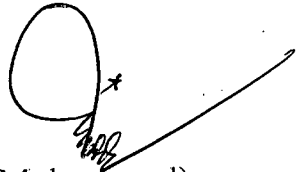


16.11.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Murad Ali Shah, ADO for the respondents present.

Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments. Last opportunity is granted. To come up for reply/comments as well as preliminary hearing on 15.12.2022 before S.B.




(Mian Muhammad)
Member (E)

SCANNED
KPOT
Peshawar

21.07.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

It is evident from the previous order sheet dated 16.05.2022 that the respondents department had been given last chance for submission of reply/comments. Despite last chance, the respondent department could not submit the requisite reply/comments today. Learned Additional Advocate General appeared on behalf of the respondents at fault and requested for yet another chance enabling him to contact and consult the respondents to submit reply/comments. The request is acceded to but as last chance whereafter coercive measures ^{shall} invariably be initiated against the respondents at fault. Adjourned. To come up for reply/comments as well as preliminary hearing on 10.10.2022 before S.B.




(Mian Muhammad)
Member (E)

10.10.2022

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

File to come up alongwith connected Service Appeal No. 7486/2021 titled "Hameed Ullah Vs. Government of Khyber Pakhtunkhwa" on 16.11.2022 before S.B.



(Fareeha Paul)
Member (E)

02.02.2022

Junior of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Add: AG for respondents present. Preliminary arguments could not be heard due to learned Member (Executive) Mian Muhammad is on leave. To come up for preliminary hearing on 05.04.2022 before S.B.


Reader

05.04.2022

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

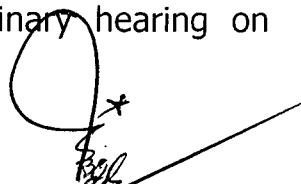
Written reply/comments on behalf of respondents have not been submitted. Learned Additional Advocate General seeks time to furnish reply/comments. Request is accepted. To come up for written reply/preliminary hearing on 16.05.2022 before S.B.


Chairman

16.05.2022

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

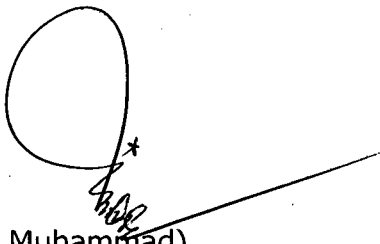
Learned AAG seeks time to furnish written reply/comments. Last opportunity is granted. To come up for written reply/comments as well as preliminary hearing on 21.07.2022 before S.B.


(Mian Muhammad)
Member (E)

30.11.2021

Counsel for the appellant present. Preliminary arguments have been heard.

Learned counsel for the appellant is aggrieved of the impugned act of the respondents for not considering the service of appellant as qualified Drawing Master from the date of his first entry into service i.e 14.11.1994. Based thereon the impugned seniority list dated 20.03.2016 was issued w.e.f the promotion of appellant as SST (BS-16). He submitted departmental appeal on 14.07.2017. However, without waiting for order on his departmental appeal, the appellant approach^{ed} the Peshawar High Court in writ petition which was disposed of on the basis of jurisdiction, on 19.05.2021 where-after the appellant filed the instant service appeal in the Service Tribunal on 25.08.2021. As the question of limitation arises i.e whether limitation is to be counted from the date of submission of his departmental appeal or from the date of choosing the wrong forum in writ petition which stands disposed of on 19.05.2021? It would, therefore, be appropriate to issue a pre-admission notice to the official respondents to submit their reply/parawise comments and assist the Tribunal. Adjourned. To come up for preliminary hearing on 02.02.2022 before S.B.

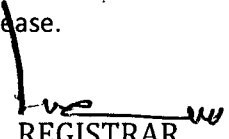


(Mian Muhammad)
Member(E)

Form- A

FORM OF ORDER SHEET

Court of _____


Case No.- _____ /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/09/2021	<p>The appeal of Mr. Muhammad Ali resubmitted today by Syed Ghufuranullah Shah Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>30/11/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

Reference to your reply submitted in response to our observations, it is reiterated that the objections/observations raised by this office at serial no. 2 has not been removed and still stand. Therefore appeal in hand is returned for removing the above mentioned observation and resubmission within 15 days.

No. 1735 /S.T,

Dt. 02/09 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Syed Ghufan Ullah ASC.

Respected Sir,

That on page 23 of the subject appeal, the covering letter about the representations of the appellant is available which has been submitted before Peshawar High Court Peshawar in W.P No 3310/2017. Furthermore; the subject appeal is being submitted upon the direction of Peshawar High Court Peshawar dated 19-05-2021, therefore, the subject objections may kindly be removed and the appeal be placed before the Hon'ble Tribunal.

Advocate

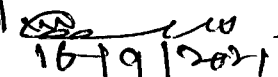
Respected Sir,

To remove the objections; we need further time

⑮ days time further extended.

Advocate

16/09/21



16/09/2021

The appeal of Mr. Muhammad Ali, SDM, GHSS Moughlasht, District Chitral presented today i.e. on 25.08.2021 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- Copy of promotion order mentioned in Annexure C of the memo of appeal is incomplete which may be completed.
- 2- Original application/representation to competent authority mentioned in Annexure F may also be submitted with the appeal.
- 3- Certificate be given to the effect that appellants has not been filed any service appeal earlier on the subject matter before this Tribunal.

No. 1688 /S.T,

Dt. 26/08 /2021

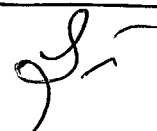

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Syed Ghufuran Ullah Shah ASC.

Respected Sir,

- ① Objection 1 is concerned, it is stated that the said document is a better copy, which was earlier annexed with the writ petition, has not available, hence will be provided at the time of arguments with the prior permission of this Hon'ble Tribunal.
- ② Objection 2 is concerned, it is stated that there are six number of Service Appeals. A proper document is already attached with the Service Appeal filed "Nasir Ullah vs Govt etc", therefore, requested to you to may kindly be placed it before the Hon'ble Tribunal.
- ③ Objection 3 has properly been removed.

Advocate.



**BEFORE THE KHYBER PAKHTUNKHUWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No: _____ 2021

MUHAMMAD ALI

VERSUS

GOVERNMENT OF KHYBER PAKHTUNKHWA (KPK) THROUGH
CHIEF SECRETARY AT CIVIL SECRETARIAT PESHAWAR AND
OTHERS

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Appellant

Through

Syed Ghufrani Ullah Shah
(Advocate Supreme Court of Pakistan)

&

Changez Khan
(Advocate Peshawar)

Office Address: 22-A Nasir Mension, Railway road Peshawar.

Cell # 0334-9185580/03339351777

BEFORE THE KHYBER PAKHTUNKHUWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No: _____ 2021

MUHAMMAD ALI S/O RAHIM BAIG R/O POST OFFICE SHOGHORSEEWAKHT TEHSIL & DISTRICT CHITRAL PRESENTLY WORKING AS SDM IN BPS-16 AT GMS MOUGHLASHT DISTRICT CHITRAL

.....Appellant

V E R S U S

1. GOVERNMENT OF KHYBER PAKHTUNKHWA (KPK) THROUGH CHIEF SECRETARY AT CIVIL SECRETARIAT PESHAWAR.
2. SECRETARY ELEMENTARY AND SECONDARY EDUCATION GOVERNMENT OF K.P.K AT CIVIL SECRETARIAT PESHAWAR.
3. DIRECTOR ELEMENTARY & SECONDARY EDUCATION KHYBER PUKHTUNKHUWA PESHAWAR.
4. DISTRICT EDUCATION OFFICER DISTRICT CHITRAL, LOWER.
5. DISTRICT EDUCATION OFFICER DISTRICT CHITRAL, UPPER.
6. SECRETARY FINANCE GOVERNMENT OF K.P.K AT CIVIL SECRETARIAT PESHAWAR.
7. SYED SHAHAB UD DIN S/O SHER AMIN KHAN R/O CHITRAL PRESENTLY POSTED AS SDM IN BPS-16 AT GHS USOOM, DISTRICT CHITRAL, UPPER.
8. MANZOOR AHMAD S/O AMIR MUHAMMAD R/O CHITRAL PRESENTLY POSTED AS SDM IN BPS-16 AT GHS G/CHASGMA DISTRICT CHITRAL, LOWER.
9. GHULAM AMBIA S/O ABDUL HAKEEM R/O CHITRAL PRESENTLY POSTED AS SDM IN BPS-16 AT GHS MIRAGRAMNO. 1 DISTRICT CHITRAL, UPPER.
10. SYED MEHMOOD UL HASSAN S/O M. SAEED ULLAH R/O CHITRAL PRESENTLY POSTED AS SDM IN BPS-16 AT GHS TAR DISTRICT CHITRAL, LOWER.
11. SIDDIQ UR REHMAN S/O REHMAT NIGAH R/O CHITRAL PRESENTLY POSTED AS SDM IN BPS-16 AT GHS NISHKOH DISTRICT CHITRAL, UPPER.
12. SAIF ULLAH JAN S/O WAZIR AKBAR R/O CHITRAL PRESENTLY POSTED AS SDM IN BPS-16 AT GHS RACH DISTRICT CHITRAL, UPPER.
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14. SAIF ULLAH S/O AMITR ULLAH R/O CHITRAL PRESENTLY POSTED AS SDM IN BPS-16 AT GHS GARAM CHASHMA DISTRICT CHITRAL, UPPER.

15. MEHBOOB UL HAQ S/O MAULA NIGAH R/O CHITRAL PRESENTLY POSTED AS SDM IN BPS-16 AT GHS ZONGROANGRAM DISTRICT CHITRAL, UPPER.
16. NAZIR AHMAD KHAN S/O M. SARDAR ALI KHAN R/O CHITRAL PRESENTLY POSTED AS SDM IN BPS-16 AT GHS CHUINJ DISTRICT CHITRAL, UPPER.

