

03.10.2022

Appellant present through counsel.

Riaz khan Paindakhel, learned Assistant Advocate General alongwith Hussain Ali Litigation Assistant for respondents present.

Reply on behalf of respondents submitted. Copy of which was handed over to learned counsel for appellant. To come up for rejoinder, if any, and arguments on 05.12.2022 before D.B at Camp Court Swat.

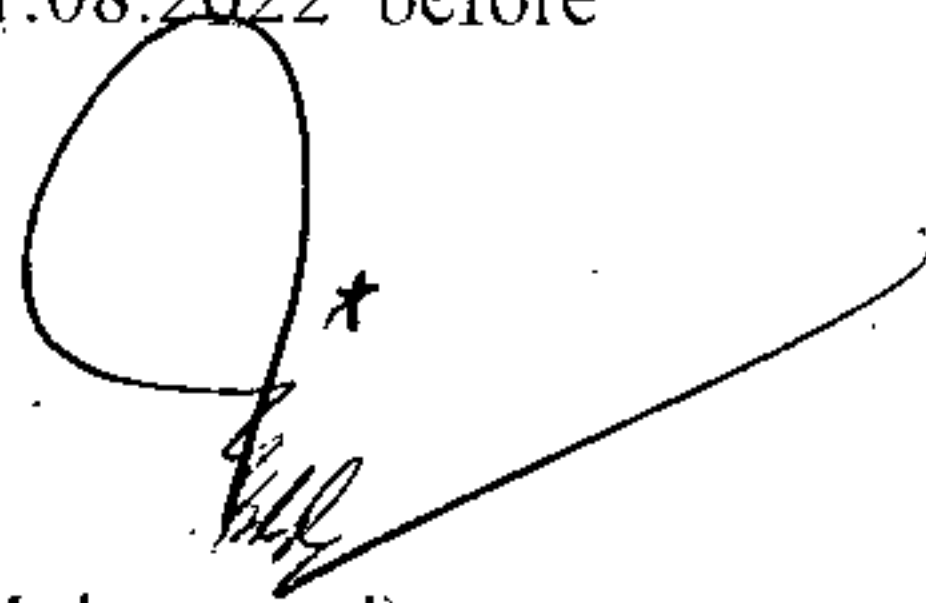


(Rozina Rehman)
Member (J)
Camp Court Swat

09.06.2022

Appellant in person present. Mr. Kabirullah Khattak,
Additional Advocate General for respondents present.

Reply/comments on behalf of respondent not submitted.
Learned AAG seeks time for submission of reply/comments.
Granted. To come up for reply/comments on 01.08.2022 before
S.B at camp court Swat.


(Mian Muhammad)
Member (E)
Camp Court Swat.

1-8-22

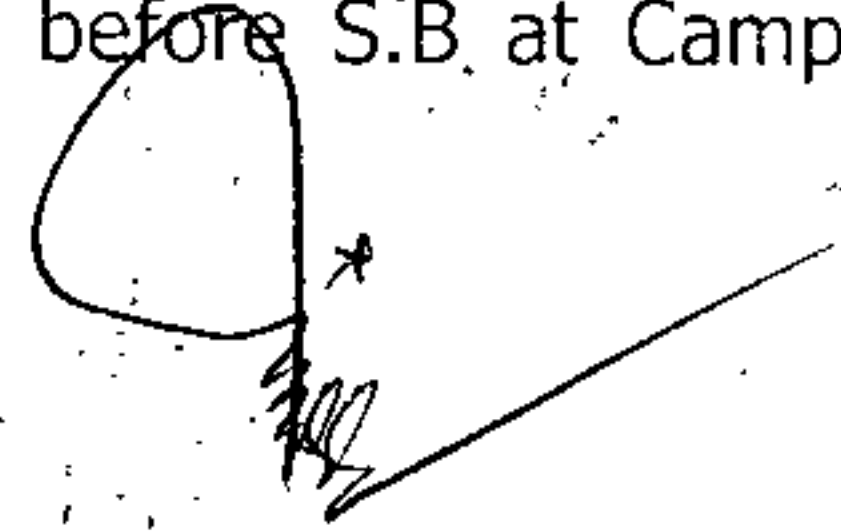
*Due to barrister's vacation the
case is adjourned to 5.9.22 for the
same.*



05.09.2022

Clerk of learned counsel for the appellant present. Mr. Asif
Masood Ali Shah, Deputy District Attorney alongwith Mr. Saleem
Section Officer and Mr. Hussain Ali, Litigation Officer for the
respondents present.

Reply/comments on behalf of respondents not submitted.
Representative of the respondents requested for time to submit
reply/comments on the next date. Last opportunity is granted. To
come up for reply/comments on 03.10.2022 before S.B. at Camp
Court, Swat.

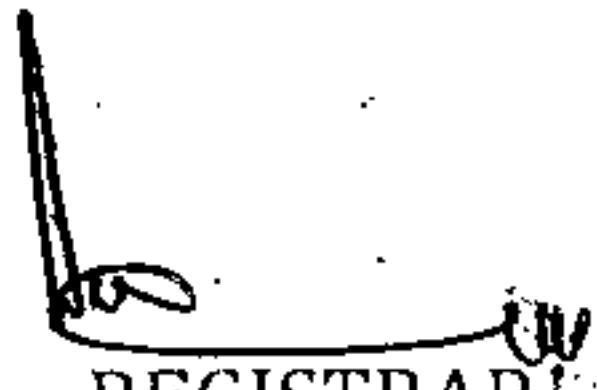


(Mian Muhammad)
Member (E)
Camp Court, Swat.

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 611/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/04/2022	<p>The appeal of Mr. Shamsheer Ali presented today by Mr. Imdadullah Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to touring Single Bench at Swat for preliminary hearing to be put there on <u>11.5.22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">CHAIRMAN</p>
	11.05.2022	<p>Mr. Imdad Ullah, Advocate for the appellant present. Preliminary arguments heard.</p> <p>Points raised need consideration, hence the appeal is admitted to regular hearing subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days, where-after notices be issued to the respondents for submission of written reply/comments on 10.06.2022 before the S.B at Camp Court Swat.</p> <p style="text-align: right;"> (Salah-Ud-Din) Member Camp Court Swat</p>

Rs-500/-
Appellant Deposited
Security & Process Fee
A. M. J. / 14/5/22

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 611 of 2022

Shamsher Ali SCT Government Centennial Model High School (GCMHS)
Wadudia, District Swat.

...Appellant

VERSUS

The Secretary Elementary and Secondary Education Government of Khyber
Pakhtunkhwa, Peshawar and Others.

...Respondents

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Appellant Through


Imdad Ullah
Advocate Swat

Office: Khan Plaza, Gulshone Chorok,
Mingora Swat, Cell 0333 929 7746

①

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2022

Shamsher Ali SCT Government Centennial Model High
School (GCMHS) Wadudia, District Swat.

...Appellant

VERSUS

1. The Secretary Elementary and Secondary Education Government of Khyber Pakhtunkhwa, Peshawar.
2. The Director Elementary and Secondary Education Government of Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Male) District Swat.

...Respondents

SERVICE APPEAL UNDER SECTION 4
OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, 1974 AGAINST
THE ILLEGAL ACTIONS TAKEN TO
DEPRIVE THE APPELLANT OF HIS
SENIORITY AND SUBSEQUENTLY HIS
APPEAL AGAINST THE SAME IS ALSO
REJECTED IN NEGATION OF THE LAW
AND RULES.

Prayer:

That on acceptance of this service appeal the appellant be restored to his due place in the seniority list in line with his first appointment as per the law and

(2)

rules on the subject and implement the judgment dated 02-05-2002 of this Honourable Tribunal in letter and spirit.

Respectfully Sheweth:

Facts:

- i. That the Appellant was initially appointed as CT back in the year 1995. Subsequently the service of the Appellant was terminated, but vide judgment of this Honourable Tribunal the Appellant was reinstated back into service with all service benefits vide judgment dated 02-05-2002. Copy of the judgment dated 02-05-2002 is enclosed as Annexure "A".
- ii. That upon reinstated the respondent department allowed the Appellant to perform his duties, but the service benefits allowed by this Honourable Tribunal were denied to the Appellant.
- iii. That the Appellant was then allowed the service benefits in the shape of the seniority along with other service benefits vide No. 7007/51/DCO/Estt: dated 14-06-2004, but except the financial benefits. Copy of the letter dated 14-06-2004 is enclosed as Annexure "B".
- iv. That again vide corrigendum No. 20/51/DCO/Estt: dated 01-01-2005 it was confirmed in light of the judgments of this Honourable Tribunal and the Apex Supreme

Court of Pakistan, that not the Appellant along with others has been reinstated back, but also the back benefits are also granted. Copy of the corrigendum dated 01-01-2005 is enclosed as Annexure "C".

- v. That again vide memo No. 6016 dated 23-12-2019 the Appellant was again informed that his seniority has been counted / considered from his first date of appointment i.e. 21-09-1995. Copy of the memo dated 23-12-2019 is enclosed as Annexure "D".
- vi. That despite all the above cumbersome and complicated process again an inquiry No. 893 was conducted and the inquiry committee submitted its report on 24-08-2020 wherein the issue was again settled. Copy of the inquiry report is enclosed as Annexure "E".
- vii. That flabbergasting enough and to the utter dismay of the Appellant another inquiry was conducted bearing No. 311/-12 dated 05-08-2021 on the same issue of determination of the seniority of the Appellant, but this time the findings were tarnished by biased inquiry officer and illegally deprived the Appellant from his seniority. Copy of the inquiry report is enclosed as Annexure "F".
- viii. That in the whole process the Appellant was never associated with and whole of the process

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was conducted with a pre-decided result to the detriment of the Appellant.

- ix. That the whole process is kept alive against the law and rules, as the same has been finally decided and settled.
- x. That feeling aggrieved the Appellant preferred a departmental appeal as well, but the same was also rejected in a very mechanical manner and in utter negation of the law and rules. Furthermore the order on the departmental appeal was not communicated to the appellant so the appellant got the copy of the same through RTI Act, 2013. Copy of the departmental appeal is enclosed as Annexure "G" and that of the Order through RTI is enclosed as Annexure "H", respectively.
- xi. That still feeling aggrieved and having no other option for the redressal of the grievances this Honourable Tribunal is approached on the following grounds.

Grounds:

- a. That the Appellant is not being treated in accordance with the law and rules on the subject.
- b. That the Appellant has been discriminated with to his utter detriment.
- c. That this is a classic case of misuse of the authority and a very colorful and fanciful use of the same.

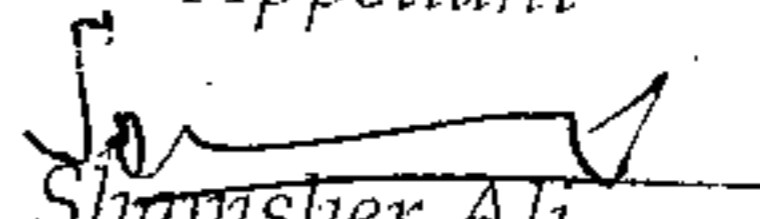
5

- d. That the judgment dated 02-05-2002 is very flagrantly being flouted, thus the respondents making themselves liable for the initiation of the contempt proceedings as well.
- e. That if the Service Appeal is not competent so this petition may very kindly be considered an execution petition for the implementation of the judgment dated 02-05-2002.

It is, therefore, very respectfully prayed that on acceptance of this appeal the judgment dated 02-05-2002 may very kindly be implemented in letter and spirit and the Appellant restored his original place in the seniority, further that the Appellant shall not be disturbed and made to face inquiry after inquiry.

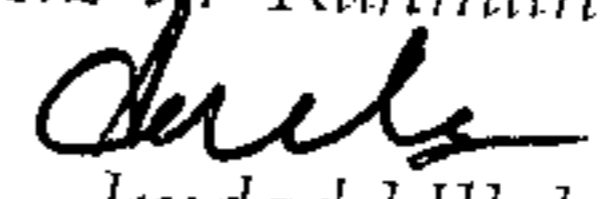
Any other relief deemed appropriate in the circumstances and not specifically prayed for may also very kindly be granted.

Appellant


Shamsheer Ali

Through Counsels,


Aziz-ur-Rahman


Imdad Ullah

Advocates Swat

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BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2022

Shamsher Ali SCT Government Centennial Model High
School (GCMHS) Wadudia, District Swat.

...Appellant

VERSUS

The Secretary Elementary and Secondary Education
Government of Khyber Pakhtunkhwa, Peshawar and
Others.

...Respondents

AFFIDAVIT

It is solemnly stated on Oath that all the contents of
this service appeal are true and correct to the best of my
knowledge and belief and nothing has either been
misstated or kept concealed before this Honourable
Tribunal.

ATTESTED



Deponent

Shamsher Ali

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BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2022

Shamsher Ali SCT Government Centennial Model High
School (GCMHS) Wadudia, District Swat.

...Appellant

VERSUS

The Secretary Elementary and Secondary Education
Government of Khyber Pakhtunkhwa, Peshawar and
Others.

...Respondents


ADDRESSES OF THE PARTIES

Appellant / Petitioner

Shamsher Ali SCT Government Centennial Model High
School (GCMHS) Wadudia, District Swat.

Respondents:

1. The Secretary Elementary and Secondary
Education Government of Khyber Pakhtunkhwa,
Peshawar.
2. The Director Elementary and Secondary Education
Government of Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Male) District
Swat.

Appellant
Through Counsel,

Imdad Ullah
Advocate Swat

Annexure N An (8)

SERVICE APPEAL NO. 1357/2000

A.W.F. Provincial
Service Tribunal
Dialy No. 1932
Dated 29/5/2000
PCB

Muhammad Younis son of Jaudul,
Village Bahrein Tehsil Bahrain,
District Swat

Appellant

VERSUS

ANNEXURE I

Director of NWFP through,
Education, Peshawar

Director, Education, Secondary,
NWFP, Peshawar

District Education Officer,
Malek Secondary, Swat

Respondent

SERVICE APPEAL UNDER SECTION 4 OF THE NWFP
SERVICE TRIBUNALS ACT, 1974 FOR REINSTATEMENT
INTO SERVICE IN VIEW OF JUDGEMENT OF THE HON'BLE
SUPREME COURT OF PAKISTAN REPORTED IN 1996 SCMR
PAGE-185 TITLED "RAMEED AKHTAR NIAZI VS THE
SECRETARY, ESTABLISHMENT DIVISION, GOVERNMENT OF
PAKISTAN AND OTHERS"

day

27/5/2000

2.5.2002

Counsel for the appellant present.
Learned P.P for the State also present. Arguments
heard. Vide our detailed judgment of to-day
in connected appeal No. 1307/2000, "Mohammad
Rashid Versus Education Department" the present
appeal is partially accepted/remanded to the
department for reconsideration in accordance
with law. In the meanwhile, the appellant is
reinstated in service with service benefits.
No order as to costs. File be consigned to the
record.

ANNOUNCED.
2.5.2002.

Attested

Advocate

Member

Certified to be enclosed

Handwritten notes and signatures in the left margin, including a large signature and several lines of text.

9

BEFORE THE H.W.F.P. SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 1307/2000

Date of institution ... 16.5.2000
Date of decision ... 02.5.2002

Mohammad Rashid S/o Mohammad Faqir,
PTC, R/O Village Samarbagh,
District Dir.

Appellant

VERSUS

1. Government of NWFP through Secretary Education, Peshawar.
2. Director Education Primary, NWFP, Peshawar.
3. District Education Officer, (Male) Primary Dir. at Timargana

Respondents

Mr. Khuchdil Khan,
Advocate.

For Appellant

Mr. Sultan Mahmood,
Addl: Govt. Pleader.

For respondents

Mr. Khan Akbar Khan,
Mr. Muhammad Shaukat.

Chairman
Member

JUDGMENT

KHAN AKBAR KHAN, CHAIRMAN:

This appeal has been filed by Mohammad Rashid appellant, u/s 4 of the NWFP Service Tribunals Act, 1974, for his reinstatement into service in view of the judgment of the Hon'ble Supreme Court of Pakistan reported in 1996 SCMR 1185, titled "Hameed Akhtar Nazki - Vs - the Secretary Establishment Division, Govt. of Pakistan".


