

19.10.2022

Appellant in person present.

Kabir Ullah Khattak, learned Additional Advocate General alongwith Munawar Khan ADEO for respondents present.

Despite last chance, reply on behalf of respondents was not submitted. Representative of respondents requested for time to submit reply/comments; granted but on payment of cost of Rs.3000/- to be paid in Court through proper receipt which will later on be paid to the appellant. To come up for reply/comments on 25.11.2022 before S.B.



(Rozina Rehman)
Member (J)

13th June, 2022

Clerk of counsel for the appellant present. Mr. Kabeer Ulalh Khattak, AAG alongwith Munawar Khan ADEO for respondent present.

Respondents have not submitted reply/comments. Last opportunity is granted to the respondents to submit reply/comments. To come up for reply/comments on 20.07.2022 before S.B.

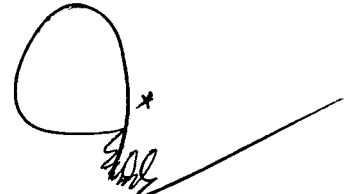


(Kalim Arshad Khan)
Chairman

20.07.2022

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

It is evident from the previous order sheet dated ~~13~~13.06.2022 that the respondent department had been given last chance for submission of reply/parawise comments. Despite last chance, the respondent department could not submit the requisite reply/parawise comments today. Learned Additional Advocate General appeared on behalf of the respondents at fault and requested for yet another chance enabling him to contact and consult the respondents to submit reply/parawise comments. The request is acceded to but as last chance whereafter coercive measures shall invariably be initiated against the respondents at fault. Adjourned. to come up for reply/parawise comments on 19.10.2022 before S.B.




(Mian Muhammad)
Member (E)

02.02.2022

Junior of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Add: AG alongwith Mr. Munwar Khan, ADEO for respondents present.

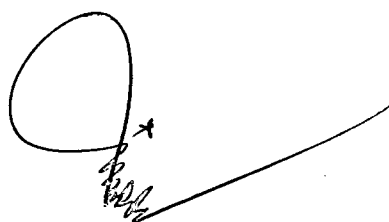
Written reply on behalf of respondents not submitted. Representative of the respondents seeks time to submit the same on the next date. Adjourned. To come up for written reply/comments on 06.04.2022 before S.B.


(Attiq Ur Rehman Wazir)
Member(E)

06.04.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Munawar Khan, ADEO for respondents present.

Written reply/comments on behalf of respondents not submitted. Representative of the respondents seeks further time to submit reply/comments. Adjourned. To come up for reply/comments on 13.06.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER(E)

13.06.2022

Clerk of counsel for the appellant present. Mr. Kabir Ullah Khattak, Addl: AG alongwith Mr. Munawar Khan, ADEO for respondents present.

Respondents have not submitted reply/comments. Last opportunity is granted to the respondents to submit reply/comments. To come up for reply/comments on 20/6/22 before S.B.

(Mian Muhammad)

14.07.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted for full hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 01.12.2021 before the D.B.

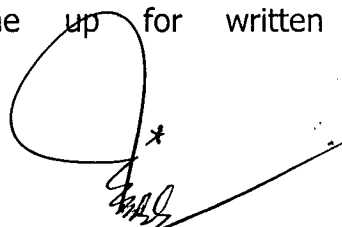
Appellate
Security & Process Fee
25/7/2021


Chairman

01.12.2021

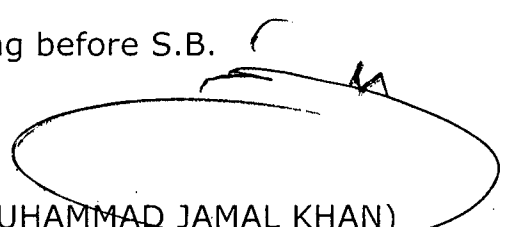
Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Written reply/comments not submitted. Learned AAG seeks time to contact respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments on 02.02.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

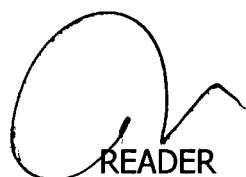
07.01.2021

Miss. Rabia Muzaffar, junior to the senior counsel is present for appellant. According to her learned senior counsel is not available today and requested for adjournment. Request is allowed. The appeal is adjourned to 07.04.2021 on which date file to come up for preliminary hearing before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

07.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 14.07.2021 for the same as before.


READER

29.04.2020

Due to COVID-19, the case is adjourned to 04.08.2020 for the same, before S.B.


Reader

04.08.2020

Miss. Rabia Muzaffar, Advocate, junior to Mr. Fazal Shah Mohmand, Advocate learned counsel for the appellant is present. Stated that her senior counsel is not available today before the Tribunal and requested for adjournment. Adjourned to 27.10.2020. File to come up for preliminary hearing before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

27.10.2020

Appellant in person present.

Lawyers are on general strike, therefore, case is adjourned to 07.01.2021 for preliminary hearing, before S.B.

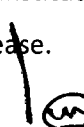




(Rozina Rehman)
Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1794/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/12/2019	<p>The appeal of Mr. Wali Khan presented today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 16/12/19</p>
2-	18/12/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24/01/20</u></p> <p> CHAIRMAN</p>
	24.01.2020	<p>Junior to counsel for the appellant present. Requests for adjournment due to general strike of the Bar. Adjourned to 11.03.2020 before S.B.</p> <p> Chairman</p>
	11.03.2020	<p>Learned counsel for the appellant present and seeks adjournment on the ground that he has not prepared the brief. Adjourn. To come up for preliminary hearing on 29.04.2020 before S.B.</p> <p> Member</p>

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 1794 /2019

Wali Khan.....Appellant

V E R S U S

Director & Others.....Respondents

I N D E X

S. No	Description of documents	Annexure	Pages
1.	Service Appeal with affidavit		1-4
2.	Copy of Appointment Order with Better copy	A	5-6
3.	Copies of Service Book	B	7
4.	Copy of Seniority List	C	8-9
5.	Copy of Notification dated 06-03-2017	D	10-11
6.	Copy of titled page of WP & Order dated 07-11-2018	E	12-18
7.	Copy of Seniority List of 2019	F	19
8.	Copy of departmental Appeal	G	20-22
9.	Wakalat Nama		23

Dated:-12-12-2019


Appellant

Through


Fazal Shah Mohmand

Advocate, Peshawar

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841

Email:- fazalshahmohmand@gmail.com

- 1 -

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No _____/2019

Wali Khan, Drawing Master, Govt. High School Loi Shalman District Khyber.

.....Appellant

V E R S U S

1. Director, Elementary and Secondary Education, Govt. of Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (Male) District Khyber.
3. Secretary to Govt. of Khyber Pakhtunkhwa, Elementary and Secondary Education, Peshawar.....Respondents

APPEAL APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE SENIORITY LIST OF DRAWING MASTERS (MALE) OF DISTRICT KHYBER ISSUED ON 30-04-2019 WHEREBY THE APPELLANT HAS ILLEGALLY BEEN PLACED AT SERIAL NO 33 INSTEAD OF SERIAL NO 4 AND AGAINST WHICH DEPARTMENTAL APPEAL OF THE APPELLANT DATED 26-08-2019 HAS NOT BEEN RESPONDED SO FAR DESPITE THE LAPSE OF MORE THAN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:-

On acceptance of this appeal, the impugned Seniority List issued on 30-04-2019 may kindly be modified to the extent of the appellant by assigning him seniority from the date of continuous regular appointment instead of passing the professional examination by placing the appellant at serial No 4 instead of serial No 33 with all consequential benefits.

