25th May, 2022

Mr. Noor Muhammad Khattak, Advocate present and submitted Wakalatnama on behalf of the petitioner. Mr. Kabir Ullah Khattak, AAG alongwith Mr. Haseenullah, Assistant for respondents present.

Learned counsel for the petitioner seeks adjournment being newly engaged. To come up for implementation report on 29.06.2022 before S.B.

(Kalim Arshad Khan)
Chairman

29.06.2022

Petitioner alongwith his counsel present. Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present.

Representative of the respondent department submitted notification Endst No. 6143-47 dated 25.05.2022 which is placed on file, through which the judgment of Service Tribunal dated 31.08.2016 has been implemented. In view of the above, instant petition is disposed off. File be consigned to record room.

Announced.
29.06.2022

(Fareeha Paul)
Member (E)

17.01.2022 Petitioner with counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Arshad Khan ADEO, for respondents present.

Respondent department has submitted Minutes of the DPC meeting held on 24.06.2020 placed on file and copy thereof is also in possession of the learned counsel for petitioner. The only bone of contention regarding execution petition is that the learned counsel for petitioner insists on a formal order and not Minutes of the meeting which may be made reference for further cause of action in future litigation. On the other hand, learned Additional Advocate General contends that in terms of Para 11 of the service Tribunal judgement dated 31.08.2016 his case stands considered by the competent forum i.e. DPC and no further specific or explicit directions had been given to the respondent department in the said judgement. Considering the above divergent view point of the parties, it deems appropriate that a conclusive order may be presented by the respondent department on the next date as final implementation report.

Adjourned to 03/03/2022 before S.B.

(Mian Muhammad)
Member (E)

3/3/2022

Due to retirement of the Honble Chairman the case is Adjourned to come up for the same as before on 25/5/2022

Reader

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR

NOTIFICATION.

1. **Whereas**, the appellant, namely Mr. Inayat Ullah SST (G) was appointed against the CT (Male) post vide order dated 04/10/1989, issued by the then District Education Officer (Male) Peshawar on the strength of his qualification.

2. **And whereas**, the Government of Khyber Pakhtunkhwa has framed & notified new Service Rules dated 13-11-2012, wherein, 40 % Quota has been reserved for the departmental promotion of teachers from the posts of CT/SCT to SST (G) in BPS-16. It is imperative to mention here that prior to the Rules ibid, no departmental promotion to the posts of SST (BPS-16) have been made by the Respondent Department during the years from 2004 to 2012.

3. **And whereas**, the appellant was promoted against the SCT BPS-16 post vide order dated 25-05-2013 on the basis of Seniority cum-fitness in the light of aforementioned Service Rules by the Respondent Department.

4. **And whereas**, aggrieved from the promotion orders of different Teaching cadre posts dated 31-08-2004 of the then District Education Officer (Male) Peshawar, the appellant has field a Service Appeal No.323/2015 under case titled Inayat Ullah VS Govt; of KPK & others before the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar for his promotion as SST (G) on the basis of batch wise/yearwise under the 40 % reserved Quota from the Government employees which was decided by the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar vide on 31-08-2016.

5. **And Whereas,** in pursuance of the judgment dated 31-08-2016, the DSC meeting was held on 16-06-2020 for scrutinizing the case of the appellant in the light of the Court directions, wherein, it was unanimously concluded by the committee that the appellant has already been promoted to the post of SCT (BPS-16) on dated 28-04-2013 with further promotion to the post of SST (G) on dated 03-08-2017 in accordance with his seniority cum-fitness in the Respondent Department in the light of new Rules promulgated in the year 2012. Moreover, the referred case of one, Mr. Zaffar Iqbal SST (BPS-16) who was appointed on open merit bases, involving different question of law & facts of the case as the present appellant is seeking his promotion on basis of batchwise merit/policy which is no more in field in view of the new Service Rules/Structure of the year 2012 in the Department.

Now therefore, in compliance of the Judgment dated 31-08-2016 passed by the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar in the titled case, in consultation with the relevant provision of Law, Rules & policy in vogue & in exercise of the powers conferred upon the undersigned of being an appellate authority & in view of provision in Section-21 of the General Clauses Act ,1897 as amended in 1956, the plea of the appellant regarding his promotion as SST (G) (BPS-16) on batch wise/year wise merit is hereby stands rejected in view of the service Rules notified on dated 13-11-2012 interest of public service.

DIRECTOR
Elementary& Secondary Education
Khyber Pakhtunkhwa Peshawar.

Endst: No: 6143-47/ Dated Peshawar the: 23/5/2022

Copy forwarded for information & n/action to the:-

1 Learned Registrar Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar.
2 Learned AAG Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar.
3 District Education Officer (Male) Peshawar.
4 Section Officer (Lit-II) E&SE Department Khyber Pakhtunkhwa.
5 Official concerned.
6 Master file.

DEPUTY DIRECTOR (ESTAB-I/M)
Elementary& Secondary Education
Khyber Pakhtunkhwa Peshawar.

Inayat

29.06.2022

Petitioner alongwith his counsel present. Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present.

Representative of the respondent department submitted notification Endst No. 6143-47 dated 25.05.2022 which is placed on file, through which the judgment of Service Tribunal dated 31.08.2016 has been implemented. In view of the above, instant petition is disposed off. File be consigned to record room.

Announced.
29.06.2022

(Fareeha Paul)
Member (E)

(1)

BEFORE THE PROVINCIAL SERVICES TRIBUNAL, KP, PESHAWAR

S.A.No.7960/2020

Muhammad Bilal Zia..... Appellant

Versus

Govt. of K.P through Chief Secretary & others..... Respondents

---

APPLICATION FOR RESTRAINING THE OFFICIAL RESPONDENTS NO.1 TO 3 NOT TO PROMOTE THE PRIVATE RESPONDENTS NO.3 TO 14 AND MORE PARTICULARLY RESPONDENT NO.4

17.11.2021 Petitioner alongwith his counsel present. Mr. Kabirullah, Addl: AG alongwith Mr. Arshad Ali, ADEO and Mr. Haseen Ullah, Assistant for respondents present.

Learned counsel for the petitioner is not satisfied with the stance of the respondent-department and desires to have an order of the Tribunal on execution petition in S.B to be chaired by Hon'able Chairman. To come up for further proceedings on 05.01.2022 before S.B.

(Mian Muhammad)
Member(E)

05.01.2022 Petitioner alongwith counsel and Mr. Kabirullah Khattak, Addl. AG alongwith Arshad Khan, ADEO (Litigation) for the respondents present.

Implementation report has not been submitted. Representative of the respondents requested for one week time in order to submit proper implementation report. Last opportunity is granted to the respondents to submit implementation report on 17.01.2022 before S.B.

(Rozina Rehman)
Member (J)

EP 358/2019

12.08.2021 Nemo for the petitioner. Mr. Kabirullah Khattak, Addl. AG alongwith Basirullah, Librarian for the respondents present.

Notices be issued to petitioner/counsel for next date. To come up for arguments on execution petition on 14.10.2021 before S.B.

Chairman

14.10.2021 Petitioner alongwith his counsel present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Arshad Ali, ADEO and Mr. Haseen Ullah, Assistant for respondents present.

Learned AAG during course of his arguments on execution petition, referred to objection raised by the petitioner and replies there on submitted by the respondent-department. On the other hand, learned counsel for the petitioner expressed his ignorance of such documents to have been in his possession. He therefore, requested that those documents ~~to have been~~ may be provided to him for further perusal, examination and scrutiny. The requisite documents, as requested for, may be provided. To come up for further proceedings before the S.B on 17.11.2021.

(MIAN MUHAMMAD)
MEMBER (E)

23.02.2021 The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 26.04.2021.

Reader

26.04.2021 Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 17.06.2021 for the same as before.

Reader

17.06.2021 Junior to counsel for the petitioner and Mr. Adeel Butt, Addl. AG for the respondents present.

Respondents have not submitted implementation report. Learned AAG is required to contact the respondents to implement the judgment under execution in light of order dated 07.01.2021. To come up for compliance report on 23.06.2021 before S.B.

Chairman

23.06.2021 Nemo on behalf of the petitioner. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present. Respondent No. 2 submitted reply of Objection Petition. Placed on file. Notice be issued to petitioner/counsel for next date. To come up for arguments on Execution Petition on 12.08.2021 before S.B.

Chairman

07.01.2021 Petitioner is present alongwith his counsel Mr. Taimur Ali Khan, Advocate. Mr. Noor Zaman Khattak, District Attorney alongwith representatives of the department Mr. Abdul Wahid, Litigation Officer and Mr. Sajid, Superintendent, for the respondents are also present.

According to the learned counsel representing petitioner, promotion order of petitioner has been made however, petitioner has to be promoted from the date when his batch mates were promoted, the required promotion has to be efficacious according to the rules enforced and prevalence at the relevant time. The set criteria for promotion was the date of attaining professional degree of B.Ed which he has attained in the year 1993 prior in time as compared to the case of his colleagues.

It was the firm opinion of respondents that set modalities for promotion at the relevant time were made, accordingly, batch wise promotion was made and not separately. The civil servant who stood senior was to be promoted.

While keeping in view the sphere of mandate of the judgment passed by this Tribunal on 31.08.2016 petitioner was to be considered for promotion subject to his eligibility for promotion and availability of seat on a date prior to promulgation of new rules notified on 13.11.2012, there is no ambiguity in the judgment so made, therefore, respondents are directed to give effect to the judgment by placing his case before the competent forum for consideration to be efficacious from the date when his colleagues were promoted. File to come up for implementation report on 23.02.2021 before S.B.

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

19.11.2020

Petitioner with counsel and Addl; AG alongwith M/S Abdul Wahid, Litigation Officer and Naseeb Khan, SO for respondents present.

Learned counsel for petitioner has submitted written objections on Minutes of Meeting/implementation report. Placed on file. Learned AAG requests for time to examine the objections and to argue the moved points.