Attested

Advocate

appeals fixed for today. As the respondent department, points of law and facts are common in all the appeals, we cur this single judgment shall dispose of the instant appeal as well as the connected appeals, detail of which is as under:

- 1. Appeal No. 1296/2000, Kazal Khan-Vs-Govt. of S.W.F.P. Education Department, Peshawar & others. - do -
- 2. Appeal No. 1297/2000, Shamshad Ali-Vs- - do -
- 3. Appeal No. 1298/2000, Daulat Jan -Vs- - do -
- 4. Appeal No. 1299/2000, Momin Khan -Vs- - do -
- 5. Appeal No. 1300/2000, Rahatullah -Vs- - do -
- 6. Appeal No. 1301/2000, Fazal Raziq-Vs- - do -
- 7. Appeal No. 1302/2000, Khuda Yar -Vs- - do -
- 8. Appeal No. 1303/2000, Hidayatullah-Vs- - do -
- 9. Appeal No. 1304/2000, Riazul Haq -Vs- - do -
- 10. Appeal No. 1305/2000, Khan Mohammad-Vs- - do -
- 11. Appeal No. 1306/2000, Saif Uddin -Vs- - do -
- 12. Appeal No. 1308/2000, Sultan Mohammad-Vs- - do -
- 13. Appeal No. 1356/2000, Kamran -Vs- - do -
- 14. Appeal No. 1357/2000, Mohammad Yaqoob-Vs- - do -
- 15. Appeal No. 1373/2000, Mohammad Afzal-Vs- - do -

The facts of the case as averred in the memo of appeal are that the appellant possesses the prescribed requisite qualification for the post of PTC (Annexure A1) and was appointed as such on stop gap arrangement and posted at GPS, Lahar Samarbagh vide order dated 27.8.95. The competent authority then passed an order dated 31.12.95 whereby the services of the appellant were retained continued/as such he served the department for more than two years continuously without any break. Relevant copies have Annexures B & C respectively on the file. The appellant joined service and assumed duty after fulfilling the requisite formalities and no such service book was also maintained by the respondent department (Annexure-D). The respondent department has later on passed an order dated

Attested

Advocate

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22.2.97, whereby the services of the appellant along with others were terminated w.o.f 31.12.96 (Annexure-E). That recently this Hon'ble Tribunal has delivered a chain of judgments in which identical question of law and facts have been decided. The appellant has also a similar case of identical point of law, so he has got the right to invoke the jurisdiction of this Hon'ble Tribunal in light of the judgment of the Hon'ble Supreme Court of Pakistan reported in 1996 SCMR page 1785, the relevant head note thereof is reproduced below:

"If the Service Tribunal or Supreme Court has decided a point of law relating to the terms of service of a civil servant which covers not only the case of civil servant who litigated, but also of other civil servants, who may have not taken any legal proceedings, in such a case, the dictates and rule of good governance demand that the benefit of such judgment by Service Tribunal/Supreme Court be extended to other civil servants who may not be parties to the litigation instead of compelling them to approach the Service Tribunal or any other forum of law". (Annexures F, G & H).

The appellant, therefore, filed a departmental appeal dated 2.3.2000 before respondent No.2 for consideration, the same in view of the cited judgment, but it was not disposed of within the statutory period of 90 days (Annexure-I), hence this appeal.

4. The grounds of appeal are that the appellant has identical case to be considered in the line of decided cases by this Hon'ble Service Tribunal for reinstatement in view of the cited judgment of the Hon'ble Supreme Court of Pakistan for which the respondent department is bound to do so, that the appellant was appointed by the competent authority after observing usual formalities; that the impugned order dated 22.2.97 is invalid as the same has been passed in violation of law and justice on the subject, hence not to be considered and was condemned unheard as the impugned order was passed at his back without providing any chance of

Attested

Advocate

(SUNAM... SHAIKAT)

ANWAR AKBAR KHAN

CHIEF... ..

12

defence. The appellant's prayer is that on acceptance of the appeal, the respondent department may be directed to consider his case in view of the aforesaid judgments and he may be reinstated in service with all back benefits.

5. Respondents were served and filed their reply in which it has been stated that since the appointment of the appellant was made without observing the usual formalities, hence his services were dispensed with/terminated.

In rebuttal, the appellant has also submitted his reply.

6. Arguments heard and record perused.

7. The Tribunal observes that since the point at issue has been decided once in detail in similar nature of case bearing No. 1824/2000 titled "Mughlaq Ahmed Vs. S&GAD, Govt. Department", on 5.4.2000 and that case was remanded by the Tribunal to the department concerned for reconsideration in accordance with law by accepting the appeal partially, therefore, in the interest of justice, without going into further detail of the merits of the case, the instant appeal as well as the connected appeals are also decided in the same manner. We, therefore, remand the present appeals of the appellants to the respondent department to re-consider the same in the light of the previous judgment of this Tribunal as well as cited judgment of the Hon'ble Supreme Court of Pakistan and instructions of S&GAD dated 20.2.97

in accordance with law. In the meanwhile all the appellants are reinstated in service with service benefits and the appeals are partially accepted. Learned P.P for the State has also got no objection on the remand of the aforesaid appeals for reconsideration by the respondent department. Parties are, however, left to bear their own costs. File be assigned to the record.

Tested
Advocate

7/5/2002

ANNOUNCED
2.5.2002

M. D. Shukrot
(MUNSHI & SHUKROT)

M. Akbar Khan
(KHAN AKBAR KHAN)
C.A. TOWN

Annexure "B" (13)

OFFICE OF THE DISTRICT COORDINATION OFFICER SWAT AT GULKADA.

NO. 7007 /51/DCO/Estt:

Dated the 14/6/2004.

To,

The Secretary to Govt of NWFP,
Finance Department, Peshawar.

Subject: SERVICE BENEFITS.

Dear Sir,

I am directed to refer to the subject noted above and to state that the NWFP Service Tribunal and other relevant Courts decide service related cases wherein service benefits are given to certain Civil Servants.

2- This office has complied with the decision of Honourable Courts and has allowed seniority/ other service benefits to the re-instated Civil Servants except financial benefits.

3- The term "Service benefits" is relatively of narrow spectrum viz-a-viz "All back benefits". Therefore, the financial benefits including arrears for the period under termination and increments have not been allowed to the re-instated Civil Servants. Some of them have submitted appeals for financial benefit as well.

4- As the issue entails financial implications, the case is therefore, submitted for advice and guidance as to whether financial benefits are admissible to such Civil Servants who have been re-instated by the Court with service benefits and not "All back benefits"?

Yours faithfully,

Attested

Advocate

HUMAN RESOURCE DEV. OFFICER SWAT.

14

GOVERNMENT OF NWFP
FINANCE DEPARTMENT.

NO.SOSR:III/FD/8-16/2004
Dated Peshawar the, ~~24/9/2004~~

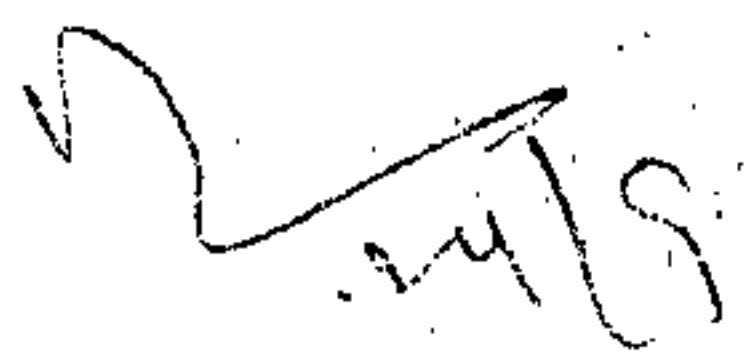
24.9.2004

To Human Resource Development Officer,
Swat.


Subject: - SERVICE BENEFITS.

I am directed to refer to your letter No: 7007/51/DCO/Estt:
Dated 14.6.2004 on the subject noted above and to forward herewith a
letter of government of NWFP, Law Department bearing No.OP.5 (44)
LD/2004/5357 dated 9.9.2004, which is self explanatory for information
and further necessary action.

Encls. as above.


SECTION OFFICER (SR:III)

Attested


Advocate

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GO.PP.5(44)LO/2004. 5357 - Dated Peshawar 9/9/2004

1761
10-9-04

The Secretary to Govt. of NWFP,
Finance Department.

Subject: SERVICE BENEFITS/BACK BENEFITS.

Dear Sir,

I am directed to refer to your
Letter No. SO SR/III/FO/A-16/2004, dated 21.8.2004
on the subject noted above and to inform that
according to the judgment of the court wherein the
services of the officer concerned were terminated
has been declared to be illegal therefore, the
concerned officers are entitled to all service
benefits including Pay and Allowances etc.

Yours faithfully,

Chief Finance Officer
No. 14376
Date 9/9/04

SECTION OFFICER (OPINION)
LAW DEPARTMENT

Attested

Advocate

AP S (A)
put up on relevant file
DS/R)
10/9 SR/III
SA
9/9/04

Annexure - VI ^{Annexure} "G"

OFFICE OF THE DISTRICT COORDINATION OFFICER SWATAT GULKADIA.

NO. 20 /51/DCO/Estt: Dated the 01/01/12/2005.

CORRIGENDUM.

WHEREAS the following employees of Education-Department were re-instated in service after the decisions of Supreme Court of Pakistan and Service Tribunal, NWFP, vide this office Order No.329/51/DCO/Estt: dated 04/2/2003:

- 1) Mr. Shamsheer Ali, CT GHS Laikot.
- 2) Mr. Muhammad Yaqoob, CT GHS Laikot.
- 3) Mr. Muhammad Afzal, CT GHSS Mankeyal.
- 4) Mr. Abdul Bais, PTC Asrait.
- 5) Mr. Sher Ali, PTC GPS Jagga.
- 6) Mr. Bakht Mand, PTC GPS Doshy.
- 7) Mr. Sultanat Khan, PTC GPS Katil Ramait.
- 8) Mr. Khayal Muhammad, PTC, GPS Kharaway.
- 9) Mr. Kamran Khan, Junior Clerk, Secy:U/Council.

AND WHEREAS the official submitted an appeal for release of all back benefits on the grounds that the Court has re-instated them with all Service benefits;

AND WHEREAS their case/appeal for arrears was submitted to the Provincial Government in Finance Deptt. for advice and guidance;

AND WHEREAS the Finance Department Government of NWFP after consultation with the Law Department Government of NWFP vide their letter No. SOSR.III/FD/8-16/2004, dated 24/09/2004 and No. OP.5(44)/LD/2004/5357, dt: 9.9.2004, have opined that the concerned officials are entitled to all Service Benefits including Pay/Allowances for the period under termination;

NOW THEREFORE, the competent authority in accordance with the opinion of the Finance Deptt: and Law Department Govt: of NWFP has been pleased to allow all financial benefits to the above mentioned nine officials of the Education Department with the date from their termination till they have been re-instated by the Competent Authority.

Sd/-
DISTRICT COORDINATION OFFICER SWAT.

Attested

Advocate

(Page-2).

No. 21-34 /51/DCO/Estt:

Copy forwarded to:-

- 1) The Executive District Officer, Schools and Literacy Swat.
- 2) The Section Officer (SR.III) Government of N.W.F.P., Finance Department, Peshawar for information.
- 3) The T.M.O. Matta, Swat.
- 4) The District Accounts Officer, Swat.
- 5-13) Officials concerned.

HUMAN RESOURCE DEV. OFFICER SWAT.

OFFICE OF THE EXECUTIVE DISTRICT OFFICER S&L SWAT AT GUL KADDA.
No. 24-51 /A-12/Re-Inst. tement/2005 Date 6/10/2005.

Copy forwarded for information and n/action to:-

- 1. The District Accounts Officer Swat.
- 2. The Principal GHS, Manxval Swat.
- 3. The Headmaster GHS, Dairat Swat.
- 4. P.M. to the GHS local office.
- 5. Judge Officer local office.

DISTRICT OFFICER SCHOOLS & LIT.
SWAT AT GUL KADDA

Attested
Subject Specialist
G.H.S.S. Manxval
Swat

Attested
Advocate

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Approved "D"

OFFICE OF THE DISTRICT EDUCATION OFFICER(M) SAIDUSHARIF SWAT,
No. 65/16 / 1 Dated 23/12/2019

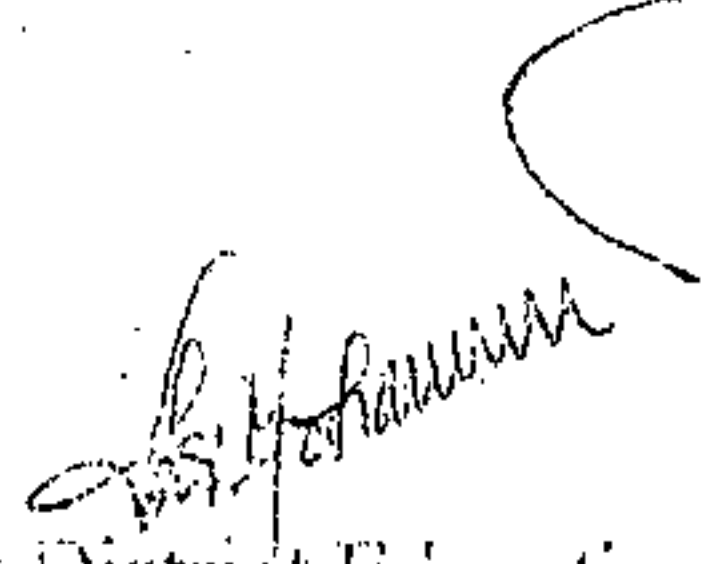
To,

- 1) Mr. Shamsheer Ali,
SCT GCMISS Wadoodia Swat.
- 2) Mr Muhammad Yaqoob SCT
GIS Kedam Swat

Subject:- DEPARTMENTAL APPEAL.


Memo:-

You are directed to inform that, your departmental appeal has been accepted and allowed seniority with effect from 21/09/1995.


Dy District Education Officer (M)
Saidusharif Swat.

By: Distt. Edy Officer (M)
District Swat.

Attested


Advocate

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Annexure ^{no} Fv

OFFICE OF THE PRINCIPAL GOVT: HIGHER SECONDARY SCHOOL FATEH PUR, SWAT.

NO. 893 /

DATED: 24-08-2020

TO

The District Education Officer (M),

Swat at Gul Kada.

SUBJECT: ENQUIRY REPORT REGARDING THE ISSUE OF SENIORITY NO. IN RESPECT OF MR. MUFTI SCT, MR. SHAMSHER ALI SCT AND MR. MUHAMMAD YAQOOB SCT.

Respected Sir,

With reference to your letter No.959-62, Dated:20-08-2020, on the subject cited above we, the undersigned Enquiry Committee, contacted the complainant Mufti SCT and the respondent Teachers Shamsheer Ali SCT and Muhammad Yaqoob SCT and informed them about the enquiry. We also informed them to appear before the Enquiry Committee along with the relevant record of their service on 22-08-2020 at the office of the Principal GHSS Fateh pur which was a midpoint for both the afore cited teachers of GHSS Wadudia and GHS Kedam. We interrogated all the three teachers verbally and through written questionnaires. We checked the relevant record available with them and also that we received from other sources. We also derived information from other neutral sources to find actual position of the issue. After all the interrogation and the perusal of the record we concluded the following facts/findings.

FACTS/ FINDINGS.

- 1) That Mr. Mufti was appointed as CT (Trained) at GMS Dabargay, Madyan vide Divisional Director of Education Malakand Divn: Appointment order No.6130-37 Dated: 21-09-1995 (Annex:"D") and took over charge of his duty on 23-09-1995 and as per directives of the DEO (M) Swat appeared as a party in the Enquiry.
- 2) That, although Mr. Shamsheer Ali CT and Mr. Muhammad Yaqoob CT were terminated from service for the lack of professional Training, Yet they were reinstated in service by Service Tribunal Khyber Pukhtoon Khwa with service benefits. (Annex:"A")
- 3) That Mr. Shamsheer Ali CT and Mr. Muhammad Yaqoob CT were given seniority from the date of their Appointment i.e. 21-09-1995 vide order of the Director E&S Education, Peshawar under Endst: No.2209/F.No-02/Appeal of Male Teachers, dated: 20-10-2016 (Annex:"B") and Order of the Dy DEO (M) Swat Endst:No.6016 Dated: 23-12-2019 (annex:"C")

Attested
Advocate

4) That as Mr. Mufti Was appointed as Trained CT on 21-09-1995 and Mr. Shamsheer Ali CT and Muhammad Yaqoob CT have been given the Seniority by the competent forums from the date of their first Appointment i.e 21-09-1995, hence all these Three Teachers are eligible for Seniority w.e.f. 21-09-1995.

5) That when the appointment of the Government officials/Officers falls on the same date their Seniority is to be determined from their Date of Birth (Age).

6) That As per record the Date of Birth of Mr. Mufti SCT is 15-01-1962, the Date of Birth of Mr. Muhammad Yaqoob is 01-03-1968 and the Date of Birth of Mr. Shamsheer Ali is 05-11-1969 and their Seniority is to be determined according to this series of their age.

7) That the DEO (M) office, Swat has asked the following teachers to submit the required documents for Departmental promotion to SST Posts:

(1) Amjad Ali SCT GHSS Shamozi (2) Dost Muhammad Khan SCT GHSS Shalhand.

(3) Muhammad Zahir Shah GHSS No.3 Mingora (4) Bakht Mand SCT GHSS Asala.

(5) Afzal Hussain GHSS Aboha. (6) Ali Bash Khan GHSS Qandil.

(7) Karimullah Shah SCT GHSS Dherai (8) Ruhul Amin SCT GHSS Dherai.

(9) Muhammad Fahim Khan Manglor (10) Mohd Dawood Khan No.4 Mingora.

(11) Jehan Sher GHSS Darmai. (12) Anwar Zeb Khan GHSS K. Khela.

