

30.08.2022

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


Learned Member (Judicial) Mrs. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 21.11.2022 before the D.B.



(Salah-Ud-Din)
Member(J)

21st Nov, 2022

Lawyers on general strike today.

To come up for arguments on 18.01.2023 before D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.


(Fareeha Paul)
Member (E)

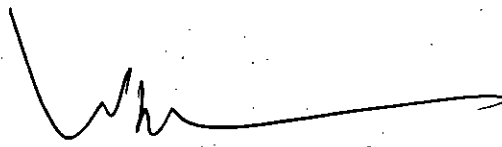

(Kalim Arshad Khan)
Chairman

23.11.2021

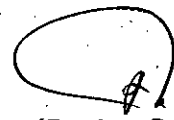
Mr. Khanzad Gul, Advocate, junior of learned counsel for the appellant present.

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

Former submitted an application for adjournment as senior counsel for the appellant has proceeded to his home town due to emergency. Adjourned. To come up for arguments on 14.03.2022 before D.B



(Atiq Ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

14.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 10.06.2022 for the same as before.



Reader.


10.06.2022 Bench is incomplete, therefore, case is adjourned to 30.08.2022 for the same as before



Reader

06.04.2021

Due to demise of Hon'able Chairman, the Tribunal is defunct, therefore, the case is adjourned to 08.07.2021 for the same.

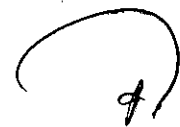

Reader

08.07.2021

Junior to counsel for appellant present.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Former made a request for adjournment as senior counsel is away from station. Request is accorded. To come up for arguments on 23.11.2021 before D.B.



(Rozina Rehman)
Member(J)



Chairman

24.11.2020

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Abdul Wahid, Litigation Officer for the respondents are also present.

Written reply on behalf of respondents not submitted. Representative of respondents seeks time for submission of written reply/comments. Adjourned to 13.01.2021 on which date file to come up for written reply/comments before S.B.

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

13.01.2021

Counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General alongwith representatives of the department Mr. Abdul Wahid, Litigation Officer, on behalf of respondents No. 1 & 2 and Mr. Luqman Shah, PET, on behalf of respondent No. 3, are also present.


Representative of respondents No. 1 & 2 furnished written reply on behalf of the said respondents while representative of respondent No. 3 relies on the written reply submitted by respondents No. 1 & 2 on behalf of respondent No. 3, therefore, file to come up for rejoinder and arguments on 06.04.2021 before D.B.

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

12.08.2020

Junior to counsel for the appellant. Nemo for the respondents.

Fresh notices be issued to the respondents. Adjourned to 01.10.2020 on which date the requisite reply/comments shall positively be furnished.



Chairman

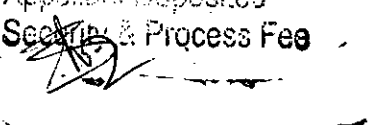
01.10.2020

Counsel for the appellant present.

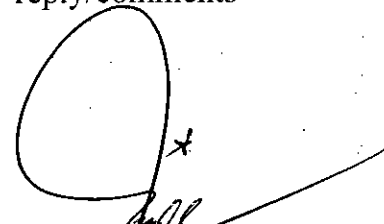
Mr. Kabirullah, Khattak, Additional Advocate General for respondents present.

Learned counsel for the appellant submitted an application for extension of time to deposit security and process fee. He is directed to deposit the same within one week, thereafter, notices be issued to the respondents for submission of written reply/comments.

Appellant Deposited
Security & Process Fee



Adjourned to 24.11.2020 for written reply/comments of respondents before S.B.



(Mian Muhammad)
Member (E)

20.02.2020

Learned counsel for the appellant ~~Fazal Manan~~ present. At the very outset learned counsel for the appellant contended that similar nature appeal bearing no. 1305/2019 has already been admitted for regular hearing by this Tribunal vide order sheet dated 16.11.2019. Therefore, being similar question, the present service appeal is also admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 02.04.2020 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

02.04.2020

Due to public holiday on account of COVID-19, the case is adjourned for the same on 25.06.2020 before S.B.


Reader

25.06.2020

Junior to counsel for the appellant present. Addl: AG for respondents present. Written reply not submitted. Learned AAG seeks time. To come up for written reply/comments on 12.08.2020 before S.B.

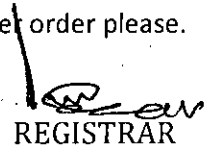

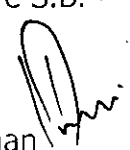

MEMBER

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1692/2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	04/12/2019	<p>The appeal of Mr. Fazal Manan resubmitted today by Mr. Noor Muhammad Khattak 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 4/12/19</p> <p>2-</p>	10.01.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>10/01/20</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Appellant present in person.</p> <p>Former requests for adjournment due to general strike of the Bar. Adjourned to 20.02.2020 before S.B.</p> <p style="text-align: right;">Chairman </p>

The appeal of Mr. Fazal Manan SST GHS Dard Pura District Shangla received today i.e. on 08.11.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of promotion order mentioned in para-8 of the memo of appeal is not attached with the appeal which may be placed on it.

No. 1968 /S.T,

Dt. 8-11- /2019.


REGISTRAR 8/11/19
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

Note:

Sir,

That the appellant has not been promoted to the post of SST (BPS-16) and he is still in the (BPS-15) as certified Teacher.

Re-Submitted after compliance.

MT
4/12/2019

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 1692 / 2019

FAZAL MANAN

VS

EDUCATION DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
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3.	Advertisement	B	14.
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5.	Judgment	D	18- 40.
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9.	Educational testimonials	H	53- 61.
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12.	Vakalat nama	66.

APPELLANT

THROUGH:

NOOR MUHAMMAD KHATTAK
ADVOCATE

Room No. 3 & 4, Upper Floor,
Islamia Club Building,
Khyber Bazar, Peshawar
0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2019

Mr. Fazal Manan, SST (G) (BPS-16),
GHS Drad, Puran, District Shangla..... **APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (M), District Shangla.

..... **RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT GRANTING/ALLOWING PROMOTION TO THE APPELLANT TO THE POST OF SECONDARY SCHOOL TEACHER (BPS-16) FROM THE DATE WHEN THE PROMOTION QUOTA WAS FILLED BY THE RESPONDENTS THROUGH INITIAL RECRUITMENT OR FROM THE DATE OF COMMENCEMENT OF THE ACT NO.XVI OF 2009 COMMONLY KNOWN AS REGULARIZATION OF SERVICES ACT, 2009 NOTIFIED IN THE OFFICIAL GAZETTE ON 24.10.2009 WITH ALL BACK BENEFITS INCLUDING SENIORITY AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYERS:

That on acceptance of this appeal the respondents may kindly be directed to consider the appellant for promotion to the post of Secondary school Teacher (BPS-16) from the date when the promotion quota have been filled by the respondents through initial recruitment or from the date of Commencement of the Act No.XVI of 2009 commonly known as Regularization of Services Act, 2009 Notified in the official gazette on 24.10.2009 with all back benefits including seniority. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

- 1- That initially the appellant was appointed as PST in the respondents Department vide order dated 28.02.2000 and later on was the appellant was appointed as CT on 01.07.2002. Copy of the service book is attached as annexure
..... **A.**

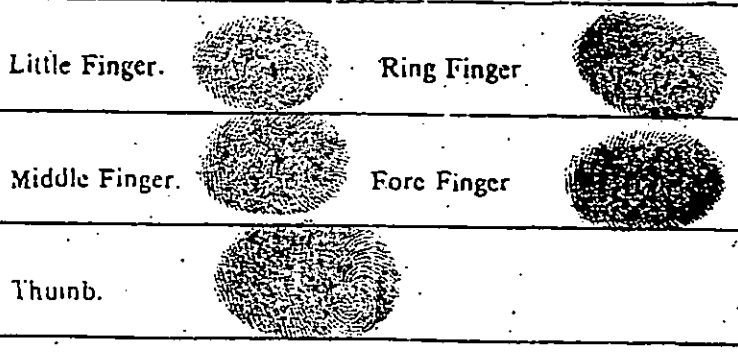
- 2- That during service as certified teacher the appellant was in the promotion zone to the post of SST (BPS-16) but the respondents instead promoting the appellant advertised the said posts of SST (BPS-16) on adhoc/contract basis. Copy of the advertisement is attached as annexure B.
- 3- That under protest the appellant and his colleagues applied for the said post through initial recruitment but the same was also refused to the appellant and colleagues of the appellant on the pretext that regular employees are not entitle to apply for the adhoc/contract posts of SST (BPS-16) thus appellant and his colleagues were deprived from prospects of promotion. That it is pertinent to mention that at the time of above mentioned advertisement the post/cadre of C.T (BPS-15) to which the appellant belong have no prospects of promotion.
- 4- That in light of the said advertisement new appointments were made by the respondents on adhoc basis and even the promotion quota was also filled by the respondents though initial recruitment.
- 5- That in the meanwhile the Provincial Government Promulgated the employees regularization Act, 2009 whereby all the adhoc employees who were appointed as SST on temporary basis were regularized thus further affected the cadre to which the appellant belongs. That the promotion quota for which the appellant and his colleagues have waited for decades has been washed by operation of the said Act of 2009. Copy of the Act is attached as annexure C.
- 6- That feeling aggrieved the appellant and his colleagues knocked the door of the Peshawar High Court through various writ petitions including writ petition No.2905/2009. That vide consolidated judgments dated 26.1.2015 the said writ petitions were disposed of with the directions that:
(i)- The act.XVI of 2009, commonly known as (Regularization of services) act, 2009 is held as beneficial and remedial legislation, to which no interference is advisable hence, upheld.
(ii)- Official respondents are directed to work out the backlog of the promotion quota as per above mentioned example, within thirty days and consider the in service employees, till the backlog is washed out, till then there would be complete ban on fresh recruit.
Copy of the Judgment is attached as annexure D.
- 7- That the respondents assailed the said judgment of the august Peshawar High Court Peshawar in CPLAS No.127-P to 129-P/2015 but the same were dismissed as withdrawn vide judgment dated 20.9.2017. That then after the appellant and his colleagues time

6

Note—The entries in this page should be renewed or re-attested at least every five years and the Signature to it as 9 and 10 should be dated.

- 1. Name FAZAL MANAN
- 2. Race Yousaf-zai (Patan)
- 3. Residence VILL: Bengalai P.O Aloch Tehsil Puraan Distt Shangla
- 4. Father's name and residence GHAIBANA VILL: Bengalai P.O Aloch Tehsil Puraan Distt Shangla
- 5. Date of birth by Christian era as (10-03-1976) nearly as can be ascertained Tenth March 1976
- 6. Exact height by measurement 5-7 (five feet & seven inches)
- 7. Personal marks for identification NIL

8. Left hand thumb and Finger impression of (non-gazetted) officer



9. Signature of Government servant F. Manan

10. Signature and designation of the Head of the Office, or other Attesting Officer. SAIDU SHARIF, SWAT

ATTESTED

M D

nder

vision

received back

Exam - from 1987
NAI and R. A. A

Obtain 782/
198 - R.O. on 1200
11/5/99

Final examination
1977 from RDE
1.177 on obtain

Distt: Officer (M)
(Edu) Distt: Shangla.

NA EXAM - Under
dated 7-5-2002

District Officer (MIE)
Elementary & Secondary Education
District: Shangla.

Date of Appointment	Signature of Government	Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	Signature of the head of the office or other attesting officer	Reference to recorded punish or censure, or in praise of Government Service
81-2695	<i>F. Manan</i>	<i>M. H. J. D. E. O. SAIDU SHARIF</i>	30-12-2000	Proceeded on leave	<i>M. H. J.</i>	Appointed as P.T.C. Trained Teacher at Govt Primary School Dehrai Furam			
13-3-2000	<i>F. Manan</i>	<i>M. H. J. S.D.E.O. (M) SAIDU SHARIF</i>	6-6-2000	S.D.E.O. (M) SAIDU SHARIF	<i>M. H. J.</i>	vide DEO (M) Primary Swat/Shangla Endst No 605B-93/APP/PTC/Shangla			
1-7-2000	<i>F. Manan</i>	<i>M. H. J. D.E.O. (M) SAIDU SHARIF</i>	30-6-2000	Return to service on 30-6-2000	<i>M. H. J.</i>	Dated 27-12-1999			
1-3-2000	<i>F. Manan</i>	<i>M. H. J. S.D.E.O. (M) SAIDU SHARIF</i>	3-3-2000	Proceeded on leave	<i>M. H. J.</i>	Sub Divisional Edu. Officer (M) SAIDU SHARIF, SWAT.			
13/03/2000	<i>F. Manan</i>	<i>M. H. J. D.E.O. (M) SAIDU SHARIF</i>	30-6-2000	Return to service on 30-6-2000	<i>M. H. J.</i>	Sanction is hereby accorded to the grant of Extra ordinary leave without pay w.e.f 13-3-2000 to 30-6-2000 (109 days) vide DEO (M) Primary Swat No. 1496. Dated 4-4-2000.			
21/07/2000	<i>F. Manan</i>	<i>M. H. J. S.D.E.O. (M) SAIDU SHARIF</i>	30-6-2000	Adjusted on 30-6-2000	<i>M. H. J.</i>	Sub Divnl: Edu: Officer (M) SAIDU SHARIF Sub Division			
08/08/2000	<i>F. Manan</i>	<i>M. H. J. S.D.E.O. (M) SAIDU SHARIF</i>	30-6-2000	Shifted to Shangla	<i>M. H. J.</i>	Sub Divnl: Edu: Officer (M) SAIDU SHARIF			
1-3-2000	<i>F. Manan</i>	<i>M. H. J. S.D.E.O. (M) SAIDU SHARIF</i>	30-6-2000	Shifted to Shangla	<i>M. H. J.</i>	Sub Divnl: Edu: Officer (M) SAIDU SHARIF			
1-7-2000	<i>F. Manan</i>	<i>M. H. J. S.D.E.O. (M) SAIDU SHARIF</i>	30-6-2000	Entry revised and allowing one semester vacation on personal grounds	<i>M. H. J.</i>	Sub Divisional Edu: Officer (M) SAIDU SHARIF, SWAT.			
31-3-2000	<i>F. Manan</i>	<i>M. H. J. D.D.O. (M) P. Edu: Shangla</i>	30-6-2000	Almost sale	<i>M. H. J.</i>	GRANT OF BPS No. 9			
1-7-2000	<i>F. Manan</i>	<i>M. H. J. D.D.O. (M) P. Edu: Shangla</i>	30-6-2000	Recruited against C.T. Post	<i>M. H. J.</i>	Allowed BPS No. 9 w.e.f 13-3-2000 vide DEO (M) P. Edu: Swat No. 3661 dt. 2/8/2000			

ATTESTED

M. H. J.
 Sub Divisional Edu: Officer (M)
 SAIDU SHARIF, SWAT.

All entries attested

M. H. J.
 Sub: Division Education Officer
 M. Saidu Sharif Swat.

1	2	3	4	5	6	7	8	9	10
Name of Post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government	Signature of the head of the office or other officiating officer in attestation of columns 1 to 8	
Fazal Manan PTE	Sub Per/Tem		1480/-	AM	19000 1480-81-2695	29-2-2000	F. Manan	S.D.O. (M) SAIDU SHARIF	
GPS Dherai Puran	-Do-		Rs. 1480/2	DM		13/3/2000	F. Manan	S.D.O. (M) SAIDU SHARIF	
-Do-	-Do-		Rs. 1480/2	DM		1/7/2000	F. Manan	S.D.O. (M) SAIDU SHARIF	
-Do-	-Do-	BPS-9(2000-1605-97-3060)	Rs. 1605/2	DM		1/7/2000	F. Manan	S.D.O. (M) SAIDU SHARIF	
Extra ordinary Leave	-Do-		Rs. 1605/2	DM		13/3/2000	F. Manan	S.D.O. (M) SAIDU SHARIF	
PTE, GPS Dherai Puran	-Do-		Rs. 1605/2	DM		01/07/2000	F. Manan	S.D.O. (M) SAIDU SHARIF	
PTE, GPS Bela Makhrozi (Karam)	-Do-		Rs. 1605/2	DM		8/08/2000	F. Manan	S.D.O. (M) SAIDU SHARIF	
-Do-	-Do-		Rs. 1896/-	PM 1896		1/7/2000	F. Manan	S.D.O. (M) SAIDU SHARIF	
-Do-	-Do-		Rs. 1896/-			1/7/2000	F. Manan	S.D.O. (M) SAIDU SHARIF	
-Do-	-Do-		Rs. 1993/2			31/3/2000	F. Manan	S.D.O. (M) SAIDU SHARIF	
-Do-	-Do-	BPS-9(2000-3110-145-6760)	3135/2			1-12-2000	F. Manan	S.D.O. (M) SAIDU SHARIF	
C of EMS 28 Kotkey DISH Shangla DD	-Do-	BPS-9-2410-145-6760	3135/2			1/7/2000	F. Manan	S.D.O. (M) SAIDU SHARIF	