.....Respondents

APPEAL U/S 4 OF KPK, SERVICE TRIBUNAL ACT 1974 IN COMPLIANCE OF ORDER AND JUDGEMENT OF PESHAWAR HIGH COURT PASSED IN W.P NO.3110-P/2017 AGAINST THE IMPUNGNE ACT AND OMISSION OF RESPONDENTS NOT TO CONSIDER THE SERVICE OF APPELLANT AS QUALIFIED DRAWING MASTER (DM) FROM THE DAY OF HIS FIRST APPOINTMENT i.e. 14-11-1994 AND TO EXCLUDE HIS UNTRAINED SERVICE OF (04 YEARS & 06 MONTHS) IN THE IMPUNGNE SENIORITY LIST DATED 20-03-2016 ; WITH EFFECT TO PROMOTE HIM AS SECONDARY SCHOOL TEACHERS (BPS-16) AGAINST THE 04 % RESERVED QUOTA UNDER NOTIFICATION No. SO (PE)4-5/SSRC/TEACHING CADRE DATED 24TH JULY,2014. .

PRAYERS:

ON ACCEPTANCE OF THE SUBJECT APPEAL RESPONDENTS MAY KINDLY BE DIRECTED TO COUNT SERVICE OF THE APPELLANT AS DRAWING MASTER FROM FIRST DAY OF HIS APPOINTMENT i.e. 14-11-1994 INSTEAD OF DATE OF ACQUIRING TRAINING i.e 11-05-1999 FOR ALL SERVICE PURPOSES INCLUDING SENIORITY AND PROMOTION RESULTANTLY TO MODIFY / CORRECT THE IMPUNGNE SENIORITY LIST DATED 20-03-2016 WITH EFFECT TO PROMOTE THE APPELLANT AS SECONDARY SCHOOL TEACHER (BPS -16) AGAINST THE SPECIFIED QUOTA ON HIS TERM WITH ALL SUBSEQUENT BENEFITS . ANY OTHER RELIEF WHICH DEEMS JUST AND PROPER MAY ALSO BE GRANTED TO THE APPELLANT KEEPING IN VIEW FACTS AND CIRCUMSTANCE OF THE CASE.

Respectfully Sheweth:

Brief facts and grounds giving rise to the instant Service Appeal are as under;

1. That Appellant was firstly appointed as Drawing Master BPS-09 on 14-11-1994. (Copy of appointment letter is Annexure "A")
2. That at the time of his appointment, the appellant was un trained because at the relevant time it was in practice to appoint teachers on general educational degrees/certificates and later on to train them in their terms in accordance with the capacity of the concerned Training

Schools resultantly, the appellant was trained by Respondents department on 11-05-1999 on his term after about (04 Years an 06 months). It is pertinent to mention here that presently KP Government has also adopted the training procedure like practiced in the relevant time when appellant was appointed.

3. That vide Notification of Finance Department bearing No. FD (PRC) 5-2/2002 dated 30-03-2009; all the annual increments were granted to the appellant; hence treated as trained Teachers from day of his first appointments.

(Copy of Notification dated 30-03-2009 is annexed as Annexure "B")

4. That although, the appellant was upgraded in the same cadre of post (DM) and are presently working at BPS-16 (Senior Drawing Master) but have never been promoted to next cadre throughout his career of long service due to variation in Government policies from time to time. (Copy of up gradation Order is annexed as annexure "C")

5. That according to applicable Policy / Notification issued by Elementary and Secondary Education Government of K.P.K dated 24th July, 2014; 04% posts of Senior English Teachers (BPS-16) are to be filled on the basis of Seniority Cum fitness amongst the Senior Drawing Masters with at least five years service and having qualification of at least second class Bachelor degree in the relevant subject along with B.Ed. (Copy of Notification dated 24-07-2014 is annexure "D")

6. That the Appellant being qualified according to the subject notification is duly qualified to be appointed as Senior English Teacher (BPS-16) against the 04 % reserved quota having Bachelor Degree along with the required B.Ed /M.Ed training beside being seniors on the basis of their first day of appointment as DM.

7. That for the afore mentioned purpose Respondents have prepared the impugned seniority list whereby the service of the appellant has been counted from the date of acquiring training instead of his first appointment and incumbents juniors to the appellant have been recommended for promotion to Senior English Teacher (BPS-16). (Copy of impugned Seniority List is annexure "E")

8. That the appellant properly approached Respondents through different applications/representation to count their service from date of his first appointment and to recommend for promotion to the subject posts but in vain. (Copies of applications are annexed as Annexure "F")
9. That appellant challenged the impugned Seniority criteria before the Peshawar High Court Peshawar in W.P No.3310-P/2017 ,wherein the appellant has been directed to approach this Honorable Tribunal; hence the subject Service appeal amongst the following grounds inter alia; (Copy of Writ Petition along with order & judgment is annexure "G")

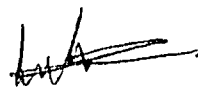
GROUND:

- a. That the impugned Seniority list and criteria for determination of seniority by respondents; is against Rule, 17 of the Civil Servants (Appointment, Promotion and Transfer) Rules 1989.
- b. That admittedly the appellant is serving with respondent department as Drawing Master (DM) from the day of his first appointment and there is no distinction between trained and untrained teachers with effect to consider and count his tenure of service for further promotion, therefore act of respondents to exclude the untrained tenure of service of appellant is in effective upon his entitled rights in performance of Government Service.
- c. That it is also admitted fact that through Notification bearing No. FD (PRC) 5-2/2002 dated 30-03-2009 issued by Government of KPK Finance Department all the annual increments were granted to the appellant ; hence treated as trained Teacher from day of his first appointment.
- d. That Supreme Court of Pakistan in some connected Civil Appeals No.398 to 405-L/2010 (Abdul Hameed and others VS Special Secretary Education, Government of Punjab and others) vide order/judgment dated 09-03-2016 has held that no distinction can be drawn between the un trained and trained teachers with effect to ancillary privileges of the service.
- e. That admittedly the requirements of notification against the reserved quota never distinguish between trained and untrained DMS with effect to determine qualification about appointment as

SET through promotion, therefore the impugned Seniority List with effect to exempt the untrained services of the appellant is illegal and void.

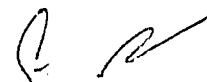
- f. That respondents violated Article, 4 of the Constitution of Islamic Republic of Pakistan, 1973 with its heading "Rights of Individual to be dealt with in accordance with the Law" because in order to ensure merit in promotion of Civil Servant it is mandatory for respondents to comply with the applicable Law in fair, equal and lawful manner as well as prohibitory for them to act in a manner which is not admissible in law/rules; hence their such act and omission is un warranted under the Constitution.
- g. That according to Article, 25 of the Constitution of Republic of Pakistan, 1973 all citizens are equal before Law and are entitled to equal protection of Law but the respondents violated this Article of the Constitution, because admittedly the appellant is senior in service as compared to incumbents recommended for promotion.
- h. That act of respondents with effect to avoid applicable law on the subject and their omission to accept applications for correction of the same is in clear cut violation of Article, 27 of the Constitution of Islamic Republic of Pakistan, 1973 with its heading "Safe Guard against discrimination in services".
- i. That any other grounds will be furnished at the time of final arguments with the prior permission of this Honorable Tribunal.

Therefore, it is, most humbly prayed that the instant service appeal be accepted as prayed for.




Appellant

Through



Syed Ghufran-Ullah Shah
(Advocate Supreme Court of Pakistan)

&



Changez Khan
(Advocate Peshawar)

15A

CERTIFICATE

It is certified that no other Service Appeal on the same subject has been filed before this Honorable court.


Counsel

BEFORE THE KHYBER PAKHTUNKHUWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No: _____ 2021

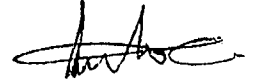
MUHAMMAD ALI

VERSUS

GOVERNMENT OF KHYBER PAKHTUNKHWA (KPK) THROUGH
CHIEF SECRETARY AT CIVIL SECRETARIAT PESHAWAR AND
OTHERS

AFFIDAVIT

I, Muhammad Ali S/O Rahim Baig R/O Post Office Shoghorseewakht Tehsil & District Chitral presently Working As Dm In Bps-1⁶ At GMS Moughlasht District Chitral do hereby solemnly verify on Oath that all the contents of the subject appeal are true and correct to the best of my knowledge and belief.



DEPONENT.

BEFORE THE KHYBER PAKHTUNKHUWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No: _____ 2021

MUHAMMAD ALI

VERSUS

GOVERNMENT OF KHYBER PAKHTUNKHWA (KPK) THROUGH
CHIEF SECRETARY AT CIVIL SECRETARIAT PESHAWAR AND
OTHERS

ADDRESSES OF PARTIES

APPELLANT:

MUHAMMAD ALI S/O RAHIM BAIG R/O POST OFFICE SHOGHORSEEWAKHT TEHSIL & DISTRICT CHITRAL PRESENTLY WORKING AS SDM IN BPS-16 AT GMS MOUGHLASHT DISTRICT CHITRAL.

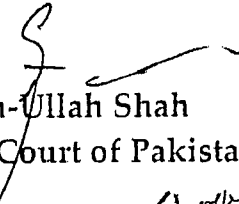
RESPONDENTS:


1. GOVERNMENT OF KHYBER PAKHTUNKHWA (KPK) THROUGH CHIEF SECRETARY AT CIVIL SECRETARIAT PESHAWAR.
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16. NAZIR AHMAD KHAN S/O M. SARDAR ALI KHAN R/O CHITRAL PRESENTLY POSTED AS SDM IN BPS-16 AT GHS CHUINJ DISTRICT CHITRAL, UPPER.


Appellant

Through


Syed Ghufuran-Ullah Shah
(Advocate Supreme Court of Pakistan)


Changez Khan
(Advocate Peshawar)

APPOINTMENT ORDER.