Adjourned to 07.01.2021 before S.B.

Chairman

08.09.2020 Counsel for the petitioner and Addl. AG alongwith Abdul Wahid, Litigation Officer for the respondents present.

Mr. Taimur Ali Khan, Advocate has submitted Wakalatnama on behalf of the petitioner which is placed on record.

The representative of respondents has provided copy of the minutes of meeting held on 24.06.2020 for considering the case of petitioner for promotion. The minutes are made part of instant record while learned counsel for the petitioner requests for time to submit written objection/comments to the decision ~~arise out~~ arrived at in the meeting.

Adjourned to 21.10.2020 reply/comments and arguments before S.B.

Chairman

21.10.2020 Mr. Kabirullah Khattak, Additional Advocate General for the respondents is present.

Since the Members of the High Court as well as of the District Bar Association Peshawar are observing strike today, therefore, the case is adjourned to 19.11.2020 on which date to come up for reply/comments and arguments before S.B.

(Muhammad Jamal Khan)
Member (Judicial)

11.03.2020 Petitioner alongwith his counsel and Mr. Kabirullah Khattak, Additional AG alongwith M/S Irfanullah, Assistant and Sajid, Superintendent for the respondents present. Representatives of the department stated that the implementation report is under process and requested for further time. Adjourned to 15.04.2020 for implementation report before S.B.

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

15.04.2020 Due to public holiday on account of COVID-19, the case is adjourned to 09.07.2020 for the same. To come up for the same as before S.B.

Reader

09.07.2020 Petitioner with counsel present.

Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Hayat Assistant Director for the respondents present.

Again, it was submitted that implementation report is under process. Similar statement had been advanced on 11.03.2020 before this Tribunal but till today, no progress was shown. Last chance is given to the respondents to make sure the production of implementation report on 08.09.2020 before S.B.

Member (J)

EP 358/2019

17.12.2019 Petitioner in person and Addl. AG alongwith Hayat Khan, AD for the respondents present.

Representative of respondent No. 2 states that the judgment is to be executed by the office of DEO(M) Peshawar who has been sent letter as well as reminder for the purpose.

Let the concerned official [DEO (Male) Peshawar] be issued notice for submission of implementation report on next date of hearing. Else, the official shall appear in person to explain the position on the next date.

Adjourned to 29.01.2020 before S.B.

Chairman

29.01.2020 Petitioner in person present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Muhammad Irfan Assistant present. Learned AAG submitted copy of office letter dated 23.01.2020 on behalf of DEO (Male) Peshawar to Directorate E&SE Department Khyber Pakhtunkhwa Peshawar and seeks time for implementation of judgment of this Tribunal. Adjourn. To come up for implementation report on 11.03.2020 before S.B.

Member

Form- A

FORM OF ORDER SHEET

Court of _____

Execution Petition No. 358 /2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	25.09.2019	The execution petition of Mr. Inayatullah submitted today by Mr. Javed Iqbal Gulbela Advocate may be entered in the relevant register and put up to the Court for proper order please. REGISTRAR
2-	26/09/19.	This execution petition be put up before S. Bench on 11/10/19. CHAIRMAN
	11.10.2019	Petitioner in person present. Notices be issued to the respondents for submission of implementation report on 08.11.2019 before S.B. Chairman

08.11.2019

Petitioner in person present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Arshad ADO for the respondent present. Representative of the respondent seeks time to furnish implementation report. Adjourned. To come up for implementation report on 17.12.2019 before S.B.

(Hussain Shah)
Member

17.12.2019

Petitioner in person and Addl. AG alongwith Aitizaz Hassan, DFO for the respondents present.

Representative of respondents has produced copy of opinion furnished by Law Department Government of Khyber Pakhtunkhwa on 25.09.2019 and states that the emoluments of petitioner has been withheld in the light thereof. A copy of the opinion has been provided to the petitioner who requests for adjournment as his learned counsel is not available today due to general strike of the Bar. To come up for further proceedings on 09.01.2020 before S.B.

Chairman

Inadvertently and due to clerical mistake misprinted

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

INAYAT ULLAH

Execution Petition No. 358/2019

VS

Secretary Elementary & Secondary Education KPK Civil Secretariat Peshawar

INDEX

S.No	Description of Documents	Annexure	Pages
1	Application		1 – 2
2	Affidavit		3
3	Appeal & order	A&B	4 – 14
4	Documents	C	15 – 16
5	Wakalatnama		17

Dated: 23/09/2019

petitioner

Through

Javed Iqbal Gulbela

Advocate High Court Peshawar

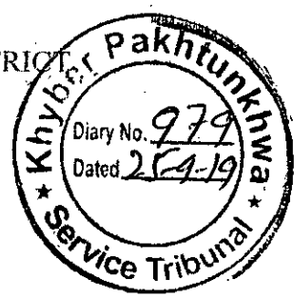
(1)

BEFORE THE K.P.K SERVICE TRIBUNAL PESHAWAR

COC No:_____/2019 On S.A # 323/2015

Execution Petition No. 358/19

INAYAT ULLAH, SST GENERAL GOVT HIGH SCHOOL, JATTI BALA DISTRICT PESHAWAR.



(Appellant)
Versus

1. **Secretary Elementary & Secondary Education KPK, Civil Secretariat Peshawar.**
2. **Director Elementary & Secondary Education KPK Peshawar.**
3. **The finance secretary, Govt of KPK, Civil Secretariat Peshawar.**

Application for implementation of the order & judgment dated 31.08.2016 of this honorable Tribunal passed in the Service Appeal # 323/2015 & for promoting the appellant with retrospective effect since 2004 and Punishing the respondents for flouting upon the order & judgment of this honorable tribunal.

Respectfully sheweth,

1. That the petitioner/appellant had earlier filed Service Appeal # 323/2015 which was allowed by this honorable Tribunal vide judgment & order dated 31.08.2016.

   (Copy of the Appeal & Order are annexed as annexure A&B, respectfully)

2. That this honorable Tribunal while allowing the service appeal of the appellant, held that "in the light of aforestated decision, we are constrained to accept the present appeal & direct the respondents to consider the case of appellant for promotion & in case he is found eligible for promotion against a seat available for promotion on a date prior to promulgation of new rules notified vide order dated 13.11.2012, then appellant should be considered for promotion against such vacancy in the light of rules in vogue at the relevant time"

3. That thereafter, repeatedly the petitioner attended the offices of the respondents and moved many applications for doing the needful, but futile.

(Copies of application are annexed as annexure "C")

4. That by non implementing the judgment of this honorable tribunal amounts to contempt of court and the Respondents made themselves liable for proceedings against for contempt of this honorable Tribunal.

It is, therefore, most humbly prayed that on acceptance of the instant application, the respondents be proceeded against for contempt of court and be punished accordingly.

It is further prayed that respondents be directed to implement the judgment & Order dated 31.08.2016 in letters & spirit and to promote the appellant /petitioner with retrospective effect. w.e.f 2004 with all back benefits in terms of seniority, promotion and arrears.

Appellant /Petitioner

Through

Javed Iqbal Gulbela
Israr Ahmad &
Saghir Iqbal Gulbela
Advocate High court,
Peshawar

(3)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No:_____

Mr Inayat ullah

Versus

Govt of KPK

Affidavit

I, inayat ullah S/O abdur Rouf R/O Zormondi P/O Nahaqi peshawar do hereby solomenly affirm and declare on Oath that all the contents of this instant petition are true & correct to the best of my knowledge & belief and nothing has been concealed from this honorable tribunal.

Dated 23.9.2019

DEPONANT

Inayat ullah

CNIC: 17301-1467919-1

ATTESTED
Zahid Ullah Khan Marwat Advocate
Oath Commissioner
Distt. Central Jail Peshawar
23/9/19

Identified by

Javed Iqbal Gulbela

Advocate High Court,

Peshawar

(4)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 323 /2015

Mr. Inayat Ullah, S.CT,

GHS Nasapa Payan, District, Peshawar.

(Appellant)

VERSUS

1. The Secretary Education (E&SE), Peshawar.
2. The Director Education (E&SE), Peshawar.
3. The Departmental Promotion Committee Through its Chairman, The Director Education (E&SE), Peshawar.
4. The District Education Officer (E&SE), Peshawar.

(Respondents)

Filed to-day
Registrar
24/3/15

Submitted to-day
and filed.
Registrar 24/3/15

APPEAL UNDER SEC- 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR DIRECTING THE RESPONDENTS TO CONSIDER THE APPELLANT FOR PROMOTION TO SST(G) POST ON THE BASIS OF BATCH- WISE/YEAR -WISE MERIT OR ON THE BASIS OF PROVINCIAL-WISE SENIORITY AGAINST 40% SHARE FIXED BY THE GOVERNMENT FROM THE DUE WITH ALL BACK AND CONSEQUENTIAL BENEFITS AND NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF 90 DAYS.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL THE RESPONDENTS MAY BE DIRECTED TO CONSIDER THE APPELLANT FOR PROMOTION TO SST(G) POST FROM HIS DUE DATE ON THE BASIS OF BATCH-WISE/ YEAR-WISE MERIT OR ON THE BASIS OF PROVINCIAL-WISE SENIORITY AGAINST 40% QUOTA FIXED BY THE GOVERNMENT WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND PROPER THAT MAY ALSO BE GRANTED IN FAVOUR OF THE APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant joined the education department ~~as the~~ on 4.10.1989 as CT teacher and performed his duties up to the entire satisfaction of his superiors and there are no complaint against the appellant. (Copy of appointment order is attached as Annexure-A)

2. That the appellant has passed B.A in 1987, MA (Islamiat) in 1992 and B.Ed in 1993. (Copy of degrees are attached as Annexure-B, C&D)

3. That the respondent Deptt: has passed promotion/appointment orders to SST/SET posts on batch-wise merit in the year 2004 and after that no order on the basis of batch-wise merit has been passed till 2012. Thus the appellant remained in waiting since long for his promotion as SST/SET on the basis of batch wise formula, which was an arbitrary act on the part of respondent Deptt: However the appellant agitated that matter but in vain and genuine request of the appellant went un-responded. (Copy of 2004 order is attached as Annexure-E)

4. That Govt: promulgated new rules in the year 2012 for promotion of SST(G) in which 40% quota was fixed by the Govt: for Promotion of SCT/CT to SST(G) and the promotion of SST(G) was made on basis those rules on 28.10.2014 but again the rules have not been followed in its true spirits because the SST is a provincial cadre post and requires to be filled in by provincial-wise seniority, whereas the

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

promotion order has been passed on the basis of Distt: wise seniority against the provincial cadre post. Thus once again the appellant has been kept deprived from his promotion rights despite having more than 30 years service at his credit.(Copy of rules and notification is attached as Annexure- F&G.)