Respectfully Submitted:-

1. That the appellant was appointed as Drawing Master untrained on 23-01-1991, and he passed the relevant professional training for the subject post on 25-04-2000. Since appointment the appellant performed his duties with honesty and full devotion with spotless service career and to the entire satisfaction of his high ups. **(Copy of Appointment Order is enclosed as Annexure A).**

2. That the appellant was awarded BPS-15 w.e.f 01-12-2007 instead of 01-10-2005 as per his option and was allowed the increments of untrained period w.e.f 01-12-1991 in consequent to letter dated 12-05-2009. **(Copy of Service Book is enclosed as Annexure B).**
3. That the department maintained incorrect and against the law seniority list, as in the same seniority was assigned on the basis of qualifying/passing the Professional training/examination instead of joining/entry into service. **(Copy of Seniority list is enclosed as Annexure C).**
4. That on the basis of such illegal seniority list some colleagues of the appellant who were even juniors to the appellant were promoted as Senior Drawing Masters (BPS-16) vide Notification dated 06-03-2017. **(Copy of Notification dated 06-03-2017 is enclosed as Annexure D).**
5. That against this very promotion order the appellant filed Writ Petition No 3006-P/2017 which was withdrawn on 07-11-2018 due to misunderstanding regarding the promotion of the appellant, as the appellant till date is not granted promotion. **(Copy of Writ Petition and Order dated 07-11-2018 is enclosed as Annexure E).**
6. That recently the District Education Officer District Khyber has issued the Seniority List of Drawing Masters (Male) on 30-04-2019, which was never communicated to the appellant, however the appellant obtained copy of the same on 25-07-2019, wherein the appellant has illegally been placed at serial No 33 instead of Serial No 4. **(Copy of Seniority List of 2019 is enclosed as Annexure F).**
7. That the appellant filed departmental appeal on 26-08-2019 which was duly forwarded however the same has not been responded so far despite the lapse of more than ninety days. **(Copy of departmental appeal is enclosed as Annexure G).**
8. That the impugned Seniority List of Drawing Masters (Male) 2019 to the extent of the appellant placing him at serial No 33 instead of serial No 4 is against the law, facts and principles of justice on grounds inter-alia as follows:-

GROUND:-

- A. That the impugned Seniority List is illegal and void ab-initio.
- B. That mandatory provisions of law have been violated while assigning the seniority to the appellant and issuing the impugned Seniority list.
- C. That as per the seniority rules, seniority reckons from the date of continuous regular appointment and not from the date of passing professional examination, as per the rules governing the matter.
- D. That the appellant has been deprived of his due seniority without any omission or commission on his part in violation of the principles of natural justice.
- E. That even juniors to the appellant have illegally been promoted in violation of the rules on the subject, which act and order is not tenable in the eyes of law.
- F. That the appellant is entitled to be treated according to law and rules being his fundamental right guaranteed in the constitution of land.
- G. That accrued rights of the appellant has been snatched sane any fault on his part.
- H. That the impugned Seniority list is defective and as such not maintainable in the eyes of law.
- I. That the appellant has about 29 years of service with unblemished service record.

-4-

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

Any other relief deemed appropriate in the circumstances of the case and not specifically asked for may also be granted in favor of the appellant.

Dated: 12-12-2019


Appellant

Through


Fazal Shah Mohmand

Advocate Peshawar.

AFFIDAVIT

I, Wali Khan, Drawing Master, Govt. High School Loi Shalman District Khyber, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Identified by


Fazal Shah Mohmand

Advocate Peshawar.


DEPONENT

APPOINTMENT/

Mr. Wali Khan S/O Noor Ali approved candidate is hereby appointed temporary as untrained Drawing Master at GMS Abdul Latif Khan Killi Landikotal Khyber Agency & Rs.830/-PM fixed in BPS No.09 plus usual allowances as admissible under rules with effect from the date of taking over charge against vacant DM post.

Note.

01. Charge report should be submitted all concerned.
02. The appointment of the candidate is purely on temporary basic and is liable to terminated any time without any notice.
03. If the candidate wishes to resign his post he will give one month prior notice or his pay for one month will be forfeited in lieu thereof.
04. He should produce his original/Domicile certificate before proper verification from the quarter concerned.
05. He should produce his health and age certificate form the Agency Surgeon concerned.
06. He may not be handed over charge if he is below 18 years or above 33 years.
07. If he fails to report within 15 days of the issuance of this appointment order then it will treated as cancelled.
08. The candidate knowledge in Islamic Education and Pakistan studies must be judged before handing over charge of the post.

DIRECTOR OF EDUCATION
FATA N.W.F.P PESHAWAR.

Endst No. 2346-48 dated Peshawar the 23/1 /1991.

- Copy forwarded for information and necessary action to the:
01. Head Master GMS Abdul Latif Khan Killi Landikotal Khyber Agency.
 02. PA to DE(FATA) NWFP Peshawar.
 03. Candidate concerned.

DIRECTOR OF EDUCATION
FATA N.W.F.P PESHAWAR.

Agency Accounts Officer
 Khuzdar
 11B
 -7-

Signature and designation of the head of the office or other attending officer in attendance of entries 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attending officer	Date and designation of leave taken	A statement of part of leave (if any) pay of the month for which provision is to be made or other provision	Part of leave taken
<p>Approved HEADMASTER Govt. High School Lohi Shalman Khyber Agency</p>	<p>30⁶ 2008</p>	<p>Revision</p>	<p>Approved HEADMASTER Govt. High School Lohi Shalman Khyber Agency</p>		<p>Awarded BPS-15 vide AEO Endst No _____ dated _____ w.e.f. 1/10/2007.</p>	
<p>Approved HEADMASTER Govt. High School Lohi Shalman Khyber Agency</p>	<p>30¹¹ 2008</p>	<p>GNC</p>	<p>Approved HEADMASTER Govt. High School Lohi Shalman Khyber Agency</p>		<p>Approved HEADMASTER Govt. High School Lohi Shalman Khyber Agency</p>	
<p>Order 103687 - w.e.f. 12/07/07 Up gradation of Senior from BPS-14 to BPS-15 w.e.f.</p>					<p><u>UNDERTAKING</u> I Mr Wali Khan DM of GHS Lohi Shalman LXL Khyber Agency is hereby undertake that if any overpayment is made to me as a result of upgradation of post. I will refund all the over payment by the way of recover it from my suspension/gratuity</p>	
<p>12/07/07 W. Khan AO</p>					<p>Approved HEADMASTER Govt. High School Lohi Shalman Khyber Agency</p>	
<p>Order 103687 - w.e.f. 12/07/07 Untrained Period</p>					<p><u>OPTION</u> I hereby opt. to take BPS-15 w.e.f. 01/12/2007 instead of 01/10/2007</p> <p>Allowed Untrained Period Increments w.e.f. 1-12-2007 vide DE (FAT) NWFI. Peshawar Endst. No 5819-49 Dated 12/5/2009.</p>	
<p>Agency Accounts Officer Khuzdar TR No 1129</p>						