(9)

Amended 'A'

Consequent upon the advertisement published in the Daily News paper Mashriq dated 26.5.94, Interview shikah held wef 28.6.94 to 30.6.94 by the Departmental Selection Committee Malakand Division Saidu Sharif, and merit list drawn according to the Govt: Rules and law bearing No. SO- (S&GAD)1-117(9)(C) Regulation wing dated 12th October 1993 and No. SOS (III)S&GAD/2(9) dated 24.4.95 read with SOR-K(S&GAD)4.1.75 dated 11th February 1997, the appointment of the following candidates are hereby ordered in B-9 Rs:1605/-fixed plus usual allowances and fringe benefits admissible to Govt: servants as per prescribed rules with effect from the date of taking over charge against the post shown against their names on the following terms and conditions:-

S. No. / M. No.	Name of Candidate / Parentage / Address / Qualification	Merit Marks	School where posted	Remarks
1. 42	Mir Ajam Khan S/O Miral Arab, BA R/O Mastuj, Chitral. ✓	56	GMS: Booni,	Against vacant DM post.
2. 43	Khan Bahadar S/O Qalandar, BA R/O Hanjar, Buner. ✓	56	GMS: Rega, Buner.	-do-
3. 44	Moor Din S/O M. Bal, PA R/O Kujju, Chitral. ✓	56	GMS: Warimoon.	-do-
4. 45	Syed Shafiqul Ikram S/O Syed Rahmat R/O Mastuj, Chitral (PA). ✓	56	GMS: Rayeen, Chitral.	-do-
5. 46	Mohdud Din S/O Hadimur, PA R/O Kujju, Chitral. ✓	56	GMS: Qalangal, Chitral.	-do-
6. 47	Mohd Nabi S/O Shah Wazir Khan, PA R/O Ayun, Chitral. ✓	56	GMS: Bagh, Buner.	-do-
7. 48	Mohd Jehangir S/O Jamaldar, PA R/O Seen, Chitral. ✓	56	GMS: Sownai, Dir.	-do-
8. 49	Mohd Ali S/O Rahim, PA R/O Laskoh, Chitral. ✓	56	GMS: Shalbandar, Buner.	-do-
9/50	Iqbaluddin S/O Abdul Qadir, PA R/O Warden, Chitral. ✓	56	GMS: Asharai, Swat.	-do-
10/51	Rashid Ali S/O Nawsherawan, PA R/O Chaklana, Swat.	56	GMS: Alamibanda, Buner.	-do-
11/52	Nisar Hussain S/O Nazrat Hussain, PA R/O Tindagan, Swat.	56	GMS: Marghuzar, Swat.	-do-
12/53	Alamgir S/O Mohd Azim Khan, PA R/O Manglor, Swat.	56	GMS: Torwall, Swat.	-do-
13/54	Shafiqat Ali S/O Mohd Saboor, PA R/O Chaklana, Swat.	56	GMS: Ateshkotkay, Swat.	-do-
14/55	Khalid Khan S/O Gul Khan, PA R/O Bani, Swat.	56	GMS: Arain, Swat.	-do-
15/56	Mohd Amin S/O Mangwar, PA R/O Galoch, Swat.	56	GMS: Talang, Swat.	-do-
16/57	Fazal Subhan S/O Fazal Karim, PA R/O Charbagh, Swat.	56	GMS: Charma, Swat.	-do-
17/58	Saeedullah S/O Qazi Mohd, PA R/O Bangal, Chitral.	56	GMS: Bashigram, Chitral.	-do-
18/59	Shah Gulab S/O Hussain Khan, PA R/O Kityral, Dir.	56	GMS: Asegay, Dir.	-do-
19/60	Shakir Ahmad S/O Shah Wali Khan, PA R/O Ujnu, Chitral. ✓	56	GMS: Reech, Chitral.	-do-

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TERMS & CONDITIONS.

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1. Their appointments are purely temporary and as a stopgap arrangement and liable to termination and reversion at any time without cause or any reason.
2. In case of resignation, they will have to submit one month prior notice to the appointing authority or forfeit one month's pay in lieu of to the Govt. of N.W.F.P.
3. All original Educational/Professional certificates should be checked thoroughly before handing over charge if necessary, it should be certified/verified from the institutions concerned as the certificate degree is authentic or not. This is Must.
4. Their attested photo copies/typed copies of all certificates/character certificates, Medical certificates of physical fitness issued by authorized Civil Surgeon/Medical Officer/verification of their antecedents from concerned D.S.F should be retained on their personal files and a complete file submitted to this office along with charge report by the Principal/Headmaster concerned as well as to D.E.O's offices.
5. They are liable to be posted anywhere in Malakand Division and shall not be transferred from their present place of posting before maturation of tenure of two/three years continuous and satisfactory service.
6. Their age should not exceed $25 + 2 = 27$ years.
7. If the above mentioned conditions are acceptable to them. They shall be given charge within a week and undertaking be obtained & placed on his personal file and a copy be sent to this office for record.
8. No RA/RE is allowed.
9. They will have to vacate the post for trained teachers/candidates and he should undergo any further training within 3 years and qualify himself for the post within two years.

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(MAZROOF SALAM);
 DIRL: DIRECTOR SECTY: EDUCATION,
 MALAKAND DIVISION,
 AT GUL KADA (SWAT).

Encl: No. 2403-10 /A-12/ Appts: Dated 14/11 /1954.

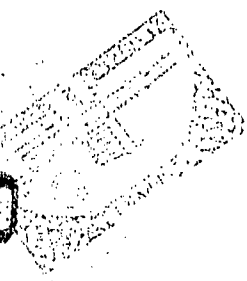
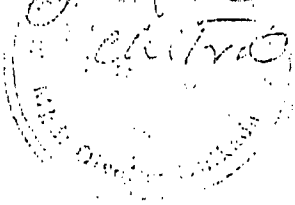
Copy forwarded to the:-

- 1- District/Agency Officers concerned.
- 2- District Education Officers (M) Secondary concerned.
- 3- Principal GHSS/GHS, Headmasters concerned.
- 4- Supt. (R) local office.
- 5- Candidates concerned.
- 6- Personal file.
- 7- Host file.

Handwritten signatures:
 Jald Ali 870 Rahim
 Brig. R/O Latkan
 Chitra

Handwritten signature: Mazroof Salam
 DIRL: DIRECTOR SECTY: EDUCATION,
 MALAKAND DIVISION,
 AT GUL KADA (SWAT)

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Annex - "B" is
(11)

GOVERNMENT OF N.W.F.P.
FINANCE DEPARTMENT
(REGULATION WING)

NO.FD (PRC) 5-2/2002
Dated Peshawar the: 30-03-2009

To: The Secretary to Govt. of NWFP,
Elementary & Secondary Education,
Peshawar.

Subject: GRANT OF ANNUAL INCREMENT / RUNNING
PAY TO UNTRAINED TEACHERS IN THE LIGHT
OF SUPREME COURT JUDGEMENT.

Dear Sir,

I am directed to refer to your letter NO.SO (B&A) 1-16/08/
Advance Increment dated February 27, 2009 on the subject noted above and
to state that the Provincial Government is pleased to allow the benefit of
annual increments to the untrained teachers from the date of their regular
appointment.

No arrears shall however, be admissible / payable prior to the
date of issuance of this circular.

(ABDUL JABBAR)
SECTION OFFICER (SR-1)

Encls: of even No. & date.

Copy for information & necessary action to the:

1. Accountant General NWFP.
2. All District Coordination Officers.
3. All District / Agency Accounts Officers NWFP / FATA.

SECTION OFFICER (SR-1)

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DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR

Ph No. 091-9210389, 9210938
9210437, 9210957, 9210468
Fax 091-9210936, 0800-33857
Email: rafiq-kk851@yahoo.com

NOTIFICATION

Consequent upon the recommendations of the Department Promotion committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No.SO(B&A)/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 DMs B-15 are hereby promoted to the post of Senior DM 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 condition given below with immediate effect and further they will be posted in the Government Higher Secondary/ Higher Secondary/ High Schools by the district education Officers concerned against the newly upgraded Senior DM BPS-16 posts:-

Total No. of DM (M) posts duly verified by the DAO	109
1/3 SHARE OF Senior DM Posts	36
Share of promotion 100%	36
Promoted to the post of Senior DM B-16	36

S.#	Name	Place of posting	Date of Birth	Remarks
1.	Mashkoor Hussain	GHS Balach	11.12.1959	Services placed at the disposal of DEO (M) Chitral for further posting
2.	Rahman Wali shah	GMS Kalkatak	04.01.1968	-do-
3.	Sahib Ud Din	GMS Miryarm	15.04.60	-do-
4.	Sardar Hussain	GHS Chumorkhan	12.07.1964	-do-
5.	Rahmat Ullah	GMS Secnlusht	15.02.64	-do-
6.	Sardar Azam Khan	GMS Washich	20.02.63	-do-
7.	Aziz Ud Din	GMS Orghuch	12.01.1956	-do-
8.	Aziz Ur Rahman	GMS Parkusap	06.05.1961	-do-
9.	Mohammad Ayub Khan	GMS Riri Owir	15.01.67	-do-
10.	Siraj Ud Din	GMS Jinirale Kuh	26.02.62	-do-
11.	Mohammad Sami Ul Haq	GHS Kosht	08.06.1965	-do-
12.	Israr Nabi	GHS Parabeg	01.07.1965	-do-
13.	Amin Ullah Khan	CGMHS (B) CHt	01.03.1967	-do-
14.	Sahib Rahim	GHS Broze	12.07.1965	-do-
15.	Mohammad Afzal	GMS Kuri	18.02.65	-do-
16.	Shafur Rahman	GMS T/ Pavecn	03.03.1969	-do-
17.	Barkat Shah	GMS Shuno	02.04.1970	-do-
18.	Farooz Khan	GHS Mroi	29.06.65	-do-
19.	Hussain Ullah Khan	GMS Ursoun	01.10.1967	-do-
20.	Mohammad Ghafoor	GHS Mashu	03.10.1965	-do-
21.	Farhat Ullah	GMS Lone	03.01.1969	-do-