5. That the appellant filed departmental appeal on 27.11.2014 for his grievance as he was deprived from his due right of promotion due to the promotion of SCT/CT to SST(G) on district base seniority, but the reply of the departmental appeal has not responded in statutory period. (Copy of departmental appeal is attached as Annexure-H)

6. That now the appellant comes to this august Tribunal on the following grounds amongst the others.

GROUNDS:

A) That keeping the appellant deprive from his rights of promotion on the basis of batch-wise/year-wise merit since 2004 and again on the basis of following Distt:-wise seniority against the provincial cadre posts instead of provincial-wise seniority and not taking any action on the departmental appeal of appellant within statutory period is against the law, facts, norms of justice and material on record, therefore not tenable.

B) That the appellant was discriminated as many of his batch mates were promoted on the basis of batch wise promotion, while the appellant was deprived from the same benefits.

C) That promotion of SST(G) on the basis of district wise seniority is against the law as many juniors SCT/CT were promoted, while seniors SCT/CT were deprived from his legal right of promotion.

D) That the promotion of SST(G) on district wise seniority is the violation of rules because the SST is a provincial cadre post and requires to be filled in on the basis of provincial-wise seniority but due to malafide the respondent passed the promotion order on the basis of Distt: wise seniority which is clearly violation of rules.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

E) That the promotion to SST(G) on district wise seniority is the violation of notification dated 13.11.2012.

F) That the appellant has not been treated according to law and rules and has been kept deprived from the benefits of promotion in an arbitrary manner which is not permissible under the law and norms of justice.

G) That the appellant seeks permission to advance other grounds and proofs at the time hearing.

It is, therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT

Inayat Ullah

THROUGH:

(M. ASIF YOUSAFZAI)

&

(TAIMUR ALI KHAN)

ADVOCATES, PESHAWAR

Certified to be ture copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 20-9-18
Number of Words 1600
Copying Fee 20-00
Urgent 4-00
Total 24-00
Name of Copyist
Date of Complet... of Copy 20-9-18
Date of Delivery of Copy 20-9-18

(8)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 383 /2015

Mr. Inayat Ullah, S.CT,

GHS Nasapa Payan, District, Peshawar.

(Appellant)

VERSUS

1. The Secretary Education (E&SE), Peshawar.
2. The Director Education (E&SE), Peshawar.
3. The Departmental Promotion Committee Through its Chairman, The Director Education (E&SE), Peshawar.
4. The District Education Officer (E&SE), Peshawar.

(Respondents)

Filed to-day
Registrar
24/3/15

Submitted to-day
and admitted.
Registrar
24/3/15

APPEAL UNDER SEC- 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR DIRECTING THE RESPONDENTS TO CONSIDER THE APPELLANT FOR PROMOTION TO SST(G) POST ON THE BASIS OF BATCH- WISE/YEAR -WISE MERIT OR ON THE BASIS OF PROVINCIAL-WISE SENIORITY AGAINST 40% SHARE FIXED BY THE GOVERNMENT FROM THE DUE WITH ALL BACK AND CONSEQUENTIAL BENEFITS AND NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF 90 DAYS.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Appeal No. 323/2015

Mr Inayatullah Versus The Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar and 3 others.

JUDGMENT

31.08.2016

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-

Appellant with counsel and Mr. Usman Ghani, Senior Government Pleader alongwith M/S Khursheed Khan, SO and Hameedur Rahman, A.D for the respondents present.

2. Mr. Inayatullah, S.C.T, GHS Nasapa Payan, District Peshawar hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 with a prayer to direct the respondents to consider him for promotion to the post of SST (General) on the basis of batch-wise/year-wise merit or on the basis of provincial-wise seniority against 40% quota fixed by the Government, from due date with all back and consequential benefits.

3. Brief facts of the case of the appellant are that he was appointed as C.T teacher in Education Department vide order dated 04.10.1989. That the respondent-department made promotions/appointments to the post of SSTs/SETs on batch-

31.8.16

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

wise merit till year 2004 where-after no such orders were passed till 2012. That new rules were promulgated in the year, 2012 for promotion of SST (General) wherein 40% quota was allocated for promotion of SCT/CT to SST (General) and there-after promotions of SST (General) were made on the basis of the said rules on 28.10.2014 wherein rules were not followed as the posts of SSTs were of provincial cadre and required to be filled in by provincial-wise seniority while the same were filled in on the basis of district-wise seniority and as such the appellant deprived from his due right of promotion where-against he preferred departmental appeal on 27.11.2014 which was not responded and hence the instant service appeal on 24.03.2015.

4. Learned counsel for the appellant has argued that the post of SST is a provincial cadre post which was erroneously treated as district cadre post. That no promotion after the year, 2004 till 2012 were made despite the fact that the appellant was entitled to consideration for promotion as he was fulfilling pre-requisites and vacancy for his promotion was available. That the appellant was having legitimate expectancy of consideration for promotion. That delay on the part of the respondents from the year, 2004 till the year 2012 would not deprive the appellant from his right for consideration of promotion against a vacancy accruing at that time. That rules framed in the year, 2012 cannot be given retrospective effect for filling the vacancy accrued for promotion prior to promulgation of the new rules.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

5. Reliance was placed on cases-law reported as 2002-PLC(C.S) 1388 (Punjab Service Tribunal), 2015 PLC (C.S) 215 (Peshawar High Court), 2010 PLC (C.S) 760 (Supreme Court of Pakistan), 2012-SCMR-965 (Supreme Court of Pakistan), 2009-PLC (C.S) 178 (Federal Service Tribunal) and 1997-SCMR-515 (Supreme Court of Pakistan).

6. Learned Senior Government Pleader for respondents has argued that the appellant is to be promoted in due course and that his promotion is to be considered in the light of newly promulgated rules. That the appellant cannot be considered for promotion with retrospective effect. That the policy of the provincial government at the relevant time was appointment through initial recruitment. That the appeal of the appellant is time-barred and as such the same is liable to dismissal.

31.8.16

7. We have heard arguments of learned counsel for the parties and perused the record.

8. It was not disputed before us that no promotions whatsoever were made after the year 2004. We are however not in a position to undertake exercise to ascertain as to whether such promotions were not made due to non-availability of vacancies for promotion or for want of non-availability of eligible civil servants. In case of Government of Punjab through Secretary Education and another Versus Rana Ghulam Sarwar Khan and 111 others reported as 1997-SCMR-515, the August Supreme Court of Pakistan has observed that delay in making promotion occurring due to failure of department in carrying out

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

simple exercise within a reasonable period would not justify setting aside the judgment of Punjab Service Tribunal directing the Government to promote civil servants from specified date. In case of WAPDA Lahore through its Chairman and others Versus Haji Abdul Aziz and others reported as 2012-SCMR-965 (Supreme Court of Pakistan) it was observed that amendment in rules affecting seniority of employees would not be given retrospective effect to the dis-advantage of employees who were entitled to promotion prior to the amendment against vacancies available at that time. In the case of Muhammad Amjad and others Versus Dr. Israr Ahmad and others reported as 2010-PLC (C.S) 760 (Supreme Court of Pakistan) it was observed by the August Supreme Court of Pakistan that State functionaries were mandated to act with certain amount of reasonableness. It was also observed that a civil servant was eligible to be considered for promotion when substantive vacancy in promotion quota was available. The August Supreme Court of Pakistan declined to interfere in the judgment passed by the Service Tribunal wherein authorities were directed to consider case of promotion of concerned civil servant from the date when vacancy in his quota was available. In case of Engineer Musharaf Shah Versus Government of Khyber Pakhtunkhwa through Chief Secretary and 2 others reported as 2015-PLC(C.S)215 (Peshawar High Court) it was observed that a civil servant had a right to be considered for promotion and refusal of such right of petitioners of consideration for promotion is to be deemed as a final order. In

31.08.16

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

case of Hafiz Sanaullah Versus Director (Admn) Power-II, WAPDA, Lahore and another reported as 2009-PLC (C.S) 178 (Federal Service Tribunal) it was observed that the prayer of the appellant seeking move-over w.e.f. 1.12.1986 through service appeal instituted on 13.09.2000 was maintainable as the appellant was having continuous cause of action as he stood deprived of extension of his pay by move-over and a fresh cause of action was accruing in his favour every month. In case of Muhammad Hasnain Shah Versus the Deputy Inspector General of Police, Multan Range and 27 others reported as 2002-PLC (C.S) 1388 (Punjab Service Tribunal) it was observed that in matter of promotion and other emoluments cause of action was recurring and limitation would therefore not fore-close such right.

31.08.16

9. Since the new rules were promulgated vide notification dated 13.11.2012 and, therefore, in view of the case-law discussed above such rules cannot be given retrospective effect. Therefore such rules cannot be applied to civil servant having legitimate expectancy of consideration for promotion against a vacant post available for promotion prior to the date of promulgation of the said rules. It is also made clear from the cases-law referred to above that un-reasonable delay on the part of the department in conducting fairly simple exercise within reasonable period would not deprive a civil servant from his right of consideration for promotion from a specified date. We therefore, hold that delay spreading over a period of more than

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

7 years would not deprive the appellant from seeking consideration for promotion from a specified date i.e. a date when vacancy for promotion has become available..

