVICE APPEAL.

Respectfully Sheweth:-

The petitioner humbly submits as under:-

- 1- That the captioned Service Appeal is pending adjudication before this August Tribunal for 07.07.2020.
- 2- That the Directorate of E&SE KPK issued notification No:332-52 SS (IT) Promotion dated Peshawar the 08.06.2020 inviting application/documents for Promotion of SST (IT) BS-16 to SS (IT) BS-17 Regular. (**Attested Copy of Notification is attached as Annexure "A"**).
- 3- That vide the said notification, the respondents intends to deprive the petitioner from his valuable rights of promotion, that's why the petitioner seeks indulgence of this Hon'ble Court for restraining the respondents from acting upon the same till the final disposal of the Service Appeal on the following grounds inter alia.

GROUND:-

- A- That the impugned notification is against the law on the point and violative of fundamental rights of the petitioner as well as against promotion Rules 2014 & Minutes of SSRC dated 10.08.2017.

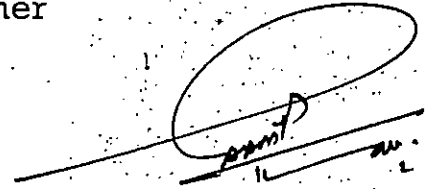
2

B- That the petitioner has good prima facie case, Balance of Convenience lies in favour of petitioner & if impugned notification is not suspended the petitioner would face irreparable loss as the petitioner is discriminated in the matter.

It is, therefore, prayed that on acceptance of the instant application, notification impugned above may kindly be suspended till final disposal of the main service appeal.

Petitioner

Through



Saadat Ullah Khan Tangi

Advocate High Court

Peshawar

Cell#0331-5030566

Dated:-15.06.2020

(B)

BEFORE THE LEARNED SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

C.M No. _____/2020

In

Service Appeal No. _____/_____

Muhammad Farooq.....Petitioner

Vs

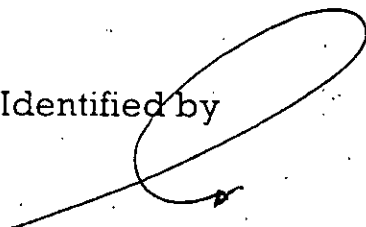
Govt of KPK & Others.....Respondents

AFFIDAVIT

I, Muhammad Farooq S/O Rahim Badshah (Petitioner), do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

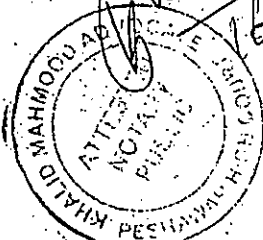

DEPONENT

Identified by


Saadat Ullah Khan Tangi

Advocate High Court

Peshawar


Khalid Mahmood Qureshi
ATTORNEY AT LAW
NOTARY PUBLIC
PESHAWAR
16-6-2020



Directorate of Elementary & Secondary Education Khyber
Pakhtunkhwa

No. 339-52 SS (IT) Promotions

Dated Peshawar the: 8/6/2020

(Handwritten initials)
(Handwritten signature)

To

1. All the District Education Officers (Male) Khyber Pakhtunkhwa
2. All the District Education Officers (Male) Newly Merged District in Khyber Pakhtunkhwa

Subject: **SUBMISSION OF APPLICATION/DOCUMENTS FOR PROMOTION OF SST (IT) BS-16 TO THE POST OF SS (IT) BS-17 REGULAR**

Memo:

I am directed to refer to the subject cited above and to state that the Elementary & Secondary Education (E&SE) Khyber Pakhtunkhwa intends the promotions of SSTs(IT) (Male) BS-16 to the post of Subject Specialist (SS-IT) BS-17 (Regular), hence you are directed to inform the SSTs (IT) concerned having regular appointments up to 2014 against SST (IT) post in your respective districts to provide the applications alongwith relevant documents as per detail given below for the purpose of promotions to SS (IT) post on the following format.

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(Handwritten initials)

(Handwritten signature)
DEPUTY DIRECTOR (ESTAB)
Directorate of Elementary & Secondary
Education Khyber Pakhtunkhwa

8/6/2020

Endst.No. _____ Dated _____/2020

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2. PA to Director E&SE Khyber Pakhtunkhwa Peshawar

DEPUTY DIRECTOR (ESTAB)
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Education Khyber Pakhtunkhwa