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36.	Qurban Wli BPS-15	GHS Booni	GMS Lona	V No.35
37.	Halbullah BPS-16	GHS Workup	Retained	-
38.	Noor Mohammad BPS-16	GHS Khushum	Retained	-
39.	Mohd; Ghazi Khan GBPS-16	GMS Sortaspoor	GHS Koghuzi	V No.40
40.	Saeedullah BPS-15	GHS Koghuzi	GMS Surtaspoor	V No.39
41.	Fida Mohammad BPS-16	GHS Mada (not visible)	Retained	-
42.	Shujaud Din BPS-16	GHS Hone	Retained	-
43.	Mohd Assndullah BPS-16	GMS Birir	GHS Hone	V No.44
44.	Afzal Shah BPS-15	GHS Hone	GMS Birir	V No.43
45.	Hamidullah BPS-16	GHS Barumowir	Retained	-
46.	Ghulam Sarwar BPS-16	GMS M/ Ayun	GHS Ayun	V No.47
47.	Sanaullah BPS-15	GMS Ayun	GMS Maideh Ayun	V No.46
48.	Iqbal Afzal BPS-16	GMS Parwak	GMS Muzhgole	V No.49
49.	Saiful Karim BPS-15	GHS Muzhgole	GMS Pawak	V No.48
50.	Syed Sardar Ali Shah B-16	GMS Zhupo	GHS Brop	V No.51
51.	Mohammad Aman BPS-15	GHS Brop	GMS Zhugo	V No.50
52.	Sardar Hussain BPDS-16	GHS Chumrukong	Retained	-
53.	Zakir BPS-10	GHS Gohkir	Retained	-
54.	Sher Zam Shah BPS-10	GHS Reshun	Retained	-
55.	Nazir Ahmad Khan BPS-16	GHS Chumkon	Retained	-

TERMS AND CONDITIONS:

1. They would be on probation for a period of one year extendable for another one year.
2. They will governed by such rules and regulations as may be issued form time to time by the Government.
3. This services can be terminated at any time, in case his performance is not found satisfactory during probationary period. In case of misconduct, he shall be proceeded under the rules framed form time to time.
4. Change report should be submitted to all concerned.
5. Their inter-se seniority on lower post will remain intact.
6. No TA/ DA is allowed for joining his duty.
7. They will give an undertaking to the recorded in their service book to the effect that if any over payment is made to him in light this order will be recorded and if he is wrongly prompted, he will be reversed.

Sd/-
 Siraj Mohammad
 District Education Officer
 (Male) Chitral

Endst No.11052-82/EB(M_T-5/Tr/DM dated Chitral the 28.02.2013

- Copy forwarded for information and necessary action to the:-
1. PA to Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
 2. District Accounts Officer Chitral
 3. Principals / H/Ms concerned/ Teachers concerned

Sd/-
 DY/ DEO (M) Chitral

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Annex 'D'

Annex - 'D'



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Annexure - "3/4"

Peshawar, dated the 24th July, 2014.

P-48-51

NOTIFICATION

No.SO(PE)4-5/SSRC/Meeting/2013/Teaching Cadre:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby directs that in this Department's Notifications No.SO(G)S&L/1-2S/2003/Vol-II dated, 09-04-2004, Notification No.SO(G)S&L/1-69/06/Vol-1/DPE/LIB dated, 13-11-2007, and Notification No.SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre, dated, 13.11.2012, the following further amendments shall be made, namely:

In the Appendix,-

AMENDMENTS

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

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

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				recruitment; and (b) fifty percent by initial recruitment.
1A	Director Physical Education (BPS-17)	At least second class Master's Degree in Physical Education from a recognized University.	22-35 years	<p>(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst Senior Physical Education Teachers (BPS-16), with at least five years service as Senior Physical Education Teacher and Physical Education Teacher and having qualification mentioned in column No. 3:</p> <p>Provided that if no suitable person is available from amongst Senior Physical Education Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst the Physical Education Teachers, with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>Note:- If no suitable candidate is available in the relevant cadres of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment; and</p> <p>(b) fifty percent by initial recruitment"; and</p>

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EXAMINER

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

1	2	3	4	5
1B.	Secondary School Teacher (BPS-16)	<p>I. At least second class Bachelor Degree's from a recognized University-on need basis from the following groups with two subject</p> <p>(a) (Chemistry, Botany or Zoology), Or (b) (Physics, Maths "A" or "B" or Statistics) Or (c) (Humanities and other equivalent groups at degree level with English as compulsory subject;</p> <p>and</p> <p>II. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualifications from a recognized University.</p>	21 10.35 years.	<p>1. Seventy Five per cent by promotion, on the basis of seniority-cum-fitness, from the district concerned in the following manner:</p> <p>(a) forty per cent from amongst the Senior Certified Teachers (BPS-16), with at least five years service as Senior Certified Teacher and Certified Teacher and having qualification mentioned in column No.3:</p> <p>Provided that if no suitable candidate is available from amongst Senior Certified Teachers for promotion, then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers, with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(b) four per cent from amongst the Senior Drawing Masters(BPS-16), with at least five years service as Senior Drawing Masters and Drawing Masters and having qualification mentioned in column No.3:</p>

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				<p>Provided that if no suitable candidate is available from amongst Senior Drawing Masters for promotion, then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Drawing Masters with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(c) four per cent from amongst the Senior Arabic Teachers(BPS-16), with at least five years service as Senior Arabic Teachers and Arabic Teachers, and having qualification mentioned in column No.3;</p> <p>Provided that if no suitable candidate is available from amongst Senior Arabic Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from Arabic Teachers with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(d) four per cent from amongst the Senior Theology Teachers(BPS-16), with at least five years service as Senior Theology Teachers and Theology Teachers- and having qualification mentioned in column No.3;</p>
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				<p>Provided that if no suitable candidate is available from amongst Senior Theology Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(e) three per cent from amongst the Senior Qaris (BPS-16), with at least five years service as Senior Qari and Qari and having qualification mentioned in column No.3;</p> <p>Provided that if no suitable candidate is available from amongst the Senior Qaris then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from Qaris with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(f) twenty per cent from amongst the Primary School Head Teachers (BPS-16), with at least seven years service as Primary School Head Teachers and Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No. 3;</p> <p>Provided that if no suitable candidate is available from amongst</p>
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Primary School Head Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least seven years service as Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No.3:

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

(ii) twenty five percent by initial recruitment.

Note:
i. If no suitable candidate is available in the relevant cadre of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment.

ii. Posts of General SST and SSTs-1 Science and SST-2 Science shall be filled by promotion or initial recruitment, each on need basis separately."

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 [Signature]

(ZAMIN KHAN MOM...
 SECTION OFF...

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Annex E

Page No.

FINAL SENIORITY LIST OF DM (M) IN ELEMENTARY & SECONDARY EDUCATION CHITRAL CORRECTED UPTO 20.03.2016.