CONSOLIDATED SENIORITY LIST OF DM MALE TEACHERS IN KHYBER AGENCY

4011
-8-

AGENCY EDUCATION OFFICE KHYBER AGENCY

S.No	SENIORITY .NO	Name	F/Name	Qualification Acad		D/O Birth	Domicile	D/O ist Entry into Govt Service	D/O App: in the Present Post	Place of Posting	D/O Passing of Prof: Exam result
				:-	Prof						
1	1	Muhammad Nawaz	Ibrahim khan	BA	DM	04-09-1955	khyber	10-12-1978	21/10/1978	GCET(M)Jamrud	12/071978
2	2	Abdur Rahim	Ahmad Ullah	SSC	DM	20-11-1953	Peshawar	10-02-1980	10-02-1980	GHS Hissara	06-06-1986
3	3	Farid Alam	Abdul Wahab	MA	DM/Bed	16-08-1960	Mohmand	07-06-1987	08-06-1987	GHS Abdul Ghafoor Khan	31/05/1987
4	4	Said Wali shah	Said shahan	MA	DM/Bed	16-08-1960	Mohmand	07-06-1987	08-06-1987	GMS Tar Khel	29-08-1990
5	5	Jamshid Ali	Akbar Said	SSc	DM	04-05-1961	Mardan	15-10-1983	15-10-1983	GMS Gul Zamir	14-11-1990
6	6	Ibad Ur Rehman	Habib Ur Rehman	BA	DM	20-01-1962	FR Kohat	27-09-1986	01/10/1986	GMS Gul Zamir	14-11-1990
7	7	Abdul Salam	Islam Gul	FSC	DM	20-04-1957	Peshawar	11-02-1987	14/11/1987	GCET(M)Jamrud	14-11-1990
8	8	Nasrumin Ullah	Haider Khan	MA	DM/CT	11-04-1965	Khyber	08-10-1989	08-10-1989	GHS Kharghli	14-11-1990
9	9	Asim Khan	Ahmad Zai	BA	DM	03-03-1968	Khyber	13-02-1993	18-02-1993	GMS Prang Dara	1992
10	10	Hanif Khan	Amir Khan	BA	DM	10-04-1967	Khyber	13-02-1993	23-02-1993	GHS Muhammad Khan	22-11-1992
11	11	Abdur Rehman	Sher Aman Khan	BA	DM	01-04-1966	Khyber	29/12/1984	30-12-1984	GHS Sama Ghari	07-04-1993
12	12	Khair Mohammad	Peshawari Khan	BA	DM	19-01-1967	Sawabi	03-02-1992	02-03-1992	GHS Alam Gudar	08-12-1993
13	13	Munawar khan	Inayat Ullah	MA	DM	02-04-1973	Khyber	30/08/1994	09-01-1994	GHS Akhun Talab	No.DMC Date
14	14	Khail Hussain	Mamoor khan	MA	DM/Bed	02-04-1971	Khyber	30-08-1994	05-09-1994	GHS Durma kor	1993
15	15	Zahid Shah	Khan Abad	MA	DM/BED	01-11-1970	Khyber	30-08-1994	01-09-1994	GHS Landi Kotal	25/12/1993
16	16	Dost Muhammad	Rafi Ullah	MA	DM/CT	02-04-1971	Khyber	30-08-1994	01-09-1994	GHS Landi Kotal	25/12/1993
17	17	Abdur Raziq	Aziz Khan	MA	DM/CT	02-04-1971	Khyber	30-08-1994	01-09-1994	GHS Landi Kotal	25/12/1993
18	18	Sattar Khan	Zangal Khan	MA	DM/CT	02-04-1971	Khyber	30-08-1994	01-09-1994	GHS Landi Kotal	25/12/1993
19	19	Farid Ullah	Niaz Mir	MA	DM/CT	02-04-1971	Khyber	30-08-1994	01-09-1994	GHS Landi Kotal	25/12/1993
20	20	Ramzan Khan	Sohrab Khan	MA	DM/CT	02-04-1971	Khyber	30-08-1994	01-09-1994	GHS Landi Kotal	25/12/1993
21	21	Hamid Ullah	Rehman shah	MA	DM/CT	02-04-1971	Khyber	30-08-1994	01-09-1994	GHS Landi Kotal	25/12/1993
22	22	Khalid Ali	Taj Malook shah	MA	DM/CT	02-04-1971	Khyber	30-08-1994	01-09-1994	GHS Landi Kotal	25/12/1993
23	23	Abdul Wasi	Mosam khan	MA	DM/CT	02-04-1971	Khyber	30-08-1994	01-09-1994	GHS Landi Kotal	25/12/1993
24	24	Nosherwan	Ghulam Mohammad	MA	DM/CT	02-04-1971	Khyber	30-08-1994	01-09-1994	GHS Landi Kotal	25/12/1993
25	25	Sharif Khan	Amir Shah	MA	DM/CT	02-04-1971	Khyber	30-08-1994	01-09-1994	GHS Landi Kotal	25/12/1993
26	26	Nasrullah Khan	Rehman Shah	MA	DM/CT	02-04-1971	Khyber	30-08-1994	01-09-1994	GHS Landi Kotal	25/12/1993
27	27	Hamid Khan	Asmat Ullah	MA	DM/CT	02-04-1971	Khyber	30-08-1994	01-09-1994	GHS Landi Kotal	25/12/1993
28	28	Gul Muhammad	Ayub khan	MA	DM/CT	02-04-1971	Khyber	30-08-1994	01-09-1994	GHS Landi Kotal	25/12/1993
29	29	Said Nawaz	GUL Samand	MA	DM/CT	02-04-1971	Khyber	30-08-1994	01-09-1994	GHS Landi Kotal	25/12/1993