(13) Kishwar SCT GHSS Odigram (14) MizaJudin SCT GHSS Madyan

(15) Mohd Sadiq GHSS Dherai (16) Khaista Mand GHSS Mingora

(17) Mohd Qadim GHSS Gwalera (18) Azim Khan SCT GHSS Madyan.

(19) Ali Rahman SCT No.3 Mingora.

8) That as per remarks of the Heads of the Institutions Mr. Amjad Ali SCT S.No.1, is lacking the required eligibility, Mr. Dost Muhammad Khan SCT S.No.02 is on Long leave for Two Years, Mr. Zahir Shah SCT S.No. 03 is lacking the required eligibility, Mr. Bakht Mand SCT S.No.4 is not willing for the promotion, Mr. Afzal Hussain SCT S.No.05 has already been promoted to SST and has presently been working as HM at GMS Talang.

Attested


Advocate

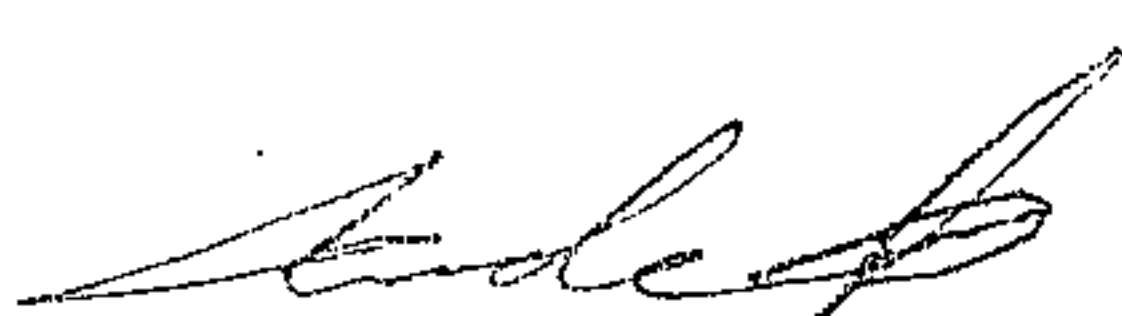
Mr. Dawood Khan SCT S.No.10 has applied for Retirement w.e.f.31-08-2020 and his case is already under process, and Mr. Khaista Mand SCT S.No.16 is not willing to take the promotion.

RECOMMENDATIONS.

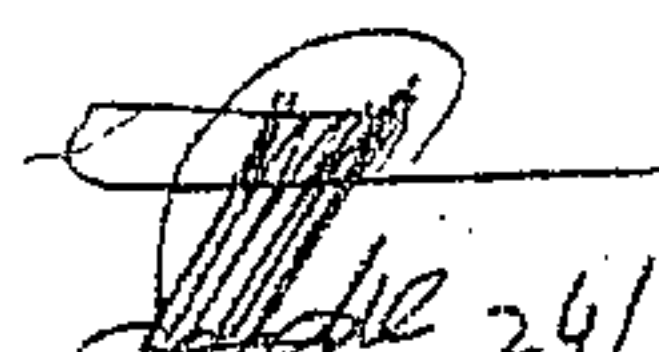
- 1) That as mentioned in the findings the First Appointment Date of the complainant Teacher and the respondent Two teachers falls on the same date, hence their seniority is to be determined by their Date of birth (age).
- 2) That Mr. Mufti SCT with the age of 58 years may be considered at S.No.71, Mr. Muhammad Yaqoob SCT with 52 years of age may be considered at S.No.72 and Mr, Shamsheer Ali SCT with the age of 51 years may be considered at S.No. 73 of the Seniority List concerned.
- 3) That, if the Seven teachers mentioned at S.No. "8" of the findings who either lack eligibility or are unwilling for the promotion are to be deleted from the promotion list, it is hoped that it will facilitate the complainant Teacher as well as the respondent Two teachers for the expected promotion.

NOTE:- Copies of all the relevant documents are attached.

Attested

Advocate


KAMEEN KHAN, 24/08/2020

Chairman,
Enquiry Committee,
Principal,
GHSS Fateh pur, Swat.
Principal


MUHAMMAD SAEED, 24/8/2020

Member,
Enquiry Committee,
Principal,
GHSS Aboha, Swat.

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OFFICE OF THE HEADMASTERL GHS BARKALAY SAIDU SHARIF SWAT.

No. 311/-21

Dated: 05/08/2021

To

The District Education officer (M)
District Swat.

SUBJECT: INQUIRY REPORT REGARDING THE SENIORITY LIST OF SCT/CT
TEACHER ON THE APPEALS OF TEACHERS.

Memo:

With reference to your office order No.1578-82 dated 3/2/2021 wherein the undersigned have been nominated as inquiry committee by the honourable DEO (M) Swat to probe into the appeals filed by the following teachers against the tentative seniority list of SCT/CT and their seniority positions.

S.No	Name of appellatant	School Name	Nature of Appeal
1	Ibrar Hussain SCT	GHSS No.3 Mingora	Against other teachers who have been transferred later than the appellatant to Swat from other districts.
2	Muhammad Ghafoor Khan SCT	GHSS Mingora	According to the Appellant, his seniority No. is 92 and the teachers from S.No 72 to 91 are junior to me as in the initial apptt. order they are junior/ later in merit.
3	Hidayatullah SCT	GHSS Mingora	Against S.No 126, 127, 128, 129, 130. According to the appellatant these teachers have ignored the terms and conditions of the apptt. order and have taken charges prior to 1/3/1998.
4	Mohammad Akbar hussain CT	GHS Nazar Abad	Against NTS teachers as the appellatant was promoted prior to the regularization Act, 2018.
5	Showkat Ali SCT	GCMHSS Wadudia	Against other teachers seniority.
6	Murad Ali SCT	GCMHSS Wadudia	Against other teachers and correction of date of apptt.

The undersigned submitted few letters to the honourable DEO (M) Swat for provision of record and rules and regulations. The DEO (M) Swat office informed all the relevant teachers. Some of them provided record. On the available record and perusal of the previous seniority list and relevant rules, the undersigned conducted a detailed inquiry which is as under:

Methodology: The following procedure was adopted in the conduction of inquiry.

1. The inquiry committee conducted few meetings at DEO (M) office and Office of the Headmaster GHS Barkalay.
2. Discussed all the appeals one by one.
3. Relevant rules were asked from the DEO (M) Swat and go through APT

Attested
Advocate

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- (2)
4. The concerned teachers were called to DEO (M) Office Swat for provision of record.
 5. Thoroughly checked the already prepared seniority list and followed the rules already taken into consideration in the seniority list preparation.
 6. Checked the appeals and relevant rules i.e APT rules, 1989.
 7. It was unanimously decided that all the appeals being different in nature, will be discussed separately and recommendations may also be given separately as per rules.

APPEAL NO.1 FILED BY MR.IBRAR HUSSAIN SCT-GHSS NO.3 MINGORA

Facts & Findings:

1. According to the appellant, he is at S.No.156 while another teacher Mr. Shah wali khan at S.No.135 has been mentioned as senior, though he was transferred to Swat latter than the appellant. (Copy of appeal with annexure attached as annexure A).
2. Both the appellant as well as Mr. Shah wali khan were appointed in district kohistan vide order dated 5/4/1999 at S.No.9 and 8 respectively. (Copy attached as Annexure B)
3. The appellant was transferred to Swat from Kohistan vide notification Endst: No.782-862 dated 6/12/2001 while the respondent teacher was transferred to Swat from Kohistan vide Notification Endst: No.3039-72 dated 17/6/2003. (Copies of notifications attached as Annexure C)

RECOMMENDATIONS.

In light of the above facts and findings, the inquiry committee recommends as follows:

1. The appeal is genuine as the respondent teacher was transferred later than the appellant from district Kohistan to district swat. Seniority of both the teachers may be counted from the dates of their transfer to Swat from district Kohistan as district Kohistan was in Hazara division/ directorate and was not in Malakand directorate (if they were already trained otherwise their seniority may be counted from the date of passing CT if later on got trained).

Attested

[Signature]
Advocate

APPEAL NO.2 FILED BY MR.MUHAMMAD GHAFUOR KHAN SCT GHSS MINGORA

Facts & Findings:

1. According to the appellant, he is at S.No. 92 of the present seniority list and the teachers from S.No.72 to 91 have been declared as senior. While all of them were appointed through one and the same notification

Endst No:6788-95 dated 24/6/1997. The appellant is at S.No.44 while the other teachers are at later numbers. (Appeal along with notification as Annexure D)

- 2. According to the said notification's terms and conditions at S.No.4 "their inter-se-seniority will be determined in accordance with the merit of the departmental selection committee."
- 3. According to the appellant he has also filed appeals earlier in the office.
- 4. According to The Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 (Part VI Seniority), rule 17 sub rule (a), "in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the commission [or as the case may be, the Departmental Selection Committee;] provided that persons selected for appointment to the post in an earlier selection shall rank senior to the persons selected in a later selection" (Copy of the rules as Annexure E)

RECOMMENDATIONS.

In light of the above facts and findings, the inquiry committee recommends as follows:

- 1. The Appeal is genuine and the seniority list to the extent of the appellant and appointees of the same notification may be re-arranged according to the merit position of the teachers as determined by the Departmental selection-committee.

APPEAL NO.3 FILED BY MR.HIDAYATULLAH SCT GHSS MINGORA

Facts & Findings:

- 1. According to the appeal of the appellant, he along with the other teachers/respondents namely Mr.Hamyun, Mr.Muhammad Rasool Khan, Mr.Riaz Ahmad, Mr. Attaur Rahman and Mr.Bakht Zeb were appointed through the one and same notification Endst No:1-190 dated 1.1.1998. He is at S.No18 of the notification while other teachers/respondents are at S.No.85, 87, 49, 46 and 90 respectively. Whereas according to the terms and conditions of the notification at S.No.1 "The appointments against vacancies lying in Hilly/Snowy Area will be effective after winter vacation" then how can one take charge before the end of winter vacations? (Appeal and Notification as Annexure F).
- 2. According to The Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 (Part V Seniority), rule 17 sub rule (a), "in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the commission [or as the case may be, the Departmental Selection Committee;] provided that persons selected for appointment to the post in an earlier selection shall rank senior to the persons selected in a later selection"

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Attested
[Signature]
Advocate

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RECOMMENDATIONS.

In light of the above facts and findings, the inquiry committee recommends as follows:

1. The Appeal is genuine and the seniority list to the extent of the appellant and appointees of the same notification may be re-arranged according to the merit position of the teachers as determined by the Departmental selection committee.

APPEAL NO.4 FILED BY MR.MR. MUHAMMAD AKBAR HUSSAIN CT GHS NAZAR ABAD SWAT.

Facts & Findings:

1. According to the appellant, he has been declared junior from the NTS appointees against the terms and conditions of the regularization Act, 2018. (Appeal is Annexure F1)

Note: this appeal has already been decided by the department in positive and accepted the appeal hence needs no recommendations.

APPEAL NO.5 FILED BY MR.MR. SHAWKAT ALI SCT GCMHSS WADUDIA SAIDU SHARIF SWAT.

Facts & Findings:

1. According to the appeal of the Appellant, he is working for the last thirty years as CT and has been declared once again junior than 10 teachers. In the note he has mentioned two teachers as respondents at S.No.53 and 54 of the seniority list. (Appeal attached as Annexure G)
2. The appellant annexed photo copies of appointment order, service book, promotion order from CT to SCT and seniority list.
3. The record reveals that he was appointed on 7.8.1990 as untrained teacher and passed CT on 25.5.1996 and his seniority has been counted w.e.f 25.5.1996 after passing CT exam. (Documents Attached as Annexure H)
4. The rules as mentioned in the already prepared tentative seniority list which is reproduced here "seniority position D/O taking over charge as CT or D/O declaration CT exam whichever is later". Means that seniority has been counted of all the teachers of the same cadre w.e.f date of appointment or date of declaration of CT exam whichever is later.
5. The respondent teachers namely Mr. Shamshir Ali SCT GCMHSS Wadudia and Mr. Muhammad Yaqoob SCT GHS kedam Swat were directed through DEO (M) letter No.3945-51 dated 5/4/2021 for provision of record. In response, they submitted reply and the already

Attested
Advocate

conducted inquiry wherein their seniority has been counted from the date of appointment.i.e.21.9.1995.

- 6. Keeping in view, the said stance of the teachers, the undersigned met the DEO (M) Swat, who verbally directed to complete the initiated inquiry according to the available record and relevant rules.
- 7. The already available record reveals that the respondents teachers were appointed as untrained and temporary teachers on 21.9. 1995 and were terminated in the year 1997. However they were re-instated into service by the DCO Swat in light of the Honourable Service Tribunal Judgment vide order Endst No.330-42 dated 4.2.2003. They provided CT DMC today on 5/8/2021 issued by the Sarhad University of Science and IT, Peshawar, they passed CT on 27.9.2006. (Copies of order and DMCs as Annexure H1)
- 8. It is an admitted fact that the seniority of all the other teachers of the same cadre has been counted from the date of appointment as CT or passing CT exam whichever is later. As in the case of the appellant and other fellow teachers, seniority has been counted w.e.f passing CT exam though they were appointed earlier as untrained teachers. Meaning thereby that the untrained period has not been counted in the seniority.

RECOMMENDATIONS.

In light of the above facts and findings, the inquiry committee recommends as follows:

- 1. The Appeal is genuine and the seniority list may be re-arranged and may be counted w.e.f 27.9.2006/date of passing CT exam in case of respondents teachers and from the date of passing CT in case of other teachers who were appointed as untrained teachers and have been declared as senior than the appellant.

APPEAL NO.6 FILED BY MR.MR. MURAD ALI SCT GCMHSS WADUDIA SAIDU SHARIF SWAT.

Facts & Findings:

- 1. According to the appeal of the appellant, his S.No. in seniority list is 151 and another teacher at S.No. 150 is junior to him. In fact his date of 1st appointment has been entered as incorrect. His actual date of appointment is 5.4.1999 while it has been entered as 4.6.1999.
- 2. Both of them were appointed in District Kohistan vide one and the same Notification No.1298-1300 dated 5/4/1999 at S.No.13 (Mr. Fazal Rahim) and S.No.22 (Mr. Murad Ali). (copy of appointment /Noitification is attached as Annexure I).
- 3. The respondent teacher Mr. Fazal Rahim passed CT (G) examination on 25.4.2000. (Copy of DMC attached as Annexure J).

Attested
[Signature]
Advocate

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4. The appellant transferred to Swat from Kohistan vide Endst No.782-862 dated 6.12.2001. While the respondent teacher (Mr. Fazal rahim) transferred to Swat on 1.7.2003. (Transfer order and service book pages as Annexure K).

RECOMMENDATIONS.

In light of the above facts and findings, the inquiry committee recommends as follows:

1. The Appeal is genuine and the seniority list may be re-arranged and may be counted w.e.f transfer to Swat of the appellant and the respondent teacher please.

1. Riaz Ahmad
 Head Master GHS Barkalay .
 Saidu Sharif Swat

2. Bakht Rahim
 Headmaster GHS
 Shalhand Swat.

Attested

[Signature]
Advocate

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Signature

(28)

BEFORE THE WORTHY DIRECTOR, ELEMENTARY & SECONDARY EDUCATION,
KHYBER PAKHTUNKHWA AT PESHAWAR

Shamsher Ali S/o Yaqooth Khan R/o College Colony, Saidu Sharif,
District Swat.

... Appellant

Departmental Appeal / Representation, against the
inquiry No. 311/-21 dated 05-08-2021 in relation to
seniority.

Prayer In Appeal / Representation:

On acceptance of the instant departmental
appeal / representation, the inquiry No. 311/-21 dated
05-08-2021, may kindly be set aside and the appellant
may please be awarded the benefits of seniority.

Respectfully Sheweth:

1. That appellant is serving as SCT (BPS-16) in Government Centennial Model High School (GCMHSC) Saidu Sharif.
2. That the appellant was initially appointed as CT in 1995 and was illegally terminated, where against the appellant filed a service appeal before the KP Service Tribunal, which was allowed vide order dated 02-05-2002 and the appellant was re-instated along with all back benefits (Copies of dismissal order, order of KP ST dated 02-05-2002 and re-instatement order are attached herewith).
3. That the department was reluctant to extend all service benefits including seniority and financial benefits, therefore, the appellant resorted to the high ups of the department.

Attested
Advocate

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whereupon the DEO (M) Swat, on the directions of your goodself extended the benefit of seniority with effect from 21-09-1995 (Copies of relevant documents are attached herewith).