S.No	Seniority No.	Name	Father's Name	BPS	Acad.	Subject	Profess.	Division	D/o Birth	Domicile	Date of 1 st Entry into Govt. Service	D/o Appoint to the present Post	Place of Posting
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1.	1	Mashkoo Hussain	Mohammad Hussain	16	BA	2 ND Div.	DM/B.Ed	2 ND Div.	15.11.59	Chitral	10.15.81	31.03.83	GHSS;
2.	2	Hussain Ahmad	Abdul Jalil	15	SSC	2 ND Div.	DM	2 ND Div.	15.09.56	Chitral	22.09.81	16.02.84	GHS Tar
3.	3	Rahman Wali Shah	Sultan Wali Shah	16	BA	2 ND Div.	DM	2 ND Div.	01.04.62	Chitral	24.09.81	16.02.84	GHS Drosh
4.	4	Sahib Ud Din	Sher Ajab	16	BA	3 RD Div.	DM	2 ND Div.	15.04.60	Chitral	08.10.84	20.01.85	GHS Istaru
5.	5	Akhtar Hussain	M. Hussain	15	SSC	2 ND Div.	DM	2 ND Div.	20.11.62	Chitral	09.10.84	20.01.85	GMS Khuzh
6.	6	Sardar Hussain	Gul Hazar Baig	16	MA	Islamiat	DM/B.Ed	2 ND Div.	07.12.64	Chitral	09.10.84	20.01.85	GHS Ursoon
7.	7	Rahmat Ullah	Bulan Khan	16	BA	2 ND Div.	DM	2 ND Div.	15.02.64	Chitral	10.10.84	20.01.85	GHS Arkari
8.	8	Sardar Azam Khan	Sahib Ullah	16	MA	Sociology	DM	2 ND Div.	20.02.63	Chitral	01.08.85	01.08.85	GHS Shahgram
9.	9	Aziz Ud Din	Shams Ud Din	16	BA	2 ND Div.	DM	2 ND Div.	01.12.56	Chitral	01.10.86	01.10.86	GHS Kessu
10.	10	Aziz Ur Rahman	Fath Ur Rahman	16	MA	Urdu	DM/B.Ed	2 ND Div.	05.06.61	Chitral	01.10.86	01.10.86	GHS Broze
11.	11	Siraj Ud Din	Ghazi Ud Din	16	BA	2 ND Div.	DM	2 ND Div.	26.02.62	Chitral	01.06.83	17.01.90	GHS Sweer
12.	12	Mohammad Sami Ul Haq	Fazli Ilahi	16	BA	2 ND Div.	DM	2 ND Div.	06.08.65	Chitral	13.07.85	14.11.90	GHS Koshi
13.	13	Israr Nabi	Amir Wali Khan	16	BA	2 ND Div.	DM	2 ND Div.	07.01.65	Chitral	16.09.85	14.11.90	GHS Parabeg
14.	14	Amin Ullah Khan	Adalat Khan	16	MA	Urdu	DM	2 ND Div.	03.01.67	Chitral	15.12.90	15.12.90	GCMHS.(B) Cht.
15.	15	Sahib Rahim	Rahmat Karim	16	BA	2 ND Div.	DM/B.Ed	2 ND Div.	07.13.65	Chitral	20.12.90	20.12.90	GHS Burnburate
16.	16	Mohammad Afzal	Saadat Ud Din	16	BA	2 ND Div.	DM	2 ND Div.	18.02.65	Chitral	21.04.87	22.10.91	GHS Kari
17.	17	Shafiur Rahman	Masar Khan	16	MA	Islamiat	DM/B.Ed	2 ND Div.	02.03.69	Chitral	24.04.92	24.04.92	GHS Lonkoh
18.	18	Rahmat Ul Faiz	Rehman Khan	16	FA	2 ND Div.	DM	2 ND Div.	02.12.66	Chitral	12.05.92	12.05.92	GHS Kalkatgak
19.	19	Barkat Shah	Bulbul Shah	16	MA	Urdu	DM	2 ND Div.	04.02.70	Chitral	01.05.92	22.11.92	GHS Warijun
20.	20	Fairooz Khan	Purdum Khan	16	BA	2 ND Div.	DM/B.Ed	2 ND Div.	20.06.65	Chitral	11.04.93	11.04.93	GHS Mroi
21.	21	Hussain Ullah Khan	Hamid Ullah Khan	16	BA	2 ND Div.	DM	2 ND Div.	10.01.637	Chitral	18.04.93	18.04.93	GHS Ursoon
22.	22	Mohammad Ghafoor	Mohammad Nazir	16	MA	Urdu	DM/B.Ed	2 ND Div.	10.03.65	Chitral	25.04.87	25.12.93	GHS Mastuj
23.	23	Farhat Ullah	Habib Ullah	16	BA	2 ND Div.	DM	2 ND Div.	01.03.69	Chitral	15.08.87	25.12.93	GHS Booni
24.	24	Habib Ullah Khan	Mehrabi Khan	16	MA	Islamiat	DM/B.Ed	2 ND Div.	02.02.70	Chitral	21.11.88	25.12.93	GHS Werkup
25.	25	Noor Mohammad	Ghulam Rasool	16	MA	Islamiat	DM/B.Ed	2 ND Div.	01.02.63	Chitral	28.09.89	25.12.93	GHS Kushum
26.	26	Shah Riza Khan	Kahn	16	BA	2 ND Div.	DM	2 ND Div.	02.02.71	Chitral	30.09.89	25.12.93	GHS Harchin
27.	27	Mohammad Ghazi Khan	Shereen Khjan	16	BNA	2 ND Div.	DM	2 ND Div.	02.02.71	Chitral	02.02.71	29.05.94	GHS Birga Nisar
28.	28	Fida Mohammad	Dost Mohammad	16	BA	2 ND Div.	DM/B.Ed	2 ND Div.	01.05.67	Chitral	11.04.93	09.01.95	GHS Hone
29.	29	Shuja Ud Din	M. Zafar Khan	16	BA	2 ND Div.	DM	2 ND Div.	01.12.66	Chitral	01.06.87	09.01.95	GHS Hone
30.	30	Mohammad Asad Ullah	Hazrat Ullah Khan	16	BA	2 ND Div.	DM/B.Ed	2 ND Div.	05.01.65	Chitral	25.09.89	09.01.95	GHS Booni
31.	31	Mohammad Ayub Khan	Pahlawan	16	MA	Islamiat	DM/B.Ed	2 ND Div.	08.04.65	Chitral	01.10.89	09.01.95	GHS Booni
32.	32	Mir Anwar Hussain	Sher Haqan	16	BA	2 ND Div.	DM	2 ND Div.	15.01.67	Chitral	01.01.88	25.05.96	GHS Baranis
33.	33	Mohammad Qayum Shah	Yatim Shah	16	MA	Islamiat	DM/B.Ed	2 ND Div.	15.01.67	Chitral	01.01.88	25.05.96	GHS Baranis
34.	34	Hamid Ullah	Sher Ajam Khan	16	BA	2 ND Div.	DM	2 ND Div.	01.05.67	Chitral	16.05.589	25.05.96	GHS Domil
35.	35	Ghulam Sarwar	Mohammad Yousaf	16	BA	2 ND Div.	DM	2 ND Div.	01.05.67	Chitral	20.09.89	25.05.96	GHS Barumowir
36.	36	Iqbal Afzal	Sarfaraz Ul Amin	16	MA	Islamiat	DM/B.Ed	1 ST Div.	02.01.60	Chitral	20.09.89	25.05.96	GHS Ayun
									14.03.69	Chitral	23.09.89	25.05.96	GHS Ayun
									02.02.58	Chitral	05.12.89	25.05.96	GHS Sonooghur
									18.04.68	Chitral	10.12.89	25.05.96	GHS

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Table-2

37.	37.	Zakir	Sher Wali Khan	16	MA	Islamiat	DM/B.Ed	1 st Div.	12.02.68	Chitral	23.12.89	25.05.96	GHS Gohkir
38.	38	Sher Azam Shah	Namakin	16	MA	Islamiat		2 nd Div.	06.01.65	Chitral	01.04.90	25.05.96	GHS Reshun
39.	39	Syed Sardar Ali Shah	Farman Shah	16	MA	1 st Divn.	DM/B.Ed	2 nd Div.	01.04.68	Chitral	21.05.92	25.05.96	GHS Mastuj
40.	40	Nazir Ahmad Khan	Jano Mir	16	BA	2 nd Divn.	DM/B.Ed	2 nd Div.	15.02.71	Chitral	09.04.96	25.05.96	GHS Chumurkone
41.	41	Zakir Ud Din	M. Sardar Ali Khan	16	BA	2 nd Divn.	DM	2 nd Div.	20.02.68	Chitral	01.10.89	30.08.96	GHS Chuinj
42.	42	Duradona Baig	Khush Baig	16	BA	2 nd Divn.	DM	2 nd Div.	27.06.58	Chitral	15.05.83	13.05.97	GHS Muzhgole
43.	43	Qurban Wali Khan	Rahmat Wali Khan	16	BA	2 nd Divn.	DM	2 nd Div.	01.02.60	Chitral	15.04.87	13.05.97	GHS Reshun
44.	44	Salah Ud Din	Wali Khan	16	BA	2 nd Divn.	DM/B.Ed	2 nd Div.	22.03.55	Chitral	22.04.87	13.05.97	GHS Kuju
45.	45	Mahboob Ul Haq	Maula Nigah	16	MA	Islamiat	DM/B.Ed	2 nd Div.	19.04.75	Chitral	01.07.97	01.07.97	GHS Zongroangram
46.	46	Saif Ullah	Amir Ullah	16	BA	2 nd Divn.	DM/B.Ed	2 nd Div.	18.01.75	Chitral	11.07.97	11.07.97	GHS Garum Chashma
47.	47	Javeed Iqbal	Saif Ullah Khan	16	BA	2 nd Divn.	DM/B.Ed	2 nd Div.	01.02.75	Chitral	16.08.97	16.08.97	GHS Khorkashandeh
48.	48												
49.	49	Mir Ajab Khan	Noor Aziz Khan	15	BA	2 nd Divn.	DM	2 nd Div.	02.02.60	Chitral	23.09.87	27.02.98	GHS Shunu
50.	50	Shah Zaman Khan	Mohd Taib Khan	15	BA	3 rd Divn.	DM	2 nd Div.	01.01.58	Chitral	30.08.89	27.02.98	GHS Awi
51.	51	Vazl Ur Rahman	Abdul Ghani	15	BA	2 nd Divn.	DM	2 nd Div.	20.11.63	Chitral	10.12.89	27.02.98	GHS Sh/Owir
52.	52	Mir Ajam Khan	Misal Arab	15	MA	Islamiat	DM/B.Ed	2 nd Div.	12.07.68	Chitral	19.11.94	27.02.98	GHS Lasht Kosht
53.	53	Saif Ullah Jan	Wazir Arab	15	BA	2 nd Divn.	DM	2 nd Div.	12.03.73	Chitral	01.01.98	27.02.98	GHS Rach
54.	54	Siddiq Ur Rahman	Rahmat Nigah	15	BA	2 nd Divn.	DM/B.Ed	1 st Div.	07.11.76	Chitral	20.01.98	27.02.98	GHS Nishkoh
55.	55	Syed Mehmood Ul Hassan	M. Saeed Ullah	15	BA	1 st Divn.	DM/B.Ed	1 st Div.	15.10.73	Chitral	01.03.98	01.03.98	GHS Tar
56.	56	Ghulam Anbia	Abdul Hakim	15	BA	2 nd Divn.	DM/B.Ed	1 st Div.	05.02.76	Chitral	01.03.98	01.03.98	GHS Miragram No.1
57.	57	Manzoor Ahmad	Amir Mohammad	15	BA	2 nd Divn.	DM/B.Ed	1 st Div.	01.04.78	Chitral	05.04.99	01.03.98	GHS G/Choshma
58.	58	Syed Shahab Ud Din	Sher Amir Khan	15	BA	2 nd Divn.	DM	1 st Div.	10.04.67	Chitral	08.04.99	01.03.98	GHS Susoom
59.	59	Aziz Ud Din	Takbir Khan	15	MA	Islamiat	DM/B.Ed	2 nd Div.	10.04.67	Chitral	10.12.94	05.04.99	GHS Negar
60.	60	Ramazan Shah	Gul Hussan Shah	15	MA	T.Edu.	DM	2 nd Div.	06.11.73	Chitral	14.11.94	08.04.99	GHS Breshgram
61.	61	Mohammad Jahangir Khan	Jamoldar Khan	15	BA	2 nd Divn.	DM/B.Ed	1 st Div.	05.03.66	Chitral	19.11.94	11.05.99	GHS Bomborate
62.	62	Nabi Ud Din	Haji Mir	15	MA	Islamiat	DM/B.Ed	1 st Div.	01.01.71	Chitral	20.11.94	11.05.99	GHS Morilash
63.	63	Saeed Ullah	Ghazi Muhammad	15	BA	2 nd Divn.	DM	2 nd Div.	01.04.69	Chitral	21.11.94	11.05.99	GHS Koghuzi
64.	64	Noor Ud Din	Zerbali Khan	15	BA	2 nd Divn.	DM/B.Ed	2 nd Div.	10.01.72	Chitral	24.11.94	11.05.99	GHS Mogh
65.	65	Shakir Ahmad	Sher Wali Khan	15	BA	2 nd Divn.	DM	2 nd Div.	01.03.76	Chitral	24.11.94	11.05.99	GHS Ujno
66.	66	Iqrar Ud Din	Abdul Qadir	15	MA	Islamiat	DM/B.Ed	2 nd Div.	01.02.69	Chitral	24.11.94	11.05.99	GHS Shagram
67.	67	Mohammad Ali	Rahim Baig	15	BA	2 nd Divn.	DM	2 nd Div.	22.02.72	Chitral	26.11.94	11.05.99	GHS Breshgram
68.	68	Saif Ul Karim	S. Rahmat Ali Shah	15	BA	2 nd Divn.	DM	2 nd Div.	06.04.73	Chitral	10.04.96	11.05.99	GHS Parwak
69.	69	Mohammad Ilyas	Gul Mohd Khan	15	BA	2 nd Divn.	DM/B.Ed	1 st Div.	15.04.70	Chitral	09.04.99	11.05.99	GHS Melp
70.	70	Shuja Ud Din	Mirza Khan	15	MSC	P/Std	DM/B.Ed	1 st Div.	12.04.75	Chitral	10.04.99	11.05.99	GHS Hart
71.	71	Hamid Ullah	Ghulam Sarwar	15	BA	2 nd Divn.	DM/B.Ed	2 nd Div.	13.02.76	Chitral	02.03.98	11.05.99	GHS Drosh
72.	72	Abu Baker Ahmad	Mehboob Ilahi	15	MA	Islamiat	DM/B.Ed	2 nd Div.	12.05.77	Chitral	24.09.95	31.03.02	GHS Orghuch
73.	73	Mohammad Hassan Khan	Mohd Rahim Khan	15	MA	Islamiat	DM/B.Ed	2 nd Div.	01.04.71	Chitral	03.09.02	03.09.02	GHS Khot
74.	74	Abdul Basit	Rahmat Kabir	15	BA	2 nd Divn.	DM	2 nd Div.	01.03.72	Chitral	03.09.02	03.09.02	GHS Beori
75.	75	Sana Ullah Khan	Ata Ullah	15	MA	Islamiat	DM/B.Ed	2 nd Div.	01.01.74	Chitral	11.09.02	03.09.02	GHS Rumbor
76.	76	Rahmat Ullah	Rahmat Qadir Khan	15	MA	Islamiat	DM	2 nd Div.	03.02.75	Chitral	12.09.02	11.0.02	GHS Golain
77.	77	Fokhr Ud Din	Afsar Khan	15	BA	2 nd Divn.	DM/B.Ed	1 st Div.	15.01.75	Chitral	12.09.02	12.09.02	GHS Lone
78.	78	Tika Khan	Jano Yar Khan	15	BA	2 nd Divn.	DM/B.Ed	2 nd Div.	03.02.75	Chitral	12.09.02	12.09.02	GHS Shishi
79.	79	Mehmood Ali	Zarin Khan	15	BA	2 nd Divn.	DM	2 nd Div.	18.03.75	Chitral	12.09.02	12.09.02	GHS Shoghore
80.	80	Inayat Ullah	Sher Azam Khan	15	MA	Islamiat	DM/B.Ed	2 nd Div.	01.02.77	Chitral	12.09.02	12.09.02	GHS Muzhgole