7 Date of Appointment	8 Signature of Government Servant	9 Signature and signature of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to recorded punishment or censure, or praise of Government Servant
						Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
						Period	Government to which debitable		
			1-17 26/3				SANCTION OF ADVANCE INCREMENT		
			1-7-2003 to 30-7-2003 a. Total pay - 7 Rs 12587.50				Sanction accorded to the grant of three advance increments on passing B.E. Exams held 1-3-2003 vide D.O. (M) Pr: Edu: Shngla Endst. No. 4172-73 dt: 31-7-03		
01/07/02	Rz	D.O. (Secy) Edu: Shngla	30/03	Ampl. done	D.O. (Secy) Edu: Shngla		SUB DIVISIONAL OFFICER to SAIDU SHARIF, SWAT.		
01/12/03	Rz	D.O. (Secy) Edu: Shngla	30/04	do	D.O. (Secy) Edu: Shngla		Service Verified w.e.f. 1-3-2003 to 31/6/2003 on acc: Roll & other Record of this office.		
01/12/04	Rz	D.O. (Secy) Edu: Shngla	30/05	Revised	District Officer Education (Male) Distt: Shngla NWFP		Sanction of advance increments		
	Rz						Sanction is here by accorded for the grant of one advance increment on passing C.T. w.e.f 31-3-2004 vide BDO (Education) Distt: Shngla Endst. No: 3362-63 dated 19/4-04		
	Rz				District Officer Secondary Education, Distt: Shngla NWFP		DDO (M) Pr: Edu: Shngla		
	Rz						removed B-9 (Rs 2410-145-6700) pay on 30/11/2001 in B-9 with A/mc pay fixed in the removed B-9 = 3131		
	Rz						Service Verified w.e.f. 1-2-2001 to 30-11-2001 on acc: Roll & other Record of this office.		
	Rz	ATTESTED			D.D.O. (M) Pr: Edu: Shngla		Service Verified w.e.f. 1-12-2001 to 31-12-2001 on acc: Roll & other Record of this office.		
	M				District Officer Secondary Edu: Pr: Edu: Shngla		Appointed as et at S.M.S. 28 Khatkey vide DDO Endst: No 278-305 dated 16-7-2003		

(8)

(10)

7 Date of Appointment	8 Signature of Government Secretary	9 Signature and signature of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference in recorded punishment or censure, or in praise of Government Secretary
						Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
							Period	Government to which debitable	
315-13550 01/7/07	<i>Ra</i>	<i>D.O. (M/F) S&L Shangla</i>	30/11/2007	A/Gen	<i>D.O. (M/F) S&L Shangla</i>				Service Verified w.e.t. to 31-12-2006 from accy. Roll & other Record of this office.
1/12/2007	<i>Ra</i>	<i>D.O. (M/F) S&L Shangla</i>	30/6/2008	Rev.	<i>D.O. (M/F) S&L Shangla</i>				
16320	<i>Ra</i>	<i>D.O. (M/F) S&L Shangla</i>	30/9/2007	upgraded to B-15	<i>D.O. (M/F) S&L Shangla</i>				
50-350-14550	<i>Ra</i>	<i>D.O. (M/F) S&L Shangla</i>	30/11/07	fixation	<i>D.O. (M/F) S&L Shangla</i>				
1/10/2007	<i>Ra</i>	<i>D.O. (M/F) S&L Shangla</i>	30/11/07	fixation	<i>D.O. (M/F) S&L Shangla</i>				
1/12/2007	<i>Ra</i>	<i>D.O. (M/F) S&L Shangla</i>	30/6/2008	Rev.	<i>D.O. (M/F) S&L Shangla</i>				
20-420-17820	<i>Ra</i>	<i>D.O. (M/F) S&L Shangla</i>	1/12/08		<i>D.O. (M/F) S&L Shangla</i>				
17820	<i>Ra</i>	<i>D.O. (M/F) S&L Shangla</i>	1-12-07	option do hereby opt for my re-fixation on 1-12-07 instead of 1-10-07 by B-15	<i>D.O. (M/F) S&L Shangla</i>				
FD (PRC) 1-108 on 30-6-08 Rs. 6100/- Pay Scale No. 15 Rs. 7200/- increment on 1-12-2008	<i>Ra</i>	<i>D.O. (M/F) S&L Shangla</i>			<i>D.O. (M/F) S&L Shangla</i>				

Departmental Pay Fixation -
RBPS No 14 i.e. Rs. 4100/- vide Govt. of NWFP No. 315-13550 FD (PRC) 1-2007/20/7/2007
Pay on 30/6/07 - Existing BPS No 4940 equal/want - RBPS No 14
Total pay fixed on 1/07 - Rs. 5675/-

District Schools & Literacy
Shangla

Final Order
Taking to the
is made to
fixation
Pay-employment

Departmental Pay Fixation is Revised
Pay Scale No. 14
@ Rs. 4920/- 3800/- 16320/-
W.E.F. 1-7-08 vide No FD (PRC) 1-1/2008
Dated Peshawar the July 10, 2008
Pay in Existing Scale No. 14 on 30-6-08 Rs. 5990/-
Equal/Next Stage in Revised Pay Scale No. 14 Rs. 7200/-
Pay Fixed on 1-7-2008 Rs. 7200/-
With Next Annual Increment on 1-12-2008

Service Verified w.e.t. to 31-12-07 from accy. Roll & other Record of this office.

ATTENDED
M

D.O. (M/F) S&L Shangla

D.O. (M/F) S&L Shangla

1	2	3	4	5	6	7	8	9	10
Name of Post	Whether substantive or officiating and whether permanent or temporary	Officiating, etc (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Secretary	Signature and designation of the officer in attestation of columns 1 to 8	Date of appointment
CT at GMS Kailash	Scale BPS No 14 i.e. Sub Per	BPS No 14	Rs. 5675/-	(Rs. 4100/-)	315-13550	01/7/07	[Signature]	D. O. (M.F.) S&L Sharda	30/12/07
- Do -	- Do -		5990/-			1/12/2007	[Signature]	D. O. (M.F.) S&L Sharda	30/12/07
		Scale BPS No 14 i.e.	Rs. (4920-380-16320)						
- Do -	- Do -		7200/-			1/7/2008	[Signature]	D. O. (M.F.) S&L Sharda	30/12/07
		Scale BPS No 15 i.e.	(12,435-350-14850)						
- Do -	- Do -		5750/-			1/10/2007	[Signature]	D. O. (M.F.) S&L Sharda	30/12/07
- Do -	- Do -		6400/-			1/12/2007	[Signature]	D. O. (M.F.) S&L Sharda	30/12/07
		Scale BPS No 15 i.e.	Rs. (5220-420-17820)						
- Do -	- Do -		7320/-			1/7/08	[Signature]	D. O. (M.F.) S&L Sharda	30/12/07

Departmental Pay Fixation in revised upgrader
 Key Scale No. 15..... 14850
 @ Rs. 4350/- vide No FDC/10-11-07
 Dated Peshawar the 11/11/07
 Pay in Existing Scale No. 14 on 30/9/07 Rs. 5675/-
 Equal/Next Stage in revised Pay Scale No. 15 Rs. 5750/-
 Pay Fixed on 1/10/2007 Rs. 5750/-
 With Next Annual Increment on 1/12/2007

Departmental Pay Fixation in revised upgrader
 Key Scale No. 15..... 17820
 @ Rs. 5220/- vide No FDC/10-11-08
 Dated Peshawar the 11/11/08
 Pay in Existing Scale No. 15 on 30/6/08 Rs. 6100/-
 Equal/Next Stage in revised Pay Scale No. 15 Rs. 7320/-
 Pay Fixed on 1/7/2008
 With Next Annual Increment on 1/12/2008

Refixation
 Pay on 1-12-07-13 Rs. 5990/-
 Pay on 1-12-07-15 Rs. 6100/-

[Signature]
 S&L Sharda

[Signature]
 S&L Sharda

[Signature]
 S&L Sharda

Service V...
 load...
 & other

2	3	4	5	6	7	8	9	10	11
Date of Appointment	Signature of Government	Signature and name of the officer in charge or other person of the next higher section of the Government	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the officer or other person in charge of the office	Name and title of the person	Allocation of period of leave	Signature of the head of the office or other person in charge of the office	Reference to the records in which the name of the person is recorded
01-12-2008	[Signature]	D.O. (M/B) Sharada	30-11-09	Ann. [Signature]	D.O. (M/B) Sharada	[Signature]	[Signature]	[Signature]	[Signature]
01-12-09	[Signature]	D.O. (M/B) Sharada	30-11-09	Ann. [Signature]	D.O. (M/B) Sharada	[Signature]	[Signature]	[Signature]	[Signature]
01-12-06	[Signature]	D.O. (M/B) Sharada	30-11-06	Ann. [Signature]	D.O. (M/B) Sharada	[Signature]	[Signature]	[Signature]	[Signature]
01-12-07	[Signature]	D.O. (M/B) Sharada	30-11-07	Ann. [Signature]	D.O. (M/B) Sharada	[Signature]	[Signature]	[Signature]	[Signature]
01-12-11	[Signature]	D.O. (M/B) Sharada	30-11-11	Ann. [Signature]	D.O. (M/B) Sharada	[Signature]	[Signature]	[Signature]	[Signature]
01-12-11	[Signature]	D.O. (M/B) Sharada	30-11-11	Ann. [Signature]	D.O. (M/B) Sharada	[Signature]	[Signature]	[Signature]	[Signature]
01-12-11	[Signature]	D.O. (M/B) Sharada	30-11-11	Ann. [Signature]	D.O. (M/B) Sharada	[Signature]	[Signature]	[Signature]	[Signature]
01-12-11	[Signature]	D.O. (M/B) Sharada	30-11-11	Ann. [Signature]	D.O. (M/B) Sharada	[Signature]	[Signature]	[Signature]	[Signature]
01-12-11	[Signature]	D.O. (M/B) Sharada	30-11-11	Ann. [Signature]	D.O. (M/B) Sharada	[Signature]	[Signature]	[Signature]	[Signature]
01-12-11	[Signature]	D.O. (M/B) Sharada	30-11-11	Ann. [Signature]	D.O. (M/B) Sharada	[Signature]	[Signature]	[Signature]	[Signature]
01-12-11	[Signature]	D.O. (M/B) Sharada	30-11-11	Ann. [Signature]	D.O. (M/B) Sharada	[Signature]	[Signature]	[Signature]	[Signature]
01-12-11	[Signature]	D.O. (M/B) Sharada	30-11-11	Ann. [Signature]	D.O. (M/B) Sharada	[Signature]	[Signature]	[Signature]	[Signature]

(11)

(8)

1	2	3	4	5	6	7	8	9	10
Name of Post	Whether substantive or officiating and whether permanent or temporary	If Officiating, (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government	Signature of the holder of the post or other officer in charge of the Government Station of posts 1 to 8	Date of termination of appointment
CT at GMS Kadana	Sub? Per		7740/-			01-12-2008	Re	D.O. (M) S&L Sharda	30-11-09
- Do -	- Do -		8160/-			21-12-09	Re	D.O. (M) S&L Sharda	30-11-2010
- do -	- do -		8580			01-12-2010	Re	D.O. (M) S&L Sharda	30-11-2011
- do -	- do -		14100			01-12-2011	Re	D.O. (M) S&L Sharda	30-11-2012
- do -	- do -		14500			01-12-2011	Re	D.O. (M) S&L Sharda	30-11-2012
- Do -	- Do -		15500/-			1-12-2012	Re	D.O. (M) S&L Sharda	30-11-2013
		4100- 6180-315-13830-14	5675/-						
		5220-420-17820-15	7320/-						
		8500-700-19200-15	14100/-						
		Date of regularization of units of 01-07-2011							
		Date of regularization of units of 01-12-2011							
		Pay of Senior Party							
- Do -	- Do -		15200/-			1-12-2013	Re	D.O. (M) S&L Sharda	30-11-2014
CT BPS No. 11 GMS									
BUSI HILL	- Do -		14650/-			1-9-2006	Re	D.O. (M) S&L Sharda	30-11-2006
- Do -	- Do -		14040/-			1-12-2006	Re	D.O. (M) S&L Sharda	30-11-2007

Sl. No.	Date of Appointment	Signature of Government	Signature and name of the head of office or other officer in station of posts 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Leave		Signature of the head of the office or other attesting officer	Reference to records, punishment or censure, or any other part of Government Service	
							Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
								Period			Government to which debitable
				30-9-2010	UP BPS 15 to BPS 16					Appointed as 55TCB BPS No-16 by The Director of Elementary and Secondary Education Khyber Pakhtun Khwa, Peshawar vide his office order No. 7084-91/ File No. PIA-1415 Dated Peshawar 30-04-2014 at S. No. 09 posted at BHS Shargla.	
50	7/2007	MZ	[Signature]	30/11/2007	Annual Conced.	[Signature]					
	10/2007	MZ	[Signature]	30/6/2008	Pay Scale revised	[Signature]					
	12/2007	MZ	[Signature]	30/11/2008	Annual Conced.	[Signature]					
	12/2008	MZ	[Signature]	30/11/2009	Annual Conced.	[Signature]					
	12/2009	MZ	[Signature]	30/6/2010	Pay Scale revised	[Signature]				one year lien is hereby accepted by the DEOCM, Shargla for the period He B 01-05-2014 to 30-04-2015 vide his office order No 1041-45 Dated 10-07-2014	
	12/2010	MZ	[Signature]	30/11/2011	Annual Conced.	[Signature]					
	12/2011	MZ	[Signature]	30/11/2012	Annual Conced.	[Signature]				one year lien is hereby accepted by the DEOCM, Shargla for the period He B 01-05-2015 to 30-04-2016 vide his office order No. 1158-61 Dated 27-05-2015	
	12/2012	MZ	[Signature]	30/4/2014	Appointed as 55TCB	[Signature]					

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[Signature]

By: [Signature] SHARGLA

No.	Ad. paid Pay for officiating	Other emoluments falling under the term "Pay"	Date of Appointment	Signature of Government	Rank and title of the holder or other officer in possession of the post	Date of termination of service
5675/-			7	M.F.		30/9/00
Rs 4350-350			2007	M.F.		11/10/00
5100/-			10	M.F.		2/11/00
5450/-			12	M.F.		2/11/00
Rs 5200-400			17000	M.F.		1/11/00
5740/-			7	M.F.		1/11/00
8160/-			12	M.F.		1/11/00
8580/-			10	M.F.		1/11/00
9000/-			12	M.F.		1/11/00
Rs 8500-700			29500	M.F.		1/11/00
10800/-			7	M.F.		1/11/00
15500/-			12	M.F.		1/11/00
16200/-			12	M.F.		1/11/00
16900/-			12	M.F.		1/11/00
18700/-			12	M.F.		1/11/00
19900/-			12	M.F.		1/11/00
2011						
2011						
1-07-2011						
1-12-2011						

Officer
Pakhtunkhwa

B-14

سیکن آفیسر (جنرل)

مختصر طور پر یہ نیشنل ایجوکیشنل سروس کمیشن میں کنٹریکٹ بنیاد پر چیک کرنے کی اجازت ہے۔ (بی ایس۔ 17) کی حیثیت سے تصدیق کے لئے درخواستیں مطلوب ہیں۔ کنٹریکٹ چھ ماہ یا ایک سہ ماہی کی مدت کے تحت تک اس میں سے جو بھی پہلے نوکری کے لئے ہوگا۔ امیدواروں کو ذیل تفصیلات کی حیثیت سے جاننا ہے۔

(i) کسی تعلیم شدہ امیدوار کی عمر سے ماہانہ 25 سال سے زیادہ نہیں ہونی چاہئے اور اسے (انجینئرنگ) یا مساوی تعلیمی قابلیت اور سرکاری طور پر تسلیم شدہ ہائی اسکول میں 5 سالہ تعلیمی تجربہ۔