4. That the name of appellant in seniority list issued by the department, were placed after their juniors, therefore, the appellant again resorted to the department for consideration of their seniority in accordance with the order / judgment of KP ST and compliance thereon; the department constituted an inquiry committee, who considered the stance of the appellant in their favour and recommended the department that their names should be placed as per the order of the KP Service Tribunal i.e. from the date of their initial appointment (Copies of relevant documents are attached herewith).
5. That one Shaukat Ali along with others filed appeals against the seniority list on the ground that their seniority may be counted w.e.f. passing of the CT exam and not that of the initial appointment, where for an inquiry committee was constituted and illegally & against the APT Rules, 1989, recommended that the seniority of the CT employees including the appellant be reckoned from the date of passing the CT examination. (Copy of impugned recommendation dated 05-08-2021 is attached herewith).
6. That the findings and recommendations of the inquiry committee No. 311/-21 dated 05-08-2021 is against the findings of the previous high ranked inquiry and compliance thereon, furthermore, the recommendations so made are in clear cut violation of the Appointment, Promotion and Transfer Rules, 1989, which in no way is tenable in the eye of law.
7. That in the impugned inquiry the inquiry committee and the department condemned unheard the appellant and violated the golden principles of natural justice i.e. *Audi Alteram Partem*.


Attested

Advocate

8. That other grounds will be agitated if the appellant were afforded the right of personal hearing.

In view of the above, it is therefore very humbly prayed that the seniority of the appellant may kindly be considered from their date of first appointments in accordance with the judgment of the Hon'ble KP Service Tribunal, order of compliance of DEO (M), Swat and in accordance with the recommendations of previous high ranked inquiry committee.

Appellant:


25/08/2021
Shamsheer Ali

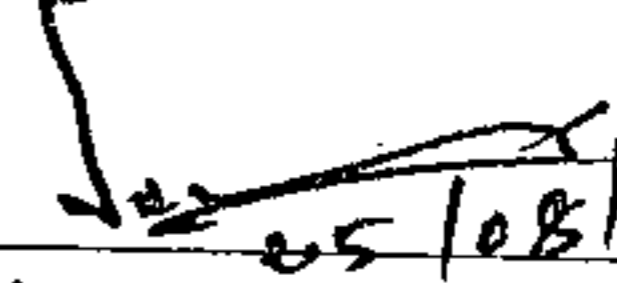
Affidavit:

I, do hereby solemnly affirm and declare on oath that all the contents of the accompanying departmental appeal / representation are true and correct to be best of my knowledge and belief and nothing has been kept concealed therefrom, moreover, no such like department appeal / representation has either been filed or pending before this office.

Attested


Advocate

Deponent:


25/08/2021
Shamsheer Ali
(Appellant)



**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.**

No. 6155 /File: 496 / RTI / P.F Shamsheer 31
Ali/Swat/2022.

Dated Peshawar the: 02 / 03 / 2022

To

Mr. Shamsheer Ali,
SCT Government Centennial Model High School
(GCMHS) Wadudia District Swat.

Subject: - PROVISION OF INFORMATION UNDER RTI ACT 2013 IN RESPECT
OF DEPARTMENTAL APPEAL/REPRESENTATION AGAINST THE
INQUIRY NO. 311/-21 DATED 05-08-2021 IN RELATION TO
SENIORITY.

I am directed to refer to your application dated 07-02-2022 received to this office vide Dairy No. 505 dated 14-02-2022 on the subject cited above and to enclose herewith a copy of the Minutes of the Appellate Committee Meeting held on 25-10-2021 under RTI Act 2013. (Copy attached)

It is hoped, these information's will fulfill your desired goals.

Encls: As Above

[Signature]
AD (RTI & Ombudsman)
Directorate of E&SE KP

Endst: No. _____ /

Copy forwarded to the: -

1. Right to Information Commission Khyber Pakhtunkhwa Peshawar. (Near BRT Abdara Station, Arbab Colony, Opposite Jabar Flats, University Road, Peshawar)
2. P.A to Director E&SE KPK Peshawar.

Attested

[Signature]
Advocate

[Signature]
AD (RTI & Ombudsman)
Directorate of E&SE KP

Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa
MINUTES OF THE APPELLATE COMMITTEE MEETING HELD ON 25/10/2021

Ser No	Dairy No of Appeal	Name	Post	District	Prior	Committee Decision.
1.		Liaqat Ali	SDM	Peshawar	Mr. Liaqat ali has DM Refused promotion at the time of submitting file to DEO Office, but later he appeals to the director for including in the promotion DPC.	Subject to the seniority cum fitness the Appeal is accepted
2.	315 dated 06/10/2021	Syed Asim Ali Shah	STT	Peshawar	Mr Asim Ali Shah appeal against the S/List of TT, the appeal accepted by the DEO Concerned in the DEO Submit revised working papers after correction in the s/list.	Subject to the seniority cum fitness the Appeal is accepted
3.	DEO letter No 8418 01/10/2021	Muhammad Afsar	SCT	Dir Lower	Appeals against the vacant position, which was not shown in the working paper by the DEO Concerned.	Vacant post are reckoned on day of DPC meeting as intimated by DEO Concerned.
4.	Mark of Additional Director on 13/10/2021	Abdul Jalil	CT	Torghar	Appeal against the Quota of CT Cadre that DEO Recommends PST under 20%, but the applicant claims 40% quota.	Promotion rules may be followed
5.	31/08/2021	(i) Muhammad Zarif (ii) Yousaf Zaman	CT	Bannu	The applicant wants promotion against SST, But as mention by the applicant that they have submit writ-petition in the court.	Appeal is subjudice
6.	569 03/09/2021	Mushtaq Ahmad	PSHT	Kohistan upper	The appeal is not clear and want to stop promotion of SST	Keep Pending till the DEO Comment.
7.	557 03/09/2021	Mushtaq Ahmad Raja Sher Khan	DM	Kohistan Upper	Appeal against the S/List that the DEO Concerned has revised the S/List and they have been given seniority after a junior as the score are more than Mr Ajam Khan	Keep Pending till the DEO Comment.
8.	1161 07/09/2021	Abdul Wakeel	SCT	Kohistan	Appeal against the s/list that junior have been included in the s/list and he has not included in the s/list and want to counts his service 25/01/1996 but he has been appointed as CT in 2006. As per his (application)	Appeal rejected
9.	1629 14/09/2021	Sajid Masoom	CT	Battagram	The applicant has been suspended due to criminal case and for denovo trial return to the court during reinstated on 09/03/2021 but ACR is incomplete wants promotion to SST Bio/Chem.	Rejected
10.	963 10/09/2021	Naseeb Zaman	PTC	Buner	The applicant want correction in s/list from 1 st appointment in 24/03/1992 but he has been promoted to CT on 03/8/2017. Want seniority from date of 1 st appointment (cadres changed)	The appeal is rejected.
11.	964 13/9/2021	Ali Rehman	SCT	Buner	Appeal against the s/list of PST, wants not including of five marks in the score and now he wants that correction.	Irrelevant Appeal, hence rejected
12.	64 06/9/2021	Mushtaq Ahmad	SCT	Kohistan Dasso	Appeal against MR Noor Ali SCT GCMHS Dasso Kohistan has been given wrong seniority No and has been placed for promotion but the court did not given him seniority and back benefit.	Appeal rejected
13.	887 30/07/2021	Hafiz Muhammad Ansar	STT	Charsadda	The applicant want promotion from TT to STT	Rejected for not meeting promotion policy.

Attested

Advocate

No.	Date	Name of Applicant	Category	Office	Remarks	Decision
15	20/10/2021	Atiqar Rehman	CI	Dir Lower	Appeal against MR. Hakim Khan that he has under objection and I want to accept my promotion.	Rejected as per policy.
16	18/10/2021	Abdul Jalil	CT	Torghar	Wants promotion to SST Maths/Phy also mention the DEO office did not submit ACR/PERS.	As decided at S. No. 3
17	75 18/10/2021	Akhtar Ali	TT	Charsadda	Wants promotion to STT.	Rejected being junior in s/list while the post available as filed on seniority cum fitness basis.
18	597 13/10/2021	Farman Ziarat Gul	SCT	Dir Upper	He was deferred in previous DPC now requesting for inclusion in under-process DPC	Appeal accepted subject to the seniority cum fitness and provision of file.
19	3934 27/08/2021	Asmat Ullah	TT	Dannu	He is objecting upon the credentials from the blacklisted institutions as per his application.	Promotion is awarded on the basis of promotion policy.
20	06/09/2021	Abdul Jalil	CT	Torghar	Complaining that PST has been considered by DEO Concerned office and CT has been ignored.	Promotion rules may be followed
21	23/09/2021	Jehan Zeh	PST	Swabi	Wants correction of seniority in PST	Irrelevant appeal and hence rejected
22	1792 29/09/2021	Shouqdar Khan	CT	Swabi	Wants promotion in probation period.	Double promotion within one year is not allowed
23	02/09/2021	Latif Ahmad	SPST	Dir Upper	Wants share of other cadre.	Not allowed rejected
24	513 30/08/2021	Muhammad Yaqoob	SCT	Swat	Wants Seniority from the 1 st appointment i.e 04/02/2005, in the Light the Court Mater	Rejected
25	512 30/08/2021	Shamsher Ali	SCT	Swat	Wants Seniority from the 1 st appointment i.e 04/02/2005, in the Light the Court Mater	Rejected
26	1737 13/10/2021	Touqeer Muhammad and others.	SPST	Kohat	The applicants wants that their educational credentials to be verified from HEC	DEO(C) may be ^{get attested} verified the credentials, if SPST from HEC

Mr. Ameer Bacha
Assistant Director
Estab: Male

Mr. Hamid Rasool
Assistant Director
DDU Section

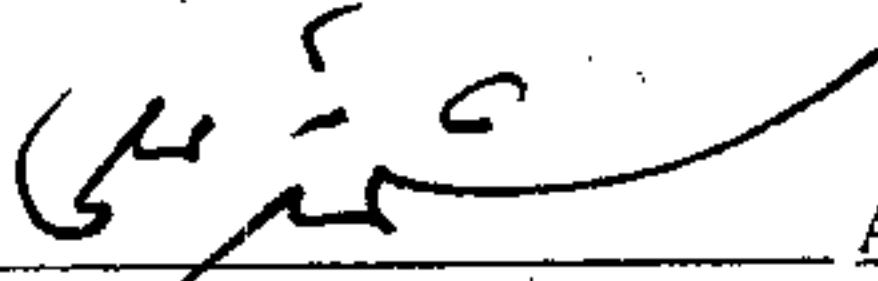
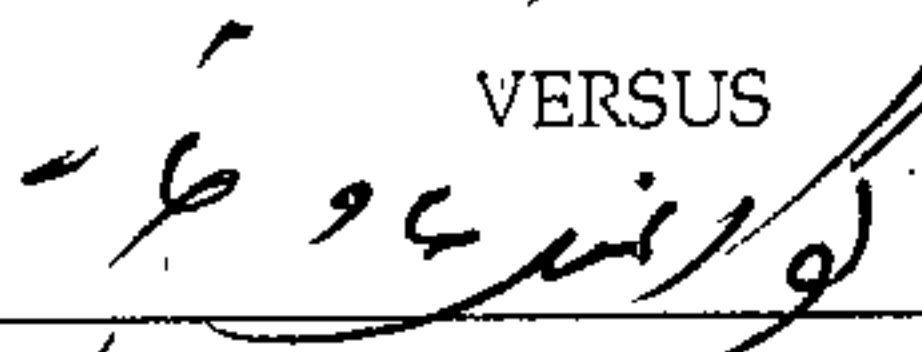
Mr. Muhammad Nawaz
Assistant Director
Estab: Male-1

Attested
Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

34

In the matter of:-


Appellant
VERSUS

Respondent

KNOWN ALL to whom these present shall come that I/we, the undersigned appoint

AZIZ-UR-RAHMAN and IMDAD ULLAH

Advocates High Court

To be the advocate for the Appellant in the above mentioned case to do all the following acts, deeds and things or any one of them, that is to say:-

- ❖ To acts, appear and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or revision or execution or at any other stage of its progress until its final decision.
- ❖ To present pleadings, appeals, cross objections or petitions for execution review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages.
- ❖ To withdraw or compromise the said or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- ❖ To receive money and grant receipts therefore, and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
- ❖ To employ any other Legal Practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate wherever he may think fit to do so.
- ❖ I understand that the services of aforesaid lawyer are hired irrespective of the outcome of the case.

And I/We hereby agreed to ratify whatever the advocate or his substitute shall to do in the said premises.

And I/We hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequences of his absence from the Court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid, the Advocate shall be entitled to withdraw from the prosecution of the case until the same is paid.

IN THE WITNESS WHEREOF I/WE hereunto set my/our hand(s) to these present the contents of which have been explained to and understood by me/us, this 19 day of 04 2021.

(Signature or thumb impression)

(Signature or thumb impression)

(Signature or thumb impression)

Accepted subject to terms regarding fees



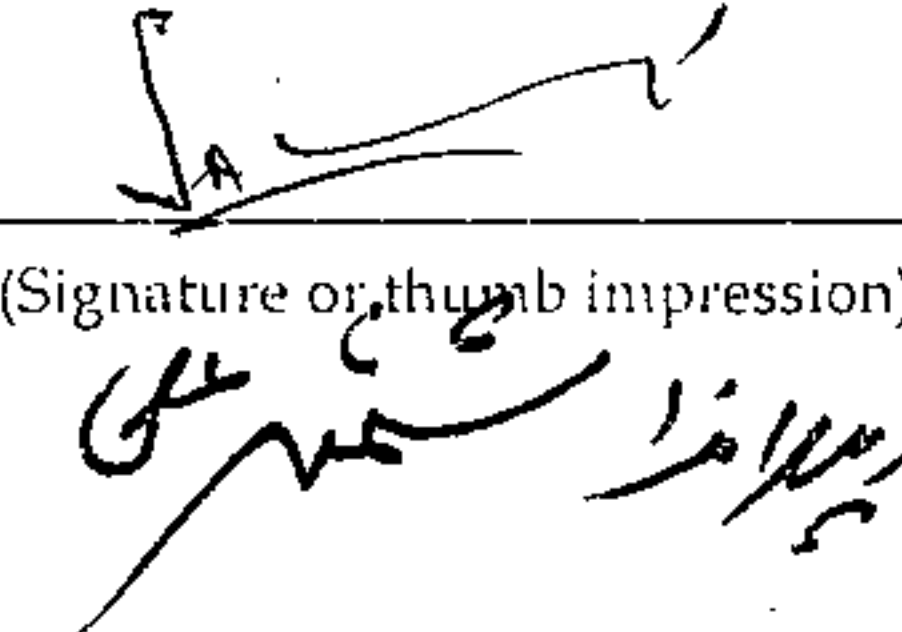
(AZIZ-UR-RAHMAN)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk

G.T. Road Mingora, District Swat.

Cell No. 0300 907 0671





(IMDAD ULLAH)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk,

G.T. Road, Mingora, District Swat

Cell No. 0333 929 7746

**BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL CAMP
COURT SWAT**

Service Appeal No. 611/2022

Shamsher Ali SCT Government Higher Centennial Model High School (GCMHS)
Wadudia, District Swat.

.....Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa at Peshawar.
3. District Education officer (Male) Swat.

..... Respondents.

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3	Authority Letter	-	5
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**DISTRICT EDUCATION OFFICER (M)
SWAT AT GULKADA**

(1)

**BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL CAMP
COURT SWAT**

Service Appeal No. 611/2022

Shamsher Ali SCT Government Higher Centennial Model High School (GCMHS)
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.....Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa at Peshawar.
3. District Education officer (Male) Swat.

.....
Respondents.

Parawise Comments on Behalf of the Respondents

Respectfully Shewith

Preliminary Objections:

1. That the appellant is not an aggrieved person within the meaning of Section 4 of the service tribunal Act, 1974.
2. That the appellant has no cause of action / locus standi.
3. That the appellant has not come to this Honorable Tribunal with clean hands.
4. That the appellant has filed this instant Service Appeal just to pressurize the respondents.
5. The present service appeal is liable to be dismissed for non-joinder/miss joinder of necessary parties.
6. That the instant service appeal is against the prevailing law and rules.
7. That the appellant has filled this instant Service Appeal on malafide motives.
- 8. That the instant Service Appeal is time barred.**
9. That the instant service appeal is not maintainable in the present form, and above in the present circumstances of the issue.
- 10. That the instant Service Appeal liable to be dismissed on the grounds that the Appellant has not made party the other teachers as they will be remain unheard.**
11. That the appellant has estopped by his own conduct.
12. That the appellant has concealed the material facts from this honorable tribunal.

FACTS

- i. That the Para No.i is correct to the extent of the appointment, termination and reinstatement of the Appellant, however, the Appellant

conceals the factual position of his first appointment order. In fact, the Appellant was appointed as untrained teacher in the year 1995.