10. Withholding or delaying the process of promotion would neither entitle the respondents to agitate the plea of limitation nor, such a delay, would deprive the appellant from claiming his right for consideration for promotion more particularly when such a claim is based on a recurring and continuous cause of action.

11. In the light of the afore-stated discussion we are constrained to accept the present appeal and direct the respondents to consider the case of the appellant for promotion and in case he is found eligible for promotion against a seat available for promotion on a date prior to promulgation of new rules notified vide order dated 13.11.2012 then appellant shall be considered for promotion against such vacancy in the light of rules in vogue at the relevant time. Parties are left to bear their own costs. File be consigned to the record room.

(Muhammad Azim Khan Afridi)
Chairman
31.08.16

(Pir Bakhsh Shah)
Member

ANNOUNCED
31.08.2016

Certified to be ture copy

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(15)

بخدمت جناب ڈسٹرکٹ صاحب ایجوکیشن اپیلمنٹری اینڈ سیکنڈری
K.P.K پشاور

بوساطت جناب D.E.O صاحب (M) سیکنڈری پشاور۔

جناب عالی

مؤدبانہ گذارش ہے۔ کہ میرا اپیل نمبر 323/2015 برائے S.S.T promotions سروسز ٹریبونل پشاور میں زیر سماعت تھا جس پر مورخہ 31-8-2016 کو سروسز ٹریبونل نے میرے حق میں فیصلہ دیا۔ لہذا آپ صاحبان کی خدمت میں عرض ہے۔ کہ مجھے S.S.T کے کسی خالی آسامی پر 31-8-2004 سے All back benefits کے ساتھ تعینانی کا حکم صادر فرمائیں۔ دعا گو اور مشکور رہونگا۔

نوٹ: فیصلے کا نقل درخواست کے ساتھ ہے۔

العارض۔

07-09-2016 المرقوم

آپکا تابعدار عنایت اللہ S.C.T گورنمنٹ ہائی سکول ناسپا پایان ضلع پشاور

Forwarded to DEO (M/secondary)
for positive response pl.
07-09-2016

JA... Advocate ... Peshawar

C.P 5389/2016.
Secretary
Vs
Inayat ullah

Head Master
G.H.S Nasapa Payan
Peshawar

(16)

کمیشن جناب ڈائریکٹر صاحب ایلیمنٹری اینڈ سیکنڈری ایجوکیشن K.P.K پشاور۔

عنوان: درخواست برائے Implementation of Decision کورٹ

جناب عالی! مؤدبانہ گزارش ہے کہ میں مورخہ 05-10-89 کو Ease ایجوکیشن میں بحیثیت C.T تعینات ہوا۔ 1992ء میں پشاور یونیورسٹی سے ایف اے اور 29-4-1993 کو B.Ed کی ڈگریاں حاصل کیں۔ S.E.T. ڈیپارٹمنٹل میں Batch wise / Year wise کے 31-8-2004 تک انتظار کرنے کے بعد مورخہ 27-11-2014 کو محکمہ ھذا ایپیل ڈائری نمبر 372 دائر کی۔ کوئی مناسب Responce نہ ملنے پر میں نے سروسز ٹریبونل پشاور میں اپیل نمبر 323/2015 دائر کی۔ جس پر مورخہ 31-8-2016 کو Honourable کورٹ نے میرے حق میں فیصلہ دیا۔ میں نے مذکورہ فیصلے کی روشنی میں مورخہ 7-9-2016 کو D.E.O صاحب کی وساطت سے ڈائریکٹر صاحب کی خدمت میں ایک درخواست دائر کی جس پر انہوں نے موقف اختیار کیا۔ کہ مجھے مذکورہ فیصلے کی روشنی میں 2004ء سے S.E.T کے ساتھ Financial Assistance اور Full Seniority پوسٹ دیا جائے۔ مگر فیصلے پر کوئی عمل درآمد نہ ہو سکا۔ اور مجھے مورخہ 11-8-2017 سے بغیر سزا کے اور S.E.T. کے Back benefits پوسٹ پر تعینات کیا گیا۔ لہذا آپ جناب کی خدمت میں عرض ہے کہ مجھے 31-8-2004 سے S.E.T. کیڈر کے برابر سزا کے Financial Assistance دینے کے احکامات صادر فرمائیں۔ کورٹ فیصلے اور سابقہ درخواست منسلک ہے۔

العارض

27/8/2019

آپ کا تابعدار عنایت اللہ S.E.T. (M) گورنمنٹ ہائی سکول جی ٹی روڈ بالا پشاور

رابطہ نمبر 03009326659

JAVED IQBAL Gul Bela
Dawdzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

Inayat-Ullah
S.S.T. (General)
G.H.S. Jatti Bala Peshawar.

5-9-2019 کو 766 نمبر کے تحت
File No 9/55 T (M)
17-9-2019

(17)

وکالت نامہ

بعدالت: ہائی کورٹ سروس ٹریبونل

عنایت اللہ بنام حکومت

منجانب پیٹیشنر دعویٰ سروس اپیل

تاریخ 24.5.2017

باعث تحریر آنکہ مقدرمہ مندرجہ بالاعنوان اپنی طرف سے واسطے پیروی وجوابدہی بمقام ایبٹ آباد کیلئے جاوید اقبال گل بیلہ ایڈوکیٹ ہائی کورٹ کو بدیں شرط وکیل مقرر کیا ہے۔ کہ میں ہر پیشی کا خود یا بزریعہ مختار خاص روبرو عدالت حاضر ہوتا رہونگا۔ اور بوقت پکارے جانے مقدرمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کرونگا، اگر پیشی پر من مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہوگیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہونگے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کی کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہونگے۔ اگر مقدمہ علاوہ صدر مقام کچہری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختارانہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کو کل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات خود منظور وقبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ وجواب دعویٰ اور درخواست اجرائے ڈگری ونظر ثانی اپیل ونگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد ثالثی وراضی نامہ فیصلہ برخلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل وبرآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ مختارانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزوی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کے ہر امر دہی اور ویسے ہی اختیارات حاصل ہونگے جیسے کے صاحب موصوف کو حاصل ہیں۔ اور دوران مقدمہ میں جو کچھ ہرجانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کرونگا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہٰذا مختارنامہ لکھ دیا کہ سند رہے۔

مورخہ 24/5/2017 مضمون مختارنامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted

by

GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS &
HUMAN RIGHTS DEPARTMENT

NO. SO(OP-II)/LD/15-1/2012-VOL-XI/18965-67
DATED: PESH: THE 25 SEPTEMBER, 2019

To

The Secretary to Government of Khyber Pakhtunkhwa,
Forestry, Environment & Wildlife Department.

Attention: Section Officer (Estt)

Subject: VOLUNTARY RETURN OPTION U/S 25 (A) OF NAO, 1999-INQUIRY U/S 18 (C) OF NAO, 1999 AGAINST MUHAMMAD TARIQ, DISMISSED DFO KOHISTAN (BS-18) REGARDING ACCUMULATION OF ASSETS BEYOND KNOWN SOURCES OF INCOME.

Dear Sir,

I am directed to refer to your Department's letter No. SO(Estt)/FE&WD/1-50(69)/2015/5195-98 dated 16.09.2019 on the subject noted above and to state that Law Department is of the view that the judgment dated 17.12.2018 of Service Tribunal Khyber Pakhtunkhwa has got finality after dismissal of the Civil Petition by Supreme Court of Pakistan in its judgment and needs to be implemented, hence, De-novo inquiry can be conducted in implementation of the judgment ibid even the period is lapsed. Whereas in case of Mr. Muhammad Tariq, Ex-DFO (BS-18), Law Department agrees to the proposition of the Administrative Department at Para-5 of the letter under reference for lodging of an FIR against the said retired officer in the relevant forum. Moreover, the government may withhold or withdraw a pension or any part of it under 1.8 of the Pension Rules, if the pensioner be convicted of serious crime or be found to have bear guilty of grave misconduct either during or after the completion of his service, provided that before any order to this effect is issued, the procedure regarding imposition of the penalty of removal from service shall be followed.

Yours Faithfully,

Section Officer (OP-II)

Endst: of even No. & date.
Copy is forwarded for information to the:-
1. PS to Secretary, Law Department.
2. PA to Additional Secretary (Opinion).

Section Officer (OP-II)

SO(Estt)

District Education Officer
(Male) Peshawar
No_____/
Dated_____/_____/2020

72

To,

The Director (E &SE)
KPK Peshawar.

Subject: - **IMPLEMENTATION OF JUDGMENT DATED 31-08-2016 KHYBER PAKHTUKHWA SERVICE TRIBUNAL IN SERVICE APPEAL NO.328/2015 TITLED INYAT ULLAH SST VS SECRETARY E &SE DEPARTMENT & OTHERS.**

Memo:

I am refer to your letter No.3808/AD (Lit: II) dated 06-12-2019 on the subject cited above and to state that Mr. Inyat Ullah has requested for promotion against the post of SST (G) with effect from 2004. In this respect it is submitted that yourself office is empower to decide such nature cases it your own level being a competent authority.

You are therefore, requested that the case of the appellant may be decided in the light of the court judgment under the relevant rules please.

Sd

District Education Officer
(Male) Peshawar

Endst: No. 5736-37/ Dated 23/01/2020
Copy forwarded to the:-

1. Registrar Service Tribunal KPK Peshawar.
2. P.S to Secretary (E &SE) KPK Peshawar.
3. Office file.

District Education Officer
(Male) Peshawar

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:
Mr. Justice Gulzar Ahmed, CJ
Mr. Justice Ijaz ul Ahsan
Mr. Justice Sajjad Ali Shah

C.P.No.538-P of 2016

[Against the judgment dated 31.08.2016, passed by the Khyber Pukhtunkhwa Tribunal, Peshawar in Appeal No.323/2015]

Secretary (E&S) Education Govt. of KP, Peshawar & others. ...*Petitioner (s)*

Versus

Inayatullah. ...*Respondent(s)*

For the Petitioner (s) : Mr. Zahid Yousaf Qureshi, Addl.A.G. KP

For the Respondent(s) : N.R.