(ii) امیدوار کی تعلیمی قابلیت کے حامل امیدوار دستیاب نہ ہوں تو متعلقہ شعبوں میں باسٹریڈنگ کے حامل امیدوار کیلئے سیکولٹ کے طور پر اس شرط پر منتخب کیا جائے گا کہ وہ متعلقہ تعلیمی قابلیت اپنی تقرری کی تاریخ سے پہلے کوئی مخصوص وقت میں حاصل کرے گا۔ تاہم کسی کو اس کے قوانین کے مطابق اس کو ملازمت سے برخاست کیا جائے گا۔

یہ نوکری 25-40 سال کی عمر کے امیدواروں کے لئے ہے۔ جنرل کے لئے اس سے تعلق داروں کو ذیل سے۔

فرائض	رقم	مضمون
02	20	انگریزی
04	28	انسانی
05	38	سائنس
08	42	سیویل
12	44	پابلیک ایڈمنسٹریشن
19	46	ایجوکیشن
10	33	ریاضی
08	20	تفصیل
05	23	تعمیراتی
06	23	پاٹرن
-	09	ادب
01	-	پتھر
02	-	تعمیرات
83	326	کلی

یہ نوکریوں کو دیہاتوں کیلئے ایک ایسے سرٹیفکیٹ اور بی ایس ای اور ایم ایس ای ایم ایڈز ڈگریوں کی نوکریوں اور 2 سالہ پھیپھڑے سے متعلقہ دوسرے امراتوں کیلئے کے دفتر کو 24 دسمبر 2004 تک یا اس سے قبل بھیجے جائے۔ فرائض امیدواروں کو دینے سے پہلے ہی میں شہادت لکھنا امیدواروں کو نسبت اور انٹرویو کے لئے بلایا جائے گا۔

سیکن آفیسر (جنرل) INF(P)2258

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**THE ³[KHYBER PAKHTUNKHWA]
EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2009.
(⁴[KHYBER PAKHTUNKHWA] ACT NO. XVI OF 2009)**

[First published after having received the assent of the Governor of the ⁵[Khyber Pakhtunkhwa] in the Gazette of ⁶[Khyber Pakhtunkhwa] (Extraordinary), dated the 24th October, 2009]

AN
ACT

*to provide for the regularization of the services of certain employees
appointed on adhoc or contract basis.*

WHEREAS it is expedient to provide for the regularization of the services of certain employees appointed on adhoc or contract basis, in the public interest, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.---(1) This Act may be called the ⁷[Khyber Pakhtunkhwa] Employees (Regularization of Services) Act, 2009.

(2) It shall come into force at once.

2. Definitions.---(1) In this Act, unless the context otherwise requires,-

- (a) "Commission" means the ⁸[Khyber Pakhtunkhwa] Public Service Commission;
- (aa) "contract appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment;
- (b) "employee" means an adhoc or a contract employee appointed by Government on adhoc or contract basis or second shift/night shift but does not include the employees for project post or appointed on work charge basis or who are paid out of contingencies;

³Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁴Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

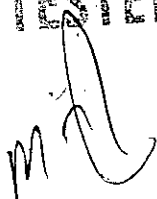
⁵Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁶Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁷Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁸Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

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- (c) "Government" means the Government of the ⁹[Khyber Pakhtunkhwa];
- (d) "Government Department" means any department constituted under rule 3 of the ¹⁰[Khyber Pakhtunkhwa] Government Rules of Business, 1985, and does not include any section of a Department or an organization which is federally funded;
- (e) "law or rule" means the law or rule for the time being in force governing the selection and appointment of civil servants; and
- (f) "post" means a post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission.

(2) The expressions "ad hoc or contract appointment" and "civil servant" shall have the same meanings as respectively assigned to them in the ¹¹[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (¹²[Khyber Pakhtunkhwa] Act No. XVIII of 1973).

3. **Regularization of services of certain employees.**---All employees including recommendees of the High Court appointed on contract or ad hoc basis and holding that post on 31st December, 2008 or till the commencement of this Act shall be deemed to have been validly appointed on regular basis having the same qualification and experience for a regular post:

Provided that the service promotion quota of all service cadres shall not be affected.

4. **Determination of seniority.**---(1) The employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority interse of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

⁹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

¹⁰Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

¹¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

¹²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

ATTESTED



Provided that if the date of continuous officiation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

4A. **Overriding effect.**—Notwithstanding any thing to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

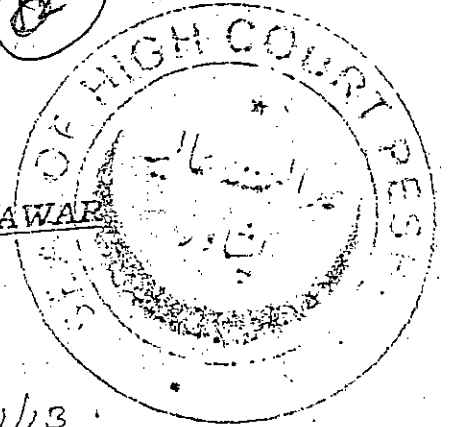
5. **Repeal.**—The North-West Frontier Province Employees (Regularization of Services) Ordinance, 2009 (N.-W.F.P. Ordinance No. VII of 2009) is hereby repealed.

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JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT



JUDGMENT.

WP No. 1662/10 with OM 141/13

Date of hearing 26-01-2015

Appellant/Petitioner by Ghulam Nabi Adhoo

Respondent by Waqar Ahmad Seth

WAQAR AHMAD SETH, J.:- - Vide our detailed

judgment of today on file (Writ Petition No.2905 of 2009), the instant writ petition is disposed of in the following terms:-

(i) "The Act, XVI of 2009, commonly known as (Regularization Of Services) Act, 2009 is held as beneficial and remedial legislation, to which no interference is advisable hence, upheld.

(ii) Official respondents are directed to workout the back-log of the promotion quota as per above mentioned example, within 30 days and consider the in-service employees, till the backlog is washed out, till then there would be complete ban on fresh recruitments.

Order accordingly.

Announced.
26th January 2015

sd/ Waqar Ahmad Seth
sd/ Musarrat Hilali

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[Signature]

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EXAMINER
Peshawar High Court
25 FEB 2015

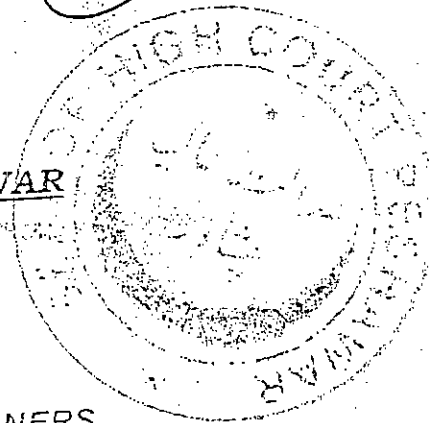
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JUDGMENT SHEET

PESHAWAR HIGH COURT, PESHAWAR
(JUDICIAL DEPARTMENT)



Writ Petition No.2905 of 2009.

ATTA ULLAH AND OTHERS.....PETITIONERS.

VERSUS.

THE CHIEF SECRETARY KPK ETC....RESPONDENTS..

JUDGMENT.

Date of hearing 26.01.2015

Appellant/Petitioner by Ghulam Nabi Khan Advocate.

Respondent by Sardar Ali Raza Advocate & Waqar Ahmad Khan AAg.

WAQAR AHMAD SETH, J:-

Through this single

judgment we propose to dispose of the instant Writ Petition

No.2905 of 2009 as well as the connected Writ Petition

Nos.2941, 2967,2968,3016. 3025,3053,3189,3251,3292 of

2009,496,556,664,1256,1662,1685,1696,2176,2230,2501,2696,

2728 of 2010 & 206, 355,435 & 877 of 2011 as common

question of law and fact is involved in all these petitions.

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EXAMINER
Peshawar High Court

25 FEB 2015

(9) (20)

2- The petitioners in all the writ petitions have approached this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 with the following relief:-

"It is, therefore, prayed that on acceptance of the Amended Writ Petition the above noted Act No.XVI 2009 namely 'The North West Province Employees (Regularization of Services) Act, 2009 dated 24th October, 2009' being illegal unlawful, without authority and jurisdiction, based on malafide intentions and being unconstitutional as well as ultra vires to the basic rights as mentioned in the constitution be set-aside and the respondents be directed to fill up the above noted posts after going through the legal and lawful and the normal procedure as prescribed under the prevailing laws instead of using the short cuts for obliging their own person.

It is further prayed that the notification No.A-14/SET(M) dated 11.12.2009 and Notification No.A-17/SET(5) Contract-Appnt:2009 dated 11.12.2009, as well as Notification No.SO(G)ES/1/85/2009/SS(Contract) dated

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EXAMINER
Karnalwar High Court

25 FEB 2015

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31.05.2010 issued as a result of above noted impugned Act whereby all the private respondents have been regularized may also be set-aside in the light of the above submissions, being illegal, unlawful, unconstitutional and against the fundamental rights of the petitioners.

Any other relief deemed fit and proper in the circumstances and has not been particular asked for in the noted Writ Petition may also be very graciously granted to the petitioners".

3- It is averred in the petition that the petitioners are serving in the Education Department of KPK working posted as PST, CT, DM, PET, AT, TT, Qari and SET in different Schools; that respondents No.9 to 1359 were appointed on adhoc/contract basis on different times and later on their service were regularised through the North West Frontier Province Employees (Regularization of Services) Act, 2009; that almost all the petitioners have got the required qualifications and also got at their credit the length of service; that as per notification No.SO(S)6-2/97 dated 03/06/1998

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EXAMINER
Peshawar High Court
25 FEB 2015

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 (B) (9)

the qualification for appointment/promotion of the SET Teachers BPS-16 was prescribed that 75% SETs shall be selected through Departmental Selection Committee on the basis of batchwise/yearwise open merit from amongst the candidates having the prescribed qualification and remaining 25% by initial recruitment through Public Service Commission whereas through the same notification the qualification for the appointment/promotion of the Subject Specialist Teachers BPS-17 was prescribed that 50% shall be selected by promotion on the basis of seniority cum fitness amongst the SETs possessing the qualification prescribed for initial recruitment having five years service and remaining 50 by initial recruitment through the Public Service Commission and the above procedure was adopted by the Education Department till 22/09/2002 and the appointments on the above noted posts were made in the light of the above notification. It was further averred that the Ordinance No. XXVII of 2002 notified on 09/08/2002 was promulgated under the shadow of which some 1681 posts of different cadres were advertised by the Public Service Commission.

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 EXAMINEE
 Peshawar
 25/11/2011

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That before the promulgation of Act No.XVI of 2009, it was practice of the Education Department that instead of promoting the eligible and competent persons amongst the teachers community, they have been advertising the above noted posts of SET (BPS-16) and Subject Specialist (BPS-17) on the basis of open ment/adhoc/contract wherein it was clearly mentioned that the said posts will be temporary and will continue only for a tenure of six months or till the appointment by the Public Serviced Commission or Departmental Selection Committee That after passing the KPK Act No.XVI of 2009 by the Provincial Assembly the fresh appointees of six months and one year on the adhoc and contract basis including respondents no.9 to 1351 with a clear affidavit for not adopting any legal course to make their services regularized, have been made permanent and regular employees whereas the employees and teaching staff of the Education Department having at their credit a service of minimum 15 to maximum 30 years have been ignored. That as per contract Policy issued on 26/10/2002 the Education Department was not authorised/entitled to

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[Signature]

ATTESTED

EXAMINER
Peshawar High Court

25 FEB 2015

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 make appointments in BPS-16 and above on the contract basis as the only appointing authority under the rules was Public Service Commission. That after the publication made by the Public Service Commission thousands of teachers eligible for the above said posts have already applied but they are still waiting for their calls and that through the above Act thousands of the adhoc teachers have been regularized which has been adversely effected the rights of the petitioners, thus having no efficacious and adequate remedy available to the petitioners, they have knocked the door of this Court through the aforesaid constitutional petitions.

4- The concerned official respondents have furnished parawise comments wherein they raised certain legal and factual objections including the question of maintainability of the writ petitions. It was further stated that Rule 3(2) of the N.W.F.P. Civil Servants (Appointment, Promotion, & Transfer) Rules 1989, authorised a department to lay down method of appointment, qualification and other conditions applicable to post in consultation with Establishment & Administration Department and the Finance Department.

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EXAMINER
 Peshawar High Court

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That to improve/uplist the standard of education, the Government replaced/amended the old procedure i.e. 100% including SETs through Public Service Commission KPK for recruitment of SETs B-16 vide Notification No.SO(PE)4-5/SS-RC/Vol-III dated 18/01/2011 wherein 50% SSTs (SET) shall be selected by promotion on the basis of seniority cum fitness in the following manner:-

(i) Forty percent from CT (Gen),

CT(Agr), CT(Indust: Art) with at least 5 years service as such and having the

qualification mentioned in column 3.

(ii) Four percent from amongst the DM

with at least 5 years service as such and

having qualification in column 3.

(iii) Four percent from amongst the PET

with at least 5 years service as such and

having qualification mentioned in column 3.

(iv) One percent amongst Instructional

Material Specialists with at least 5 years

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EXAMINER
Peshewar High Court

25 FEB 2015

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service and having qualification mentioned
in column 3."

It is further stated in the comments that due to the degradation/fall of quality education the Government abandoned the previous recruitment policy of promotion/appointment/recruitment and in order to improve the standard of teaching cadre in Elementary & Secondary Education Department of KPK; vide Notification dated 09/04/2004 wherein at serial No. 1.5 in column 5 the appointment of SS prescribed as by the initial recruitment and that the (North West Frontier Provincial) Khyber Pakhtunkhwa Employees(Regularization of Services)Act, 2009 (ACT.No.XVI of 2009 dated 24th October, 2009 is legal, lawful and in accordance with the Constitution of Pakistan which was issued by the competent authority and jurisdiction, therefore, all the writ petitions are liable to be dismissed.

5- We have heard the learned counsel for the parties and have gone through the record as well as the law on the subject.

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EXAMINER
Peshawar High Court

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6- The grievance of the petitioners is two fold in respect of Khyber Pakhtunkhwa, Employees (Regularization of Services) Act, 2009 firstly, they are alleging that regular post in different cadres were advertised through Public Service Commission in which petitioners were competing with high profile carrier but due to promulgation of Act, ibid, they could not made through it as no further proceedings were conducted against the advertised post and secondly, they are agitating the legitimate expectancy regarding their promotion, which has been blocked due to the in block induction / regularization in a huge number, courtesy Act, No. XVI of 2009.

7- As for as, the first contention of advertisement and in block regularization of employees is concerned in this respect it is an admitted fact that the Government has the right and prerogative to withdraw some posts, already advertised, at any stage from Public Service Commission and secondly no one knows that who could be selected in open merit case, however, the right of competition is reserved. In the instant case KPK, employees

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(Regularization of Services) Act, 2009, was promulgated, which in-fact was not the first in the line rather N.W.F.P (now Khyber Pakhtunkhwa) Civil Servants (Regularization of Services) Act, 1988, NWFP (now Khyber Pakhtunkhwa) (Regulation of Services) Act, 1989 & NWFP (now Khyber Pakhtunkhwa) Adhoc Civil Servants (Regularization of Services) Act, 1987 were also promulgated and were never challenged by anyone.