30	30	Siraj Ud Din	khitab gul	BA	DM/Med	25-04-1969	khyber	19/09/1998	10-01-1998	GMS Guder	25/5/1996
31	31	Said Nawaz	Murtaza	MA	DM/Med	24-08-1974	Khyber	24-07-1999	01/09/1999	GMS Yara Jan	27/02/1998
32	32	Munawar Khan	Niaz Din	MA	DM/BED	17-11-1975	Khyber	21/08/1999	01/09/1999	GMS Tooth Dhand	1996-1997
33	33	Dilawar shah	Sarwar shah	BA	DM/Med	12-01-1975	Khyber	24/07/1999	01-09-1999	GHS Sholobar	27/02/1998
34	34	Sultan shah	Ghulam shah	MA	DM/BED	01-10-1970	Khyber	24/07/1999	01-09-1999	GHS Surkamar	27/2/1998
35	35	Abdullah	Jaffar shah	D.com	DM	30-03-1977	Khyber	21/08/1999	01-09-1999	GHS Shagia	27/02/1998
36	36	Amin shah	Khan Abad	D.com	DM	20-03-1977	Khyber	24-07-1999	01-08-1999	GHS Zin tara	27/02/1998
37	37	Jehan Zeb	Habib gul	BA	DM	10-05-1961	charsada	24-04-1990	24-04-1990	GHS Kam shalman	25-04-2000
38	38	Wali khan	Noor Ali	BA	DM/BED	03-06-1971	Khyber	23-01-1991	23-01-1991	GHS Shalman	25-04-2000
39	39	Nooruddin	Gul Mohammad	BA	DM/BED	21-01-1970	FR Kohat	07-12-2000	08/12/2000	GMS Haji Dhand	27/02/1998
40	40	Awal Nazar	Ghiran gul	FA	DM	07-09-1970	khyber	07-12-2000	07-12-2000	GMS Chappari	07-12-2000
41	41	Muhammad Atif	Zar haider	BA	DM	02-02-1976	Khyber	06-09-2002	07-09-2002	GHS Jan Khan Killi	31/03/2001
42	42	Pir Mohammad	Mehmood Khan	BA	DM	12-03-1973	Khyber	28-08-2003	01-09-2003	GMS Spin Qabar	11-05-1999
43	43	Noorat khan	Bahadar Khan	MA	DM/BED	01-03-1976	Khyber	28-08-2003	01-09-2003	GHS Hasham Abad	11/5/1999
44	44	Sada Muhammad	M.Sher Zaman	FA	DM	03-01-1967	khyber	30/08/2003	01-09-2003	GHS Lora Mana	1977
45	45	Abul waheed	Majee Khan	BA	DM/BED	04-01-1976	Khyber	21-09-2005	22-09-2005	GMS Abdul Latif	11/5/1999
46	46	Ibrahim khan	Muhammad Younas	MA	DM/Bed	15-01-1978	khyber	21-09-2005	21-09-2005	GMS Zabir Noor	1997
47	47	Zahid Ullah	Fazle Elahi	MA	DM	15-03-1979	Khyber	25/08/2006	01-09-2006	GMS Mastak	25/04/2000
48	48	shah Akbar	Gul zer	MA	DM/Bed	04-02-1977	Khyber	13-09-2006	14-09-2006	GMS Mohammad	1998
49	49	saif Ullah	Gul Baz	BA	DM	24-03-1975	Khyber	21-03-2007	22-03-2007	GMS Tood Kamar	08-02-2007
50	50	Gul Muhammad	Mehrab shah	BA	DM	20-01-1980	khyber	21-03-2007	24-03-2007	GMS Qadam	No ,DMC Entr
51	51	Wahid Gul	Multan Khan	BA	DM/Bed	20-11-1974	Khyber	21-03-2007	22-03-2007	GHS Kohi Sher Haider	11-05-1999
52	52	Zahir shah	Lal Badin	BA	DM	09-01-1973	Khyber	21-03-2007	22-03-2007	GHSS Spin dhund	No.DMC Date
53	53	Sarwar Khan	Said Ullah	MA	DM	07-09-1979	Khyber	21-03-2007	22-03-2007	GMS Sher Haider	No.DMC Date
54	54	Mohd:Imran	Awal Mohammad	MA	DM	01-11-1984	khyber	05-07-2013	05-09-2013	GHS Pindi Lalma Jamrud	28/12/2004
55	55	Fazal karim	Mohd:Din Shah	BA	PTC / Dm	11-07-1972	khyber	07-05-2013	08-05-2013	GMS Akram Killi Bara	31/10/2012
56	56	Zar wali	Qalat Khan	MA	DM/Bed	03-02-1979	khyber	07-05-2013	08-05-2013	GMS Shalobar Bara	5/2003
57	57	Javed Khan	Talib Jan	MA	DM	10-07-1979	Khyber	07-05-2013	08-05-2013	GMS Gandaw Bara	03-02-2005
58	58	Shahid Ali	Mehboob Shah	BA	DM	03-03-1976	khyber	07-05-2013	08-05-2013	GMS Zawa Bara	05-05-2003



AGENCY EDUCATION OFFICE
KHYBER AGENCY AT JAMRUD
PHONE: 091-5820584 FAX 091-5820584
NO.1451-1462 DATED 06/03/2017

NOTIFICATION:

On their promotion from DM(M) (BPS:15) to Senior DM (M)(BPS-16) and placement of their Services at the Disposal of AEO Khyber vide Director Education FATA.Warsak Road,Peshawar

Endst No.3014-54/File No.1/Promotion Senior CT B-16 dated 21/02/2017

The following Senior DMs (M)(BPS-16) of teaching cadre are Posted to the Schools as noted against each.This Notification is effective w.e.f.20/02/2013

S#	Seniorty No	Name and Present Place of Posting	Proposed Posting on Promotion	Remarks
1	1	Muhammad Nawaz GCET M Jamrud	Retired on 3-9-2015	
2	2	Farid Alam GHS Abdul Ghafoor Khan	GHS Abdul Ghafoor Khan	
3	4	Jamshid Ali GHS Gul Zamir.	GHS Gul Zamir	
4	6	Abdul Salam GHS Kharghli	GHS Kharghli	
5	7	Nasrunin Ullah GHS Kam Shalman	GHS Kam Shalman	
6	8	Asam Khan GMS Latif Khan	GHS Zin Tara	
7	9	Hanif Khan GHS Sama Ghari	GHS Sama Ghari	
8	10	Abdur Rehman GHS Alam Gudar	GHS Alam Gudar	
9	11	Khair Muhammad GHS Akhun Talab	GHS Akhun Talab	
10	12	Khial Hussain GHS Landi Kotal	GHS Landi Kotal	
11	13	Zahid Shah GHSS Jamrud No.1	GHSS Jamrud No.1	
12	14	Munawar Khan GHS Durma Kor	GHS Durma Kor	
13	15	Dost Muhammad GMS Gagra	GHS Muhammad Khan	
14	16	Abdur Raziq GMS Azeem Killi	GHS Hissara	
15	17	Sattar Khan GHS Jamrud No.2	GHS Jamrud No.2	
16	18	Farid Ullah GHS Mawaz Killi	GHS Mawaz Killi	
17	23	Nosherwan GHS Ghundi	GHS Ghundi	
18	20	Khalid Ali GHS Mian Morcha	GHS Mian Morcha	

21	Hamid Ullah GMS Jabba	GHS Chora	
20	22	Abdul Wasi GHSS Jamrud No.1	GHSS Jamrud No.1
21	24	Sharif Khan GMS Shinkai	GHSS Spin Dhand
22	26	Hamid Khan GECT (M) Jamrud	GHS Sur Kamar

- Terms & Conditions:**
1. They would be on probation for a period of one year, extendible for another one year.
 2. They will be governed by such rules and regulation as may be issued from time to time by the Govt.
 3. Their services can be terminated at any time in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be proceeded under the rules framed from time to time.
 4. Charge report should be submitted to all concerned.
 5. Their Inter-Se-Seniority on the lower post will remain intact.
 6. No TA/DA is allowed for joining him/her duty.
 7. They will give an undertaking to be recorded in their Service Book to the effect that any over payment is mad to him in the light this order will be recovered and if She is wrongly promoted, he will be reversed.

CONSEQUENTIAL TRANSFER.