- ii. That the Para No.ii pertains to record, hence, no comments.
- iii. That the Para No.iii pertains to record, however, it is worth to mention here that the Appellant has never been issued undue benefits anywhere. In fact, he has been placed in accordance with the rules and policy along with other similarly placed teachers. All the other teachers of the same cadre have been given seniority from the date of appointment or passing CT training whichever is later.
- iv. That the reply of this para is given in para No. iii above.
- v. That the Para No.v is correct to the extent of counting of seniority erroneously in respect of the Appellant from the date of appointment I,e 21-09-1995 by superseding the other senior teachers. In fact, the Appellant was rightly placed in the earlier issued seniority list according to the rules from the date of passing CT training I,e 27-09-2006 as all the other teachers of the same cadre were also given seniority from the date of passing CT training. It is also worth to mention here that the Appellant was promoted to the post of SCT BPS-16 vide order Endst No. 13201-6 dated 26-02-2019 as per the earlier issued seniority while the other teachers who were senior than the Appellant were promoted to the post of SCT BPS-16 vide order Endst No. 6856-64 dated 09-12-2014 well before the Appellant. But in the year 2019 the Appellant was placed ahead of most of the senior teachers (of the same cadre erroneously) who were senior than the Appellant in initial appointment/ passing CT training. If the Appellant was aggrieved from the said seniority, he should have filed appeal before the Appellate Authority/ this Honorable Tribunal from the date when other teachers were promoted well before the Appellant to the post of SCT BPS-16. It clearly means that the Appellant was satisfied from the initial/earlier seniority. **(Relevant pages of the earlier seniority list, promotion orders of other teachers, Appellant annexed as Annexure A, B & C)** *APT rules Annexed as annexure (C1)*
- vi. That the Para No.vi is correct to the extent of enquiry but once again the Appellant wants to mislead and misguide this Honorable Tribunal by concealing the actual and factual position. In fact, another teacher Mr Shawkat Ali GCMHS Wadodia Swat filed appeal against the seniority position of the present Appellant and claimed that he is senior than the present Appellant. The enquiry committee declared the appeal as genuine and recommended that the said Mr. Shawkat Ali is senior than the Appellant of the instant Service Appeal/present Appellant. Enquiry report already attached by the Appellant with the instant Service Appeal as annexure E.
- vii. That the para No. vii is correct to the extent of the enquiry, the rest of the para is incorrect and denied. In fact, another teacher namely Shawkat Ali SCT GCMHSS Wadodia Swat filed an appeal for correction of seniority list wherein he categorically stated "the present

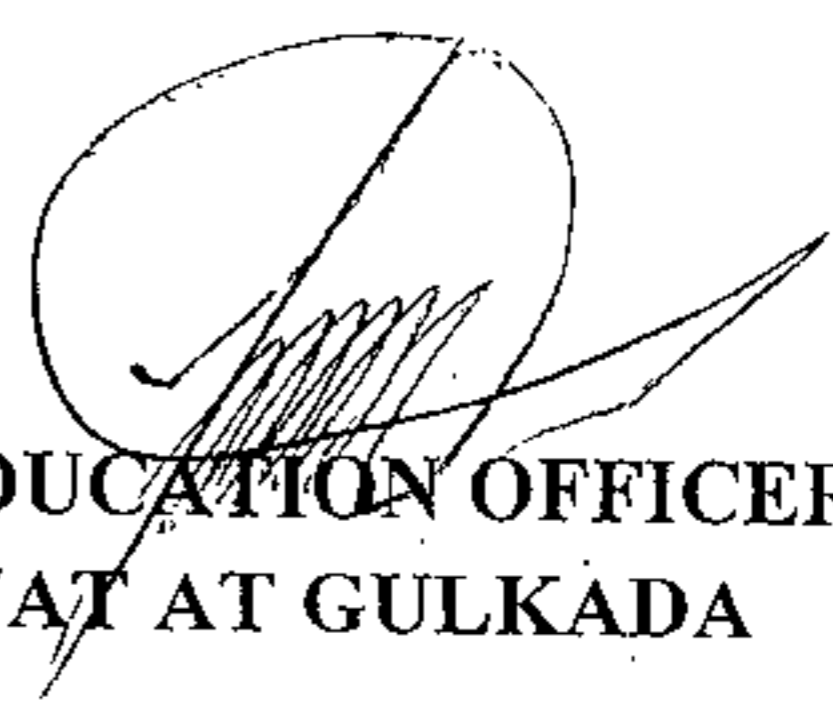
Appellant/Shamsher Ali is junior than me". It is also worth to mention here that some other teachers also filed appeals and disputed the seniority list. The respondent No. 3 constituted an enquiry committee to probe into all the appeals. The enquiry committee asked for record and relevant rules and the seniority rules from the respondent no. 3. Accordingly record was sought from the Appellant along with other teachers. The Appellant himself provided his record, Service Tribunal judgment as well as DMC of CT training. It is to be noted that as stated in the foregoing paras, the seniority already prepared by the department was also provided to the enquiry committee wherein the seniority have been given to all the teachers from date of passing CT training/date of appointment whichever is later. The said Appellant Mr. Shawkat Ali was appointed on 07-08-1990 as untrained teacher and passed CT training 25-05-1996, therefore, he was given seniority w.e.f 25-05-1996 instead of 07-08-1990. Whereas the present Appellant was appointed on 22-09-1995 and got his CT Training on 27-09-2006. The enquiry committee conducted a detailed enquiry and submitted the enquiry report along with recommendations to the office of respondent No. 3 and it was recommended along with quoting the rules already taken into consideration in preparation of seniority list that the appeal of Mr. Shawkat Ali is genuine and the seniority of all the teachers may be re-arranged and may be counted w.e.f passing CT training in case of all the teachers who were appointed as untrained teachers. Hence, the blame of the Appellant on enquiry officers is totally denied as their recommendation was not only to the extent of the Appellant but was for all the other teachers of the same cadre. **(Appeal of Mr. Shawkat Ali is annexed as annexure D)**

- viii. That the para No. viii is incorrect and denied. The Appellant himself provided his record such as his appointment order, DMC of CT training dated 27-09-2006. They also met the enquiry committee in this connection, hence, the stance of the Appellant in this para is incorrect, misconceived and detriment in nature. **(DMC of CT training annexed as annexure E)**
- ix. That detail reply of this para has already been given in the foregoing paras.
- x. That the para No. x pertains to record, however, the instant Service Appeal of the Appellant is time barred as he filed departmental Appeal on 25-08-2021 whereas he filed the instant Service Appeal on 21-04-2022. Moreover, the departmental Appeal of the Appellant has rightly been rejected by the respondent No. 2/Appellate authority.
- xi. That the instant service appeal of the appellant is bereft of any merit, hence, liable to be dismissed inter alia following grounds.

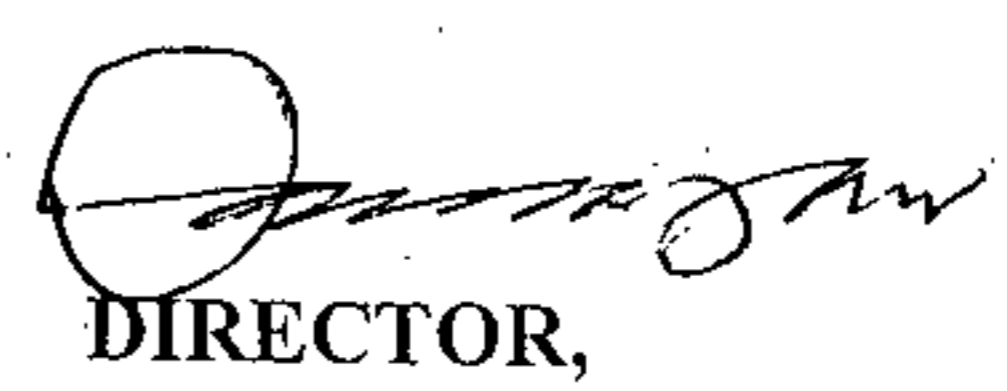
GROUND

- a. That the Para No. a is incorrect and not admitted. The Appellant has been dealt in accordance with the law and rules.
- b. That the Para No. b is absolutely incorrect and denied. no discrimination whatsoever has been made with the Appellant. As all the teachers of the same cadre have been given seniority w.e.f date of passing CT training.
- c. That the Para No. c is the repetition of the above paras, hence, no comments.
- d. That the Para no. d is incorrect and not admitted. The Honorable Tribunal judgment dated 02-05-2002 has been implemented in letter and spirit. The Appellant wants to use the judgment of this honorable Tribunal according to his own whims and wishes. The Honorable Tribunal has never given him any undue benefits in shape of any priority over others teachers.
- e. That the para No. e is irrelevant and astonishing as the Appellant himself feels reluctant and not clear in his mind over filing of the instant Service Appeal. Hence, on this very ground alone, the instant Service Appeal is liable to be dismissed.

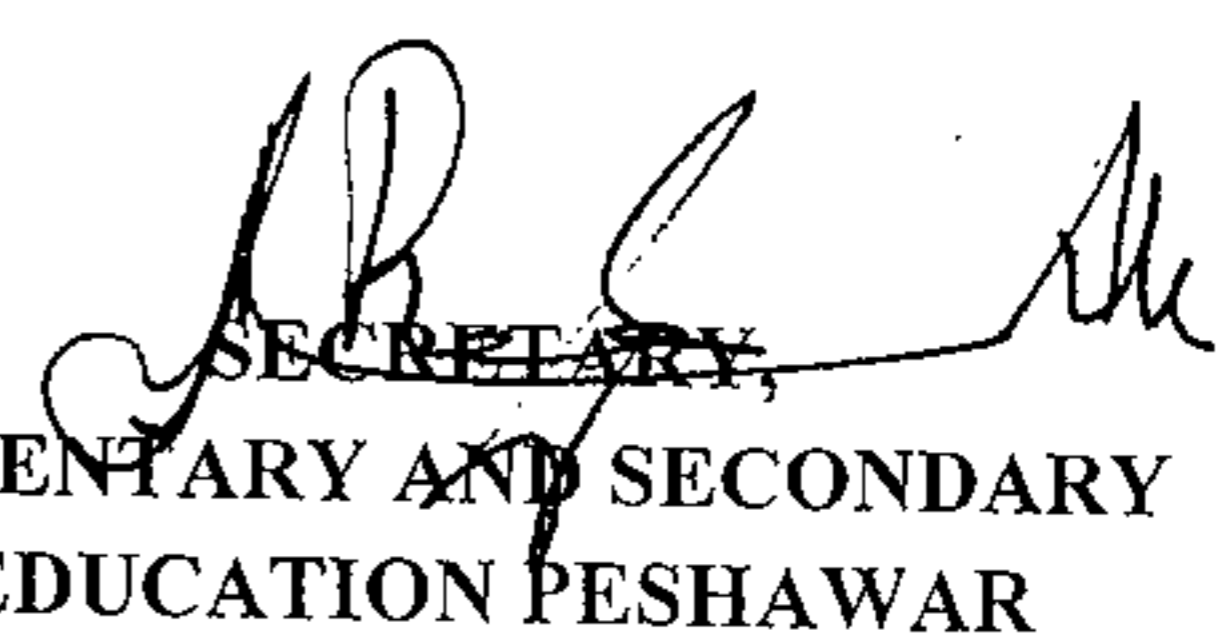
It is, therefore, very humbly prayed that the instant service appeal of the appellant may be dismissed with cost in favor of the respondents.



**DISTRICT EDUCATION OFFICER (M)
SWAT AT GULKADA**



**DIRECTOR,
ELEMENTARY AND SECONDARY
EDUCATION KHYBER PAKHTUNKHWA**



**SECRETARY,
ELEMENTARY AND SECONDARY
EDUCATION PESHAWAR**

4A

BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL CAMP
COURT SWAT

Service Appeal No. 611/2022

Shamsher Ali SCT Government Higher Centennial Model High School (GCMHS)
Wadudia, District Swat.

.....Appellant

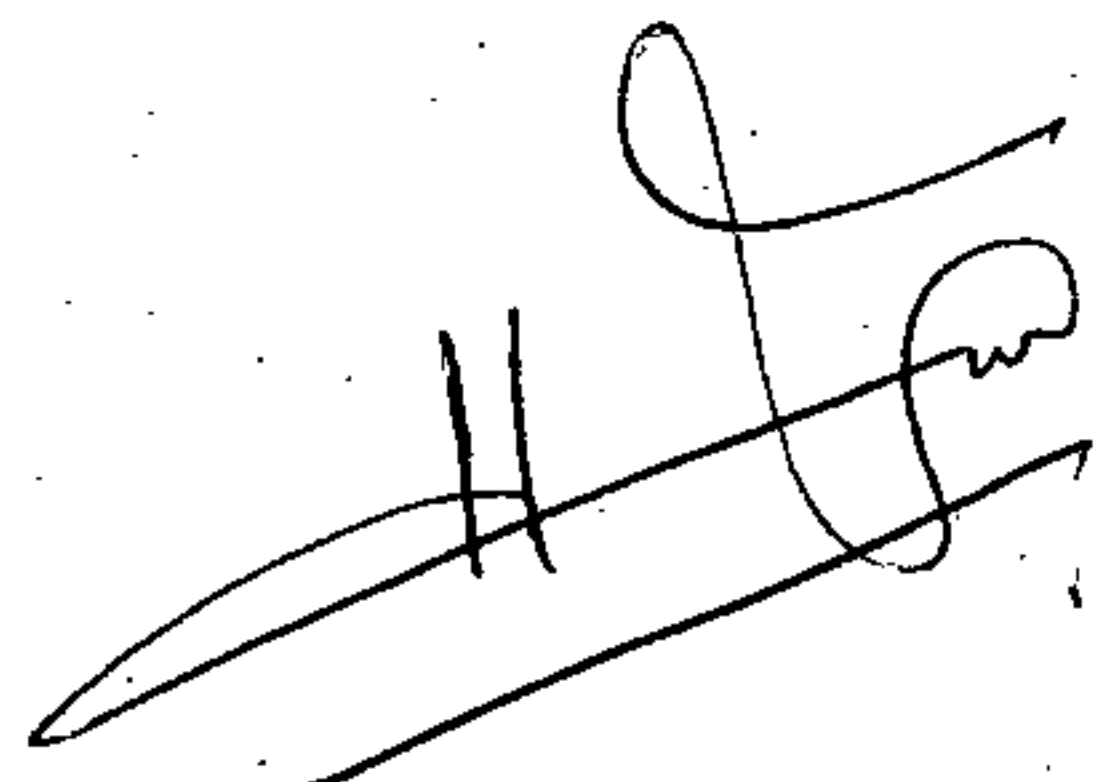
Versus

Provincial Govt. of Khyber Pakhtunkhwa & others

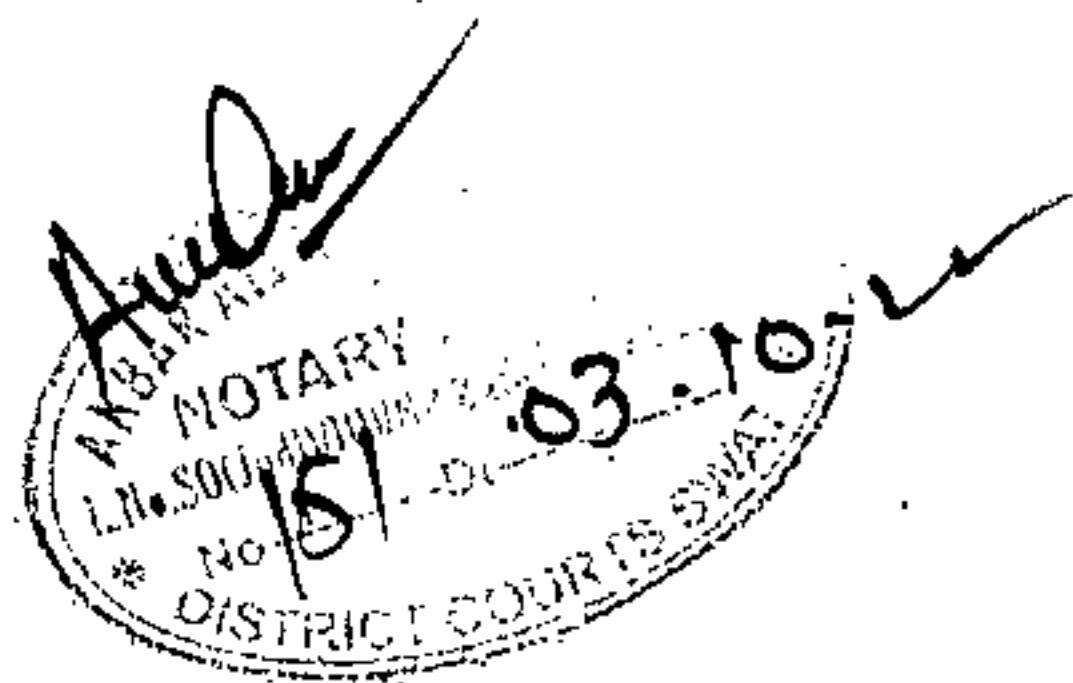
..... Respondents

AFFIDAVIT

I, Hussain Ali Legal Representative, do hereby solemnly affirm and declare on oath on the directions and on the behalf of the Respondents that the contents of the comments are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honorable Court.



HUSSAIN ALI LEGAL REPRESENTATIVE
O/O DEO (M) SWAT



ANSAK ALI
NOTARY
L.H. SOLI
No. 151
03.10.22
DISTRICT COURT SWAT



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
DISTRICT SWAT

Email: emisswat@gmail.com,

Phone No. 09469240228

(5)

AUTHORITY LETTER

Mr. Hussain Ali Legal Representative, office of the undersigned is hereby authorized to submit comments in *Service Appeal No. 611/2022* case titled *Shamsher Ali Vs Govt of KPK and others* and attend Khyber Pakhtunkhwa Service Tribunal Camp Court Swat on behalf of respondents.