8- In order to comment upon the Act, *ibid*, it is important to go through the relevant provision which reads as under:-

S.2 Definitions. (1)---

a)---

aa) "contract appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment.

b) "employee" means an adhoc or a contract employee appointed by Government on adhoc or contract basis or second shift/night shift but does not include the employees for project post or appointed on work charge

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EXAMINER
Peshawar High Court

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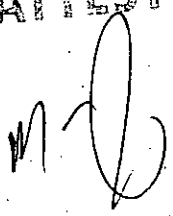
basis or who are paid out of contingencies;
----- whereas,

S. 3 reads:-

Regularization of services of certain employees.----- All employees including recommendee of the High Court appointed on contract or adhoc basis and holding that post on 31st December, 2008 or till the commencement of this Act shall be deemed to have been validly appointed on regular basis having the same qualification and experience for a regular post;

9- The plain reading of above sections of the Act, *ibid*, would show that the Provincial Government, has regularized the "duly qualified persons", who were appointed on contract basis under the Contract Policy, and the said Contract Policy was never ever challenged by any one and the same remained in practice till the commencement of the said Act. Petitioners in their writ petitions have not quoted any single incident / precedent showing that the regularized employees under the said Act, were not qualified for the post against

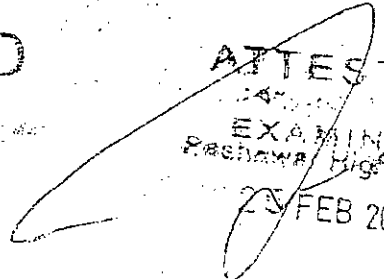
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EXAMINER
Peshawar High C
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which they are regularized, nor had placed on record any documents showing that at the time of their appointment on contract they had made any objection. Even otherwise, the superior courts have time and again reinstated employees whose appointments were declared irregular by the Government Authorities, because authorities being responsible for making irregular appointments on purely temporary and contract basis, could not subsequently turned round and terminate services because of no lack of qualification but on manner of selection and the benefit of the lapses committed on part of authorities could not be given to the employees. In the instant case, as well, at the time of appointment no one objected to, rather the authorities committed lapses, while appointing the private respondent's and others, hence at this belated stage in view of number of judgments, Act, No. XVI of 2009 was promulgated. Interestingly this Act, is not applicable to the education department only, rather all the employees of the Provincial Government, recruited on contract basis till 31st December 2008 or till the commencement of this Act have been

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 Peshawar 1st Co.
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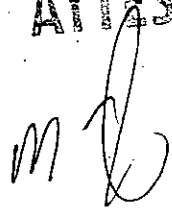
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regularized and those employees of to other departments who have been regularized are not party to this writ petition.

10- All the employees have been regularized under the Act, ibid and duly qualified, eligible and competent for the post against which they were appointed on contract basis and this practice remained in operation for years. Majority of those employees getting the benefit of Act, ibid may have become overage, by now for the purpose of recruitment against the fresh post.

11- The law has defined such type of legislation as "beneficial and remedial". A beneficial legislation is a statute which purports to confer a benefit on individuals or a class of persons. The nature of such benefit is to be extended relief to said persons of onerous obligations under contracts. A law enacted for the purpose of correcting a defect in a prior law, or in order to provide a remedy where non previously existed. According to the definition of Corpus Juris Secundum, a remedial statute is designed to correct an existence law, redress an existence grievance, or introduced regularization conducive to the public goods. The challenged

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Bachchanit High Court
12 FEB 2015

Act, 2009, seems to be a curative statute as for years the then Provincial Governments, appointed employees on contract basis but admittedly all those contract appointments were made after proper advertisement and on the recommendations of Departmental Selection Committees.

12- In order to appreciate the arguments regarding beneficial legislation it is important to understand the scope and meaning of beneficial, remedial and curative legislation.

Previously these words have been explained by N.S Bindra in interpretation of statute, tenth edition in the following manners:-

"A statute which purports to confer a benefit on individuals or a class of persons, by relieving them of onerous obligations under contracts entered into by them or which tend to protect persons against oppressive act from individuals with whom they stand in certain relations, is called a beneficial legislations....In interpreting such a statute, the principle established is that there is no room for taking a narrow view but that the court is entitled to be generous towards the persons on whom the benefit has

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Peshawar High Court

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"A remedial statute is one which remedies defect in the pre existing law, statutory or otherwise. Their purpose is to keep pace with the views of society. The serve to keep our system of jurisprudence up to date and in

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Remedial or curative statues on the other hand have been explained as:-

underlying such legislation. full effect is given to the principles such enactments, is achieved and so that the real purpose, underlying for liberal and broad interpretation illusory..... Beneficial provisions call and render the protection one which would defeat the same the object of the Act, rather than the which advances, fulfils, and furthers should adopt that construction of beneficent enactments, the court settled canon of construction that in very object of the rule. It is a well meaning which would negate the meaning rather than a restrictive Liberally so as to give it a wider especially a beneficial provision, court to interpret a provision, been conferred. It is the duty of the

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harmony with new ideas or conceptions of what constitute just and proper human conduct. Their legitimate purpose is to advance human rights and relationships. Unless they do this, they are not entitled to be known as remedial legislation nor to be liberally construed. Manifestly a construction that promotes improvements in the administration of justice and the eradication of defect in the system of jurisprudence should be favoured over one that perpetuates a wrong".

Justice Antonin Scalia of the U.S. Supreme Court in his book on Interpretation of Statute states that

"Remedial statutes are those which are made to supply such defects, and abridge such superfluities, in the common law, as arise from either the general imperfection of all human law, from change of time and circumstances, from the mistakes and unadvised determinations of unlearned (or even learned) judges, or from any other cause whatsoever."

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13- The legal proposition that emerges is that generally beneficial legislation is to be given liberal interpretation, the beneficial legislation must carry curative or remedial content.

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EXAMINER
High Court
25 FEB 2015

Such legislation must therefore, either clarify an ambiguity or an omission in the existence and must therefore, the explanatory or clarificatory in nature. Since the petitioners does not have the vested rights to be appointed to any particular post, even advertised one and private respondents who have being regularized are having the requisite qualification for the post against which the were appointed, vide challenged Act, 2009, which is not effecting the vested right of anyone, hence, the same is deemed to be a beneficial, remedial and curative legislation of the Parliament.

14- This court in its earlier judgment dated 26th November 2009 in WP No. 2905 of 2009, wherein the same Khyber Pakhtunkhwa (Regularization of Servers) Act, 2009, vires were challenged has held that this court has got no jurisdiction to entertain the writ petition in view of Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, as an Act, Rule or Notification effecting the terms and conditions of service, would not be an exception to that, if seen in the light of the spirit of the ratio rendered in the case of

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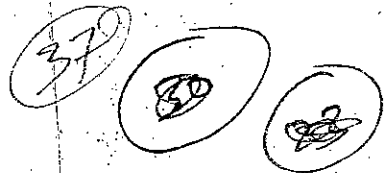
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EXAMINER
Peshawar High Court

25 FEB. 2015



I.A.Sherwani & others Versus Government of Pakistan.

reported in 1991 SCMR 1041. Even otherwise, under Rule 3

(2) of the Khyber Pakhtunkhwa (Civil Servants)

(appointment), promotion and transfer) Rules 1989, authorize

a department to lay down method of appointment,

qualification and other conditions applicable to the post in

consultation with Establishment & Administrative Department

and the Finance Department. In the instant case the duly

elected Provincial Assembly has passed the Bill/Act, which

was presented through proper channel i.e. Law and

Establishment Department, which cannot be quashed or

declared illegal at this stage.

15- Now coming to the second aspect of the case, that

petitioners legitimate expectancy in the shape of promotion

has suffered due to the promulgation of Act, ibid, in this

respect, it is a long standing principle that promotion is not a

vested right but it is also an established principle that when

ever any law, rules or instructions regarding promotion are

violated then it become vested right. No doubt petitioners in

the first instance cannot claim promotion as a vested right

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EXAMINER
Peshawar High Court

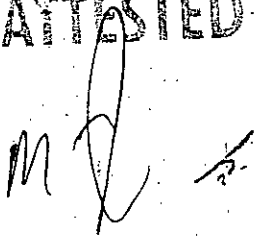
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but those who fall within the promotion zone do have the right to be considered for promotion.

16- Since the Act, XVI of 2009 has been declared a beneficial and remedial Act, for the purpose of all those employees who were appointed on contract and may have become overage and the promulgation of the Act, was necessary to given them the protection therefore, the other side of the picture could not be brushed a side simply. It is the vested right of in service employees to be considered for promotion at their own turn. Where a valid and proper rules for promotion have been framed which are not given effect, such omission on the part of Government agency amounts to failure to perform a duty by law and in such cases, High Court always has the jurisdiction to interfere. In service employees / civil servants could not claim promotion to a higher position as a matter of legal right, at the same time, it had to be kept in mind that all public powers were in the nature of a sacred trust and its functionary are required to exercise same in a fair, reasonable and transparent manner strictly in accordance with law. Any transgression from such

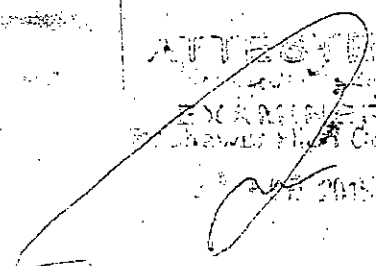
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JAWAHAR NAGAR COLLEGE
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principles was liable to be restrained by the superior courts in their jurisdiction under Article 199 of the Constitution. One could not overlook that even in the absence of strict legal right there was always legitimate expectancy on the part of a senior, competent and honest carrier civil servant to be promoted to a higher position or to be considered for promotion and which could only be denied for good, proper and valid reasons.

17- Indeed the petitioners can not claim their initial appointments on a higher post but they have every right to be considered for promotion in accordance with the promotion rules in field. It is the object of the establishment of the courts and the continue existence of courts of law is to dispense and foster justice and to right the wrong ones. Purpose can never be completely achieved unless the in justice done was undone and unless the courts stepped in and refused to perpetuate what was patently unjust, unfair and unlawful. Moreover, it is the duty of public authorities as appointment is a trust in the hands of public authorities and it is their legal and moral duty to discharge their functions as

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EXAMINER
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trustee with complete transparency as per requirement of law, so that no person who is eligible and entitled to hold such post is excluded from the purpose of selection and is not deprived of his any right.

18- Considering the above settled principles we are of the firm opinion that Act, XVI of 2009 is although beneficial and remedial legislation but its enactment has effected the in service employees who were in the promotion zone, therefore, we are convinced that to the extent of in service employees / petitioners, who fall within the promotion zone have suffered, and in order to rectify the inadvertent mistake of the respondents/Department, it is recommended that the promotion rules in field be implemented and those employees in a particular cadre to which certain quota for promotion is reserved for in service employees, the same be filled in on promotion basis. In order to remove the ambiguity and confusion in this respect an example is quoted, " If in any cadre as per existence rules, appointment is to be made on 50/50 % basis i.e 50 % initial recruitment and 50 % promotion quota then all the employees have been

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EXAMINER
Bachawat High Co
25 FEB 2015

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regularized under the Act in question be calculated in that cadre and equal number i.e remaining 50 % are to promoted from amongst the eligible in service employees, other wise, eligible for promotion on the basis of sonority cum fitness."

19- In view of the above, this writ petition is disposed of in the following terms:-

(i) "The Act, XVI of 2009, commonly known as (Regularization Of Services) Act, 2009 is held as beneficial and remedial legislation, to which no interference is advisable hence, upheld.

(ii) Official respondents are directed to workout the backlog of the promotion quota as per above mentioned example, within 30 days and consider the in service employees, till the backlog is washed out, till then there would be complete ban on fresh recruitments.

Order accordingly.

ATTESTED

Announced.

26th January 2015

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Chief Justice Ahmad Sattar
Chief Justice Hilali

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JUDGE

JUDGE

CERTIFIED TO BE TRUE

Examiner
Peshawar High Court, Peshawar
Authorized Under Article
The Quota System Ordinance

25 FEB 2015

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:
MR. JUSTICE EJAZ AFZAL KHAN,
MR. JUSTICE SH. AZMAT SAEED,
MR. JUSTICE IJAZ UL AHSAN.

CIVIL PETITIONS NO. 127-P TO 129-P OF 2017.

(Against the judgment dated 26.1.2015 of the
Peshawar High Court, Peshawar passed in writ
Petition No. 2905 of 2007)

The Chief Secretary, Govt. of KPK, Peshawar and others

Petitioner(s)
(in all cases)

Versus

Allaich and others,
Nasirullah and others,
Mukhtar Ahmad and others.

Respondent(s)

For the petitioner(s): Mr. Mujahid Ali Khan, Addl. A.G. KPK.

For the respondent(s): Mr. Ghulam Nabi Khan, ASC
Mr. Abdul Gouyoom Sarwar, AOR

Date of Hearing: 20/09/2017.

ORDER

Ejaz Afzal Khan, J. The learned Additional Advocate General
appearing on behalf of the Govt. of KPK stated at the bar that as per
instructions of the Government he does not press these petitions. Dismissed
as such.

Sd/- Ejaz Afzal Khan, J.

Sd/- Sh. Azmat Saeed, J.

Sd/- Ijaz ul Ahsan, J.

Certified to be True Copy.

[Signature]

Court Associate
Supreme Court of Pakistan
Islamabad

GR No: 14572/12 Civil/Criminal

Date of Presentation: 29-9-17

No of Writ: _____

No of Filings: _____

Registration Fee: _____

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Court Fee \$: _____

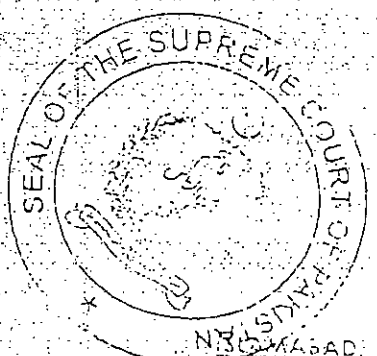
Date of Court: 28/9/17

Date of delivery: 29/9/17

Compared by/Prepared by: _____

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حیرانگہ قرار
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APPOINTMENT ORDER SST (GENERAL) MALE ADHOC

**DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION KHYBER
PAKHTUNKHWA.**

APPOINTMENT.

Consequent upon the recommendation of the departmental selection committee, appointment of the following candidates are hereby ordered against the post of secondary school teacher (SST GENERAL) school based in BPS-16 (16 (RS. 10000-800-34000) @ Rs.10000/- fixed plus usual allowances as admissible under the rules on Adhoc basis in contract under the existing policy of the provincial government, in teaching cadre on the terms and condition given below with effect from the date of their taking over charge.

SHANGLA

S.NO	NAME	FATHER NAME	ADDRESS	SCORE	NAME OF SCHOOL
9	FAZAL MANAN	Ghaibana	Villag Bengalai Post Office Alach Tehsil puran District Shngla CNIC No- 15505- 0213045-7	125.28	GHS Shang

APPOINTMENT ORDER SST (GENERAL) MALE ADHOC

Terms and conditions:-

3- Appointment is purely on temporary & contract basis initially for one year w.e.f May 1st, 2014 to April 30th, 2015.

4- she should not be handed over charge if she exceeds 35 years or below 18 years of age. Age relaxation case may be submitted to competent authority.

5- appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO(concerned), any one found producing bogus certificate will be reported to the law enforcing agencies for further action.

6- his/her services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the government.

7- pay will not be drawn until and unless a certificate to the effect by DEO(concerned) is issued that his/her certificates are verified.

8- he/she should join his post within to days of the issuance of this notification. In case of failure to join the post within to days of the issuance of this notification, his/her appointment will expire automatically and no subsequent appeal etc shall be entertained.

9- health and age certificate should be produced from the medical superintendent concerned before taking over charge.

10- he/she will governed by such rules and regulations as may be issued from time to time by the court.

11- his/her services shall be terminated at any time, in case his performances is found unsatisfactory during his/her contract period. In case of misconduct, he/she shall be preceded under the rules framed from time to time.

12- his/her appointment is made on school based, he/she will have to serve at the place of posting, and his/her service is not transferable to any other station.

13- before handing over charge once again their document may be checked if they have not the required relevant qualifications as per rules, they may not be handed over charge of the post.

(MUHAMMAD RAFIQ KHATTAK)

Director E&SE Khyber Pakhtunkhwa Peshawar.

45/B



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

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

APPOINTMENT.