S#	Name	Place of Posting	Remarks
1	Ameen Shah DM GHS Zin Tara	GMS Abdul Latif	
2	Abdul Waheed DM GHS Muhammad Khan	GMS Gagra	
3	Noorhaleem DM GHS Hissara	GMS Azcem Killi	
4	Zubair Khan DM GHS Chora	GMS Jabba	
5	Zahir Shah DM GHSS Spin Dhand	GMS Shinkai	
6	Sultan Shah DM GHS Sur Kamar	GECT (M) Jamrud	

(MUHAMMAD JADOON KHAN)
AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

Copy for information and necessary action is forwarded to the:

- 1 Director Education (FATA) at Peshawar.
- 2 Accountant General (PR) Sub Office, Peshawar.
- 3 Agency Accounts Officer Khyber Agency at Jamrud.
- 4 PS to Additional Chief Secretary FATA.
- 5 PS to Secretary SSD, FATA.
- 6 PS TO secretary Finance FATA Secretariat.
- 7 AAEO Concerned local office.
- 8 Superintendent local office.
- 9 Individual concerned.

AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

IN THE PESHAWAR HIGH COURT PESHAWAR.

W.P No. 3006 /2017



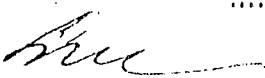
1. Jahanzeb S/o Habib Gul
R/o Utmanzai Kandi Goodbana District Charsadda.
2. Wali Khan S/o Noor Ali
R/o Loe Shalman Wali Muhammad Kor Tehsil Landi
Kotal Khyber Agency.

.....Petitioners

Versus

1. Director Education FATA, Peshawar.
2. Agency Education Officer, Khyber Agency at Jamrud Tehsil.
3. Additional Chief Secretary, FATA, FATA Secretariat, Peshawar.
4. Nasrumin Ullah (Drawing Master), GHS Kam Shalman.
5. Asam Khan (Drawing Master), GHS Zin Tara.
6. Abdur Rehman (Drawing Master), GHS Alam Gudar.
7. Khair Muhammad (Drawing Master), GHS Akhun Talab.
8. Khial Hussain (Drawing Master), GHS Landi Kotal.
9. Zahid Shah (Drawing Master), GHS Jamrud No.1.
10. Munawar Khan (Drawing Master), GHS Durma Kor.
11. Abdur Raziq (Drawing Master), GHS Hissara.
12. Sattar Khan (Drawing Master), GHS Jamrud No.2.
13. Noshewan (Drawing Master), GHS Ghundi.
14. Khalid Ali (Drawing Master), GHS Mian Morcha.
15. Hamid Ullah (Drawing Master), GHS Chora.
16. Abdul Wasi (Drawing Master), GHS Jamrud No.1.
17. Sharif Khan (Drawing Master), GHS Spin Dhan.
18. Hamid Khan (Drawing Master), GHS Sur Kamar.

.....Respondents


ATTESTED
EXAMINER
Peshawar High Court

**WRIT PETITION UNDER ARTICLE 199
OF THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN 1973 AS
AMENDED UPTO DATE.**

-13-

Respectfully Sheweth:

1. That petitioners are the law abiding citizen of Pakistan and bonafide residents of District Charsadda and Khyber Agency Respectively. (Copies of CNICs are attached as annexure-A & A/1).
2. That petitioners are serving as Govt. Teachers (Drawing Master) under the control and supervision of respondents No.1 to 3 in Khyber Agency since 24.4.1990 and 23.01.1991 respectively. (Copy of the appointment letters are attached as annexure-B and B/1 respectively).
3. That due to length of services (Date of Appointments of Their services) the Petitioners are most senior then the respondents No.4 top 18, but vide impugned consolidated seniority list of DM male teachers, Khyber Agency, issued by respondent No.2, Both the Petitioners have shown at serial No.37 & 38 respectively, while respondents NO.4 to 18 have shown at serial 8 to 27. (Copy of the Seniority list is attached as annexure-C)


ATTESTED
EXAMINER
Peshawar High Court


- 14-
4. That vide impugned notification No.1451-1462 dated 06.03.2017, issued by respondent No.2, the respondent No.2 promoted the respondents No.4 to 18 from DM (M) (BPS-15) to Senior DM (M) (BPS-16), instead of petitioners which is illegal and unlawful because respondent No.4 to 18 are juniors then the petitioners. (Copy of the notification dated 06.03.2017 is attached as annexure-D).
 5. That the petitioners moved several applications against the illegal, seniority list and impugned order of promotion of respondents No.4 to 18 dated 06.03.2017 to respondent's Department but in vain.
 6. That being aggrieved from the illegal seniority list and impugned order dated 06.03.2017, the petitioners have no other alternative remedy except to knock the door of this Hon'ble Court on the following grounds inter-alia.

Grounds:

- A. That the illegal seniority list and impugned order of promotion dated 06.03.2017 of respondent NO.2 is against the law, void, ineffective upon the rights of the petitioners and against the principle of natural justice, hence liable to be set aside.


ATTESTED
EXAMINER
Peshawar High Court

- 15 -
- B. That the promotions of respondents No.4 to 18 by the respondent No.2 is based on malafide and clear violation of services laws and the result of pick/ choose and favoritism on part of official respondents.
- C. That the petitioners being seniors from the respondents No.4 to 18 due to services length (date of appointments of services) and the seniority should be counted from the dated of initial appointment but respondent NO.2 totally ignored this fact, rules and regulation, thus violated the rights of petitioners.
- D. That the petitioners beings seniors, are eligible candidates and fit for promotion from DM (M) (BPS-15) to senior DM (M) (BPS-16) according to rules and regulation of services laws, but the illegal promotions of the respondents No.4 to 18 by respondent No.2 is clearly shows the bias approach of the respondents Department.
- E. That the act of respondent No.1 to 3 are not only discriminatory but also violation of article 25 of the constitution of Islamic Republic of Pakistan 1973.
- F. That, even otherwise, the promotion of senior most on any basis will not harass anyone but promotion of juniors on any basis/ colours/ garb is certainly speaking of foul play.
- G. That any other ground would be raised at the time of arguments with prior permission of this Hon'ble Court.

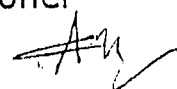

ATTESTED
EXAMINER
Peshawar High Court

It is, therefore, most humbly prayed that on acceptance of this writ petition the illegal consolidated seniority list of DM Mate teachers and impugned order of the respondent No.2 dated 06.03.2017 may kindly be declared as null and void, against the law, constitution, without jurisdiction and respondents NO.1 to 3 be directed to promote the petitioners from DM (M) (BPS-15) to Seniors DM(M) (BPS-16) being Senior and eligible candidate for promotion, immediately.

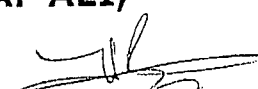
Any other remedy which this august Court deemed fit and appropriate in the circumstances may also very kindly be awarded in favour of petitioners.

Petitioner

Through



YOUSAF ALI,



Ijaz Mohmand

&

Qaisar Hussain

Advocates, Peshawar

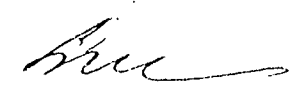
CERTIFICATE:

It is certify that, no such like writ petition has earlier been filed by the petitioner(s) in this Hon'ble Court. Further stated that being writ petition on the score that since there is no adequate and alternate legal remedy is available or previously avail or approach lower forum, thus this case may be fixed before the Worthy Division Bench (D.B) of this Hon'ble Curt.