DISTRICT EDUCATION OFFICER (M)
SWAT AT GULKADA

DIRECTOR,
ELEMENTARY AND SECONDARY
EDUCATION KHYBER PAKHTUNKHWA

SECRETARY,
ELEMENTARY AND SECONDARY
EDUCATION PESHAWAR

FINAL SENIORITY LIST OF CTS O/O THE DISTRICT EDUCATION OFFICER (M) DISTRICT SWAT UPTO 30/06/2018

No	Name of Teacher/Qualification academic / professional	Father's Name	Designation	PBS	D/O Birth / Domicile	Domicile	Academic	Professional	D/O 1st Apptt:	Date of apptt: against Present post	Seniority position D/O taking over charge as CT or D/O declaration CT Exam: whichever is later	Place of duty
									04-03-80	16-08-06	16-08-06	GHS:Durush Khela
43	Bahadar Ali	Muhammad Rawan Khan	CT	16	10-04-60	Swat	MA	B.Ed	16-07-82	16-08-06	16-08-06	GMS: M.G Shaheed
44	Muhammad Qasim	Muhtaj	CT	16	05-01-62	Swat	MA	B.Ed	24-10-82	16-08-06	16-08-06	GHSS: Charbagh
45	Yamin Khan	Nasir	CT	16	05-08-61	Swat	MA	CT	07-09-86	16-08-06	16-08-06	GMS: Peo Char
46	Muhammad Jamil	Abdul Matin	CT	16	20-12-66	Swat	MA	CT	26-11-86	16-08-06	16-08-06	GHS: Shagi
47	Akhtar Ali	Muhammad Khaliq	CT	16	13-04-66	Swat	MA	B.Ed	30-11-86	16-08-06	16-08-06	GHS: Manpetai
48	Jehangir Khan	Shah Yar Khan	CT	16	03-04-64	Swat	MA	B.Ed	07-06-87	16-08-06	16-08-06	GHS: Shawar
49	Azizullah	Swal Faqir	CT	16	20-02-64	Swat	MA	CT	27-10-87	16-08-06	16-08-06	GHSS Kabal
50	Yaqeen Khan	Asfandeyar Khan	CT	16	05-03-65	Swat	MA	B.Ed	07-11-87	16-08-06	16-08-06	GHS: Odigram
51	Muhammad Sultan	Ashraf Khan	CT	16	01-03-63	Swat	MA	M.Ed	26-09-88	16-08-06	16-08-06	GMS: Durushkhela
52	Umar Yar	Asfandeyar	CT	16	10-12-62	Swat	MA	B.Ed	08-03-96	16-08-06	16-08-06	GHS: Tootano Bandai
53	Hayat Khan	Bakht Zamin Khan	CT	16	05-04-73	Swat	MA	M.Ed	02-07-97	16-08-06	16-08-06	GHS: Nazar Abad
54	Jehan Zeb	Sher Zada	ET	16	03-05-75	Swat	MA	B.Ed	01-03-00	16-08-06	16-08-06	GMS: Alamganj
55	Latifullah	Abdul Manan	CT	16	12-10-78	Swat	MA	M.Ed	03-07-04	16-08-06	16-08-06	GHS: Topsin
56	Muhim Baz	Hussan Sawab	CT	16	19-03-78	Swat	MA	M.Ed	24-06-04	16-08-06	16-08-06	GHS: Kass Shingrai
57	Zahir Rahman	Fazal Rahman	CT	16	10-02-75	Swat	MA	B.Ed	01-08-87	17-08-06	17-08-06	GMS M.G.Shaheed FA
58	Khadim Khan	Badshah Khan	CT	16	16-04-59	Swat	FA	CT	14-06-87	17-08-06	17-08-06	GHS: No.3 Mingora
59	Akbar Ali	Muhammad Raziq	CT	16	12-03-63	Swat	MA	CT	22-09-95	21-09-95	27-09-06	GCMHSS: Wadoodia
60	Shamsher Ali	Yaqoob Khan	CT	16	05-01-69	Swat	BA	M.Ed	03-10-95	03-10-95	27-09-06	GMS: Darolai
61	Muhammad Yaqoob	Jandool	CT	16	01-03-68	Swat	MA	B.Ed	07-04-99	14-11-06	14-11-06	GHS: No. 1 Mingora
62	Ali Shah Bacha	Bahadar Khan	CT	16	10-12-66	Swat	BA	B.Ed	05-04-99	01-10-07	01-10-07	GMS: Faiz Abad
63	Muhammad Alam	Abdul Wadood	CT	16	03-04-73	Swat	MA	CT	14-11-87	18-09-09	18-09-09	GSH No 1 Mingora
64	Riaz Ahmad	Qasim Jan	CT	15	06-03-67	Swat	MA	M.Ed	27-09-88	18-09-09	18-09-09	GHSS: Shamoza
65	Abdul Wahab Muhammad	Ghareb Nawaz	CT	15	06-03-65	Swat	MA	M.Ed	28-09-88	18-09-09	18-09-09	GHS: No 4 Mingora
66	Shaukat Ali	Muammar	CT	15	05-06-67	Swat	MA	B.Ed	03-07-04	18-09-09	18-09-09	GMS: Kabal Koo
67	Khaista Rahman	Muhammad Khan	CT	15	01-01-83	Swat	MA	B.Ed	18-09-09	18-09-09	19-09-09	GHSS Mingora FA
68	Fazal Wadood	Tota Khan	CT	15	08-02-70	Swat	FA	CT	18-09-09	18-09-09	19-09-09	GHS: Sher Palam
69	Aziz Akbar	Muhammad Akbar Khan	CT	15	05-07-62	Swat	MA	B.Ed	08-06-83	19-09-09	19-09-09	GHS: Shagai
70	Sar Zamin Khan	Fazali Azim	CT	15	20-04-62	Swat	MA	M.Ed	01-11-82	19-09-09	19-09-09	GMS: Ganageer
71	Ghani Subhan	Laibar Khan	CT	15	01-01-64	Swat	MA	CT	08-03-84	19-09-09	19-09-09	GHS: Gwalera
72	Mian Gul Rahim	Mian Said Faqir	CT	15	01-06-63	Swat	MA	B.Ed	07-08-84	19-09-09	19-09-09	GHS: Durushkhela
73	Fazal Manan	Mutabar	CT	15	12-01-63	Swat	MA	CT	10-03-86	19-09-09	19-09-09	GMS: Sangota
74	Jehangir	Sher Alam Khan	CT	15	05-12-60	Swat	MA	B.Ed	26-11-86	19-09-09	19-09-09	GHS: Chail
75	Rahim Bakhsh	Azizul Haq	CT	15	01-04-66	Swat	MA	CT	26-11-86	19-09-09	19-09-09	GHS: Sher Palam
76	Adil Muhammad Khan	Amir Hatam	CT	15	09-07-59	Swat	BA	B.Ed	08-12-86	19-09-09	19-09-09	GMS: Lalkoo
77	Rahim Zada	Khan Zada	CT	15	01-02-67	Swat	MA	CT	13-12-86	19-09-09	19-09-09	GHSS: Balogram
78	Usman Ali	Amir Dad	CT	15	01-04-61	Swat	MA	B.Ed	21-09-87	19-09-09	19-09-09	GHSS: Sakhra
		Inhal Ahmad	CT	15	25-07-64	Swat	MA	B.Ed	26-01-88	19-09-09	19-09-09	GHSS : Labat

Annexure 'A' 6



FINAL SENIORITY LIST OF CTS O/O THE DISTRICT EDUCATION OFFICER (M) DISTRICT SWAT UP TO 30/06/2018

S.No New	Name of Teacher/Qualification academic / professional	Father's Name	Designation	PBS	D/O Birth / Domicile	Domicile	Academic	Professional	D/O 1st Apptt:	Date of apptt: against Present post	Seniority position D/O taking over charge as CT or D/O Exam: whichever is later	Place of duty	
													leave
457	Fazal Hayat	Zareen Khan	CT	15	22-03-88	Swat	M.Sc	B.Ed	31-05-12	01-06-12	01-06-12	GMS: Lakhar	
458	Ibrahim	Muhammad Sahib	CT	15	05-02-82	Swat	MA	CT/M.Ed	31-05-12	01-06-12	01-06-12	GHS: Shin	
459	Iftikhar Ali	Akbar Khan	CT	15	20-04-83	Swat	BA	CT	31-05-12	01-06-12	01-06-12	GMS: Bargin	
460	Ikram Ullah	Muhammad Shuaib Khan	CT	15	01-05-88	Swat	MSC	CT/B.Ed	31-05-12	01-06-12	01-06-12	GMS: Charma	Science 1
461	Javid Khan	Abdullah Khan	CT	15	10-02-89	Swat	M.Sc	CT/M.Ed	31-05-12	01-06-12	01-06-12	GHS: Labat	Science 2
462	Muhammad Younas	Muhammad Yousaf Jan	CT	15	12-03-82	Swat	BA	CT	31-05-12	01-06-12	01-06-12	GHS: Bahrain	
463	Bahadar Sher	Badshah	CT	15	13-03-90	Swat	MA	CT/B.Ed	12-03-90	01-03-04	01-03-13	GMS Dadahara	out District
464	Abdul Mustaan	Abdul Haleem	CT	15	01-05-79	Swat	MA	CT/B.Ed	05-09-06	09-05-14	09-05-14	GMS Pañr	Disable
465	Muhammad Zubair	Muhammad Nabi	CT	15	01-05-64	Swat	MA	CT	27-09-88	12-07-14	12-07-14	GHS Sweegalai	
466	Sardar Ali		CT	15		Swat				14-07-14	14-07-14	GMS Roria	
467	Muhammad Rahim	Bashar	CT	15	14-04-67	Swat	MA	CT	08-09-86	14-07-14	14-07-14	GMS Manja	
468	Ahmad Saeed	Karimullah	CT	15	07-03-63	Swat	BA	CT	20-10-86	14-07-14	14-07-14	GHS Bahrain	
469	Muhammad Yasin	Mian Muambar	CT	15	11-11-67	Swat	BA	CT	27-09-88	14-07-14	14-07-14	GHS Laikot	
470	Khurshid	Bahadar Khan	CT	15	30-08-63	Swat	MA	CT	29-09-88	14-07-14	14-07-14	GHS Chail	
471	Faziullah	Miftahud Din	CT	15	01-05-68	Swat	BA	CT	27-11-86	14-07-14	14-07-14	GMS Bargin	
472	Hussain Gul		CT	15		Swat				14-07-14	14-07-14	GMS Gornai	
473	Shujaat Ali Khan	Ibni Amin	CT	15	15-04-68	Swat	MA	CT	05-03-90	14-07-14	14-07-14	GHS Chancharay	
474	Fazal Mabood	Shah Dgul Ambar	CT	15	09-06-66	Swat	MA	CT	28-03-90	14-07-14	14-07-14	GMS Peochar	
475	Jafar Sayed	Shah Gran Bacha	CT	15	05-09-67	Swat	MA	CT	29-03-90	14-07-14	14-07-14	GHS Beha	
476	Muhammad Junaid Khan	Amir Jamshid Khan	CT	15	27-04-62	Swat	MA	CT/M.Ed	22-10-89	14-07-14	14-07-14	GHS Nazar Abad	
477	Shah Alam Khan	Chamai Mian	CT	15	08-04-65	Swat	MA	CT	08-04-65	14-07-14	14-07-14	GMS Torwal	
478	Muhammad Hussain		CT	15		Swat	MA	CT		14-07-14	14-07-14	GMS Chinkolai	
479	Naseer Hussain	Shah Nazar	CT	15	15-07-72	Swat	MA	CT	03-12-90	14-07-14	14-07-14	GHS Miandam	
480	Rashid Ali	Khurshid-Ali	CT	15	14-08-64	Swat	MA	CT	16-12-90	14-07-14	14-07-14	GMS Ramiat	
481	Shaukat Ali	Daulat Khan	CT	15	10-06-69	Swat	MA	CT	17-12-90	14-07-14	14-07-14	GMS A.Bandai	
482	Abdul Ghafoor	Abdul Qahar Khan	CT	15	01-05-69	Swat	MA	CT	22-03-92	14-07-14	14-07-14	GHS Gwalirai	
483	Aftab ud din	Sad ud din	CT	15	10-04-76	Swat	MA	CT	02-09-06	19-03-15	20-03-15	GMS Sar Banda	



OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE).
SWAT

(Office Phone & Fax # 0923-9220228)

Annexure "B"

NOTIFICATION:-

Consequent upon the recommendation of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification NO SO(B&AO)/1-18/E&SE/2012 dated 11.07.2012 and Finance Department Endorsement No SO(FR)/FD/10-22(E)/2010 dated 16.07.2012, the following Male CTs, are hereby promoted to the posts of SCTs. BPS-16 (Rs:10000-800-34000 plus usual allowances as admissible under the rules on regular basis under the existing policy of the provincial Government, on the terms and conditions given below with immediate effect in the interest of public service and posted against the schools noted below:-

S.No	Name of Teacher	Present Place of duty in B-15	School where adjusted in B-16	Remarks.
1.	Muhammad Zahir	GHSS Shamozi	GHSS Shamozi	Adjusted in his own school in B-16
2.	Khaistamand	GHSS Mingora	GHSS Mingora	Adjusted in his own school in B-16
3.	Muhammad Qadim	GHS Gwalirai	GHS Gwalirai	Adjusted in his own school in B-16
4.	Amiz Khan	GHSS Madyan	GHSS Madyan	Adjusted in his own school in B-16
5.	Shah Anwar Badshah	GHS Khazana	GHS Khazana	Adjusted in his own school in B-16
6.	Ali Rahman	GHS No.3 Mingora	GHS No.3 Mingora	Adjusted in his own school in B-16
7.	Syed Javid Iqbal	GHSS Charbagh	GHSS Charbagh	Adjusted in his own school in B-16
8.	Mufthi	GHSS Madyan	GHSS Madyan	Adjusted in his own school in B-16
9.	Muhammad Afzal Khan	GHS Mankial	GHS Mankial	Adjusted in his own school in B-16
10.	Muhammad Nisar	GHS Labat	GHS Labat	Adjusted in his own school in B-16
11.	Muhammad Iftikhar	GHS Seer	GHS Seer	Adjusted in his own school in B-16
12.	Fazal Hadi	GMS Guligram	GHS Chitor	Adjusted in his own school in B-16
13.	Khurshid Ali B-15	GHSS Mingora	GMS Panr B-15	Due to B-16 Transferred adjusted in nearest High school
14.	Kishwar Khan	GHS No.4 Mingora	GHS No.4 Mingora	Vice S.No.16 due B-15 Transferred /adjusted in nearest Middle schools on his own pay scale
15.	Hamayun	GHS No.3 Mingora	GHS No.3 Mingora	Adjusted in his own school in B-16
16.	Muhammad Ayub	GMS Panr	GHSS Mingora B-16	Adjusted in his own school in B-16
17.	Nisar Khan	GHS Shalhand	GHS Shalhand	Due to B-16 Transferred adjusted in nearest High school V.S.No.13
18.	Muhammad Azim	GHS Matla	GHS Matla	Adjusted in his own school in B-16
19.	Showkat Ali	GHS Wadudia	GHS Wadudia	Adjusted in his own school in B-16
20.	Iqbal Hussain B-15	GHS Chitor	GMS Guligram	Adjusted in his own school in B-16 V.S.No.12

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 will be proceeded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. No TA/DA is allowed for joining their duty.

Noted
11.09.11


6. They will give an under taking to be recorded in their service books to the effect that if any over payment is made to them in light of their order will be recovered and if any person wrongly promoted he will be reversed.

(Prof:Muhammad Uzair Ali)
District Educational Officer
Malakswat

Endst No 6856/64 /DEO (M) swat /Etab/CTs Promolition Dated: 9/12 /2014.

Copy forwarded for information and necessary action to the:-

- 2. Director Elementary and Secy: Education Khyber Pakhtunkhwa at Peshawar
- 3. District Accounts Officer swat at Saidusharif.
- 4. Deputy District Education Officer Local Office.
- 5. Principal/Headmaster Concerned.
- 6. Teachers concerned.
- 7. ADEOs Local Office.
- 8. Supdtts local Office.
- 9. B&AO Local Office.
- 10. PA to DEO Local Office.

 09/12/2014
District Education Officer (M)
Swat

NOTIFICATION

Annexure

Consequent upon the notification issued by the Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar vide his office Endst No 4675-80/File No.1/ Promotion Senior certified teacher BPS(16)2019 dated Peshawar 22/02/2019. The following Senior Certified teachers (Whose services were placed at the disposal of the DEO(M) Swat for further adjustment) are hereby adjusted against the posts in the schools noted against each in the interest of public service on regular basis under the existing policy of the provincial Govt; on the terms & conditions given in the aforementioned notification of the Director (E&SED) Khyber Pakhtunkhwa with immediate effect.