Date of Hearing : 20.01.2020

ORDER

Gulzar Ahmed, CJ.— This petition is barred by 13 days. Application for condonation of delay has been filed in which reason assigned is that time was spent in obtaining the copies and lengthy correspondence between the various tiers of the Department. The ground urged in the application is reiterated by the learned Addl.A.G before us. Learned Addl.A.G has not been able to show that such ground has been accepted by this Court as a sufficient cause for condonation of delay and no valid reason has been assigned as to why such be done now. Even, each day's delay has not been explained.

2. The application for condonation of delay is, therefore, dismissed. Consequently, the petition is also dismissed as time barred. The petitioner may take action against the official(s), who

ATTESTED

Senior Court Associate
Supreme Court

caused delay in filing of the petition before this Court. Learned Advocate General shall ensure that action in this regard is taken and whoever is found responsible is punished in accordance with law.

Sd/-HCJ
Sd/-J
Sd/-J

Certified to be True Copy

Senior Court Associate
Supreme Court of Pakistan
Islamabad

CR No: 13/6/20
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Received by:

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Execution petition No._____/2019
In Service Appeal No.323/2015

Inayat Ullah **VERSUS** Education Dptt:

.....

OBJECTION ON THE MEETING MINUTES/IMPLEMENTATION REPORT

.....

RESPECTFULLY SHEWETH:

That the respondent department have submitted meeting minutes/implementation report wherein the plea of the promotion has been rejected on the ground that the no junior to the appellant has been promoted whereas one Mr. Zafar Iqbal who has done B.Ed on 25.03.1994 has been promoted to SST on 24.05.1995 while the petitioner who has done B.Ed on 29.04.1993 has not been promoted to SST which shows that Mr. Zafar Iqbal who is junior, but despite that he was promoted on the basis of B.Ed Degree while the appellant has been deprived from the same benefits. The Year of obtaining degree of Mr. Zafar Iqbal is evident from the monthly Goshwara and service history of the petitioner so the plea raised by the respondent department that no junior to the petitioner has been promoted is baseless and concealment from this Honorable Tribunal. **Copies of monthly Goshwara & Service history of the petitioner is attached as Annexure-A & B.**

It is, therefore, most humbly prayed that the implementation report/meeting minutes may be rejected on the basis of above submissions and direct the respondents to implement the judgment dated 31.08.2016 in true letter and spirit. Any other remedy, which this august Service Tribunal deems fit and appropriate, may also be awarded in favour of petitioner.

PETITIONER
Inayat Ullah

THROUGH:

ASIF YOUSAFZAI
ADVOCATE SUPREME COURT
&

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

کوائف عمارت

عمارت کی نوعیت: سرکاری ✓ | فری | اوقاف | کرایہ

کرایہ کی صورت میں مالک مکان کا نام ________ ماہانہ کرایہ

عمارت کی تعمیر کا سال: 1 9 9 5

تدریسی کمرے: 03   غیر تدریسی کمرے: 02

مزید کتنے کمروں کی گنجائش ہے۔

معمولی مرمت طلب کمروں کی تعداد: 3

کتنے CT.SET.SS اساتذہ نے انگریزی، معاشرتی علوم، جنرل سائنس یا ریاضی کا تجدیدی کورس کیا ہے اور کتنے باقی ہیں

نام آسامی	تعداد اساتذہ	کورس کا مضمون	باقی اساتذہ
SS			
SET			
CT			

سہولیات ہاں / نہیں

پانی	بجلی	چاردیواری	کھیل کا میدان
✓	✓	✓	نہیں

سائنس روم سامان: ہے   تعداد لیٹرین: 02

درجہ چہارم ملازمین

نام	ولدیت	تاریخ پیدائش	تاریخ تقرری	کیفیت عارضی / مستقل
شمیم خان	ریواس خان	1967	7/9/85	مستقل
جلال خان	نفیس سجان	6/6/94	26/6/14	
نوید الرحمن	منیر رحمن	20/1/79	23/12/2012	

منظور شدہ آسامیوں کی تفصیل

نام آسامی	تاریخ منظوری	نمبر و تاریخ منظوری

نوٹ: گوشوارہ ہر ماہ کی تین تاریخ تک لازماً بھیجا جائے۔ ۲۔ گوشوارہ میں کوئی بھی خانہ خالی نہ چھوڑا جائے۔ ۳۔ جن اساتذہ نے تجدیدی کورسز نہیں کروائے ہوں۔ ان کے نام ارسال کیا کریں۔ ۴۔ گوشوارہ میں درجہ چہارم ملازمین کے کوائف لکھنا ضروری ہیں۔ مستقل اور کنٹریکٹ دونوں صورتوں میں نظرانداز نہ کیا جائے۔ ۵۔ نتائج جماعت ہشتم ماہ مئی کے آخر تک اور نہم و دہم کا نتیجہ نکلنے پر نتائج فوری طور پر مضمون وار اور مدرسین کے مضمون وار ارسال کر دیا کریں۔ ۶۔ گوشوارہ جات اور نتائج ڈائری برانچ میں جمع نہ کیے جائیں۔ بلکہ مردانہ سکولوں کے گوشوارہ جات زرمحمد ADO (Estt:) اور زنانہ سکولوں کے گوشوارہ جات مس غزالہ ADO (F) کے پاس براہ راست جمع کئے جائیں۔ ۷۔ اگر کوئی ملازم چھٹی پر ہو تو چھٹی کی نوعیت (بلا تنخواہ، بمعہ تنخواہ، طبی رخصتی) اور دورانیہ یعنی پیریڈ ضرور لکھیں۔ ۸۔ دفتر ھذا انٹرنیٹ کے ذریعے سیکرٹری صاحب (سکولز اینڈ لٹریسی) سے منسلک ہے۔ کسی بھی وقت کسی قسم کی انفارمیشن طلب کی جا سکتی ہے لہٰذا اداؔم اور نادہندہ ہونے سے اپنے آپ کو بچائیں۔ کیونکہ ایک سکول کی انفارمیشن نہ پہنچنے کی وجہ سے پورے ضلعے کی انفارمیشن نامکمل تصور کی جاتی ہے

مرتب کنندہ
حاجی حکیم اللہ
ضلعی افسر (مدارس خواندگی) پشاور
زرمحمد
(ADO.Estt) (مدارس خواندگی) پشاور

مہر و تاریخ: Head Master Govt Shaheed ... Middle School ... No.2 Peshawar

دستخط پرنسپل / ہیڈ ماسٹر / ہیڈ مسٹریس

پی ٹی اے سے متعلق معلومات

نام پی ٹی اے چیئرمین	فون نمبر	نام بینک	پتہ برانچ	پی ٹی اے اکاؤنٹ نمبر
ریاض احمد		NBP	گنج گیٹ	1922-2

تعداد طلباء جماعتوار

نام جماعت	سیکشن اے	سیکشن بی	سیکشن سی	سیکشن ڈی	سیکشن ای	سیکشن ایف	سیکشن جی	سیکشن ایچ	کل تعداد
ششم	55								55
ہفتم	40								40
ہشتم	35								35
نہم آرٹس									
نہم سائنس									
دہم آرٹس									
دہم سائنس									
یازدہم آرٹس									
یازدہم سائنس									
دوازدہم آرٹس									
دوازدہم سائنس									
کل میزان	130								130

فرنیچر کی تعداد (طلباء) فرنیچر اساتذہ پنکھوں کی تعداد

ڈیسک طلباء موجودہ 61 مطلوبہ NIL کرسیاں موجود 15 مطلوبہ NIL

بنچ طلباء موجود 61 مطلوبہ NIL میزیں موجود 8 مطلوبہ NIL

ٹاٹ موجودہ NIL مطلوبہ NIL

قابل استعمال	
	13

ناقابل استعمال	

تفصیل خالی آسامیاں کیٹیگری وائز

نام آسامی	خالی ہونے کی تاریخ	خالی ہونے کا سبب
Sweeper	3/4/16	ملازمت چھوڑ دی ہے۔

منظور شدہ آسامیاں کیٹیگری وائز

نام آسامی	مستقل	عارضی	کل
Principal			
V.Pri.			
H.M			
S.S			
Lib.Sc			
DPE			
S.E.T	1		
S.E.T Sc			
SET Tech			
W.I			
A.W.I			
CT	2		
AT	1		
PET	1		
DM	1		
TT	1		
QARI			
ASSTT			
S/C			
J/C			
L.ASSTT			
S/K			
A.S/K			

R-2.

Service History of Mr. Inayatullah SST of GHS Jatti Bala Peshawar

Name of Employee	Academic Qualification	Professional Qualification	Passing year of Professional qualification	Date of entry to Govt. Service	Date of Promotion to SST
Inayatullah	M.A	B.Ed	1993 (29-4-1993)	05.10.1989	11.08.2017

9/c

HEAD MASTER
GHS Jatti Bala Peshawar

HEAD MASTER
Government High School Jatti Bala
Peshawar

Roll No. 6258609

2875 نمبر شمار

Allama Iqbal Open University

علامہ اقبال اوپن یونیورسٹی

INAYAT ULLAH Regn. No. 90-NFR-1025 رجسٹریشن نمبر عنایت اللہ

son/daughter of ABDUR RAUF عبد الرؤف بن / بنت

having completed the prescribed requirements in SPRING, 1992 is awarded the degree of

کو بہار ۹۲ ۱۹ء میں مطلوبہ شرائط مکمل کرنے پر

Bachelor of Education

بی۔ایڈ

He/She secured 53 % marks and was placed in C grade.