Advocate

LIST OF BOOKS:

- 1) Constitution of Islamic Republic of Pakistan, 1973.
- 2) Case law as per need.



ATTESTED
EXAMINER
Peshawar High Court

IN THE PESHAWAR HIGH COURT PESHAWAR.

- 17 -

W.P No. _____/2017

JahanzebPetitioner

Versus

Director Education FATA, Peshawar & others....Respondents

AFFIDAVIT

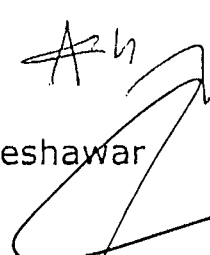
I, Wali Khan S/o Noor Ali R/o Mohallah Loi Shalman, Tarakzai Wali Muhammad Kor P.O Landikotal Tehsil Landi Kotal District Khyber Agency (Petitioner No.2), do hereby affirm and declare on oath that the contents of the accompanying **Writ Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this hon'ble court.



Deponent
CNIC:21203-3676667-9

Identified by:

Yousaf Ali
Advocate, Peshawar



No.	25/17
Certified that the deponent has affirmed the contents of the accompanying writ petition on oath.	
Day of	17
at	Wali Khan Khyber Agency Peshawar
Who was	
Who is	

CERTIFIED TO BE TRUE COPY
EXAMINED
Peshawar High Court Peshawar
Reviewed Under Article 87 of
The Constitution of Pakistan 1973

18 APR 2019

Handwritten note: Naabea Verified

-18-

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Date of Order or Proceedings	Order/Proceedings with Signature of Judge.
<p>07.11.2018</p> <p>4691</p> <p>1814/19</p> <p>1814/19</p> <p>1814/19</p> <p>1814/19</p> <p>Received By: <i>[Signature]</i></p>	<p><u>W.P No.3006-P/2017</u></p> <p>Present:</p> <p>Mr. Ijaz Mohmand, Advocate, for the petitioners.</p> <p>****</p> <p><u>WAQAR AHMAD SETH, CJ.</u> In view of promotion granted to petitioners, learned counsel requested for withdrawal of the instant petition.</p> <p>Dismissed as withdrawn.</p> <p><i>[Signature]</i></p> <p>CHIEF JUSTICE</p> <p><i>[Signature]</i></p> <p>JUDGE</p> <p>18 APR 2019</p> <p><i>[Signature]</i></p>



SCANNED TO THE TRUE COPY

Scanned by: *[Signature]*

Peshawar High Court, Peshawar

Amended Order Article 8.7 of the

Amendment Order No. 1 of 2013

18 APR 2019

-19- 11F1
OFFICE OF THE DISTRICT EDUCATION OFFICER TRIBAL DISTRICT KHYBER AT JAMRUD.
TENTATIVE SENIORITY LIST OF D.M (MALE) AS STOOD ON 30-04-2019