S.No	S.No	Name	Present School	School where promoted/posted	Remarks
1	300	Sardar Alam			
2	310	Bakht Mand	GMS: Delay	GHS Ningolai	A.V.Post
3	311	Muhammad Ayub	GHS: Tall	GHS Tall	A.V.Post
4	312	Nisar Muhammad	GMS: Mairagai	GHS Jambil	A.V.Post
5	313	Rafiq Ahmad	GMS: Derocham	GHS Kotlai	A.V.Post
6	314	Umar Ahad	GCMHS: Wadodia	GCMHS Wadoodia	A.V.Post
7	315	Abdul Basir	GHS: Shah Dherai	GHS Shah Dherai	A.V.Post
8	317	Idress	GMS: Maloch	GHS Sweegalai	A.V.Post
9	318	Sardar Hussain	GCMHS Wadoodia	GHSS Mingora	A.V.Post
10	319	Attaullah	GHSS: Deolai	GHS Kotlai	A.V.Post
11	320	Shahinshah	GHS: No.3 Mingora	GHS No 3 Mingora	A.V.Post
12	321	Ihsanullah	GHSS Khwazakhela	GHS Bahrain	A.V.Post
13	322	Muhammad Zahir Shah	GHS: Naway Kalay (M)	GHS Nawakalay (M)	A.V.Post
14	323	Fazal Rashid	GHSS: Sakhra	GHSS Sakhra	A.V.Post
15	324	Qaisar Khan	GHS: Islampur	GHS Islampur	A.V.Post
16	325	Bakht Ali	GHS: No.1 Mingora	GHS No 1 Mingora	A.V.Post
17	326	Shaafat Khan	GHS Manglor	GHS Manglor	A.V.Post
18	327	Dawa Khan	GHSS: Chamtalai	GHSS Chamtalai	A.V.Post
19	328	Bakhtawar Khan	GHSS: Fatehpur	GHSS Madyan	A.V.Post
20	329	Aftabud Din	GHS: Matta	GHS Matta	A.V.Post
21	330	Shah Zada	GHS: Qandil	GHS Qandil	A.V.Post
22	331	Khalilul Haq	GHS Sherpalam	GHSS Sijban	A.V.Post
23	332	Jowhar Ali	GHSS Deolai	GHSS Doelai	A.V.Post
24	333	Purdil Khan	GHSS Chamtalai	GHS Gulibagh	A.V.Post
25	334	Badr-e-Alam	GHS: Qambar	GHS Qambar	A.V.Post
26	335	Fazal Subhan	GHS: Chupreyal	GHS Chuprial	A.V.Post
27	336	Muhammad Gul	GHS: Jano	GHS Asala	A.V.Post
28	337	Sher Shah	GHs: Shin	GHS Shin	A.V.Post
29	338	Fazal Ahad	GHS: Shagai	GHS Shagai	A.V.Post
30	339	Sher Badshah	GMS: Golden Deolai	GHSS Dehrai	A.V.Post
31	340	Bahrul Mulk	GMS Seraj Abad	GHS Manyar	A.V.Post
32	341	Noor Ali Shah	GHSS Kh.Khela (B)	GHSS Batai (Kh.Kh)	A.V.Post
33	342	Khurshid Ali Khan	GHs: Chitor	GHS Amankot	A.V.Post
34	343	Bahadar Ali	GHSS: Labat	GHSS Labat	A.V.Post
35	344	Muhammad Qasim	GHS: Durush Khela	GHS Charbagh	A.V.Post
36	345	Yamin Khan	GMS: M.G Shaheed	GHSS Mingora	A.V.Post
37	346	Muhammad Jamil	GMS: Alamganj	GHSS Charbagh	A.V.Post
38	347	Akhtar Ali	GMS: Peo Char	GHS Chail	A.V.Post
39	348	Jehangir Khan	GHS: Shagai	GHS Amankot	A.V.Post
40	349	Azizullah	GHS: Manpetai	GHS Manpitai	A.V.Post
			GHS: Shawar	GHS Chuprial	A.V.Post



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41	350	Yaqeen Khan	GHS Kabal	GHS Kabal	
42	351	Muhammad Sultan	GHS: Odigram	GHS Udigram	A.V.Post
43	352	Umar Yar	GMS: Durushkhela	GHS Bahrain	A.V.Post
44	353	Hayat Khan	GHS: Tootano Bandai	GHS Toona Bandai	A.V.Post
45	354	Jehan Zeb	GHS: Nazar Abad	GHS Nazar Abad	A.V.Post
46	355	Latifullah	GMS: Alamganj	GHS Gulibagh	A.V.Post
47	356	Muhim Baz	GHS: Topsisin	GHS Charbagh	A.V.Post
48	357	Zahir Rahman	GHS: Kass Shingrai	GHS Kas Shingrai	A.V.Post
49	358	Akbar Ali	GHS: No.3 Mingora	GHS No 3 Mingora	A.V.Post
50	360	Shamsher Ali	GCMHSS Wadoodia	GCMHS Wadoodia	A.V.Post
51	361	Muhammad Yaqoob	GMS: Darolai	GHS Kedam	A.V.Post
52	362	Ali Shah Bacha	GHS: No. 1 Mingora	GHS No 1 Mingora	A.V.Post
53	364	Riaz Ahmad	GHS No 1 Mingora	GHS No 1 Mingora	A.V.Post
54	365	Abdul Wahab Badshah	GHS No 1 Mingora	GHS No 1 Mingora	A.V.Post
55	366	Shoukat Ali	GHS No 4 Mingora	GHS No.4 Mingora	A.V.Post
56	367	Khaista Rahman	GMS Kabal Koo	GHS Manyar	A.V.Post
57	369	Aziz Akbar	GHS Sher Palam	GHS Bandai	A.V.Post
58	370	Sar Zamin Khan	GHS Shagai	GHS Bandai	A.V.Post
59	371	Ghani Subhan	GMS Ganajir	GHS Bandai	A.V.Post
60	372	Mian Gul Rahim	GHS Gwalirai	GHS Beha	A.V.Post
61	373	Fazal Manan	GHS Durushkhela	GHS Banjoot	A.V.Post
62	374	Jehangir	GMS Sangota	GHS Manglor	A.V.Post

CONSEQUENT ADJUSTMENT.

S.No	Name & Designation	Present School	Name of school were is consequent adjusted	Remarks
1	Attaullah Khan SCT	GHS Qambar	GHS Udigram	Consequent adjustment
2	Sardar Ahmad SCT	GHS Kotlai	GHS Sersenai	-do-

TERMS AND CONDITION.

- 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 his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be preceded under the rules framed time to time.
- 4) Charge report should be submitted to all concerned in duplicate.
- 5) Their inter -Se- Seniority on the lower post will remain intact.
- 6) No TA DA is allowed for joining his duty.
- 7) They will give an under taking to be recorded in their service book to the effect that if any over payment is made to him in light this order will be covered and if he is wrongly promoted he will be reversed.

(NAWAB ALI)
 DISTRICT EDUCATION OFFICER
 SWAT AT GUL KADA,
 dated: 11/01/2019

Encls No: 6 /SCT/Promotion

- Copy of the above is forwarded for information & necessary action to: -
1. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
 2. The District Comptroller of Accounts Swat.
 3. The Principal/ Headmaster concerned.
 4. The candidate concerned.
 5. PA to D E O local office.

DISTRICT EDUCATION OFFICER
 (MALE) SWAT AT GUL KADA.

Annexure C1" (12)

**THE 'KHYBER PAKHTUNKHWA CIVIL SERVANTS
(APPOINTMENT, PROMOTION & TRANSFER) RULES, 1989**

PART-I

GENERAL

1. **Short title and commencement:** - (1) These rules may be called the ²[Khyber Pakhtunkhwa] Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.
(2) They shall come into force at once.
2. **Definitions:-**(1) In these rules, unless the context otherwise requires:-
 - (a) "Appointing Authority" in relation to a post, means the persons authorized under rule 4 to make appointment to that post;
 - (b) "Basic Pay Scale" means the Basic Pay Scale for the time being sanctioned by Government, in which a post or a group of posts is placed;
 - (c) "Commission" means the ³[Khyber Pakhtunkhwa] Public Service Commission;
 - ⁴(d) "Departmental Promotion Committee" means a committee constituted for making selection for promotion or transfer to such posts under a Department, or offices of Government, which do not fall within the purview of the Provincial Selection Board;
 - ⁵(dd) "Departmental Selection Board" means a Board constituted for the purpose of making selection for initial recruitment /appointment to posts under a Department or office of Government in Basic Pay Scale 17 not falling within the purview of the Commission:
Provided that more than one such committees may be constituted for civil servants holding different scales of pay".
 - (e) "Departmental Selection Committee" means a committee constituted for the purpose of making selection for initial appointment to posts under a department, or office of Government [in Basic Pay Scale 17 and below not falling within the purview of the Commission];
 - (f) "Post" means a post sanctioned in connection with the affairs of the Province, but not allocated to all Pakistan Unified Grades ; and

¹ For the words "NWFP" or "North-West Frontier Province", wherever occurred, the words "Khyber Pakhtunkhwa" substituted by the Khyber Pakhtunkhwa Laws (Amendment) Act, 2011 (Khyber Pakhtunkhwa Act No. IV of 2011) published in the Khyber Pakhtunkhwa Government Gazette Extraordinary dated 2nd April, 2011.

² Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

³ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁴ Substituted by Clause (d) of sub-rule (1) of Rule 2 vide Notification No. SOR-I (S&GAD) 4-1/80 (Vol-II) dated 14-01-92.

⁵ Clause (dd) added by Notification No. SOR-III (S&GAD) 2-7/86, dated 8-12-1994

(13)

⁶(g) "Provincial Selection Board" means the Board constituted by Government for the purpose of selection of civil servants for promotion or transfer to posts in respect whereof the appointing authority under rule 4 is the Chief Minister and shall consist of such persons as may be appointed to it by Government from time to time.

(2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the ⁷[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (⁸[Khyber Pakhtunkhwa] Act XVIII of 1973) or any other statutory order or rules of Government for the time being in force.

3. **Method of Appointment:-** (1) Appointment to posts shall be made by any of the following methods, namely:-

- (a) by promotion or transfer in accordance with the provisions contained in Part-II of these rules; and
- (b) by initial recruitment in accordance with the provisions contained in Part-III of these rules.

(2) The method of appointment, qualifications and other conditions applicable to a post shall be such as laid down by the Department concerned in consultation with the ⁹Establishment and Administration Department and the Finance Department.

4. **Appointing Authority:-** The authorities competent to make appointment to posts in various basic pay scales shall be as follows:-

S.No. !	Posts !	Appointing Authority
¹⁰ 1. (a)	Posts in Basic Pay Scale 18 and above including posts in Basic Pay Scale 17 borne on any of the following services; (i) Former Provincial Civil Service (Executive Branch); (ii) Former Provincial Civil Service (Judicial Branch); and (iii) Provincial Civil Secretariat Service.	Chief Minister
¹¹ (b)	Posts in Basic Pay Scale 17	Chief Secretary

⁶ Clause (g) substituted by Notification No. SOR-I(S&GAD) 4-1/80/II, dated 14-01-1992.

⁷ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁸ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁹ For the words "Services and General Administration" wherever occurred, substituted with the words "Establishment and Administration" by Notification No. SO(O&M) E&AD/8-6/2001 dated 30-05-2001.

¹⁰ Substituted by Notification No. SOR-I(S&GAD)4-1/75/Vol-I, dated 22-08-1991.

¹¹ Substituted by Notification No. SOR-III(E&AD)2(144)03 dated 16-09-2003.

other than those covered by
(a) above and the post of
Deputy Superintendent of
Police; and.

14

¹²(c) Posts of Deputy Superintendents of Police. Provincial Police Officer/
Inspector General of Police.

2. Posts in Basic Pay Scale 16. (a) In the case of Secretariat of the
Government of ¹³[Khyber Pakhtunkhwa],
the Chief Secretary.

¹² Inserted by Notification No. SOR-III(E&AD)2(144)03 dated 16-09-2003.

¹³ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

- (b) In case of High Court, the Chief Justice; and
- (c) In the case of Attached Department:

- (i) the Head of Attached Department concerned; and
- (ii) In any other case the Secretary of the Department concerned.

3. Posts in Basic Pay Scales 3 to 15.

- (a) In the case of civil Servants borne on ministerial establishment of Civil Courts subordinate to High Court, the officer authorized as such by the Chief Justice; and

- (b) In other cases

- (i) an officer declared under the relevant Delegation of Powers Rules, which shall to this extent be deemed as operative; or

- (ii) Where no such appointing authority has been declared, the Secretary to Government or the Head of an Attached Department/ Office, as the case may be.

4. posts in Basic pay Scale 1 and 2.	Deputy Secretary incharge of Administration or office, , as the care may be
--------------------------------------	---

5. ¹⁴Departmental Promotion & Selection Committee/Board- (1) In each Department or office of Government there shall be one or more Departmental Promotion Committee and Departmental Selection Committee ¹⁵(or, as the case may be, Departmental Selection Board), the composition of which shall be determined by the Establishment and Administration Department or the Department in consultation with the Establishment and Administration Department.

(2) Each such Committee (or the Board, as the case may be), shall consist of at least three members, one of whom shall be appointed as Chairman.

¹⁴ The heading of rule 5 substituted by Notification No. SOR-I(S&GAD)2-7/86, dated 8-12-1994.

¹⁵ The words inserted by Notification No. SOR-III(S&GAD)2-7/86, dated 8-12-1994

¹⁶6. **Procedure when recommendation is not accepted:-** When an appointing authority for Basic Pay Scale 17 or below does not accept the recommendation of a Departmental Promotion or Selection Committee, or the Departmental Selection Board, as the case may be, it shall record its reasons and obtain order of the next higher authority.

PART-II

APPOINTMENT BY PROMOTION OR TRANSFER

7. **Appointment by Promotion or Transfer.** ¹⁷(1) Except as otherwise provided in any service rules for the time being in force, appointment by promotion or transfer to posts in respect whereof the appointing authority under rule 4 is the Chief Minister shall ordinarily be made on the recommendation of the Provincial Selection Board and promotion and transfer to posts other than those falling within the purview of the Provincial Selection Board shall ordinarily be made on the recommendation of appropriate Departmental Promotion Committee".

(2) Appointment by transfer shall be made from amongst the persons holding appointment on regular basis in the same basic pay scale, in which the posts to be filled, exist.

(3) Persons possessing such qualifications and fulfilling such conditions as laid down for the purpose of promotion or transfer to a post shall be considered by the Departmental Promotion Committee or the Provincial Selection Board for promotion or transfer, as the case may be.

(4) No promotion on regular basis shall be made to posts in Basic Pay Scale 18 to 21 unless the officer concerned has completed such minimum length of service as may be specified from time to time.

¹⁸(5) If on an order of promotion or before promotion any civil servant declines in writing, to accept promotion, such civil servant shall not be considered for such promotion for the next four years following order.

Provided that if he declines to avail the benefit of promotion for the second time, then he shall stand superseded permanently for such promotion.

8. **Inter-Provincial Transfer:-**(1) Persons holding appointment in BPS 1 to 15 under Federal Government and other Provincial Government may, in deserving cases, be transferred to equivalent posts under these rules:-

Provided that:-

- (i) the Federal Government or the Government of the Province concerned, as the case may be, has no objection to such a transfer;
- (ii) the person seeking transfer possesses the requisite qualification and experience and the post to which his transfer is intended can, under the rules, be filled by transfer;
- (iii) the person concerned holds appointment to the post in his parent Department on regular basis;

¹⁶ Rule-6 substituted by Notification No. SOR-III(S&GAD)2-7/86, dated 8-12-1994

¹⁷ Sub rule (1) substituted by Notification No. SOR-I(S&GAD)4-1/80/II, dated 14-01-1992.

¹⁸ Sub rule (5) inserted by Notification No. SOR-VI(E&AD)1-3/2009/Vol-VIII, dated 22-10-2011.

- (iv) the person concerned is a bona fide resident of the ¹⁹[Khyber Pakhtunkhwa].
- (v) a vacancy exists to accommodate the request for such a transfer; and:
- (vi) Provided further that in most deserving cases, the merit of which shall be determined on case to case basis and the decision of the Competent Authority in that behalf shall be final, Government may allow transfer of a civil servant in BPS-16 and above, subject to the aforesaid conditions.

(2) A person so transferred shall be placed at the bottom of the cadre strength which he joins for the purpose of determining his seniority vis-à-vis other members borne on the cadre.

(3) It will be the sole discretion of the appointing authority to accept or refuse a request for transfer under this rule and any decision made in this behalf shall be final and shall not be quoted as precedence in any other case.

9. **Appointment on Acting Charge or current Charge Basis.** (1) Where the appointing authority considered it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned, who is otherwise eligible for promotion, does not possess the specified length of service the authority may appoint him to that post on acting charge basis;

²⁰Provided that no such appointment shall be made, if the prescribed length of service is short by more than ²¹[three years].