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81.	81	Farid Ud Din	Munir Ud Din	15	BA	2 nd Divn.	DM/B.Ed	1 st Divn.	01.03.78	Chitral	12.09.02	12.09.02	GMS Warimoon
82.	82	Sadr Ud Din	Mir Sawat Khan	15	BA	2 nd Divn.	DM/B.Ed	1 st Divn.	04.04.78	Chitral	12.09.02	12.09.02	GMS Joghoor
83.	83	Ashraf Nabi Shah	Adina Shah	15	BA	2 nd Divn.	DM	1 st Divn.	01.08.89	Chitral	12.09.02	12.09.02	GMS Terich (p)
84.	84	Bashir Ullah	Rahmat Wali	15	MA	Islamiat	DM/B.Ed	1 st Divn.	12.10.81	Chitral	12.09.02	12.09.02	GMS Khot (p)
85.	85	Kai Khisrow	Ahmad Khisrow	15	MA	Islamiat	DM/B.Ed	1 st Divn.	25.02.82	Chitral	12.09.02	12.09.02	GMS Riri
86.	86	Haji Akbar	Syed Jalal	15	BA	2 nd Divn.	DM	2 nd Divn.	01.01.66	Chitral	28.09.86	17.09.02	GMS Prayit
87.	87	Syed Nayab Shah	Shyed Musanif Shah	15	BA	2 nd Divn.	DM	2 nd Divn.	10.10.79	Chitral	19.09.02	19.09.02	GHS Chuinj
88.	88	Mohammad Aman	Zar Aman	15	MA	Islamiat	DM/B.Ed	2 nd Divn.	20.04.66	Chitral	21.03.96	05.05.03	GMS Zhupo
89.	89	Afzal Shah	Mohd Karim Shah	15	BA	2 nd Divn.	DM	2 nd Divn.	12.02.72	Chitral	22.03.04	22.03.04	GMS Birir
90.	90	Taj Mohammad Khan	Mas Khan	15	BA	2 nd Divn.	DM/B.Ed	2 nd Divn.	12.12.78	Chitral	22.03.04	22.03.04	GHS Chumparkhon
91.	91	Nasir Ud Din	Dinar Khan	15	BA	2 nd Divn.	DM	2 nd Divn.	04.03.72	Chitral	01.04.04	01.04.04	GMS Koshi Bala
92.	92	Muslih Ud Din	Sharif Ud Din	15	BA	2 nd Divn.	DM/B.Ed	2 nd Divn.	02.01.73	Chitral	01.04.04	01.04.04	GMS jinirate
93.	93	Abdul Khaliq	Abdul Murad Khan	15	MA	2 nd Divn.	DM	2 nd Divn.	01.02.76	Chitral	01.04.04	01.04.04	GHS Bang
94.	94	Sardar Ullah Khan	Mudawar Shah	15	MA	Urdu	DM/B.Ed	1 st Divn.	30.03.81	Chitral	01.04.04	01.04.04	GMS Baleem
95.	95	Mohammad Murad	Bacha Khan	15	BA	2 nd Divn.	DM	2 nd Divn.	22.02.81	Chitral	22.07.06	22.07.06	GHS herchin
96.	96	Farooq Ahmad	Muntazim	15	BA	2 nd Divn.	DM/B.Ed	1 st Divn.	01.02.73	Chitral	24.07.06	24.07.06	GHS Ashirate
97.	97	Mohammad Yousaf	Mohammad Hanif	15	BA	2 nd Divn.	DM	2 nd Divn.	01.01.75	Chitral	24.07.06	24.07.06	GHS Madak
98.	98	Anwar Ahmad	Hussain Ahmad	15	BA	2 nd Divn.	DM	2 nd Divn.	14.01.75	Chitral	24.07.06	24.07.06	GHS Krinj
99.	99	Aziz Ullah	Saeed Ullah	15	BA	2 nd Divn.	DM	2 nd Divn.	15.05.75	Chitral	24.07.06	24.07.06	GMS Terich P
100.	100	Jamil Ahmad	Sher Wali Khan	15	MA	Islamiat	DM/B.Ed	2 nd Divn.	15.10.81	Chitral	24.07.06	24.07.06	GMS Sor Rech
101.	101	Sajid Ullah	Mehmood Shah	15	BA	2 nd Divn.	DM/B.Ed	1 st Divn.	06.03.82	Chitral	24.07.06	24.07.06	GMS Sakt
102.	102	Mohd Nazir Khan	Qadir Khan	15	BA	2 nd Divn.	DM	2 nd Divn.	01.01.79	Chitral	12.10.06	12.10.06	GMS Kalkatak
103.	103	Azhar Ullah	Shoukat Ali Khan	15	BA	2 nd Divn.	DM	2 nd Divn.	15.04.87	Chitral	25.02.09	25.02.09	GMS Dizg
104.	104	Sardar Mohd Rashid	Sheikh Ul Islam	15	BA	1 st Divn.	DM	2 nd Divn.	15.12.79	Chitral	02.03.09	02.03.09	GMS Jinirate
105.	105	Muhib Ullah	Abdul Qayum	15						Chitral	07.06.14	07.06.14	GMS Parsan
106.	106	Burhan Ud Din	Farid Khan	15						Chitral	07.06.14	07.06.14	GMS Arandu
107.	107	Abdur Rashed	Abdur Rashid	15						Chitral	07.06.14	07.06.14	GMS L/ Yarkhoon

CERTIFICATE

Certified that this Seniority list is final/ undisputed, non subjudious and all the DM (M) teachers working district Chitral are included in this final seniority list.