S.No	SEN: NO	Name	F/Name	Qualification		Designatio	GPS No	D/O Birth	Domicile	D/O 1st Entry into Govt Service	D/O App: In the Present Post	Place of Posting	D/O Passing of Prof: Exam result	Consideratio n Date	Remarks
				Acad :	Prof										
1	1	Jamshid Ali	Akbar Saïd	BA	SDM	S DM	16	20-01-1962	FR Kohat	27-09-1986	01/10/1986	GMS Gul Zamir	14-11-1990	14.11.1990	
2	2	Abdul Salam	Isfah Gul	MA	DM/CT	S DM	16	11-04-1965	Khyber	08-10-1989	08-10-1989	GHS Kharphill	14-11-1990	14.11.1990	
3	3	Nasrumin Ullah	Hsïder Khan	MA	DM/B.Ed	S DM	16	03-03-1968	Khyber	13-02-1993	18-02-1993	GMS Prang Dara	1997	18.02.1993	
4	4	Asim Khan	Ahmad Zai	BA	DM/B.Ed	S DM	16	10-04-1967	Khyber	13-02-1993	23-07-1993	GHS Muhammad Khan	22-11-1992	23.02.1993	
5	5	Hanif Khan	Anvir Khan	BA	DM	S DM	16	01-04-1966	Khyber	29/12/1984	30-12-1984	GHS Sama Ghari	07-04-1993	07.04.1993	
6	6	Abdur Rehman	Sher Aman Khan	BA	DM	S DM	16	19-01-1967	Sawabi	03-02-1992	03.02.1992	GHS Alam Gudar	08-12-1993	08.12.1993	
7	7	Zahid Shah	Khan Abad	BA	DM/B.Ed	S DM	16	04-02-1966	Khyber	30/08/1994	01-09-1994	GHS Jamrud	25/07/1993	01.09.1994	
8	8	Khail Hussain	Mamoor Khan	MA	SDM/CT	S DM	16	02-04-1971	Khyber	30/08/1994	01-09-1994	GHS Landi Kotal	25/12/1993	01.09.1994	
9	9	Khair Mohammad	Peshawari Khan	MA	DM/B.Ed	S DM	16	02-04-1973	Khyber	30/08/1994	01-09-1994	GHS Akhun Talab	No.DMC Data	01.09.1994	
10	10	Munawar Khan	Inayat Ullah	MA	DM/B.Ed	S DM	16	01-11-1970	Khyber	30-08-1991	05-09-1991	GHS Durma-kor	1993	05.09.1994	
11	11	Dost Muhammad	Rafi Ullah	BA	SDM	S DM	16	21-03-1968	Khyber	29-10-1990	13/11/1990	GMS Gajra	09-01-1995	09.01.1995	
12	12	Abdur Raziq	Aziz Khan	MA	SDM/B.Ed	S DM	16	15-08-1968	Khyber	16-01-1995	17/01/1995	GMS Azeem Killi	09-01-1995	17.01.1995	
13	13	Sattar Khan	Zangal Khan	MA	DM/B.Ed	S DM	16	04-03-1970	Khyber	30-01-1995	01.02.1995	GHS Jamrud	1993-1994	01.02.1995	
14	14	Farid Ullah	Niaz Mir	MA	DM/M.Ed	S DM	16	10-04-1964	Karak	17/03/1987	21-03-1987	GHS Kamar Khel	25-05-1996	25.05.1996	
15	15	Noshervan	Ghulam Mohammad	MA	SDM/B.Ed	S DM	16	12-03-1972	Khyber	14/11/1995	15/11/1995	GHS Ghundi	25-05-1996	25.05.1996	
16	16	Ramzan Khan	Sohrab Khan	FA	DM	DM	15	18-05-1972	Khyber	19/11/1995	13/12/1995	GMS Gul Miran	25-05-1996	25.05.1996	
17	17	Hamid Ullah	Rehman Shah	MA	SDM/B.Ed	S DM	16	08-03-1973	Khyber	12-12-1995	12-12-1995	GMS Jabba	25-05-1996	25.05.1996	
18	18	Abdul Wasi	Mosam Khan	MA	DM/M.Ed	S DM	16	29-04-1973	Khyber	02-05-1996	03-05-1996	GHS Jamrud	25-05-1996	25.05.1996	
19	19	Khalid Ali	Taj Malook Shah	MA	DM/M.Ed	S DM	16	10-04-1974	Khyber	12-12-1995	12-12-1995	GHS Mian Morcha	25-05-1996	25.05.1996	
20	20	Sharif Khan	Amir Shah	BA	SDM	S DM	16	05-02-1965	Khyber	06-01-1995	28/2/1998	GMS Shinkal	27/02/1998	28.02.1998	
21	21	Hamid Khan	Asmat Ullah	MA	SDM/M.Ed	S DM	16	02-01-1972	Khyber	19-09-1998	19-09-1998	GHS mawaz Killi	13-05-1997	19.09.1998	
22	22	Said Nawaz	GUL Samand	BA	DM/B.Ed	DM	15	01-07-1972	Khyber	19-09-1998	19-09-1998	GHS Madghali	15-05-1997	19.09.1998	
23	23	Nasrullah Khan	Rehman Shah	BA	DM/B.Ed	DM	15	25-03-1974	Khyber	19-09-1998	19-09-1998	GHS Hasham Abad	15-05-1997	19.09.1998	
24	24	Gul Muhammad	Ayub Khan	BA	DM/M.Ed	DM	15	05-01-1971	Khyber	19-09-1998	19-09-1998	GMS Kashmir	25-05-1996	19.09.1998	
25	25	Siraj Ud Din	Ghulam Shah	MA	DM/B.Ed	DM	15	25-04-1969	Khyber	01-01-1990	19-09-1998	GMS Gudër	25-05-1996	19.09.1998	
26	26	Sultan Shah	Murtaza	MA	DM/M.Ed	DM	15	24-08-1974	Khyber	24/07/1999	01-09-1999	GMS Surkamar	27/02/1998	01.09.1999	
27	27	Said Nawaz	Sarwar Shah	BA	DM/M.Ed	DM	15	12-01-1975	Khyber	24/07/1999	01/09/1999	GMS Yara Jan	27/02/1998	01.09.1999	
28	28	Dilawar Shah	Niaz Din	MA	DM/B.Ed	DM	15	17-11-1975	Khyber	21/08/1999	01-09-1999	GMS Tooth Dhand	27/02/1998	01.09.1999	
29	29	Munawar Khan	Khan Abad	BA	DM/B.Ed	DM	15	20-03-1977	Khyber	24-07-1999	01-09-1999	GHS Zin tara	27/02/1998	01.09.1999	
30	30	Amin Shah	Jaffar Shah	D.com	DM	DM	15	30-03-1977	Khyber	21/08/1999	01-09-1999	GHS Shagia	25-04-2000	25.04.2000	
31	31	Abdullah	Habib Gul	BA	DM	DM	15	10-05-1961	charsada	24-04-1990	24-04-1990	GHS Kam shalman	25-04-2000	25.04.2000	
32	32	Jehan Zeb	Noor Ali	BA	DM/B.Ed	DM	15	03-06-1971	Khyber	23-01-1991	23-01-1991	GHS Shalman	07-12-2000	07.12.2000	
33	33	Wali Khan	Gul Mohammad	BA	DM/B.Ed	DM	15	21-01-1970	FR Kohat	07-12-2000	07-12-2000	GMS Haji Dhand	07-12-2000	07.12.2000	
34	34	Nooruddin	Gul Mohammad	FA	DM	DM	15	07-09-1970	Khyber	07-12-2000	07-12-2000	GMS Chappari	31/03/2001	07.09.2002	
35	35	Awal Nazar	Ghiran Gul	BA	DM	DM	15	06-09-2002	Khyber	06-09-2002	07-09-2002	GHS Jan Khan Killi	1977	01.09.2003	
36	36	Muhammad Atif	Zar haider	BA	DM	DM	15	02-02-1976	Khyber	30/08/2003	01-09-2003	GHS Lori Mana	11-05-1999	01.09.2003	
37	37	Sada Muhammad	M.Sher Zaman	FA	DM	DM	15	03-01-1967	Khyber	28-08-2003	01-09-2003	GMS Spin Qabar	11-05-1999	01.09.2003	
38	38	Pir Mohammad	Mehmood Khan	BA	DM	DM	15	12-03-1973	Khyber	28-08-2003	01-09-2003	GECT Jamrud	11-05-1999	01.09.2003	
39	39	Noorat Khan	Bahadar Khan	MA	DM/B.Ed	DM	15	01-03-1976	Khyber	21-09-2005	21-09-2005	GMS Abdul Latif	11-05-1999	21.09.2005	
40	40	Abdul waheed	Majeed Khan	BA	DM/M.Ed	DM	15	04-01-1976	Khyber	21-09-2005	21-09-2005	GMS Zabir Noor	31-03-2002	21.09.2005	

41	41	Imran Khan	Muhammad Younas	MA	DM/B.Ed	DM	15	15-01-1978	Khyber	21-09-2005	21-09-2005	GMS Mastak	25/04/2000	01.09.2006	
42	42	Zahid Ullah	Fazle Elahi	MA	DM	DM	15	15-03-1979	Khyber	25/08/2006	01-09-2006	GMS Mohammad	11.05.1999	14.09.2006	
43	43	Shah Akbar	Gul Zai	MA	DM/B.Ed	DM	15	04-02-1977	Khyber	13-09-2006	14-09-2006	GHS Spin dhund	No.DMC Data	21-03-2007	
44	44	Zahir Shah	Lal Badin	BA	DM	DM	15	09-01-1973	Khyber	21-03-2007	21-03-2007	GHS Kohi Sher Haider	11-05-1999	21-03-2007	
45	45	Wahid Gul	Multan Khan	BA	DM/B.Ed	DM	15	20-11-1974	Khyber	21-03-2007	21-03-2007	GMS Tood Kamar	08-02-2007	21-03-2007	
46	46	Saif Ullah	Gul Baz	BA	DM/B.Ed	DM	15	24-03-1975	Khyber	21-03-2007	21-03-2007	GMS Qadam	25-04-2000	21-03-2007	
47	47	Gul Muhammad	Mehraban Shah	BA	DM/B.Ed	DM	15	20-01-1980	Khyber	21-03-2007	21-03-2007	GMS Sher Haider	31-03-2002	21-03-2007	
48	48	Sarwar Khan	Said Ullah	MA	DM	DM	15	07-09-1979	Khyber	21-03-2007	21-03-2007	GMS Akram Killi Bara	31/10/2012	08.05.2013	
49	49	Faraf karim	Mohd Din Shah	BA	DM/Bed	DM	15	11-07-1972	Khyber	07-05-2013	08-05-2013	GMS Zawa Bara	05-05-2003	08.05.2013	
50	50	Shahid Ali	Mehboob Shah	BA	DM	DM	15	03-03-1976	Khyber	07-05-2013	08-05-2013	GMS Shalobar Bara	05-05-2003	08.05.2013	
51	51	Zar wali	Qalat Khan	MA	DM/Bed	DM	15	03-02-1979	Khyber	07-05-2013	08-05-2013	GMS Gandaw Bara	03-02-2005	08.05.2013	
52	52	Javed Khan	Talib Jan	MA	DM	DM	15	10-07-1979	Khyber	07-05-2013	08-05-2013	GMS Pindi Lalmã Jamrud	28/12/2004	05.09.2013	
53	53	Mohd Imran	Awaf Mohammad	MA	DM	DM	15	01-11-1984	Khyber	05-07-2013	05-09-2013				Doc: Required
54	54	Muslim Khan													

Chairman
Muhammad Jadoon Khan
District Education Officer
Tribal District Khyber at Jamrud

**BEFORE THE DIRECTOR ELEMENTARY AND SECONDARY
EDUCATION KPK PESHAWAR.**

Subject:- Departmental Appeal against the Seniority list of Drawing Masters (Male) of District Khyber ISSUED ON 30-04-2019 whereby the appellant has illegally been placed at serial No 33 instead of Serial No 4.