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

Abbottabad					
S#	Name	Father Name	Address	Score	Name of School
1	Hafiz Khuram Nadeem Abbasi	Skander Khan	Dhik Pussu Muhallah Hafizabad, Street Number 09, House Number 432/A, Westridge, Rawalpindi CNIC No 13101-4948555-3	130.51	GHS Hadora Bandi
2	Khuram Bilal Shah	Abdul Qayyum Shah	Manager United Bank Limited Lora Post Office Lora District Abbottabad CNIC No 13101-0925607-5	128.66	GHS Ghari Noorpur
3	Kala Khan	Gul Khatab	Village And Kulanda Post Office Nara Via Havelian CNIC No 13101-8422407-9	133.68	GHS Sarhan
4	Faheem Sarwar	Muhammad Sarwar Khan	Hussain Town Tehsil Road (Near To Ring Road) And Post Office Aft Col. Street No 1 House No 261 Nawan Kawana CNIC No 13101-7043669-7	129.20	GHS Pattan Kalan
5	Muhammad Fiaz Aziz	Haji Aziz Ur Rehman	Village Sanga Post Office Bai District And Tehsil Abbottabad CNIC No 13101-8116145-3	129.22	GHS Seer
6	Muneeb Ur Rehman	Faqeer Muhammad	House Number Te 137 Mohallah Muhammad Zai Nawan Sher District Abbottabad CNIC No 13101-0835768-5	128.95	GHS Bagun
7	Syed Sajid Hussain Shah	Syed Sabir Hussain Shah	Village Kotmili Post Office Kakulri Tehsil And Distt Abbottabad CNIC No 13101-9696053-9	128.45	GHS Tajwal
8	Shehar Yar Ahmed	Allah Ditta Awan	House C-10 CNIC No 13101-7105938-7	128.12	GHS Hadora Bandi
9	Iftikhar Ahmed	Sarwar Khan	Village Post Office Mohar Kalan Harina Atd CNIC No 13101-0932806-5	127.39	GHS Surjal
10	Rameez Hussain	Tauqeer Hussain Shah	Pakistan Military Academy Kakul Road Shahzaman Colony Zafham Manzil House No 58/48 C Tehsil And District Abbottabad CNIC No 13101-1732276-9	127.12	GHS Lakhala
11	Zaheer Hussain	Ghulam Mustafa	Store Near Sarchan Chowk Link Road Tehsil And District Abbottabad CNIC No 13101-0824824-5	126.46	GHS Seer
Batagram					
S#	Name	Father Name	Address	Score	Name of School
1	Umar Shah	Syed Rajdar	Village Kund Post Office Besham, Tehsil Allah CNIC No 13201-1373159-9	134.52	GHS Jambere

Appointment Order SST (General) Male Adhloc

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Sr	Name	Father Name	Address	Score	Name of School
14	Fazal Ullah Jan	Fauzoan Khan	Village Lahore Tehsil District Swabi Moghallah Tegu Khel CNIC No 16202-4461131-1	131.97	GIS Neeka
15	Hamid Ayaz	Moghall Khan	Mughall Khan Tehsil And District Swabi Mughall Khan Tehsil And District Swabi CNIC No 16202-4461131-1	131.85	GIS Jehangira
16	Bilal Muhammad	Sanobar Khan	Village Pehrur Hamlet Post Office Topi Tehsil Topi District Swabi CNIC No 16202-613233-2	131.68	GIS Malik Abad
17	Stey Muhammad	Raj Muhammad	Village And Post Office Adina Tehsil Kuzur Swabi District Swabi CNIC No 16202-0508109-9	131.12	GIS Pak Kupa
18	Wali Ullah	Noor Muhammad	Village And P/O Salim Khan Tehsil And District Swabi CNIC No 16202-087278-3	130.81	GIS Pabana
17	Irfan Ali	Abdul Rasool	Mughall Khan Tehsil And District Swabi CNIC No 16202-498215-9	130.48	GIS Narayji
18	Shakeel Nasir	Shad Muhammad	Road Adhur Rehman Shaker Cloth House Link District Swabi CNIC No 16202-6432915-1	130.34	GIS Narayji
1	Shama U Arifin	Roh U Amin	Village Fuzza Tehsil Furan District Swabi CNIC No 15505-8512617-7	135.56	GIS Bankool
2	Wali Ullah	Shah Nawaz Khan	Village And Post Office Sundou District Shongla CNIC No 15505-343769-3	134.35	GIS Pahlor
3	Shay Ullah	Shah Nawaz Khan	Village And Post Office Sundou Tehsil Furan District Swabi CNIC No 15505-3092957-1	128.76	GIS Kaduna
4	Sikandar Hagar	Musy Ull Din	Village And Post Office Bilkand Tehsil Alpur District Shongla CNIC No 15501-7699347-2	127.94	GIS Malra
5	Izaz Ull Din	Kirmani Ullah	Village Fuzza Tehsil District Swabi CNIC No 15505-6485599-9	127.9	GIS Balna
6	Amjad Ali	Abdul Salam	Village Fuzza Post Office And Tehsil Furun District Shongla CNIC No 15505-1450044-9	127.13	GIS Opal
7	Haron Ur Rashid	Abdul Shakoor	Village Kharu Alpur Teh Alpur District Shongla CNIC No 15501-6580753-3	126.33	GIS Kufora
8	Gulzala	Fam Jan	Village Kharu Alpur Mahallah Pura Teh And Teh Alpur District Shongla CNIC No 15501-6580753-3	126.32	GIS Kormanng
9	Fazal Aman	Chabana	Village Jangal Post Office Aloch Tehsil Furun District Shongla CNIC No 15505-0213045-7	125.58	GIS Shong
10	Ubaid Ullah	Sulian Mahmood	Village Ganorai Teh Teh Furun Teh Shongla CNIC No 15505-0220284-9	125.1	GIS Shong
1	Muhammad Mumtaz	Muhammad Ayub	Co Dr Arshad Homco Clinic Haji Baba Chowk Mingoro CNIC No 15602-0483966-3	136.07	GIS Gurnul
2	Asghar Khan	Kachay	Lahat, Tehsil Mian District CNIC No 15601-4958825-3	134.01	GIS Ashoran

Shongla

Swat

Appointment Order SST (General) Male Adhoc

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3. Appointment is purely on temporary & contract basis initially for one year wef May 1st, 2014 to April 30th, 2015.
4. She should not be handed over charge if she exceeds 35 years or below 18 years of age. Age relaxation case may be submitted to competent authority.
5. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO (concerned), any one found producing bogus Certificate will be reported to the law enforcing agencies for further action.
6. His/her services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
7. Pay will not be drawn until and unless a certificate to the effect by DEO (concerned) is issued that his/her certificates are verified.
8. He/She should join his post within 10 days of the issuance of this notification. In case of failure to join the post within 10 days of the issuance of this notification, his/her appointment will expire automatically and no subsequent appeal etc shall be entertained.
9. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
10. He/she will be governed by such rules and regulations as may be issued from time to time by the Govt.
11. His/her services shall be terminated at any time, in case his performance is found unsatisfactory during his/her contract period. In case of misconduct, he/she shall be proceeded under the rules framed from time to time.
12. His/her appointment is made on School based, He/she will have to serve at the place of posting, and His/her service is not transferable to any other station.
13. Before handing over charge once again their document may be checked if they have not the required relevant qualifications as per rules, they may not be handed over charge of the post.

(Muhammad Rafiq Khattak)

Director

Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

2084-91

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

Copy forwarded for information and necessary action to the:-

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

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

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BETTER COPY

SHANGLA MALE SSTs REGULAIZATION ORDER 20 08

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION KHYBER PAKHTUNKHWA

NOTIFICATION:-

Under the provision of the Khyber Pakhtunkhwa employees of the elementary and secondary education (appointment and regularization of services) Act 2018 (Khyber Pakhtunkhwa Act No.1 of 2018) and in pursuance of the govt, of Khyber Pakhtunkhwa notification No: SO(S/F) E&SED/3-2/2018/SITT/contract, dated 16-02-2018 the services of the following secondary school teachers (SST Bio/chem.), (SST Maths/Phyiscs), (SST General) Appointed on Adhoc/Contract basis, are hereby regularized in BPS-16, on the SST post in teaching cadre on the terms and conditions given below with effect from the date of tyheir appointments.

(SST GENERAL).

S R	ROLL NO	NAME	ADDRESS	TOTAL MARKS/OUT OF 200/	SCHOOL	APPOINTME NT ORDER NO AND DATED	EXTENSIO N ORDER NO AND DATED IF ANY
4	783152 2	FAZAL MANA N	BINGALA IE PURAN, 15505- 0213045-7	125.28	GHS SHANGL A.	DO-	DO-

TERMS & CONDITION.

- 1- The regularization will not be in favour of those, who have not taken over charge of or has remained absent from duty or resigned from service and also not for those who are under disciplinary proceedings.
- 2- Their services shall be governed by the Khyber Pakhtunkhwa civil servant Act, 1973, the Khyber Pakhtunkhwa (appointment , deputation, posting and transfer of teacher s, lecturer , instructors and Doctors) regularity Act, 2011 and such rules and regulations as may be issued from time to time by the government
- 3- Their pay shall be released subject to the verification of academic and professional documents/testimonials from the concerned boards/ universities by the district education officers concerned.
- 4- Their services will be considered regular and they shall be eligible for pension/deduction of GP Fund in terms of the Khyber Pakhtunkhwa civil servant Act, 1973 as amended in 2013.
- 5- Their services are liable to termination on one month notice from either side. In case of resignation without notice, their one month pay/allowances shall be fortified to the government.
- 6- They shall posses the same qualification and experience required for the subject post on regular basis.
- 7- Their regularization shall not effect the promotion quota of the existing holders of posts in respective service "cadre". They shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of the Khyber Pakhtunkhwa employees of the elementary and secondary education (appointment and regularization of services) Act, 2018 (Khyber Pakhtunkhwa Act No.1 of 2018), and shall also rank junior to such other persons , if any , who, in pursuance of the recommendation of the Khyber Pakhtunkhwa public service commission made before the commencement of this Act , are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.
- 8- Their seniority shall be determined on the basis of their continuous service in cadre, provided that if the date of continuous service in case of two or more employees is same, the employee elder in age shall rank senior to the younger one.
- 9-

(FARID AHMAD KHATTAK)

Director E&SE Khyber Pakhtunkhwa Peshawar.

45/F

Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

PII No. 091-9225339, 9225344.

Fax 091-9225343

Email: khattakfarid@gmail.com



NOTIFICATION.

Under the provision of The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2018 (Khyber Pakhtunkhwa Act No.1 of 2018) and in pursuance of the Govt. of Khyber Pakhtunkhwa Notification No: SO(S/F) E&SED/3-2/2018/SITT/Contract, Dated: 16-02-2018, the Services of the following Secondary School Teachers (SST Bio/Chem), (SST Maths /Physics), (SST General) appointed on Adhoc /Contract basis, are hereby regularized in BPS-16, on the SST posts in Teaching Cadre on the terms and conditions given below with effect from the date of their appointments.

(SST Bio Chem)

Sr#	RollNo	Name	Address	Total Marks (out of 200)	School	Appointment order No and dated	Extension order No and dated if any
1	78-10482	Shuja Ali	Vill Mangay P/O Aipurai Tehsil Aipurai District Shangla 15501-9386171-3	126.73	GHS Shashan	2068-75 30-04-2014	4913-20 dated 28-04-2017
2	78-10447	Mujeeb Ur Rehman	Vill. and P/O Shawawee Chakisar District Shangla 15503-3980623-3	130.21	GHS Shang	-do-	-do-
3	78-10484	Mehmood Ul Hassan	Vill Basi Aipurai District Shangla 15501-6331588-5	128.67	GHS Kadana	-do-	-do-
4	78-10405	Zia Ul Haq	Vill & P/O Chowga, Puran 15505-1838859-3	130.38	GHS Pishior	-do-	-do-
5	78-10342	Ijaz Matloob Khan	Bar Kana Shangla 15501-7983657-5	135.19	GHS Kass Litownai	-do-	-do-
6	7810291	Farman Khan	Vill Bar Kalay Aipurai 15607-0342271-3	115.37	GHS Basi	4050-56 dated 30-11-2015	1565-80/ dated 30-11-2017
7	7810081	Niqab Ali	Vill, Karwar Kalay Litownai, Shangla 15501-2415378-5	116.75	GHS Pagarai	4050-56 dated 08-01-2016	-do-
8	1110020	Muhamamd Jafar	Shapur Shangla 17301-1481382-3	118.14	GHS Opel	-do-	-do-
9	7810235	Shuja Ali	sundovi puran shangla 15501-1483932-7	117.3	GHS Annovi	-do-	-do-
10	7810307	Aqal Zeb	Achar Kotkey 15501-8285123-7	114.69	GHSS Olandar	1463-69 dated 08-01-2016	1565-80 dated 04-12-2017
11	921000093	Sabir Ullah	Vill Bana, Chowga Puran District Shangla 15505-5249563-7	122.09	GHS Faiz Puran	5560-66 dated 04-05-2017	NA
12	92000097	Muhamamd Numon	Vill, Kikor, Post Office Aloch Tehsil Puran District Shangla 15505-5593522-1	122.53	GHS Gharai Kandaw	3127-34 dated 18-04-2017	NA
13	781000453	Mian Saadiq Ahmad	Vill, Kormang P/O and Tehsil Bisham District Shangla 15503-8489827-5	127.62	GCMHS Chakisar	-do-	NA
14	921000020	Farman Hussain	Banr Aipurai 15501-7880034-3	129.8	GHS Banr	-do-	NA
15	92100008	Ihsan Ul	Mir Abad Banr	127.94	GHS	-do-	NA

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12	820063	Syed Ikram Ullah Shahid	Besham Shangla 15502-9676766-3	127.26	Alpurai GHSS Butyala	11-2015 4165-71 Dated 30/11/2015	-do-
13	7820051	Miraj Ud Din	Chakisar Shangla 15501-0831814-7	112.25	GHS Kormang	4165-71 dated 30-11-2015	-do-
14	7820120	Sohail Rauf	Shahpur District Shangla 15501-2953232-7	111.79	GHS Olandar	4050-56 dated 30-11-2015	-do-
15	76200158	Akhlar Zeb	Dandi Shangla 15501-9008660-1	114.79	GHS Manai Maira	3127-34 dated 18-04-2017	NA
16	922000054	Altaf Ur Rehman	Ranyal Shangla 15501-3759272-7	124.6	GHS Ranyal	-do-	NA
17	923000041	Saeed Anwar	Dehrai Alpurai 15501-0498912-7	108.77	GHS Pagorai	-do-	NA
18	922000023	Hassan Sardar	Dumrai Shahpur Shangla 15501-7355710-5	118.5	GHS Bair	-do-	NA
19	922000046	Sami Ullah	Likwani Shangla 15501-6272019-3	111.06	GHS Basi	-do-	NA
20	782000023	Abdur Rehman	Vill. Faiza, P/o Sundvi Pura District Shangla 15502-4574510-7	137.2	GHS Faiza Pura	-do-	NA
21	922000038	Sardar Ali	Alpurai District Shangla 15501-7821119-7	107.81	GCMHS Alpurai	-do-	NA
22	922000030	Fazal Mabood	Sundvi Pura Shangla 15505-5737073-3	111.5	GHS Kadona	-do-	NA
23	922000039	Sana Ul Haq	Shahpur District Shangla 15501-5081061-3	116.74	GHS Kuz Kana	-do-	NA
24	922000049	Fateh Ul Malik	Vill. Kufala, Pura District Shangla 15505-5774409-3	122.7	GHS Shawan	-do-	NA
25	922000063	Mehboob Ur Rehman	Kulhari Pura 15505-1307622-5	108.3	GHS Machkani dar	-do-	NA
26	922000066	Ikram Ullah	Village Bisham Shangla 15502-2289929-3	113.38	GHS Kabaigra m	5560-66 dated 04-05-2017	NA

(SST General)

Sr	Roll No	Name	Address	Total Marks out of 200	School	Appointmen order No and dated	Extension order No and dated if any
1	78-30776	Sikandar Hayat	Vill. Bilkani Shangla 15501-7699934-7	127.94	GHS Mana	2084-91 dated 30-04-2014	4913-20 dated 24-04-2017
2	78-30818	Shamsul Arifecn	Vill. Faiza, Pura Shangla 15505-8517617-7	135.56	GHS Danakool	-do-	-do-
3	7831501	Ubaidullah	Vill. Ganorai Pura 15505-0220282-9	125.1	GHS Shang	-do-	-do-
4	7831522	Fazal Manan	Bingal, Pura 15505-0213045-7	125.28	GHS Shang	-do-	-do-
5	78-30474	Shafi Ullah	Vill & P/o Sundvi, Tehsil Pura District Shangla 15505-3097057-1	128.76	GHS Kadona	-do-	-do-
6	78-31109	Wali Ullah	Vill & P/o Sundvi, Tehsil Pura District Shangla 15505-3437609-3	134.25	GHS Pishor	-do-	-do-
7	78-30699	Gul Zada	Basi Alpurai, 15501-6580753-3	126.32	GHS Kormang	-do-	-do-
8	78-31060	Haroon Ur Rashid	Pagorai Alpurai 15501-4763239-7	126.33	GHS Karora	-do-	-do-
9	78-30629	Izaz Ud Din	Bumerwali Pura 15505-6485509-9	127.9	GHS Bana	-do-	-do-