ATTESTED

Sd/-
District Education Officer (Male)
Chitral

بذمت صاحب ڈپارٹمنٹ صاحب ڈپارٹمنٹ ایگزیکیوٹو ایڈمنسٹریٹو سیکرٹری ایجوکیشن خیبر پختونخوا۔
 بواسطہ صاحب ڈی۔ ای۔ او صاحب ڈپارٹمنٹ ایڈمنسٹریٹو سیکرٹری ایجوکیشن (میں) چترال۔
 عنوان: درخواست برآمد سینارٹی لیٹ بلقان ابتدائی تقرری۔

ADD (Est) 14/7/2017
 Mr

1۔ سروانہ گزارش ہے کہ سائلین کے سائلوں کے لیے مکمل تعلیم دینے کی حیثیت ڈراماٹک اسٹریڈ
 تعینات ہو چکے اور چترال کے مختلف سکولوں میں خدمات انجام دیتے آ رہے ہیں۔
 2۔ یہ کہ سائلین کی پہلی تقرری آن ٹرین بنیاد پر ہوئی اور حکمہ تعلیم کی طرف سے مذکورہ
 کو ٹریننگ لینے کوئی حکم بھی کئی سالوں تک نہیں ہوئی تاکہ ٹریننگ کرائس اور ڈوسٹ DM
 جویم سے جوئیئر کے آن ٹریننگ پر بھیج دیا گیا۔ بعد سپریم کورٹ آف پاکستان کے فیصلہ
 01-03-2017 کی روشنی میں آن ٹرین پیریڈ داساتذہ کو سینارٹی بلقان ابتدائی تقرری
 دینے کا حکم دیا گیا ہے۔ حکم نامہ نمبر سپریم کورٹ آف پاکستان درخواست ہڈا کے
 ساتھ منسلک ہے۔

3۔ یہ کہ ہم مذکورہ ESTA CODE خیبر پختونخوا ذیلی دفتر (3) کے در سے
 تافز کورپر سینارٹی کے حقدار ہیں۔
 4۔ یہ کہ حال ہی میں PEO چترال آفس میں سینارٹی لیٹ بنا کر وقت مذکورہ کے تاریخ تقرری
 کو نظر انداز کرتے ہیج سے ہیج سے جوئیئر کو سینارٹی لیٹ میں آئے لائن کی ہیں۔ حالانکہ یہ
 قانون کے خلاف ہے۔

لہذا درخواست ہے کہ صاحب والا مذکورہ حقائق کی روشنی میں (سپریم کورٹ کے فیصلے)
 کی روشنی میں مذکورہ کی سینارٹی لیٹ کو درستگی کا حکم صادر فرما کر مشکور فرمائیں۔
 العارضہ خدیجان

- 1۔ رفقا شاہ جی ایم ایس سینارٹی کور چترال تاریخ تقرری 10/12/89
- 2۔ محمد جان بلگرام جی ایم ایس سینارٹی " " " " 14/11/94
- 3۔ نبی امین جی ایم ایس کوری لیٹ " " " " 14/11/94
- 4۔ نور الدین جی ایم ایس کو " " " " 14/11/94
- 5۔ محمد علی جی ایم ایس منج " " " " 14/11/94

Amn-e-azam

"E" (23) A Ammed F (B)

OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
CHITRAL

NO. 2088 /EB(M)/P-2/Promon Secy:

DATED 21/7 /2017.

To,

The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa,
Peshawar.

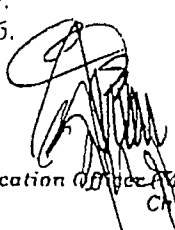
**Subject: APPLICATION FOR SENIORITY W.E.F 1ST APPOINTMENT AS
UNTRAINED DRAWING MASTER.**

Memo:

Enclosed herewith kindly find original application & other relevant documents in respect of the Drawing Masters claiming seniority against D.M posts from the date of initial appointment as untrained instead of passing professional examination, for your kind consideration.

Encl:

original application.
Punjab Govt Notification dated 10-07-2017.
Judgment of Supreme Court of Pakistan dated 01-03-2017.
Judgment of Supreme Court of Pakistan dated 09-03-2016.
Copy of ESTA CODE page No.5.
Finance Deptt: Notification dated 30-03-2009.


District Education Officer (Male)
Chitral

Endst: No. _____ /EB(M)/P-2/Promn: Secy: Dated ____/____/2017.

Copy forwarded to all the applicants w/r to their joint application dated 18-07-2017, for information, please.

District Education Officer (Male)
Chitral


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BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P No. -----/2017

1. Muhammad Ayub Khan S/O Pahlawan Khan
2. Hamid ullah S/O Sheir Ajam Khan
3. Zaidir S/O Sher Wali Khan
4. Sheir Azam Shah S/O Namkeen
5. Qurban Wali S/O Rahmat Wali Khan , All through Petitioner No.1
Resident of Green Lasht, P.O Rashun , Tehsil Mastuj District Chitral.

.....Petitioners

VERSUS

1. Secretary Elementary and Secondary Education Government of K.P.K at Civil Secretariat Peshawar.
2. Director Elementary & Secondary Education Old City College near Peshawar City No.2 School, Firdaws GT Road Peshawar.
3. District Education Officer Chitral
4. Secretary Finance Government of K.P.K at Civil Secretariat Peshawar.

.....Respondents

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

PRAYER:

On acceptance of the instant Writ Petition, Respondents may very graciously be directed to consider the Petitioners as qualified Drawing Masters (DMs) from the day of their first appointment with effect to appoint them as Secondary School Teachers (BPS-16) through promotion against the 04 % reserved quota hence ; all act and omission of Respondents to exclude their untrained tenure of Service for the same ; be declare as void *ab initio*, illegal, unlawful, without lawful authority and justification; hence ineffective upon the legal/ fundamental/constitutionally protected rights of the

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Peshawar High Court

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petitioners. Any such relief which this honorable court deems proper and just be granted to the petitioners against the respondents keeping in view the circumstances of the case.

Respectfully Sheweth:

Brief facts and grounds giving rise to the instant writ petition are as under;

1. That the names and addresses of the parties have correctly been given in the head note of the instant writ petition, which are sufficient for the purpose of effecting their proper services and citation etc.
2. That Petitioner No.1 was firstly appointed as Drawing Master BPS-09 on 01-01-1988 , Petitioner No.2 on 23-09-1989 ,Petitioner No.3 on 23-12-1989 ,Petitioner No.4 on 01-04-1990 and Petitioner No.5 on 15-04 1987 respectively .
(Copies of appointment letters are annexed as Annexure "A")
3. That at the time of their first appointments the Petitioners were un trained and later on they were trained in their terms by Respondent department in different dates i.e. Petitioners No.1 to 4 on 25-05-1996 and Petitioner No.5 on 13-05-1997 respectively.
4. That through Notification bearing No. FD (PRC) 5-2/2002 dated 30-03-2009; issued by Respondent No.4 all the annual increments were granted to the petitioners; hence treated as trained Teachers from day of their first appointments.
(Copy of Notification dated 30-09-2009 is annexed as Annexure "B")
5. That although the petitioners were upgraded in the same cadre of post (DMs) and are presently working at BPS-16 (Senior Drawing Masters) but have never been promoted to next cadre throughout their career of long service due to variation in Government policies from time to time.
(Copy of Promotion Order is annexed as annexure "C")
6. That according to applicable Policy / Notification issued by Elementary and Secondary Education Government of K.P.K dated 24th July, 2014; 04 % posts of Senior English Teachers (BPS-16) are to be filled on the basis of Seniority Cum fitness amongst the Senior Drawing Masters with at least five years service and having qualification of at least second class Bachelor degree in the relevant subject along with B.Ed.
(Copy of Notification dated 24-07-2014 is annexure "D")
7. That the petitioners being qualified according to the subject notification are duly qualified to be appointed as Senior English Teachers (BPS-16) against the 04 % reserved quota having Bachelors Degrees along with the required B.Ed /M.Ed training beside being seniors on the basis of their first day of appointment as DMs.

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8. That for the afore mentioned purpose Respondents have prepared the impugned seniority list whereby the service of the petitioners have been counted from the date of acquiring training instead of their first appointment and incumbents juniors to the petitioners have been recommended for promotion to Senior English Teacher (BPS-16).

(Copy of impugned Seniority List is annexure "E")

9. That the Petitioners properly approached Respondents through different applications/representation to count their service from date of their first appointment and to recommend their promotion for the subject posts but in vain. (Copies of applications are annexed as Annexure "F")

10. That being aggrieved from the impugned act and omission of Respondents and having no efficacious remedy the petitioners approach this honourable court inter alia;

GROUNDS:

- A. That admittedly the petitioners are Drawing Masters (DMs) from the day of their first appointment and there is no distinction between trained and un trained teachers with effect to consider and count their tenure of service for further promotion, therefore act of respondents to exclude the untrained tenure of service of Petitioners by respondents is in effective upon the fundamental rights of the Petitioners.
- B. That it is also admitted that through Notification bearing No. FD (PRC) 5-2/2002 dated 30-03-2009 issued by Respondent No.4 all the annual increments were granted to the petitioners; hence treated as trained Teachers from day of their first appointments.
- C. That recently Supreme Court of Pakistan in some connected Civil Appeals No.398 to 405-L/2010 (Abdul Hameed and others VS Speacial Secretary Education, Government of Punjab and others;) vide order/judgment dated 09-03-2016 has held that no distinction can be drawn between the un trained and trained teachers with effect to ancillary privileges of the service.
- D. That admittedly the requirement of Notification against the reserved quota never distinguish between trained and untrained DMS with effect to determine qualification about appointment as SET through promotion, therefore the impugned Seniority List with effect to exempt the untrained services of Petitioners is illegal and void.

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- E. That respondents violated Article, 4 of the Constitution of Islamic Republic of Pakistan, 1973 with its heading "Rights of Individual to be dealt with in accordance with the Law" because in order to ensure merit in promotion of Civil Servant it is mandatory for respondents to comply with the applicable Law in fair, equal and lawful manner as well as prohibitory for them to act in a manner which is not admissible in law/rules; hence their such act and omission is un warranted under the Constitution.
- F. That according to Article, 25 of the Constitution of Republic of Pakistan, 1973 all citizens are equal before Law and are entitled to equal protection of Law but the respondents violated this Article of the Constitution, because admittedly the Petitioners are seniors in service as compared to incumbents recommended for promotion.
- G. That act of respondents with effect to avoid applicable law on the subject and their omission to accept applications for correction of the same is in clear cut violation of Article, 27 of the Constitution of Islamic Republic of Pakistan, 1973 with its heading "Safe Guard against discrimination in services".
- H. That in this very case any order or act relating to initiation of proceedings or decision taken by Respondents is contrary to law and illegal therefore all subsequent proceedings and actions taken thereon would have no basis and would fall.
- I. That the matter in the instant petition relates to enquire functionaries of the Government; with effect to secure the constitutionally guaranteed rights of the petitioner therefore, this honourable court has ample jurisdiction to exercise its writ jurisdiction under Article, 199 of the Constitution of Pakistan, 1973.
- J. That otherwise too, there is no other immediate and alternate remedy to protect prerogative rights of Petitioner and that's too; when law is clear on the subject. Furthermore, mental torture, financial and professional loss of the Petitioner in the like circumstances demand for natural justice under the prerogative writ of this honourable court to ensure protection of all fundamental rights of Petitioners effected by mal practice and act of inducement of respondent through order, instruction and directives under the four wheel of Article, 199 in both in its original and inherited jurisdiction.
- K. That as per section 4(b)(i) of K.P.K Service Tribunal Act, 1974, no appeal shall lie to a Tribunal against an order or decision of a Departmental Authority determining the fitness or otherwise of a person to be appointed to or hold a particular post or to be *promoted to a high post or grade*.
- L. That the petitioner seeks leave of this honourable court to argue/raise additional grounds at the time of arguments.