Respectfully Submitted:-

1. That the appellant was appointed as Drawing Master untrained on 23-01-1991, and he passed the relevant professional training for the subject post on 25-04-2000. Since appointment the appellant performed his duties with honesty and full devotion with spotless service career and to the entire satisfaction of his high ups. **(Copy of Appointment Order is enclosed as Annexure A).**
2. That the appellant was awarded BPS-15 w.e.f 01-12-2007 instead of 01-10-2005 as per his option and was allowed the increments of untrained period w.e.f 01-12-1991 in consequent to letter dated 12-05-2009. **(Copy of Service Book is enclosed as Annexure B).**
3. That the department maintained incorrect and against the law seniority list, as in the same seniority was assigned on the basis of qualifying/passing the Professional training/examination instead of joining/entry into service. **(Copy of Seniority list is enclosed as Annexure C).**
4. That on the basis of such illegal seniority list some colleagues of the appellant who were even juniors to the appellant were promoted as Senior Drawing Masters (BPS-16) vide Notification dated 06-03-2017. **(Copy of Notification dated 06-03-2017 is enclosed as Annexure D).**

5. That against this very promotion order the appellant filed Writ Petition No 3006-P/2017 which was withdrawn on 07-11-2018

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District At Jamrud

due to misunderstanding regarding the promotion of the appellant, as the appellant till date is not granted promotion. **(Copy of Writ Petition and Order dated 07-11-2018 is enclosed as Annexure E).**

6. That recently the District Education Officer District Khyber has issued the Seniority List of Drawing Masters (Male) on 30-04-2019, which was never communicated to the appellant, however the appellant obtained copy of the same on 25-07-2019, wherein the appellant has illegally been placed at serial No 33 instead of Serial No 4. **(Copy of Seniority List of 2019 is enclosed as Annexure F).**

7. That the impugned Seniority List of Drawing Masters (Male) 2019 to the extent of the appellant placing him at serial No 33 instead of serial No 4 is against the law, facts and principles of justice on grounds inter-alia as follows:-

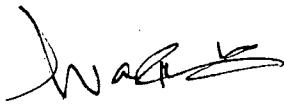
GROUND:-

- A. That the impugned Seniority List is illegal and void ab-initio.
- B. That mandatory provisions of law have been violated while assigning the seniority to the appellant and issuing the impugned Seniority list.
- C. That as per the seniority rules, seniority reckons from the date of continuous regular appointment and not from the date of passing professional examination, as per the rules governing the matter.
- D. That the appellant has been deprived of his due seniority without any omission or commission on his part in violation of the principles of natural justice.
- E. That even juniors to the appellant have illegally been promoted in violation of the rules on the subject, which act and order is not tenable in the eyes of law.

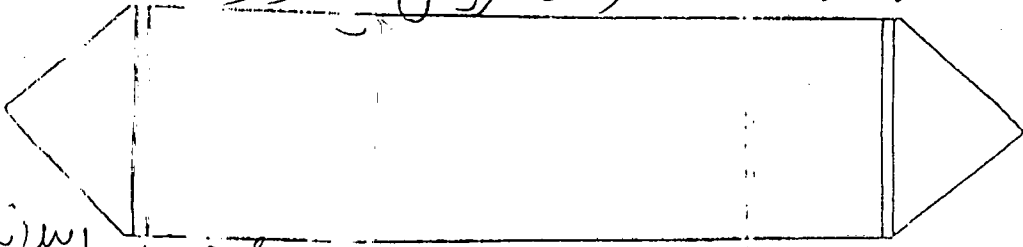
- F. That the appellant is entitled to be treated according to law and rules being his fundamental right guaranteed in the constitution of land.
- G. That accrued rights of the appellant has been snatched sane any fault on his part.
- H. That the impugned Seniority list is defective and as such not maintainable in the eyes of law.
- I. That the appellant has about 29 years of service with unblemished service record.

It is therefore prayed that on acceptance of this appeal the impugned Seniority List issued on 30-04-2019 may kindly be modified to the extent of the appellant by assigning him seniority from the date of continuous regular appointment instead of passing the professional examination by placing the appellant at serial No 4 instead of serial No 33 with all consequential benefits.

Dated:-19-08-2019.


Wali Khan, Drawing Master
Govt. High School Loi
Shalman District Khyber.
CELL# 0334 3952162

بعد الت سروس لڑنوں کے ور



2012ء کا نائب امیر

ولی خان بنام ڈاکٹر لڑنوں

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب ای دکل کاروائی متعلقہ
آن مقام لسانور کیلئے صنفل پٹناہ صندھ-AS
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب مرصوف کو مقدمہ کی کل کاروائی کا کامل اختیار دیا گیا۔ نیز
دیکل صاحب کو راضی نامہ کرنے و تقرر ثلثہ فیصلہ برحاف دیئے جواب دی اور اتنا ہا دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک ورد پیسار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکالرفہ 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 دیکل یا مختار قانونی کو اپنے اہرام یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساتھ
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوا نے مقدمہ کے سبب سے رہوگا۔
کوئی تاریخ پیشی مقام دوزہ پر ہو یا حد سے باہر ہو تو دیکل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا دواکالت نامہ لکھ دیا کہ سند ہے۔

ولی خان

کیا

الرقوم 12
ماہ لاکھبر 20

المقام
لسانور
کے لئے منظور ہے۔

Accepted
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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, DB
PESHAWAR.

No.

Appeal No. 1794 of 20 19

Wali Khan Appellant/Petitioner

Versus

Director ERSE KPK Respondent

Respondent No. 2

Read

Notice to: —

Distt: Education Officer (male)
Distt: Khyber.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 1/12/21 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this 20th

Day of Oct 20 21

(for Reply)

[Signature]
Registrar

**Khyber Pakhtunkhwa Service Tribunal,
Peshawar.**

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. DB

No.

Appeal No. 1796 of 20 19

wali Khan Appellant/Petitioner

Versus

Director ERSE KPK Respondent

Respondent No. 3

10/11

Notice to: —

Secretary to Govt. of KPK ERSE
Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 1/12/21 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Given under my hand and the seal of this Court, at Peshawar this 20th.....

Day of oct 20 21

for Reply

Registrar
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR. **D.B**

No.

Appeal No. 1794 of 20 19

Wali Khan Appellant/Petitioner

Versus

Director ERSE KPM Respondent

Respondent No. 1

Notice to: —

Director ERSE Govt. of KPM
Peshawar

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Given under my hand and the seal of this Court, at Peshawar this 20th

Day of Oct 20 . 21

(for Reply) 16/11

[Signature]
Registrar

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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