Shangla Male SSTs Regularization order 20 08 4

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10	7830387	Zakir Ullah	Vill. Mir Abad Banr 15501-6945946-3	132.96	Puran GHS Damorai	4050-56 dated 30- 11-2015	1565-80 dated 30-11- 2017
11	7830570	Sajjad Ahmad	Vill Kadona, Aloch Puran 15505-6854461-1	130.93	GMS Ajmir	-do-	-do-
12	7830232	Amir Ali	Shahpur, Shangla 15501-9515271-9	138.85	GHS Kuz Kana	-do-	-do-
13	7830488	Fazal Subhan	Neem Kalay Puran 15505-7218535-7	135.6	GHS Larai Pirkhana	-do-	-do-
14	7830460	Rafi Ullah	Kulalai Puran 15602-1542316-1	130.77	GMS Shahool	-do-	-do-
15	7830562	Mohib Ullah	Aloch Puran 15505- 6223050-1	131.16	GHS Olanadar	3617-22 dated 21- 09-2016	NA
16	9230002 25	Asad Khan	Vill Saer, Fzo Dandai, Teshil Bisham District Shangla 15502-1676144-5	145.13	GMS 28 Kotkay	3127-34 18-04- 2017	NA
17	9230003 98	Asghar Ali	Shang Bisham 15502-5494571-5	147.07	GHS Dandai	-do-	NA
18	9230004 42	Altaf Hussain	Damora, Shangla 15501-7356958-5	148.13	GMS Dehrai Maira	-do-	NA
19	9230004 00	Irshad Ali	Dehrai Alpurai 15501-9349868-5	145.13	GHS Opai	-do-	NA
20	9230001 97	Tahir Ali	Shang Bisham 15502-3272311-9	143.7	GHS Kabalgra m	-do-	NA
21	7830065 9	Zaeshan Alam	Chakisar Shangla 15503-5119622-1	142.35	GHS Manar Maira	-do-	NA

(DISABLE QUOTA (M) SST

Sr	Roll No	Name	Address	Total Marks out of 200	School	Appointmen t order No and dated	Extension order No and dated if any
1	78-30732	Sardar Zamin	Dehrai Alpurai 15501-8752815-3	103.5	GHS Karora	3637-46 dated 21- 07-2014	4913-20 dated 24-04- 2017
2	9210000 74	Sayad Wahid Shah	Dandokay Karora 15501-3619253-7	122.76	GHS Dherai Alpurai	3127-34 dated 18- 04-2017	NA

TERMS & CONDITIONS.

- The regularization will not be in favour of those, who have not taken over charge OR has remained absent from duty OR resigned from service and also not for those who are under disciplinary proceedings.
- Their services shall be governed by the Khyber Pakhtunkhwa Civil Servant Act, 1973, the Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of Teachers, Lecturer, Instructors and Doctors) Regularity Act, 2011 and such rules and Regulations as may be issued from time to time by the Government.
- Their pay shall be released subject to the verification of academic and professional documents/ testimonials from the concerned boards/universities by the District Education Officers Concerned.
- Their services will be considered regular and they shall be eligible for pension/ deduction of GP Fund in terms of the Khyber Pakhtunkhwa Civil Servant Act, 1973 as amended in 2013.
- Their services are liable to termination on one month notice from either side. In case of resignation without notice, their one month pay/allowances shall be forfeited to the Government.
- They shall possess the same qualification and experience required for the subject post on regular basis.
- Their regularization shall not affect the promotion quota of the existing holders of posts in respective service cadre. They shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2018 (Khyber Pakhtunkhwa Act No.1 of 2018), and shall also rank

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junior to such other persons, if any, who, in pursuance of the recommendation of the Khyber Pakhtunkhwa Public Service Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

8. Their seniority shall be determined on the basis of their continuous services in cadre, provided that if the date of continuous service in case of two or more employees is the same, the employee elder in age shall rank senior to the younger one.

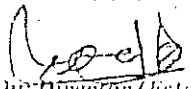
(Farid Ahmad Khattak)

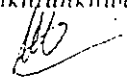
Director
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst: No. 476-80 12 / File No. 2/A-14/SST/Adhoc/Apptt: Dated Peshawar the 16/8/2018.

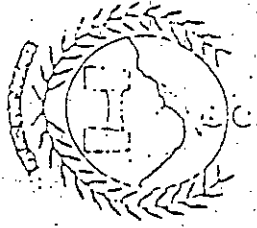
Copy forwarded for information and necessary action to the: -

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar.
3. District Education Officer (Male) Shangla.
4. District Accounts Officer Shangla.
5. Official Concerned.
6. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
7. PA to the Director E&SE Khyber Pakhtunkhwa Peshawar.
8. M/File


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



G-46



GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

NOTIFICATION

Peshawar, dated the November 13, 2012.

No. SO (PE)-S/SSRC/Meeing/2012/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 and in supersession of all Notifications issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby lays down the method of recruitment, qualification and entry conditions specified in the Appendix to this Notification which shall be applicable to all the posts specified in Column No. 2 of the said Appendix and the schedule therewith.

KPK 2/12

SECRETARY TO GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

- Copy forwarded to:-
1. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
 2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
 3. The Secretary to Govt. of Khyber Pakhtunkhwa, Law Department.
 4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
 5. The Accountant General, Khyber Pakhtunkhwa Peshawar.
 6. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
 7. The Director Education (FATA), Peshawar.
 8. Copy to the Staff Officer KPK.

ATTENDED

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- 8. The Director Curriculum & Teachers Education Association.
- 9. The Director (PITE) Khyber Pakhtunkhwa Peshawar.
- 10. The Director ESRU, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
- 11. The Deputy Director Database (EMIS) ESSE Department.
- 12. All District Coordination Officers in Khyber Pakhtunkhwa.
- 13. All Executive District Officers Elementary & Secondary Education in Khyber Pakhtunkhwa.
- 14. All District Accounts Officers in Khyber Pakhtunkhwa / Agency Accounts Officers FATA.
- 15. All Agency Education Officers FATA.
- 16. P.S to Governor, Khyber Pakhtunkhwa.
- 17. P.S to Chief Minister, Khyber Pakhtunkhwa.
- 18. P.S to Chief Secretary, Khyber Pakhtunkhwa.
- 19. P.S to Minister ESSE Khyber Pakhtunkhwa Peshawar.
- 20. P.S to Secretary ESSE Department.
- 21. Master File.

KPK

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ATTESTED

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Section Officer (Primary)

Attested

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APPENDIX

S.NO.	Nomenclature of the post	Minimum qualification and experience for initial appointment or by transfer	Age limit	Method of recruitment.
1.	2.	3.	4.	5.
1.	<p>Secondary School Teacher (BPS-16)</p>	<p>(i) Second class Bachelor's Degree with two subjects as Chemistry, Botany, Zoology, Physics, Mathematics, Statistics Humanities and other equivalent groups from a recognized University: or</p> <p>(ii) M.A in Education or Bachelor's Degree in Education from a recognized university.</p>	<p>18 to 35 Years.</p>	<p>(a) Fifty percent by promotion on the basis of seniority-cum-fitness in the following manners.</p> <p>(i) forty percent from amongst the certified Teachers (General). Certified Teachers (Industrial Arts) and Certified Teachers (Home Economics) with at least five years service as such and having qualification mentioned in column No. 3.</p> <p>(ii) four percent from amongst the Drawing Masters with at least five years service as such and having qualification mentioned in column No. 3.</p> <p>(iii) four percent from amongst the Physical Education Teachers with at least five years service</p>

SET →
Redesigned

No quota has been allocated for PST's cadre.

ATTESTED

[Signature]

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			<p>(iv) one percent from amongst the Instructional Material Specialists, with at least five years service as such and having qualification mentioned in column No. 3, and</p> <p>(v) one percent from amongst the Arabic Teachers with at least five years service as such and having qualification mentioned in Column No. 3, and</p> <p>(b) fifty percent by initial recruitment.</p>
2.	Seniority Arabic Teacher (SAT) (BPS-16)		By promotion on the basis of seniority-cum-fitness from amongst Arabic Teachers with at least five years service as such and having qualification as prescribed for initial recruitment of Arabic Teacher.
3.	Senior Theology Teacher (STT) (BPS-16)		By promotion on the basis of seniority-cum-fitness from amongst Theology Teachers with at least five years service as such and having qualification as prescribed for initial recruitment of Theology Teacher.
4.	Senior Certified Teacher (SCT) (General) (BPS-16)		By promotion on the basis of seniority-cum-fitness from amongst Certified Teachers with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (General).

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10.	Arabic Teacher (AT) (BPS-15)	<p>(i) Second Class Secondary School Certificate from a recognized Board with Shahdatul Alamia Fil Uloomul Arabia wal Islamia from or Darul Uloom Saidu Sharif Swat, Darul Uloom Darosh Chitral, Government run Darul Uloom, as notified by the Government from time to time; or</p> <p>(ii) Second Class Master's Degree in Arabia from a recognized University.</p>	<p>By initial recruitment</p> <p>57</p>
11.	Theology Teacher (TT) (BPS-15)	<p>(i) Second Class Secondary School Certificate from a recognized Board with Shahdatul Alamia Fil Uloomul Arabia wal Islamia from or Darul Uloom Saidu Sharif Swat, Darul Uloom Darosh Chitral, Government run Darul Uloom, as notified by the Government from time to time; or</p> <p>(ii) Second Class Master's Degree in Arabia from a recognized University.</p>	<p>(a) Seventy five percent by initial recruitment; and</p> <p>(b) twenty five percent by promotion on the basis of seniority-cum-fitness from amongst the senior Qaris with at least five years service and having qualification prescribed for initial recruitment of Theology Teacher;</p> <p>Note: In case of non availability of suitable person for promotion then by initial recruitment.</p>
12.	Senior Qari (BPS-15)	<p><i>Attested</i></p> <p><i>M.S.</i></p>	<p>By promotion on the basis of seniority-cum-fitness from amongst Qaris with at least five years service as such and having qualification as prescribed for initial recruitment.</p>
13.	Certified Teacher (General)	<p>Bachelor's Degree or equivalent qualification from a recognized</p>	<p>(a) Forty percent by initial recruitment; and</p>

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	<p>Certified or two years Associate Degree in Education from a recognized University or eighteen months Diploma in Education.</p>	<p>(b) sixty percent by promotion on the basis of seniority-cum-fitness from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (General). Provide that if no suitable candidate is available amongst the Primary School Head Teachers for transfer, then the posts will be filled by promotion on the basis of seniority-cum-fitness from amongst senior primary school teachers with at least five years service and having qualification prescribed for initial recruitment of certified teacher (General). Note: In case of non availability of suitable person for promotion then by initial recruitment.</p>
<p>14. Certified Teacher (Industrial Arts) (BPS-15)</p>	<p>(i) Bachelor's Degree from a recognized University with two years training in the relevant technical subjects from any Government industrial or Govt: Technical vocational Institute or Centre; or (b) Bechlors Degree from a recognized</p>	<p>(a) Forty percent by initial recruitment; and (b) sixty percent by promotion on the basis of seniority-cum-fitness from amongst the primary school head teachers with at least five years service and having qualification prescribed for initial recruitment of certified teacher</p>

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APPENDIX

S.No.	Nomenclature of title post.	Minimum qualification and experience for initial appointment or by transfer.	Age limit.	Method of recruitment.
1	Secondary School Teacher (HPS-16).	(i) Second class Bachelor's Degree with two subjects as Chemistry, Botany, Zoology, Physics, Mathematics, Statistics Humanities and other equivalent groups from a recognized University or (ii) M.A. in Education or Bachelor's Degree in Education, from a recognized University.	18 to 35 years.	(a) Fifty percent by promotion on the basis of seniority cum-fitness, in the following manner: (i) forty per cent from amongst the Certified Teachers (General), Certified Teachers (Agriculture), Certified Teachers (Industrial Arts) and Certified Teachers (Home Economics) with at least five years service as such and having qualification mentioned in column No. 3; (ii) four per cent from amongst the Drawing Masters with at least five years service as such and having qualification mentioned in column No. 3; (iii) four per cent from amongst the Physical Education Teachers with at least five years service as such and having qualification mentioned in column No. 3;

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2 Senior Arabic Teacher (SALT) (HRS-16)		(iv) one per cent from amongst the Instructional Material Specialists, with atleast five years service as such and having qualification mentioned in column No. 3; and (v) one per cent from amongst the Arabic Teachers with atleast five years service as such and having qualification mentioned in Column No. 3; and (b) fifty per cent by initial recruitment.
3 Senior Theology Teacher (STT) (HRS-16)	KPR J. S. S.	By promotion, on the basis of seniority-cum-fitness, from amongst Arabic Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Arabic Teacher.
4 Senior Certified Teacher (SCT) (General) (HRS-16)		By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (General), with atleast five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (General).

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<p>10. Arabic Teacher (AT) (BPS-15)</p>	<p>(i) Second Class Secondary School Certificate, from a recognized Board with Shahdatal Alamia Fil Uloomul Arabia wal Islamia from a recognized Tanzimatul Walaqul Madaris: or Darul Uloom Sa'idu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government Darul Uloom, as notified by the Government from time to time; or</p> <p>(ii) Second Class Master's Degree in Arabic from a recognized University.</p>	<p>20 to 35 years.</p>	<p>By initial recruitment</p>
<p>11. Theology Teacher (TT) (BPS-15)</p>	<p>(i) Second Class Secondary School Certificate, from a recognized Board with Shahdatal Alamia from a recognized Tanzimatul Walaqul Madaris or Darul Uloom Sa'idu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government Darul Uloom, as notified by the Government from time to time; or</p> <p>(ii) Second Class Master's Degree in Islamicyat from a recognized University.</p>	<p>20 to 35 years.</p>	<p>(a) Seventy-five per cent by initial recruitment and</p> <p>(b) twenty-five per cent by promotion, on the basis of seniority-cum-fitness. From amongst the Senior Qaris, with at least five years service and having qualification prescribed for initial recruitment of Theology Teacher.</p> <p>Note: In case of non availability of suitable person for promotion, then by initial recruitment.</p>
<p>12. Senior Qari (BPS-15)</p>	<p>(i) Second Class Master's Degree in Islamicyat from a recognized University.</p>	<p>18 to 35 years.</p>	<p>By promotion, on the basis of seniority-cum-fitness, from amongst Qaris, with at least five years service as such and having qualification prescribed for initial recruitment.</p>
<p>13. Certified Teacher (General) (BPS-15)</p>	<p>Bachelor's Degree or equivalent qualification from a recognized University with Certified Teacher</p>	<p>18 to 35 years.</p>	<p>(a) Forty per cent by initial recruitment; and</p>

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H-53

Board of Intermediate & Secondary Education

SAIDU SHARIF SWAT

DETAILED MARKS CERTIFICATE
Secondary School Certificate Examination
(SCIENCE GROUP)

Session 1993 (Annual/Supplementary)



No. 0032486

Name Fazal Maman

Father's Name Ghoush Bana

Roll No. 8338

SUBJECT	Total number of marks allowed	MARKS OBTAINED	
		In figures	In words
1. English	150	117	
2. Urdu	150	107	
3. Islamiat Comp.	75	51	
4. Pakistan Studies	75	54	
5. Mathematics	100	64	
6. Physics	100	53	
7. Chemistry	100	62	
8. Biology	100	68	
Total	850	576-B	Five hundred & Seventy Six

Marks
standing
excellent
Good
Satisfactory

This certificate is issued errors and omissions excepted.

Prepared by [Signature]

Checked by [Signature]

Date 19

Controller of Examinations
Board of Intermediate & Secondary Education
SAIDU SHARIF SWAT

ATTESTED

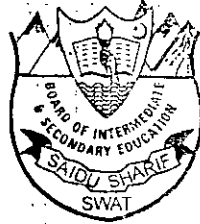
[Signature]

swa No. (A) 0458



Roll No. 214013

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



(54)

Saidu Sharif Swat N.W.F.P. Pakistan
Intermediate Examination
PRE MEDICAL Group

SESSION ANNUAL 1996

THIS IS TO CERTIFY THAT FAZAL MANAN
Son/Daughter of GHAI BANA
and a Student of DISTT: CHANGLA

Registered No. 112-B/MT-93 has passed the
Intermediate Examination of the Board of Intermediate and
Secondary Education, Saidu Sharif, Swat held in
May 1996 as a Private/Regular candidate. He/She
obtained 567 Marks out of 1100 and has been placed
in Grade C Representing GOOD

The Examination was taken as a whole/in parts.