²²[(2)].

(3) In the case of a post in Basic Pay Scale 17 and above, reserved under the rules to be filled in by initial recruitment, where the appointing authority is satisfied that no suitable officer drawing pay in the basic scale in which the post exists is available in that category to fill the post and it is expedient to fill the post, it may appoint to that post on acting charge basis the most senior officer otherwise eligible for promotion in the organization, cadre or service, as the case may be, in excess of the promotion quota.

(4) Acting charge appointment shall be made against posts which are likely to fall vacant for period of six months or more. Against vacancies occurring for less than six months, current charge appointment may be made according to the orders issued from time to time.

(5) Appointment on acting charge basis shall be made on the recommendations of the Departmental Promotion Committee or the Provincial Selection Board, as the case may be.

(6) Acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis.

PART-III

INITIAL APPOINTMENT

¹⁹ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

²⁰ Full stop at the end of Rule 9 (1) replaced with colon and proviso added by Notification No: SOR-I (S&GAD)4-1/80/Vol-II, dated 20-10-1993.

²¹ The words one year substituted by Notification No. SOR-I(S&GAD)4-1/80/III, dated 14.3.96.

²²Sub rule (2) of rule-9 deleted vide by Notification No. SOR-VI(E&AD)1-3/2009/Vol-VIII, dated 22-10-2011.

10. **Appointment by Initial Recruitment** :- (1) Initial appointment to posts ²³[in various basic pay scales] shall be made-

- (a) if the post falls within the purview of the Commission, on the basis of Examination or test to be conducted by the Commission; or
- (b) if the post does not fall within the purview of the Commission, in the manner as may be determined by Government.

²⁴(2) Initial recruitment to posts which do not fall within the purview of the Commission shall be made on the recommendation of the Departmental Selection Committee, after vacancies have been advertised in newspapers.

²⁵Provided that nothing contained in this sub-rule shall apply to the household staff of the Chief Minister House Peshawar, ²⁶[Khyber Pakhtunkhwa] House Islamabad, ²⁷[Khyber Pakhtunkhwa] Rest Houses Bannu, Swat and Abbottabad, ²⁸[Khyber Pakhtunkhwa] House Nathia Galli and Shahi Mehman Khana, Peshawar and any other House to be established by the Government:

²⁹Provided further that the appointment in Basic Pay Scale-1 to 4 shall be made on the recommendations of the Departmental Selection Committee through the District Employment Exchange concerned, ³⁰[or, where in a District, the office of the Employment Exchange does not exist, after advertising the posts in the leading newspapers] ³¹[]

(3) A candidate for initial appointment to a post must possess the educational qualification or technical qualifications and experience and except as provided in the rules framed for the purpose of relaxation of age limit, must be within the age limit as laid down for the post, provided that-

- (i) ³²where recruitment is to be made on the basis of written examination, then, notwithstanding anything to the contrary contained in any other rules for the time being in force, age shall be reckoned on 1st January of the year in which the examination is proposed to be held;
- (ii) in other cases as on the last date fixed for submission of applications for appointment.

²³ The words in basic pay scale-16 to 21 substituted by Notification No. SOR-I(S&GAD)1-117/91 (C), dated 12-10-1993.

²⁴ Sub rule (2) of Rule-10 substituted by Notification No. SOR-I(S&GAD) 1-117/91 (C), dated 12-10-1993.

²⁵ Proviso added vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 03-07-2003.

²⁶ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

²⁷ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

²⁸ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

²⁹ Proviso added vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 16-03-2004

³⁰ Sentence added in the Proviso vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 23-01-2006.

³¹ 2nd Proviso in sub- rule (2) of Rule 10 was deleted vide Notification No. SOR-VI(E&AD)1-3/2008 dated 09-05-2008 and added again vide Notification No. SOR-VI(E&AD)1-3/2008 dated 03-11-2008.

³² Clause (i) substituted vide Notification No. SOR-I(S&GAD)4-1/80, dated 17-5-1989.

³³(4) Where a civil servant dies or is rendered incapacitated/invalidated permanently during service then notwithstanding the procedure provided for in sub-rule (2), the appointing authority may appoint one of the children of such civil servant, or if the child has not attained the age prescribed for appointment in Government Service, the widow/wife of such civil servant, to a post in any of the Basic Pay Scales 1-10:

Provided that the child or the widow/wife as the case may be, possesses the minimum qualification prescribed for appointment to the post:

Provided further that if there are two widows/wives of the deceased civil servant, preference shall be given to the elder widow/wife.

Provided also that the appointment under this sub rule is subject to availability of a vacancy and if more than one vacancies in different pay scales are available at a time, and the child or the widow/wife, as the case may be, possesses the qualifications making him or her eligible for appointment in more than one post, he /she shall ordinarily be appointed to the post carrying higher pay scale.

Provided further that this shall not apply to any post in BPS-1-10 falling in the purview of the ³⁴[Khyber Pakhtunkhwa] Public Service Commission.

³⁵(5) Notwithstanding anything contained in any rule for the time being in force, two percent of all posts in each basic pay scale to be filled in by initial recruitment shall be reserved for disabled candidates and ten percent of all posts meant for initial recruitment shall be reserved for female candidates:

Explanation-I---For the purpose of reservation under this sub-rule "disability" does not include such disability which hampers in the smooth performance of the duties required of a disabled candidate.

Explanation-II---Ten per cent quota reserved above shall be in addition to the posts exclusively reserved for female candidates.

³⁶(6) Notwithstanding anything contained in any rule for the time being in force, five per cent of all posts in each basic pay scale to be filled in by initial recruitment shall be reserved for candidates hailing from earthquake affected areas of District Mansehra, Battagram, Shangla, Kohistan and Abbottabad (Calamity hit area) for a period of three years commencing from 1st February, 2006.

³⁷(7) Notwithstanding anything contained in any rule for the time being in force, ³⁸[three] percent of all the posts in each basic pay scale to be filled in by initial recruitment shall be reserved for candidates belonging to minorities in addition to their participation in the open merit:

Provided that, the reservation shall not apply to---

³³ Sub rule (4) substituted vide Notification No. SOR-VI (E&AD)1-3/2011/Vol-VIII, dated 31-08-2012.

³⁴ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

³⁵ Sub rule (5) substituted vide Notification No. SOR-VI (E&AD)1-10/03 (VI), dated 04-12-2007.

³⁶ Sub rule (6) inserted vide Notification No. SOR-VI(E&AD)1-3/03 (VI), dated 01-02-2006

³⁷ Sub rule (7) added vide Notification No. SOR-VI(E&AD)1-3/08, dated 06-01-2009

³⁸ Subs. vide Notification No. SORIV/E&AD/1-10(Minority)/2008, dated 08.01.2014.

- (i) the percentage of vacancies reserved for recruitment on merit;
- (ii) short term vacancies likely to last for less than one year; and
- (iii) isolated posts in which vacancies occur only occasionally.

11. **Eligibility.** (1) A candidate for appointment shall be a citizen of Pakistan and bona fide resident of the ³⁹[Khyber Pakhtunkhwa].

Provided that for reasons to be recorded in writing, Government may, in a particular case, relax this restriction.

⁴⁰[(2)]

(3) No person, not already in Government service, shall be appointed to a post unless he produces a certificate of character from the principal, academic officer of the academic institution last attended and also certificates of character from two responsible persons, not being his relatives, who are well acquainted with his character and antecedents.

(4) Notwithstanding anything contained in sub-rule (3), an appointment by initial recruitment shall be subject to the verification of character and antecedents of the candidate or the person appointed, to the satisfaction of appointing authority.

(5) No candidate shall be appointed to a post unless he is found, after such medical examination as Government may prescribe, to be in good mental and bodily health and free from physical defect likely to interfere in the efficient discharge of his duties.

12. **Zonal and Divisional representation:** - (1) Except as otherwise specifically provided in any rule for the time being in force, initial recruitment to posts in Basic Pay Scales 16 and 17 and other posts in Basic Pay Scales 3 to 15 borne on Provincial cadre shall be made in accordance with the Zonal quota specified by Government from time to time:

⁴¹Provided that initial recruitment to the post of Civil Judge/Judicial Magistrate/Allaqa Qazi (BPS-18) shall also be made in accordance with the zonal quota specified by the Government from time to time.

(2) Initial recruitment to posts in Basic Pay Scales 3 to 15 borne on divisional or district cadre shall be made from amongst bona fide residents of the division or district concerned, as the case may be.

(3) Initial recruitment to posts in Basic Pay Scales 1 and 2 or equivalent shall ordinarily be made on local basis.

PART-IV

AD HOC APPOINTMENT

13. **Requisition to Commission:**-When under any rule for the time being in force, a post is

³⁹ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁴⁰ Sub rule (2) of rule-11 deleted vide Notification No. SOR-VI(E&AD)1-3/08, dated 17-06-2008

⁴¹ Proviso to rule-12 added vide Notification No. SOR-VI(E&AD)1-27/08, dated 03-07-2008

(21)

required to be filled in through the Commission, the appointing authority shall forward a requisition on the prescribed form to the Commission immediately after it is decided to fill in the post, or if that is not practicable and the post is filled on ad hoc basis as provided in rule 14, within two months of the filling of the post.

14. **Ad hoc Appointment:**-(1) When the appointing authority considers it to be in the public interest to fill in a post falling within the purview of the Commission urgently, it may, pending nomination of a candidate by the Commission, proceed to fill in such post on ad hoc basis for a period not exceeding ⁴²[one year] by advertising the same in accordance with the procedure laid down for initial appointment in Part-III of these rules.

(2) Short term vacancies in the posts falling within the purview of the Commission and vacancies occurring as a result of creation of temporary posts for a period not exceeding ⁴³[one year], may be filled in by appointing authority otherwise than through the Commission on a purely temporary basis after advertising the vacancy.

PART-V

PROBATION AND CONFIRMATION

⁴⁴15. **Probation.** ----- (1) Persons appointed to posts by initial recruitment, promotion or transfer shall be on probation for a period of one year.

(2) The appointing authority, if considers necessary, may extend the probation period for one year as may be specified at the time of appointment.

⁴⁵(3) On the successful completion of probation period, the appointing authority shall, by specific order terminate the probation of the officer or official concerned within two months after the expiry of probation period prescribed in sub-rule(1):

Provided that if no specific order regarding termination of the probation period of the official or officer concerned is issued within two months, the period of probation shall be deemed to have been extended under sub-rule (2):

Provided further that if no specific order is issued on the expiry of the extended period of probation, the period of probation shall be deemed to have been successfully completed."

16. **Confirmation:**-After satisfactory completion of the probationary period, a civil servant shall be confirmed; provided that he holds a substantive post, provided further that a civil servant shall not be deemed to have satisfactorily completed his period of probation, if he has failed to pass an examination, test or course or has failed to complete successfully a training prescribed within the meaning of sub-section (3) of Section 6 of the ⁴⁶[Khyber Pakhtunkhwa] Civil Servants Act, 1973.

⁴² The words six months replaced with the words one year vide Notification No. SOR-VI(E&AD)1-3/08, dated 17-01-2009.

⁴³ The words six months replaced with the words one year vide Notification No. SOR-VI(E&AD)1-3/08, dated 17-01-2009.

⁴⁴ Rule-15 substituted vide Notification No. SOR-VI/E&AD/1-3/2009/Vol-VIII dated 16-2-2010.

⁴⁵ Sub rule (3) substituted vide Notification No. SOR-VI (E&AD)1-3/2012 dated 28-12-2012.

⁴⁶ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

PART-VI

SENIORITY

17. **Seniority** :- (1) the seniority inter se of civil servants ⁴⁷(appointed to a service, cadre or post) shall be determined:-

- (a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission ⁴⁸[or as the case may be, the Departmental Selection Committee;] provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in a later selection; and
- (b) in the case of civil servants appointed otherwise, with reference to the date of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

Explanation-I:- If a junior person in a lower post is promoted to a higher post temporarily in the public interest, even though continuing later permanently in the higher post, it would not adversely effect the interest of his seniors in fixation of his seniority in the higher post.

Explanation-II:- If a junior person in a lower post is promoted to a higher post by superseding a senior person and subsequently that senior person is also promoted the person promoted first shall rank senior to the person promoted subsequently; provided that junior person shall not be deemed to have superseded a senior person if the case of the senior person is deferred for the time being for want of certain information or for incomplete record or for any other reason not attributing to his fault or demerit.

Explanation-III:- A junior person shall be deemed to have superseded a senior person only if both the junior and the senior persons were considered for the higher post and the junior person was appointed in preference to the senior person.

(2) Seniority in various cadres of civil servants appointed by initial recruitment vis-à-vis those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre; provided that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.

⁴⁹(3) In the event of merger/restructuring of the Departments, Attached Departments or Subordinate Offices, the inter se seniority of civil servants affected by the merger/restructuring as aforesaid shall be determined in accordance with the date of their regular appointment to a cadre or post.

⁵⁰(4) The inter-se-seniority of civil servants in a certain cadre to which promotion is made from different lower posts, carrying the same pay scale shall be determined from the date of regular appointment/promotion of the civil servants in the lower post.

Provided that if the date of regular appointment of two or more civil servants in the

⁴⁷ Substituted for the words appointment to a post in the same basic pay scale in a cadre by Notification No. SOR-I(S&GAD)4-1/80, dated 17-05-1989.

⁴⁸ The words inserted by Notification No. SOR-I(S&GAD)4-1/80/II, dated 04-02-1996.

⁴⁹ Sub-rule (3) of Rule 17 added vide Notification No. SOR-I(E&AD)4-1/80/IV, dated 28-5-2002.

⁵⁰ Sub-rule (4) of Rule 17 added vide Notification No. SOR-VI (E&AD) 1-3/2008 dated 19-11-2009.

lower post is the same, the civil servant older in age, shall be treated senior.

18. General Rules: - In all matters not expressly provided for in these rules, civil servants shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to them.

19. Repeal:- The ⁵¹[Khyber Pakhtunkhwa] Civil Servants (Appointment, Promotion and Transfer) Rules, 1975, are hereby repealed.

(Authority; No. SORI(S&GAD)4-1/80, dated 13th May, 1989)

⁵¹ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

محضو، جناب قابل قدر ڈی۔ ای۔ او صاحب محکمہ تعلیم ضلع سوات

عنوان: سنیارٹ لسٹ میں ترمیم کی اپیل

جناب عالی!

گزارش کی جاتی ہے کہ بندہ آپ کے زیر سایہ SCT پوسٹ پر ڈیوٹی سرانجام دے رہا ہے۔ بندہ تیس سالوں سے سی ٹی پوسٹ ہے۔ لیکن سنیارٹ لسٹ میں 10 بندوں سے کمزور تھکے کی طرف دھکیل کر جوئیہ کر دیا ہے۔ لہذا آپ صاحبان میری باتی فرما کر سنیارٹ لسٹ پر ہمدردانہ غور کیا جائے تاکہ حقدار کو اپنا حق مل سکیں۔

Rasool Khan

15/01/2021

العارض
ایکانتا بعدار ومانبرو
شوکن علی SCT
15-01-2021

نوٹ: سنیارٹ لسٹ میں نمبر 54 پر جو بندہ شمشیر علی ولد باقوت خان ہے وہ مجھ سے جوئیہ ہے۔

Annexure "D"

SARHAD UNIVERSITY

OF SCIENCE & INFORMATION TECHNOLOGY PESHAWAR

SUIT

25
Annexure I

DMC No. SU/ 36649

Detailed Marks Certificate

Annual 2006



Student's Name Shamsher Ali Roll No. 05-AE-00992
 Father's Name Yaqoot Khan Registration No. SUIT-05-AN-67030
 Programme Certificate in Teaching Part No. 2

Courses	Max Marks	Marks Obtained		Remarks
		In Fig.	In Words	
Counseling, Testing & Evaluation	100	081	Eighty One	Pass
Theory & History of Education	100	088	Eighty Eight	Pass
General Methodology & Preparation of Teaching Aids	100	060	Sixty Only	Pass
School & Community Development	100	056	Fifty Six	Pass
Child Development	100	056	Fifty Six	Pass
Organization of Elementary Edu. & School Management	100	057	Fifty Seven	Pass
Teaching Methods of Science	100	082	Eighty Two	Pass
Teaching Methods of Social Studies/Pak Studies	100	064	Sixty Four	Pass
Teaching Methods of Islamiyat / Islamic History	100	089	Eighty Nine	Pass
Teaching Methods of Mathematics	100	080	Eighty Only	Pass
Teaching Practice - CT	200	180	One Hundred and Eighty Only	Pass
Total	1200	893	Eight Hundred Ninety-Three	Pass

Ali Shah
 PRINCIPAL
 GCMHSS Wadudia
 Saidu Sharif Swat.

General Remarks The Examination was passed as a Whole in 1st division

Exam held 28-Jun to 28-Jul, 2006 Result declared September 27, 2006 Date of issue August 03, 2021

Shamsher Ali
 Dean

(Certificate Completed)

Zanir
 Controller of Examinations

(Errors and omissions are subject to subsequent rectification)