کی ڈگری عطا کی گئی۔ اس نے ۵۳ فیصد نمبر لے کر سی گریڈ حاصل کیا۔

This Degree is to be read in conjunction with the Transcript, bearing details of courses passed, issued separately.

Vice Chancellor وائس چانسلر

Islamabad

Dated . 29TH APR, 1993.

Controller of Examinations کنٹرولر امتحانات

اسلام آباد

۲۹ اپریل ۱۹۹۳ء

Most Immediate
Court Matter

(Registered)

DIRECTORATE ELEMENTARY & SECONDARY EDUCATION

Khyber Pakhtunkhwa, Peshawar.

No 1182 /AD (Lit: II) Dated Peshawar the 1/12/2020

To

The District Education Officer
(M) Peshawar.

Subject: - **REQUEST FOR SUBMISSION OF REPLY TO THE OBJECTION PETITION IN EXECUTION PETITION NO. 358/2019 IN SERVICE APPEAL 323/2015 INAYAT ULLAH VS GOVT; OF KPK & OTHERS.**

Memo:

I am directed & to enclose herewith a copy of the objection petition along with other enclosures in the titled case, wherein, the appellant has contended that one Mr. Zafer Iqbal SST has passed B.Ed on 25-03-1994 & was promoted to SST post on 24-05-1995 while the appellant has passed has B.Ed 29-04-1993 & has been promoted as SST on 28-05-2013 by the Respondent Department with the claim that he is senior to Zafer Iqbal SST, copies of the monthly staff statement & others record are attached for ready reference.

Therefore, it is requested that reply with Departmental & legal justification in response to the claim of the appellant regarding has seniority over Mr. Zafer Iqbal SST may kindly be submitted to this Directorate for onward submission to the Service Tribunal on the date fixed on priority being a Court matter please.

01/12/20

Asstt: Director (Lit: II)
E&SE Khyber Pakhtunkhwa,
Peshawar.

O/C

Endst: No: 1183-84

Copy forwarded for information to the:-

1. Registrar Khyber Pakhtunkhwa Service tribunal Peshawar.
2. AAG Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. Section Officer (Lit: II) E&SE Department KPK Peshawar.
4. PA to Director, local Directorate.

01/12/20

Asstt: Director (Lit: II)
E&SE Khyber Pakhtunkhwa,
Peshawar.

O/C

Most Immediate
Court Matter

(Registered)

DIRECTORATE ELEMENTARY & SECONDARY EDUCATION

Khyber Pakhtunkhwa, Peshawar.

No 1182 /AD (Lit: II) Dated Peshawar the 1/12/2020

To

The District Education Officer
(M) Peshawar.

Subject: - **REQUEST FOR SUBMISSION OF REPLY TO THE OBJECTION PETITION IN EXECUTION PETITION NO. 358/2019 IN SERVICE APPEAL 323/2015 INAYAT ULLAH VS GOVT; OF KPK & OTHERS.**

Memo:

I am directed & to enclose herewith a copy of the objection petition along with other enclosures in the titled case, wherein, the appellant has contended that one Mr. Zafer Iqbal SST has passed B.Ed on 25-03-1994 & was promoted to SST post on 24-05-1995 while the appellant has passed has B.Ed 29-04-1993 & has been promoted as SST on 28-05-2013 by the Respondent Department with the claim that he is senior to Zafer Iqbal SST, copies of the monthly staff statement & others record are attached for ready reference.

Therefore, it is requested that reply with Departmental & legal justification in response to the claim of the appellant regarding has seniority over Mr. Zafer Iqbal SST may kindly be submitted to this Directorate for onward submission to the Service Tribunal on the date fixed on priority being a Court matter please.

Asstt: Director (Lit: II)
E&SE Khyber Pakhtunkhwa,
Peshawar.

Endst: No: 1183-84

Copy forwarded for information to the:-

1. Registrar Khyber Pakhtunkhwa Service tribunal Peshawar.
2. AAG Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. Section Officer (Lit: II) E&SE Department KPK Peshawar.
4. PA to Director, local Directorate.

Asstt: Director (Lit: II)
E&SE Khyber Pakhtunkhwa,
Peshawar.

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR.

Execution petition No._____/2019
In Service Appeal No.323/2015

Inayat Ullah **VERSUS** Education Dptt:

.....

OBJECTION ON THE MEETING MINUTES/IMPLEMENTATION REPORT

.....

RESPECTFULLY SHEWETH:

That the respondent department have submitted meeting minutes/implementation report wherein the plea of the promotion has been rejected on the ground that the no junior to the appellant has been promoted whereas one Mr. Zafar Iqbal who has done B.Ed on 25.03.1994 has been promoted to SST on 24.05.1995 while the petitioner who has done B.Ed on 29.04.1993 has not been promoted to SST which shows that Mr. Zafar Iqbal who is junior, but despite that he was promoted on the basis of B.Ed Degree while the appellant has been deprived from the same benefits. The Year of obtaining degree of Mr. Zafar Iqbal is evident from the monthly Goshwara and service history of the petitioner so the plea raised by the respondent department that no junior to the petitioner has been promoted is baseless and concealment from this Honorable Tribunal. **Copies of monthly Goshwara & Service history of the petitioner is attached as Annexure-A & B.**

It is, therefore, most humbly prayed that the implementation report/meeting minutes may be rejected on the basis of above submissions and direct the respondents to implement the judgment dated 31.08.2016 in true letter and spirit. Any other remedy, which this august Service Tribunal deems fit and appropriate, may also be awarded in favour of petitioner.

PETITIONER
Inayat Ullah

THROUGH:

ASIF YOUSAFZAI
ADVOCATE SUPREME COURT
&

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

R-1

صفحہ نمبر 1 ماہنامہ گوشوارہ بابت ماہ اپریل برائے گورنمنٹ شس...

سکول کوڈ نمبر 34179 تاریخ اجراء 05/12/96 تاریخ تعمیر عمارت ____

یونین کونسل گل بہار نام ناظم ____ حلقہ پی ایف P.K 2 ایم پی اے کا نام ____ مشرف ...

نمبر شمار	نام مدرس بمعہ عہدہ / آسامی	ولدیت	گریڈ بمعہ تنخواہ	ڈومیسائل	تاریخ پیدائش	تعلیمی قابلیت	پیشہ وارانہ قابلیت	پیشہ وارانہ امتحان پاس کرنے کی تاریخ	تاریخ آغاز ملازمت	موجودہ سکول میں آمد کی تاریخ	موجودہ گر... میں چار...
1	ظفر اقبال S.E.T	مخدوم سرور	17	پشاور	15/2/67	B.A	B.Ed	25/3/94	13/1/88	13/9/11	/95
2	ظریف خان C.T	گل رحمان	15	پشاور	25/1/68	M.A پشتو	C.T	2/4/92	12/9/87	1/3/2013	8
3	شاہد اقبال C.T	تاج محمد	15	پشاور	3/9/1974	B.A	B.Ed	28/2/13	31 10/1996	1/4/2013	96
4	زبیر احمد A.T	مولانا زین العابدین	15	پشاور	13/9/67	M.A اسلامیات	شہادۃ العالمیہ	1988	5 11/1992	1/12/2012	7
5	امداد حسین D.M	فقیر حسین	15	پشاور	6/2/62	F.A	DM	14/7/86	1/12/81	1/3/2013	81
6	پیر عبدالسبوح T.T	عبدالرحمان	15	پشاور	2/4/57	فارغ التحصیل	سند یافتہ	1973	13/9/80	1 4/2013	80
7	سید اسد علی شاہ	پیر سنی شاہ	15	پشاور	1/6/85	B.A	SDPE	2008	18 9/2008	18 1/2013	08
8											
9	تسلیم خان N/Q	ایوب خان	2	پشاور	1967	—	—	—	7 9/85	15 8/2012	
10	جلال خان N/Q	فضل سبحان		پشاور	6/4/94	—	—	—	26/6/14	1/9/14	6/14
11	توحید الرحمن N/Q	سمیع الرحمن		پشاور	20/1/79	—	—	—	23 12/2012	2/11/2015	12/12
12											
13											
14											
15											

کوائف عمارت

عمارت کی نوعیت: سرکاری ✓ | فری | اوقاف | کرایہ

کرایہ کی صورت میں مالک مکان کا نام _____ ماہانہ کرایہ

عمارت کی تعمیر کا سال: 1995

تدریسی کمرے: 03 | غیر تدریسی کمرے: 02

مزید کتنے کمروں کی گنجائش ہے۔

معمولی مرمت طلب کمروں کی تعداد: 3

نام آسامی	تعداد اساتذہ	کورس کا مضمون	باقی اساتذہ
SS			
SET			
CT			

کتنے CT.SET.SS اساتذہ نے انگریزی، معاشرتی علوم، جنرل سائنس یا ریاضی کا تجدیدی کورس کیا ہے اور کتنے باقی ہیں

سہولیات ہاں / نہیں

پانی	بجلی	چاردیواری	کھیل کا میدان
✓	✓	✓	نہیں

سائنس روم سامان: ہے | تعداد لیٹرین: 02

درجہ چہارم ملازمین

نام	ولدیت	تاریخ پیدائش	تاریخ تقرری	کیفیت ملازمت مستقل
شمیم خان	رئیس خان	1967	7/9/81	مستقل
جمال خان	مفصل خان	6/6/96	26/6/14	
نوید الرحمٰن	میر رحمٰن	20/1/79	23/12/2013	