Asst. Secretary

This certificate is issued without alteration or erasure.

Secretary

پہلو

55

University of Peshawar (Pakistan)

Session SUPPLEMENTARY 1998

FAZAL HANAN SON / of CHAIRMAN

and a student of GOVERNMENT JEHAZEB COLLEGE SAIDU SHARIF SWAT MARCH 1999

having passed the prescribed examination held in
is this day admitted by the University of Peshawar to the Degree of

Bachelor of Arts

in SECOND Division

The examination was taken as a whole / in parts.

Serial No. 088516

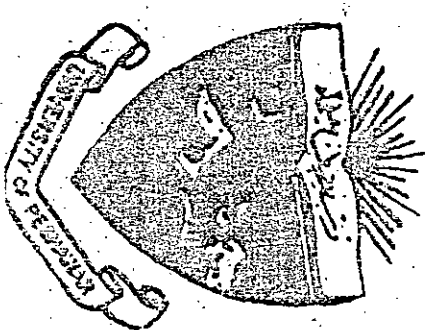
Registration No. 96-J-9915

5876

Roll No.

MAY 12, 1999

Result declared on



REGISTERED

[Signature]

[Signature]
Registrar

COUNCIL

[Signature]
Vice-Chancellor

۲۰۰۱

56

University of Peshawar (PAKISTAN)

SESSION ANNUAL 2001

FAZAL HANAN

SON

of

GILGANDAWA

and a student

DISTRICT SHANBELA

held in SEPTEMBER 2001

having passed the prescribed examination
is this day admitted by the University of Peshawar
to the Degree of

MASTERS OF ARTS

in the

FIRST

Division

The Subject of Examination being

ISAMIYAT

The Examination was taken as a whole / in parts

Marked

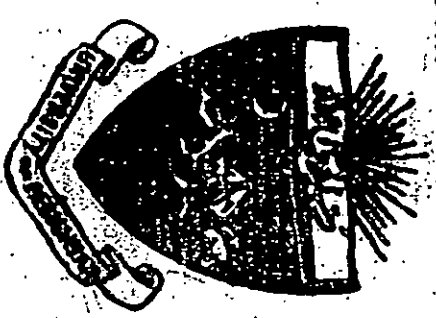
M. Javed Khan
Registrar

Countersigned

Serial No: 036088

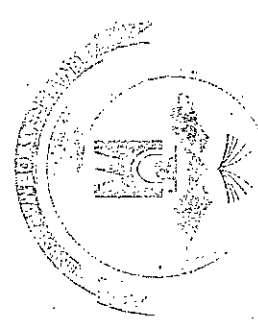
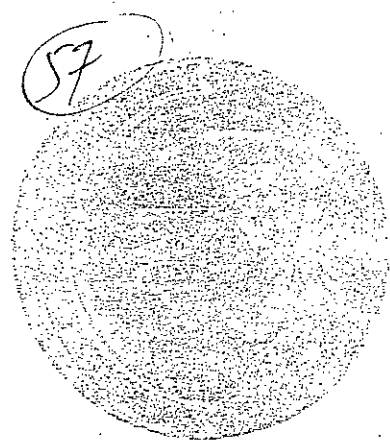
Registration No: 96-J-9915

Roll No: 22367



2. J. Khan
Vice-Chancellor

MADE IN PAKISTAN
MAY 07, 2002



Session 2009-2011

FAZAL MANAN Son of GHAIIBANA Registration No. 2009650806 Private Candidate of District Shangla
having passed the prescribed examination held in JUL-AUG, 2011 under Roll No. 21249 is admitted by the University of
Malakand to the degree of

Master of Arts

in Political science in second Division

The examination was taken as a whole.

[Signature]
Controller of Examinations

Countersigned

Result Declared on 03-Jan-2012

Assurance Date 24-May-2012

[Signature]
Vice Chancellor

UNIVERSITY OF MALAKAND

58



Serial No. 10151



(PAKISTAN)

Session 2011-2013

Merit Certificate

Mr. FAZAL MANAN

Son of. GHAIBANA

Private Candidate of District Shangla

Has Passed the M.A HISTORY

Examination of the University of Malakand held in Aug-Sep, 2013

By Securing 646 Marks out of 1100 and has been placed in Second division

He/ She obtained **3rd** position in order of merit

Roll No. 17168

Registration No. 2009650806

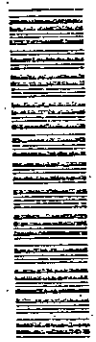
Issuance Date 14-Jul-2014

Controller of Examinations

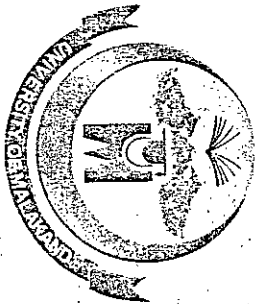
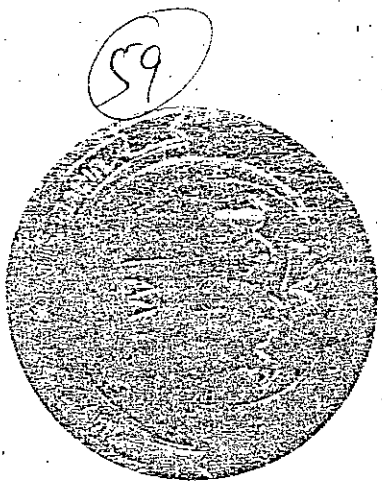
ATTESTED

UNIVERSITY OF MALAKAND
PAKISTAN

Serial No. 021186



Session 2011-2013



FAZAL MANNAN Son of GHAIIBANA Registration No. 2009650806 Private Candidate of District Shangla
having passed the prescribed examination held in Aug-Sep, 2013 under Roll No. 17168 is admitted by the University of
Malakand to the degree of

Master of Arts

in History in Second Division

The examination was taken as a whole.

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[Signature]

Contractor of Examinations

[Signature]

Countersigned

Office Director

[Signature]

Result Declared on 10-Dec-2013
Assurance Date 23-Apr-2014

(60)

Allama Iqbal Open University Islamabad



Serial No. 90612

Certified that Mr. / Ms. FAZAL MANAN

Son / Daughter of GHAIBANA

Registration No: 00-NSA-0238 Roll No: K-6198982

having completed the prescribed requirements in semester
AUTUMN 2002

is awarded the degree of:

Bachelor of Education (B.Ed)

He / She has secured 59 % marks and has been placed in C grade.

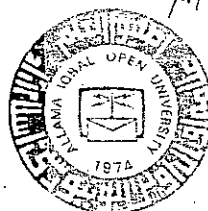
CONTROLLER OF EXAMINATIONS

As

Result declared on: August 05, 2003

ISLAMABAD. DATED: October 08, 2006

ATTESTED



VICE-CHANCELLOR

THIS DEGREE IS TO BE READ IN CONJUNCTION WITH THE TRANSCRIPT, ISSUED SEPARATELY

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
(JUDICIAL DEPARTMENT)

COC No. 105-P/2018 in WP No. 355/2017

JUDGMENT.



I-62

Date of hearing: 08.11.2018.

Petitioner (s): Nisar Ahmad (by) Mr. Noor Muhammad Wadood

Respondent (s): Muhammad (by) Mr. Qaiser Ali Khan ADH.

WAQAR AHMAD SETH, CJ:- Through this

single judgment, we propose to dispose of instant contempt petition as well as connected COC No. 107-P/2018 in WP No. 1662/2010, COC No. 108-P/2018 in WP No. 2967/2009 & COC No. 109-P/2018 in WP No. 3189/2009 because in all the petitions, the petitioners have sought initiation of contempt of court proceedings against the respondents for not implementing the judgment/order dated 26.01.2015.

2. Facts in brief are that the petitioners had filed Writ Petitions before this Court and prayed that the Act No. XVI 2009, namely, 'The North West Province Employees (Regularization of Services) Act, 2009 dated 24th October, 2009' being illegal unlawful, without authority and jurisdiction, based on malafide intentions and being unconstitutional as well as ultra vires to the basic rights as mentioned in the constitution be set-aside and the respondents be directed to fill up the above noted posts after going through the legal and lawful and the normal procedure as prescribed under the prevailing laws instead of using the short cuts for

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M-2

ATTESTED
EXAMINER
Peshawar High Court
30 NOV. 2018

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obliging their own person. They further prayed that the notification No. A-14 / SET (M) dated 11.12.2009 and Notification No. A-17 / SET (S) Contract-Appt: 2009 dated 11.12.2009, as well as Notification No. SO(G) / ES / 185 / 2009 / SS(Contract) dated 31.05.2010 issued as a result of above noted impugned Act whereby all the private respondents have been regularized may also be set-aside in the light of the above submission, being illegal, unlawful, unconstitutional and against the fundamental rights of the petitioners. The writ petitions came up for hearing and vide judgment/order dated 26.01.2015, the same were disposed of

in the following terms:-

- (i) *The Act, XVI of 2009, commonly known as (Regularization of Services) Act, 2009 is held as beneficial and remedial legislation, to which no interference is advisable hence, upheld.*
- (ii) *Official respondents are directed to workout the backlog of the promotion quota as per above mentioned example, within 30 days and consider the in service employees, till the backlog is washed out, till then there would be complete ban on fresh recruitments".*

3. After passing the above said judgment, the petitioners were quite hopeful regarding their promotion to the next higher grade being senior most employees but the respondents have again started recruitment process by advertising the posts of various cadres for initial recruitment in various Districts of Khyber Pakhtunkhwa and as such, the inaction of respondents squarely fall within the ambit of

*Attended
M-G*

ATTENDED
EXAMINED
Peshawar High Court
30 NOV 2015

contempt of court and they are liable to be proceeded and punished under the law; hence, the instant petitions.

4. Respondents No. 2 & 3 have filed reply to the show cause and prayed for dismissal of instant petitions.

5. Arguments heard and record perused.

6. While deciding writ petition No. 2905/2009, vide judgment dated 26.1.2015 which has been upheld by the apex Court, the respondents-department was directed to workout the backlog of the promotion quota and consider in service employees for promotion against the vacant post, till the backlog is washout. In this respect record is suggestive that the backlog was worked out and by that time 2725 employees / teachers were in the promotion zone and as such were promoted. Moreover, by virtue of Regularization Act, 2009, Act No. XVI of 2009, 1766 employees / teachers got regularization and as such, when worked out, the promotion quota was fully exhausted. The judgment in this respect was not for all the times to come for promotion purposes. Once the promotion quota, which was given advantage, in view of Regularization Act, 2009, cannot be claimed again and again. By now it's the question of fact that as to whether any employee / teacher was not promoted and by that time when Act 2009 was enforced they were in the promotion zone. Even otherwise, once backlog was worked out and promotion was done then claiming seniority and promotion is the job of service tribunal.

M. S.

30 NOV 2013

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7. in view of the above, the instant as well as connected contempt petitions are disposed of in terms above. Show cause notice issued to respondents is hereby recalled.

ANNOUNCED.
Dated: 08/11/2018

Chief Justice

Judge

Justice Shah SCS (CS) Justice Waseem Ahmad Sahi CJ & Justice Muhammad Ayub Khan J

No. 1587

Date of Presentation of Application 25/11/18

No of Pages: 30

Copying Fee: _____

Stamp Fee: _____

Preparation of Copy 20/11/18

Delivery of Copy 20/11/18

Received by: [Signature]

CERTIFIED TO BE TRUE COPY

EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 187 of
The Constitution of Pakistan 1973

30 NOV 2018

Attested
M J

J-65

To,

The Secretary E&SE,
KPK Peshawar Secretariat.

THROUGH: DISTRICT EDUCATION OFFICER (M) SHANGLA.

SUBJECT: APPEAL FOR THE APPOINTMENT AS SS IN (ISLAMIAT) IN THE LIGHT OF
HONORABLE SUPREME COURT JUDGMENT.

R/SIR,

With due respect I beg to state that in the year 2005 I was appointed as SS in (islamiat) on adhoc for the period of six months after qualifying the departmental screening test vide order no SOG/SL/S.S:Appott/2005 dated 10/09/2005. Condition of the said order reads that in-service teachers shall not be allowed to join the post. As I was regular teacher of the Education Department since 01/03/2000. So the DEO did not take over charge me to join the post. Later on the extension was given to these adhoc appointees time and again and then they were regularized by the government in the year 2009.

The affected teachers went to High Court and after long period the honorable court gave judgment to accommodate the affected teachers. But unfortunately it was not implemented. Then the department went to the Supreme Court and honorable supreme court after long consideration retain the decision of High court on September-20, 2017 in favor of affected teachers.

Dear sir, I am eligible for the post of SS in islamiat in all respect. I have passed MA islamiat in 1st division and I did my B.Ed and M.ED. I also continued my study as private candidate and passed MA History & P.Science.

There are also two posts of SS in islamiat vacant in my domiciled district Shangla i.e GHSS Martung and GHSS Chowga puran.

So please kindly issue my appointment order in back date according to regularization act of services 2009 with all benefits including seniority and arrears in the light of honorable supreme court judgment. I pledge that I will perform my duties with full devotion. I shall be very thankful for this act of kindness.

Note : All supported documents are attached with the application.

Yours obediently,

Fazal Manan SST (G)

MZ
24/7/2019

GHS Shang Shangla.

Copy of the above is forwarded to :

- 1). The Chief secretary KPK
- 2). The Director E&SE KPK

Attested
MZ

The application is forwarded to DEO (M) Distt Shangla for n/a please.

BAS

HEAD MASTER
GHS
Distt. Shangla

VAKALATNAMA

Before the KP Service Tribunal, Peshawar

OF 2019

Fajal Manan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Dept.

(RESPONDENT)
(DEFENDANT)

I/We Fajal Manan

Do hereby appoint and constitute **NOOR MOHAMMAD 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. ___/___/2019

CLIENT

ACCEPTED
NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAI

MIR ZAMAN SAFI
ADVOCATES

OFFICE:

Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Mobile No.0345-9383141

"B"

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

No.

1692 19
Appeal No. of 20
Mr. Faraz Maram

Appellant/Petitioner

the Govt. of KP ERSE Peshawar

Respondent

Respondent No.

The Distt. Education Officer,
(M) Distt. Shangla.

Notice to: -

WHEREAS an appeal/petition under the provision of the North-West Frontier 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.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

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

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.

No.

S.B

Appeal No..... *1692* of 20 *19*

..... *Mr. Faraz Manawi* Appellant/Petitioner
Versus

The Court of KPK Secy ERSE Peshawar
Respondent No..... *1*

Notice to: —

*The Court of KPK Through Secretary
(ERSE) Peshawar.*

WHEREAS an appeal/petition under the provision of the North-West Frontier 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..... *24/11/2019* at **8.00 A.M.** If you wish to urge anything against the appellandpetitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing **4 copies** of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this..... *17/11*

Day of..... *Nov* 20 *20*

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.

S.B
20/11

“B”

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

No.

S.B

Appeal No. 1692 of 20 19

Mrs Farhat Manan Appellant/Petitioner
Versus

The Govt. of KPK ERSE Peshawar Respondent
Respondent No. 2

Notice to: -

The Director (ERSE) KPK Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier 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.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

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

Given under my hand and the seal of this Court, at Peshawar this 17th 2019

Day of Nov 20



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.

4 sets

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Service Appeal No: 1692/2019

Fazal Manan SST (General) District ShanglaAppellant.

VERSUS

Secretary (E&SE) Department, Khyber Pakhtunkhwa & others.....Respondents.

JOINT PARAWISE COMMENTS ON & FOR BEHALF OF RESPONDENTS No: 1-3.

Respectfully Sheweth:-

The Respondents submit as under:-

Preliminary Objections.

- 1 That the Appellant has got no cause of action/locus standi.
- 2 That the instant Service Appeal is badly time barred.
- 3 That the Appellant has concealed material facts from this Honorable Tribunal in the instant service appeal.
- 4 That the instant Service Appeal is based on mala-fide intentions.
- 5 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 6 That the Appellant is not entitled for the relief he has sought from this Honorable Tribunal.
- 7 That the instant Service Appeal is against the prevailing law & rules.
- 8 That the instant Appeal is based on mala fide intentions just to put extra pressure on the Respondents for gaining illegal service benefits.
- 9 That the instant Service Appeal is not maintainable in its present form.
- 10 That the instant Service Appeal is bad for mis-joinder & non-joinder of the necessary parties.
- 11 That the instant Service Appeal is barred by law.
- 12 That no Departmental Appeal has been filed by the appellant to the Respondent Department.