INTERIM RELIEF:

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M. J.
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EXAMINER
Peshawar High Court

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All the three ingredients like prima facie case, balance of convenience and irreparable loss are in favour of the petitioners against the respondents, therefore by way of Interim Relief; Respondent No.2 &3 may very graciously be directed not to issue appointments/ promotions orders of Senior English Teachers (BPS-16) against the 04 Percent quota for DMs/ SDMs to the extent of District of the Petitioners till final disposal of the instant writ Petition.

It is, therefore, most humbly prayed that the instant Writ Petition be accepted as prayed on the heading.

Petitioner

Through,

Syed Ghufuran ullah Shah
Advocate, 22-A Nasir
Mansion, Peshawar

CERTIFICATE:

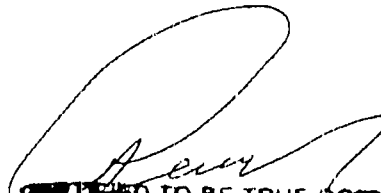
It is certified that no other writ petition on the same subject has been filed before this honourable court.

LIST OF BOOKS;

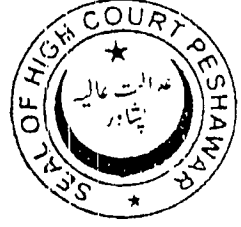
- 1- Constitution of Islamic Republic of Pakistan, 1973.
- 2- General Clause, Act.
- 3- Rules of Business, 1985.
- 4- Any other Book according to need.

Counsel

Counsel


CERTIFIED TO BE TRUE COPY
EXAMINER
Peshawar High Court, Peshawar
Authorised Officer, Section II of
the General Clauses Act, 1897
30 JUN 2021


ATTESTED



Judgment Sheet
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT.

W.P.No.3310-P/2017

Muhammad Ayub Khan and others
Versus
Secretary Elementary & Secondary Education
Govt: of KPK and others.

Date of hearing 19.05.2021

Petitioner by: Mr. Yasir Saleem, advocate (added
petitioners)
Respondent (s) by: Umar Farooq, AAG

JUDGEMENT

IJAZ ANWAR. J:- The instant writ petition has
been filed under Article 199 of the Constitution of
Islamic Republic of Pakistan, 1973 with the
following prayer:-

“On acceptance of this writ
petition, respondents may
very graciously be directed to
consider the petitioners as
qualified Drawing Masters
(DMs) from the day of their
first appointment with effect
to appoint them as Secondary
School Teachers (BPS-16)
through promotion against
the 04 % reserved quota
hence all act and omission of
Respondents to exclude their
untrained tenure of service

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EXAMINER
Peshawar High Court

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for the same be declared as void ab initio, illegal, unlawful, without lawful authority and justification, hence ineffective upon the legal/fundamental/constitutionally protected rights of the petitioners.

Any such relief which this honorable court deems proper and just be granted to the petitioners against the respondents keeping in view the circumstances of the case."

2. In essence, petitioners claim promotion against the 4 % reserved quota to the post of Secondary School Teacher (BPS-16) on the ground that if their service as untrained teachers is considered, they will become eligible for promotion.

3. Comments were called from the respondents which were accordingly submitted wherein they have opposed issuance of the desired writ.

4. At the very outset, learned counsel representing the added petitioners was confronted


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Peshawar High Court



with the question of jurisdiction as the matter pertains to the terms and conditions of service. Learned counsel for petitioners stated that petitioners are discriminated and that since it is question of promotion, as such is outside the scope of Service Tribunal.

5. The explanation given for invoking the jurisdiction of this court is not satisfactory nor legally tenable. Promotion is the foremost term and condition of service and it can only be agitated before the Service Tribunal duly constituted under the Service Tribunal Act, 1974. The jurisdiction of this Court is barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 besides availability of alternate remedy to the petitioners.

6. In view of the above, since this Court has got no jurisdiction to entertain this petition, it is therefore, dismissed allowing the



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Peshawar High Court

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petitioners to avail their remedy before the Tribunal established under the law, if they are so advised.

Announced on;
Dated. 19.05.2021.

JUDGE

JUDGE

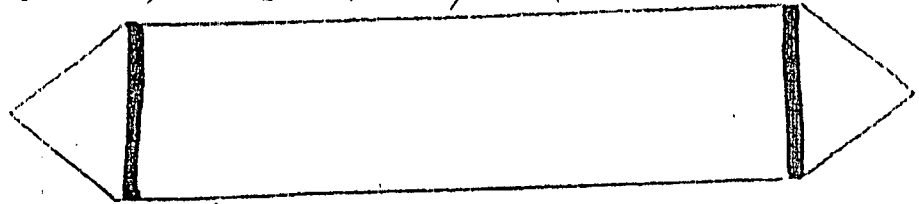
D.B. Hon'ble Mr. Justice Lal Jan Khattak and Hon'ble Mr. Justice Ijaz Anwar

[Signature]
CERTIFIED TO BE TRUE COPY
EXAMINER
Peshawar High Court, Peshawar
Authorised Under Article 177 of
The Pakistan-Shah Wali Kot Order, 1981.
30 JUN 2021

No. 35866
Date of Presentation of Application 20/5/21
No of Pages 9
Copying fee
Total 36
Date of Preparation of Copy 30/6/21
Date of Delivery of Copy 27/8/21
Received By [Signature]

[Signature]
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بعد الت 7 سہ روزہ ٹریننگ، فیروز خانہ لیسٹا



25 مئی 2011ء بمقام ایپل اسٹاک
مجلس عالی بنام گلبرگ سٹیٹ

موردہ ---
مقدمہ ---
ڈکوی ---
جزم ---

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی وکل کاروانی متعلقہ
آن مقام لیسٹا در کیلئے سہ روزہ ٹریننگ 10 مئی 2011ء کے لئے
مقرر کر کے اتر کر کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروانی کا کامل اختیار ہوگا۔ نیز
دکیل صاحب کو راضی نامہ کرنے و تقرر نالت ہ فیصلہ برحلاف دینے جواب دہی اور اقبال ڈکوی اور
بیسورت ڈگری کرنے اجراء اور وصولی چیک در و پیار عرضی دعوی اور درخواست ہر قسم کی تصدیق
ذرائع پر دستا کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی براندگی اور منسوخ
نیز دائر کرنے اپیل ٹکرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروانی کے واسطے اور دکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ
پر و اختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانش التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو دکیل صاحب پابند ہوں گے۔ کہ پیروی
ملکوز کریں۔ لہذا ادکالت نامہ لکھ دیا کہ مندر ہے۔

Attested
by
Cherish

الرقوم 29th / 11 / 2011

واحد العباد کے لئے منظور ہے۔
بمقام لیسٹا

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“B”

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

S.R

No.

Recd

Appeal No. 7485 & 7487 & 7489 of 20 21

Muhammed Ali & 2 Others.....Appellant/Petitioner

Versus

through chief Secy Pesh.....Respondent

Respondent No. 4.....

Notice to: Distt. Education Officer Distt. Chitral Lower.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....2/2/2022.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Pre-Admission Notice

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this...13/12.....

Day of.....Dec.....2021.

(For Reply)

M.F
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

S.B

No.

Reel
I

Appeal No. 7485 & 7487 & 7489 of 20 21

Muhammad Ali & 2 Others Appellant/Petitioner

Versus.

through chief Secy. Pesh. Respondent

Respondent No. 5

Notice to: Distt. Education officer Distt. Chitral upper.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on..... 9/2/2022..... at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Day of..... Dec 20 21

(For Reply)

Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

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"B"

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

S.B

No.

Appeal No. 74858 74878 7489 of 20 21
Muhammad Ali & 2 others Appellant/Petitioner

Through chief ^{Versus} Secy Pash, Respondent

Respondent No. 3
Director ESSE KPK Peshawar

Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 2/2/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

13/11

Day of..... Dec 2021
(For Reply)

[Handwritten Signature]

[Handwritten Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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"B"

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

S.B

No.

Appeal No..... 7485, 7487, 7489 / 2021

Muhammad Ali & 2 Others..... Appellant/Petitioner

Versus

Through Chief Secy Pesh...... Respondent

Respondent No..... 1

Notice to: Govt. of KPK Through Chief Secretary Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on..... 2/2/2022..... at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Office Notice No..... dated.....

Given under my hand and the seal of this Court, at Peshawar this 13th.....

Day of..... Dec..... 2021

(For Reply)

REGISTRAR
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
23-12-21

H.S.
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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“B”

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

No.

Appeal No. 74858 & 74879, 7489 of 2021.

Muhammad Ali & (2) others Appellant/Petitioner

through chief Secy Pesh. Versus Respondent

2

Respondent No.

Secretary E&SE Govt. of KPK Peshawar.

Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 2/2/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Day of Dec 2021

(For Reply)

R
23/12/21

[Signature]

Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

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"B"

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

S.B

No.

Appeal No. 7485 & 7487 & 7489 of 2024.

Muhammad Ali & 2 Others Appellant/Petitioner

Versus

Through chief Secy Pesh. Respondent

Respondent No. 6

Notice to:

Secy: Finance KPK

Dairy No. 23/12

Date

Secretary Finance Govt, of K.P.K at
Civil Secretariat Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 2/2/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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office Notice No.....dated.....

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Day of.....Dec 2021.

(For Reply)



Registrar

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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