منظور شدہ آسامیوں کی تفصیل

نام آسامی	تاریخ منظوری	نمبر و تاریخ منظوری

نوٹ: ۱۔ گوشوارہ ہر ماہ کی تین تاریخ تک لازماً بھیجا جائے۔ ۲۔ گوشوارہ میں کوئی بھی خانہ خالی نہ چھوڑا جائے۔ ۳۔ جس اساتذہ نے تجدیدی کورسز نہیں کروائے ہوں۔ ان کے نام ارسال کیا کریں۔ ۴۔ گوشوارہ میں درجہ چہارم ملازمین کے کوائف لکھنا ضروری ہیں۔ مستقل اور کنٹریکٹ دونوں صورتوں میں نظر انداز نہ کیا جائے۔ ۵۔ نتائج جماعت ہشتم ماہ مئی کے آخر تک اور نہم و دہم کا نتیجہ نکلنے پر نتائج نوری طور پر مضمون وار اور مدرسین کے مضمون وار ارسال کر دیا کریں۔ ۶۔ گوشوارہ جات اور نتائج ڈائری برانچ میں پیش نہ کیے جائیں۔ بلکہ مردانہ سکولوں کے گوشوارہ جات زرمحمد ADO (Estt:) اور زنانہ سکولوں کے گوشوارہ جات مس غزالہ ADO (F) کے پاس براہ راست جمع کیے جائیں۔ ۷۔ اگر کوئی ملازم چھٹی پر ہو تو چھٹی کی نوعیت (بلا تنخواہ، بمعہ تنخواہ، طبی رخصتی) اور دورانیہ یعنی ہیڈ ضرور لکھیں۔ ۸۔ دفتر ہذا انٹرنیٹ کے ذریعے سیکرٹری صاحب (سکولز ایجوکیشن) سے منسلک ہے۔ کسی بھی وقت کسی قسم کی انفارمیشن طلب کی جا سکتی ہے لہٰذا نام اور نادہندہ ہونے سے اپنے آپ کو بچائیں۔ کیونکہ ایک سکول کی انفارمیشن نہ پہنچنے کی وجہ سے پورے ضلع کی انفارمیشن نامکمل تصور کی جاتی ہے

حاجی حکیم اللہ
ضلعی افسر (مدارس و خواتین) پشاور

زرمحمد
(ADO.Estt:) (مدارس و خواتین) پشاور

دستخط پرنسپل / ہیڈ ماسٹر / ہیڈ مسٹریس _____ مہر و تاریخ Head Master

پی ٹی اے سے متعلق معلومات

نام پی ٹی اے چیئرمین	فون نمبر	نام بینک	پتہ برانچ	پی ٹی اے اکاؤنٹ نمبر
ریاض احمد		NBP	گنج گیٹ	1922-2

تعداد طلباء جماعتوار

نام جماعت	سیکشن اے	سیکشن بی	سیکشن سی	سیکشن ڈی	سیکشن ای	سیکشن الف	سیکشن بی	سیکشن ایچ	کل تعداد
ششم	55								55
ہفتم	40								40
ہشتم	35								35
نہم آرٹس									
نہم سائنس									
دہم آرٹس									
دہم سائنس									
یازدہم آرٹس									
یازدہم سائنس									
دوازدہم آرٹس									
دوازدہم سائنس									
کل میزان	130								130

فرنیچر کی تعداد (طلباء)

ڈیسک طلباء موجودہ 61 مطلوبہ NIL کرسیاں موجود 15 مطلوبہ NIL

بنچ طلباء موجود 61 مطلوبہ NIL میزیں موجود 8 مطلوبہ NIL

ٹاٹ موجودہ NIL مطلوبہ NIL

فرنیچر اساتذہ

پنکھوں کی تعداد

قابل استعمال 13

ناقابل استعمال

تفصیل خالی آسامیاں کیٹگری وائز

نام آسامی	خالی ہونے کی تاریخ	خالی ہونے کا سبب
Sweeper	3/6/16	ملازمت سے الگ ہے

منظور شدہ آسامیاں کیٹگری وائز

نام آسامی	مستقل	عارضی	کل تعداد
Principal			
V.Prt.			
H.M			
S.S			
Lib.Sc			
DPE			
S.E.T	1		
S.E.T Sc			
SET Tech			
W.I			
A.W.I			
CT	2		
AT	1		
PET	1		
DM	1		
TT	1		
QARI			
ASSTT			
S/C			
J/C			
L.ASSTT			
S/K			
A.S/K			

عنبر احمد مڈل سکول گل بہار ضلع پشاور

تاریخ اپ گریڈیشن 5/12/96 1995

حلقہ این اے I ممبر قومی اسمبلی کا نام حاجی غلام احمد بلور سن / رول

دستخط مدرس	ایڈریس بمعہ فون	قومی شناختی کارڈ نمبر نیا و پرانا	تاریخ ریٹائرمنٹ	جی پی فنڈ ماہوار کٹوتی	جی پی فنڈ اکاؤنٹ نمبر	پرسنل نمبر نیا و پرانا	سنیارٹی تاریخ
	چمکنی پشاور	17301-1500491-3	14/2/27	2040	036855	24851	24
	محلہ کھڑی سیدان کوہاٹ روڈ پشاور	17301-1283111-9	24-2028	1520	35337	21579	19
	گل بہار نمبر 4 پشاور	17301-9624410-5	2/9/36	1520	00107	00051091	31
	دین بہار کالونی پشاور	17301-1994052-1	14/9/2027	1520	043898	49640	1
	چمکنی پشاور	17301-9528190-3	5/2/2022	1520	39486	24223	1/1
	رانو گھڑی پشاور	17301-1504112-3	1/4/2017	1520	28422	23945	13
Asad	افغان کالونی پشاور	17301-8557197-7	31/5/2045	1520	069679	429173	18
تسلیم	نثار روڈ پشاور	17301-1268647-9	2027	373	034693	21493	7
جمال	فصیل کالونی نمبر 2 پشاور	17301-4134643-9	5/4/2054			718109	2
فرید	نوتھیہ جدید پشاور	17301-8755574-3	19/11/2039			00696136	2

R-2.

Service History of Mr. Inayatullah SST of GHS Jatti Bala Peshawar

Name of Employee	Academic Qualification	Professional Qualification	Passing year of Professional qualification	Date of entry to Govt. Service	Date of Promotion to SST
Inayatullah	M.A	B.Ed	1993 (29-4-1993)	05.10.1989	11.08.2017

9/c

HEAD MASTER
GHS Jatti Bala Peshawar

HEAD MASTER
Government High School Jatti Bala
Peshawar

Roll No. 625809

2875 نمبر شمار

Allama Iqbal Open University

علامہ اقبال اوپن یونیورسٹی

INAYAT ULLAH Regn. No. 90-NPR-1025 رجسٹریشن نمبر عنایت اللہ

son/daughter of ABDUR RAUF عبد الرؤف بن / بنت

having completed the prescribed requirements in SPRING, 1992 is awarded the degree of

کو بہار ۹۲ ۱۹ء میں مطلوبہ شرائط مکمل کرنے پر

Bachelor of Education

بی۔ایڈ

He/She secured 53 % marks and was placed in C grade.

کی ڈگری عطا کی گئی۔ اس نے ۵۳ فیصد نمبر لے کر سی گریڈ حاصل کیا۔

This Degree is to be read in conjunction with the Transcript, bearing details of course passed, issued separately.

Vice Chancellor وائس چانسلر

Controller of Examinations کنٹرولر امتحانات

Islamabad

Dated . 29TH APR, 1993.

اسلام آباد

تاریخ ۲۹ اپریل ۱۹۹۳ء

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

EXECUTION PETITION NO.358/2019 IN SERVICE APPEAL NO.323/2015

INAYAT ULLAH VS GOVT: OF KP.

REPLY OF OBJECTION PETITION ON BEHALF OF RESPONDENTS.

Respectfully Sheweth:

The Respondents submit as under:

That objection on the Implementation Report raised by the Appellant, is incorrect, misleading and against the facts on record. The real facts remain that Mr. Zafar Iqbal has been directly appointed on merit by competent authority vide appointment order No.4358-64 dated 24-05-1995. While the petitioner seeks promotion on the basis of 75% batch wise quota and a number of candidates were senior in the seniority list.

(Copy of appointment order is attached as Annex: A)

It is therefore, very humbly submitted that on acceptance of this reply, the Execution Petition may kindly be dismissed with cost.

For

Director,
(E &SE) KP Peshawar.

OFFICE OF THE DIRECTOR OF SECONDARY EDUCATION NWFP PESHAWAR.

NOTIFICATION.

Consequent upon their selection by the Departmental selection Committee, the Director Secondary Education NWFP, Peshawar has been pleased to appoint the following trained graduates candidates against SET posts at the schools noted against each in BPS-16 (Rs: 2535-197-5450) plus usual allowances as admissible under the rules with immediate effect, subject to the existing terms and conditions.

S.NO.	NAME AND ADDRESS	SCHOOL WHERE POSTED	REMARKS
1.	Mr. Zafar Iqbal BA Bed S/O Ghulam Sarwar Khan GHSS No.1, Peshawar City.	GHS Takkha Nowshera	Against V. SET Post.

TERMS AND CONDITIONS:-

1. They will be governed by such rules and regulations as may be prescribed by the Govt: from time to time for the category of Government servants to which they belong.
2. Their service will be liable to termination on one month notice from either side. In case of resignation with out notice one month pay will be forfieted in liew there of.
3. They should join the posts within one month of the issue of notification.
4. Their inter-se-seniority will be determined in accordance with the merit of Departmental selection Committee.
5. Charge report should be submitted to all concerned.
6. They shall be on probation for a period of two years.
7. Their original certificates/degrees should be checked and verified from the concerned University immediately.

Continued page (2)

8. The declaration of assests should be obtained from them and be placed on record.

9. Fresh candidates should not be handed over charge if their age is less then 18 or more than 30+(2 years Govt:relaxation).

10. No TA/DA is allowed.

11. They are required to produce Health and Age certificate from Medical authorities concerned, before taking over charge.

(S.ABU SAEED BACHA)
DIRECTOR SECONDARY EDUCATION.
N.W.F.P. PESHAWAR.

Endst:No. 4358-64/A-14/SET/Apptt: Dated Pesh; the 14/5/1995.

Copy forwarded for information to the:-

1. Accountant General NWFP, Peshawar.
2. District Accounts Officer _____
3. Director of Education(Primary)NWFP, Peshawar.
4. Director of Education(FATA)NWFP, Peshawar.
5. Divisional Director of Edu.: S) _____
6. District Education Officer(Male)Primary _____
7. District Education Officer(Male)Secondary _____
8. Private Secretary to Minister for Education(S/C) NWFP, Peshawar.
9. Private Secretary to Secretary Education Govt: of NWFP, Education Department Peshawar.
10. PA to Director of Secondary Education NWFP, Peshawar.
11. Official concerned.

Syed Cutlay 14/5/95
DEPUTY DIRECTOR SECONDARY
EDUCATION N.W.F.P.PESHAWAR.

ABDUL JABBAR.
Steno Typist

MINUTES OF MEETING OF THE COMMITTEE REGARDING CONSIDERATION OF MR. INYATULLAH FOR PROMOTION TO THE POST OF SST(GENERAL BPS-[illegible] IN COMPLAINCE OF JUDGMENT DATED 31-08-2016 PASSED BY THE HON'BLE SERVICE TRIBUNAL PESHAWAR IN SERVICE APPEAL NO.323/2015 & EXECUTION PETITION NO.358/2019 TITLED INAYATULL VS SECRETARY (E&SED) AND OTHERS HELD ON 24/06/2020 AT THE OFFICE OF THE DIRECTOR (E&SE) KP PESHAWAR.

A meeting of the District Selection Committee regarding promotion of the appellant to the post of SST (Gen) in compliance of judgment dated 31-08-2016 passed by the worthy Service Tribunal in appeal No.323/2015, was held on 24/06/2020 in the office of the Director (E&SE) KP Peshawar under the Chairmanship of Director (E&SE) KP.

The following attended the meeting

S#	*Name & Designation*	*Capacity*
1.	*Mr.Hafiz Muhammad Ibraheem, Director (E&SE) KP Peshawar*	*Chairman*
2.	*Mr. Fazl -e- Wahid Khan, Deputy Director- Establishment (E&SE) KP Peshawar.*	*Member*
3.	*Mr. Abdul Sumad Khan, Deputy Director- Legal (E&SE) KP Peshawar.*	*Member*
4.	*Mr. Irfan Ali, District Education Officer (Male) Peshawar*	*Member*
5.	*Mr.Raham Taj ADEO Litigation District Education Officer (Male) Peshawar*	*Facilitator*
6.	*Ijaz Akhtar Dealing Assistant o/o the District Education Officer (Male) Peshawar.*	*Facilitator*

The meeting started with recitation of a few verses from the Holy Quran by Mr. Fazl -e- Wahid, Deputy Director (Estt:) E&SE KP.

The Committee taken up the case of the appellant for considering him against the post of SST (General) as ordained by the worthy Service Tribunal Peshawar vide judgment dated 31-08-2016 passed in Service Appeal No.323/2015 titled Inayatullah S.CT VS Govt: of KP and Others.

INTRODUCTION

History of the case as narrated by the appellant in his Service Appeal No.323/2015 is following.

1. That the appellant was appointed as CT Teacher on dated 04/10/1989 in the Elementary & Secondary Education Department KPK Peshawar.
2. That the appellant is equipped with qualification M.A & B.Ed.

PLEA OF THE APPELLANT.

Plea of the appellant as raised by him in Service Appeal No.323/2015 is following:-

1. That the respondent Deptt: has passed promotion/ appointment orders to SST/SET posts on batch-wise merit in the year 2004 and after that no order on the basis of batch-wise merit has been passed till 2012. Thus the appellant remained in waiting since long for his promotion as SST/SET on the basis of batch-wise formula which was an arbitrary act on the part of respondent Deptt: However the appellant agitated that matter but in vain and genuine request of the appellant went un-responded.

2. That Govt: promulgated new rules in the year 2012 for promotion of SST(G) in which 40% quota was fixed by the Govt: for promotion of SCT/CT to SST (G) and the promotion of SST(G) was made on basis those rules on 28/10/2014 but again the rules have not been followed in its true spirits because the SST is a provincial cadre post and requires to be filled in by provincial-wise seniority whereas the promotion order has been passed on the basis of Distt: wise seniority against the provincial cadre post. Thus once again the appellant has been kept deprived from his promotion rights despite having more than 30 years service at his credit.

REPLY OF THE DEPARTMENT.

1. That the appellant has passed B.Ed in 1993 whereas teachers appointed Batch wise to the post of SST vide appointment order Endst: No.3444-3620 dated 31-08-2004, had passed their B.Ed in 1992 and there is no promotion order wherein the appellant has been deprived of his due right of promotion on the bases of his seniority cum fitness. **(Copy of appointment order 2004 is attached)**
2. That promotion order vide Endst: No. 3386-88 dated 28-04-2013, appellant has been promoted to SCT (BPS-16) according to his turn/seniority. **(Copy of Promotion order 2013 is attached)**
3. That promotion order vide Endst: No. 694-99 dated 03-08-2017, appellant has been promoted to SST (Gen) according to his turn/ seniority. **(Copy of Promotion order 2017 is attached)**

JUDGMENTS OF THE SERVICE TRIBUNAL

"In the light of the afore-stated discussion we are constrained to accept the present appeal and direct the respondents to consider the case of the appellant for promotion and in case he is found eligible for promotion against a seat available for promotion on a date prior to promulgation of new rules notified vide order dated 13/11/2012 then appellant shall be considered for promotion against such vacancy in the light of rules in vogue at the relevant time".

MINUTES OF MEETING OF THE COMMITTEE REGARDING CONSIDERATION OF MR. INYATULLAH FOR PROMOTION TO THE POST OF SST(GENERAL BPS-16 IN COMPLAINCE OF JUDGMENT DATED 31-08-2016 PASSED BY THE HON'BLE SERVICE TRIBUNAL PESHAWAR IN SERVICE APPEAL NO.323/2015 & EXECUTION PETITION NO.358/2019 TITLED INAYATULL VS SECRETARY (E&SED) AND OTHERS HELD ON 24/06/2020 AT THE OFFICE OF THE DIRECTOR (E&SE) KP PESHAWAR.

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3.	*Mr. Abdul Sumad Khan, Deputy Director- Legal (E&SE) KP Peshawar.*	*Member*
4.	*Mr. Irfan Ali, District Education Officer (Male) Peshawar*	*Member*
5.	*Mr.Raham Taj ADEO Litigation District Education Officer (Male) Peshawar*	*Facilitator*
6.	*Ijaz Akhtar Dealing Assistant o/o the District Education Officer (Male) Peshawar.*	*Facilitator*

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REPLY OF THE DEPARTMENT.

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"In the light of the afore-stated discussion we are constrained to accept the present appeal and direct the respondents to consider the case of the appellant for promotion and in case he is found eligible for promotion against a seat available for promotion on a date prior to promulgation of new rules notified vide order dated 13/11/2012 then appellant shall be considered for promotion against such vacancy in the light of rules in vogue at the relevant time".

CONCLUSION

In compliance of judgment dated 31-08-2016 passed by the Service Tribunal in Service Appeal No. 323/2015, the appellant has already been promoted to the post of SCT (BPS-16) on dated 28-04-2013 under the 2012 policy and then promoted to the post of SST (Gen) on dated 03-08-2017 according to his turn & seniority position however, the appellant has concealed these facts from the worthy Service Tribunal in his Service Appeal No.323/2015. The appellant has been facilitated and has availed the promotion benefits according to his turn & seniority position and thus does not fall within the definition of aggrieved person. The Department has acted according to law and seniority rules.

DECISION

In compliance of judgment of the Service Tribunal passed in Service Appeal No.323/2015 titled Inayatullah VS Secretary (E&SED) and Others, the committee examined the service record of the appellant and the Committee unanimously decided that as the appellant has already been promoted to SCT (BPS-16) on dated 28-04-2013 and again promoted to the post of SST (Gen) on dated 03-08-2017 according to his turn & seniority position and no junior to the appellant has been promoted without turn, therefore, the plea raised by the appellant in Service Appeal No.323/2015 is baseless, hence rejected.

(Mr. Fazl-e Wahid)
Deputy Director (Estb:)S&SE KP.
(Member)

(Mr. Abdul Sumad Khan)
Deputy Director (Legal) E&SE KP
(Member)

(Mr. Irfan Ali)
District Education Officer
(Male) Peshawar
(Member)

(Mr. Hafiz Ibraheem)
Director (E&SE) KP.
(Chairman)

VAKALAT NAMA

NO._____/20

IN THE COURT OF KP SERVICE TRIBUNAL PESHAWAR.

Inayat Ullah (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Government of KP (Respondent)
(Defendant)

I/~~We,~~ Inayat Ullah

Do hereby appoint and constitute ***M. Asif Yousafzai, Advocate Supreme Court Peshawar,*** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

عنایت اللہ
(CLIENT)

ACCEPTED

M. ASIF YOUSAFZAI
Advocate Supreme Court Peshawar.
&
TAIMUR ALI KHAN
Advocate High Court, Peshawar
&
SYED NOMAN ALI BUKHARI
Advocate High Court
&
SHAHKAR KHAN YOUSAFZAI
Advocate.

OFFICE:
Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO: _____ OF 2022

Inayat Ullah _____ (APPELLANT) (PLAINTIFF) (PETITIONER)

VERSUS

Education Deptt _____ (RESPONDENT) (DEFENDANT)

I/We Inayat ullah _____

Do hereby appoint and constitute **NOOR MUHAMMAD KHATTAK Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated._____/_____/2022

20-5-2022

CLIENTS

ACCEPTED

NOOR MUHAMMAD KHATTAK

UMER FAROOQ MOHMAND

KAMRAN KHAN

MOHAMMAD MAAZ MADNI

HAIDER ALI

ADVOCATES