13 That the appellant is not entitled for the grant of regularization of services in view of the Notification dated 24-10-2009 under the regularization of services Act 2009.

14 That the appellant has already been promoted against the SST (G) B-16 post in District Shangla vide Notification order dated 30-04-2014 by the Respondent Department.

ON FACTS.

1. That Para-1 needs no comments, being pertains to the Service Record of the appellant in the Respondent Department against the PST & CT (male) posts.
2. That Para-2 is incorrect & denied on the grounds that the statement of the appellant regarding his promotion as SST B-16 is baseless as the Respondent Department inviting application for the appointment SST post on purely Adhoc/contract & temporary basis wherein, in service teachers were directed not to apply for the same posts. **(Copy of the advertisement is Annexure-A).**
3. That Para-3 is correct to the extent of the filling of application for the appointment against the SST B-16 post in violation of the clear cut terms & conditions of the advertisements wherein, in service teachers were directed not to apply for the same posts, hence, the candidature of the appellant was refused by the Respondent Department being a regular civil servant against the CT post B-15 in the Respondent Department, hence, the plea of the appellant is illegal & liable to be rejected.
4. That para-4 is correct to the extent of appointments against the SST B-16 posts on contract & Adhoc basis by the Respondent Department in view of the advertisement mentioned in Para-1 as Annexure A.
5. That Para-5 is also correct to the extent of passing of an Act of regularization of services Act 2009, whereby, the services of the Adhoc/contractual SSTs in B-16 were regularized under the Act of 2009 by the Respondent Department. **(Copy of the Act of 2009 is Annexure-B).**
6. That Para-6 needs no comments being pertains to the record of the Honorable Court in W.P no. 2905/2009 case titled Atta Ullah & other Vs Govt; of KPK decided vide Judgment dated 26-01-2015 to the extent of working out the backlog of the promotion quota as per the above mentioned example within 30 days & consider the in service employees till the backlog is washed out till then there would be complete ban on fresh recruitment with resulted in the Notification dated 13-11-2012 issued by the respondent Department in compliance of the directions of the Honorable Court to the extent of working out of a backlog for the in service teachers/employees. **(Copies of the Judgment dated 26-01-2015 & Notification/promotion policy dated 13-11-2011 are Annexure-C & D).**

- 7 That Para-7 is correct is to the extent of withdrawal of the C.P NO.127 to 129-P/2015 under case titled Govt; of KPK VS Atta Ullah & others vide order dated 20-09-2017 passed by the august Supreme Court of Pakistan in view of the backlog of the Respondent Department Notified vide Notification dated 13-12-2012. **(Copy of the order dated 20-09-2017 is Annexure-E).**
- 8 That Para-8 is correct that the appellant has been promoted against the SST (G) B-16 post vide Notification dated 30-04-2014 in view of the backlog issued on 13-11-2012 by the respondent Department in compliance of the Judgment dated 26-01-2015 of the Honorable Court. **(Copy of the notification dated 30-04-2014 is Annexure-F).**
- 9 That Para-9 is Correct that vide Judgment dated 08-11-2018 the COC no.105-P/2018 in W.P No. 2905-P/2009 case titled Atta Ullah Vs Govt; has been dismissed by the Honorable Court. **(Copy of the order dated 08-11-2018 as Annexure-G).**
- 10 That Para-10 is also incorrect & denied on the grounds that agitated in the fore going paras of the present reply as no departmental appeal has been filed by the appellant, hence, the appeal in hand is liable to be dismissed on the following grounds inter alia:-

ON GROUNDS.

- A. **Incorrect & not admitted.** The appellant has been treated as per law & rules by the Respondent Department in the instant case, hence, the stance of the appellant is baseless & liable to be rejected.
- B. **Incorrect & not admitted.** The appellant has been treated as per law, rules & policy by the Respondent Department in the instant case, wherein, he has been made entitled for promotion as SST B-16 on 30-04-2014 in the Respondent Department having no violation of Article 4 & 25 of the constitution of the 1973, hence, the stance of the appellant is baseless & liable to be rejected.
- C. **Incorrect & not admitted.** The statement of the appellant is without any cogent reason & justification on the grounds as agitated in the foregoing paras of the present reply by the Respondents, hence, the plea of the appellant is without any justification.
- D. **Incorrect & not admitted.** The stand of the appellant is without any cogent reason & legal justification & liable to be rejected.
- E. **Incorrect & not admitted.** The plea of the appellant is without legal justification & liable to be rejected as the appellant has been treated as per law, rules & policy by the Respondent Department in the instant case, hence, the stance of the appellant is baseless & liable to be rejected.


- F. **Incorrect & not admitted.** The plea of the appellant is without legal justification & liable to be rejected as the appellant has been treated as per law, rules & policy by the Respondent Department in the instant case, hence, the stance of the appellant is baseless & liable to be rejected & have not violated the provision of Rule 7 of APT Rules 1989 in the instant case by the Respondents.
- G. **Incorrect & not admitted.** The stand of the appellant is without any cogent reason & legal justification & liable to be rejected.
- H. **Incorrect & not admitted.** The plea of the appellant is without legal justification & liable to be rejected as the appellant has been treated as per law, rules & policy by the Respondent Department in the instant case, hence, the stance of the appellant is baseless & liable to be rejected & have not violated the provision of Article 38 (e) of the constitution of 1973.
- I. **Legal.** However, the Respondents also seek leave of this Honorable Tribunal to submit additional grounds, record & case law at the time of arguments on the date fixed.

In view of the above made submissions, it is most humbly requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant Service Appeal in favor of the Respondents in the interest of justice.

Dated ___/___/2020


DIRECTOR

E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondents No: 2 ~~00~~)


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

AFFIDAVIT

I, **Hayat Khan Asstt: Director (Litigation-II)** E&SE Department Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant Parawise Comments are true & correct to the best of my knowledge & belief.


Deponent

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17) جنسی حیثیت سے تیز رفتاری کے لئے روزانہ تھیں
 کتاب ہیں۔ اکثر ایک چھ ماہ یا ایک سال کے عرصے میں اس سے جو بھی پیمانہ برکے لئے ہوگا۔ امیدوار درج ذیل
 تعلیمی قابلیت کے حامل ہوں۔
 (i) کسی قسم شہرہ و شہرت سے ما سزا مری مدنی ایڈوائس ایڈوائس ایڈوائس (ایک کیشن) یا مساوی تعلیمی قابلیت
 ہو گا۔ یہ طور پر تعلیم شدہ ہونی اہل سکول میں 5 سالہ تو رہنی تجزیہ
 (ii) اگر درج ذیل تعلیمی قابلیت کے حامل امیدوار دستیاب نہ ہوں تو متعلقہ مضمون میں ماسٹر ڈگری کے حامل امیدوار بھی
 حیثیت کے طور پر اس شرط پر مشق کیا جائے گا کہ وہ مہلویہ تعلیمی قابلیت اپنی تقریبی کی تاریخ سے لے کر تینوں وقت میں
 کمرے گا۔ کالی پر پیمانی کوئٹس کے قوانین کے مطابق ان کو ملازمت سے برخواستہ کیا جائے گا۔
 یہ آؤٹ کومپٹیشن ہے۔
 عمر کی حد 25 تا 40 سال
 جنس کے لحاظ سے تقسیم درج ذیل ہے۔

B-14

غرامتیں	مرد	مستوفیوں
02	26	انگریزی
04	28	انگریزی
03	38	انگریزی
08	42	CIVIC
12	44	پابندی
19	46	پابندی
10	33	ریاضی
08	20	فونٹ
05	23	کمپوزی
06	23	پابندی
-	09	ادب
01	-	پتو
02	-	سوس
83	326	کلی

یہ فراہم شدہ امیدواروں کی فہرست ان کے لئے ہے۔ ان کی اپنی اور ان کے اہل خانہ کی فہرست اور ان کے
 پاسپورٹ سائز تصاویر کے ہمراہ ذریعہ تھیں کے دفتر کو 24 نومبر 2004 تک یا اس سے قبل بھیجے جائے۔ جو ان امیدواروں کے
 اپنے سے مستحق ہیں۔ صرف شہرہ و شہرت سے ما سزا مری مدنی ایڈوائس ایڈوائس اور ان کے لئے بلایا جائے گا۔

سیکشن آفیسر (جنرل)

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**THE ³[KHYBER PAKHTUNKHWA]
EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2009.
(⁴[KHYBER PAKHTUNKHWA] ACT NO. XVI OF 2009)**

[First published after having received the assent of the Governor of the ⁵[Khyber Pakhtunkhwa] in the Gazette of ⁶[Khyber Pakhtunkhwa] (Extraordinary), dated the 24th October, 2009]

AN
ACT

to provide for the regularization of the services of certain employees appointed on adhoc or contract basis.

WHEREAS it is expedient to provide for the regularization of the services of certain employees appointed on adhoc or contract basis, in the public interest, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**---(1) This Act may be called the ⁷[Khyber Pakhtunkhwa] Employees (Regularization of Services) Act, 2009.

(2) It shall come into force at once.

2. **Definitions.**---(1) In this Act, unless the context otherwise requires,-

(a) "Commission" means the ⁸[Khyber Pakhtunkhwa] Public Service Commission;

(aa) "contract appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment;

(b) "employee" means an adhoc or a contract employee appointed by Government on adhoc or contract basis or second shift/night shift but does not include the employees for project post or appointed on work charge basis or who are paid out of contingencies;

³Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁴Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

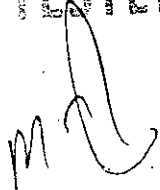
⁵Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁶Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁷Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁸Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

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- (c) "Government" means the Government of the ⁹[Khyber Pakhtunkhwa];
- (d) "Government Department" means any department constituted under rule 3 of the ¹⁰[Khyber Pakhtunkhwa] Government Rules of Business, 1985, and does not include any section of a Department or an organization which is federally funded;
- (e) "law or rule" means the law or rule for the time being in force governing the selection and appointment of civil servants; and
- (f) "post" means a post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission.

(2) The expressions "ad hoc or contract appointment" and "civil servant" shall have the same meanings as respectively assigned to them in the ¹¹[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (¹²[Khyber Pakhtunkhwa] Act No. XVIII of 1973).

3. **Regularization of services of certain employees.**---All employees including recommendees of the High Court appointed on contract or ad hoc basis and holding that post on 31st December, 2008 or till the commencement of this Act shall be deemed to have been validly appointed on regular basis having the same qualification and experience for a regular post:

Provided that the service promotion quota of all service cadres shall not be affected.

4. **Determination of seniority.**---(1) The employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority interest of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

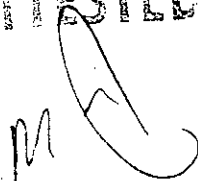
⁹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

¹⁰Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

¹¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

¹²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

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Provided that if the date of continuous officiation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

4A. **Overriding effect.**—Notwithstanding any thing to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

5. **Repeal.**—The North-West Frontier Province Employees (Regularization of Services) Ordinance, 2009 (N.-W.F.P. Ordinance No. VII of 2009) is hereby repealed.

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JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

JUDGMENT.

WP No. 1662/10 with OM 141/13

Date of hearing 26-01-2015

Appellant/Petitioner by Ghulam Nabi Adhwal

Respondent by Waqar Ahmad Seth

WAQAR AHMAD SETH, J.:- - Vide our detailed

judgment of today on file (Writ Petition No.2905 of 2009), the

instant writ petition is disposed of in the following terms:-

(i) "The Act, XVI of 2009, commonly known as (Regularization Of Services) Act, 2009 is held as beneficial and remedial legislation, to which no interference is advisable hence, upheld.

(ii) Official respondents are directed to workout the back-log of the promotion quota as per above mentioned example, within 30 days and consider the in service employees, till the backlog is washed out, till then there would be complete ban on fresh recruitments.

Order accordingly.

Announced.
26th January 2015

sd/ Waqar Ahmad Seth

sd/ Musarrat Hilali

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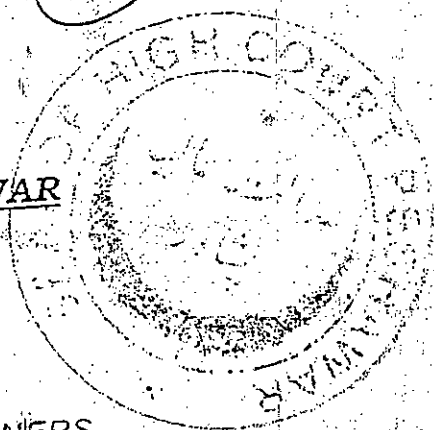
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EXAMINER
Peshawar High Court

25 FEB 2015

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JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
(JUDICIAL DEPARTMENT)

Writ Petition No.2905 of 2009.

ATTA ULLAH AND OTHERS.....PETITIONERS.

VERSUS.

THE CHIEF SECRETARY KPK ETC....RESPONDENTS..

JUDGMENT.

Date of hearing 26.01.2015

Appellant/Petitioner by Ghulam Nabi Khan Advocate

Respondent by Sardar Ali Raza Advocate & Waqar Ahmad Khan AAg.

WAQAR AHMAD SETH, J.:- Through this single

judgment we propose to dispose of the instant Writ Petition

No.2905 of 2009 as well as the connected Writ Petition

Nos.2941, 2967,2968,3016, 3025,3053,3189,3251,3292 of

2009,496,556,664,1256,1662,1685,1696,2176,2230,2501,2696,

2728 of 2010 & 206, 355,435 & 877 of 2011 as common

question of law and fact is involved in all these petitions.

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EXAMINER
Peshawar High Court

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2- The petitioners in all the writ petitions have approached this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 with the following relief:-

"It is, therefore, prayed that on acceptance of the Amended Writ Petition the above noted Act No.XVI 2009 namely 'The North West Province Employees (Regularization of Services) Act, 2009 dated 24th October, 2009' being illegal unlawful, without authority and jurisdiction, based on malafide intentions and being unconstitutional as well as ultra vires to the basic rights as mentioned in the constitution be set-aside and the respondents be directed to fill up the above noted posts after going through the legal and lawful and the normal procedure as prescribed under the prevailing laws instead of using the short cuts for obliging their own person.

It is further prayed that the notification No.A-14/SET(M) dated 11.12.2009 and Notification No.A-17/SET(5) Contract-Appnt:2009 dated 11.12.2009, as well as Notification No.SO(G)ES/1/85/2009/SS(Contract) dated

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EXAMINER
High Court

25 FEB 2015

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31.05.2010 issued as a result of above noted impugned Act whereby all the private respondents have been regularized may also be set-aside in the light of the above submissions, being illegal, unlawful, unconstitutional and against the fundamental rights of the petitioners.

Any other relief deemed fit and proper in the circumstances and has not been particular asked for in the noted Writ Petition may also be very graciously granted to the petitioners".

3- It is averred in the petition that the petitioners are serving in the Education Department of KPK working posted as PST, CT, DM, PET, AT, TT, Qaari and SET in different Schools; that respondents No.9 to 1359 were appointed on adhoc/contract basis on different times and later on their service were regularised through the North West Frontier Province Employees (Regularization of Services) Act, 2009; that almost all the petitioners have got the required qualifications and also got at their credit the length of service; that as per notification No.SO(S)8-2/97 dated 03/06/1998

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the qualification for appointment/promotion of the SET Teachers BPS-16 was prescribed that 75% SETs shall be selected through Departmental Selection Committee on the basis of batchwise/yearwise open merit from amongst the candidates having the prescribed qualification and remaining 25% by initial recruitment through Public Service Commission whereas through the same notification the qualification for the appointment/promotion of the Subject Specialist Teachers BPS-17 was prescribed that 50% shall be selected by promotion on the basis of seniority cum fitness amongst the SETs possessing the qualification prescribed for initial recruitment having five years service and remaining 50 by initial recruitment through the Public Service Commission and the above procedure was adopted by the Education Department till 22/09/2002 and the appointments on the above noted posts were made in the light of the above notification. It was further averred that the Ordinance No. XXVII of 2002 notified on 09/08/2002 was promulgated under the shadow of which some 1681 posts of different cadres were advertised by the Public Service Commission.

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That before the promulgation of Act No.XVI of 2009, it was practice of the Education Department that instead of promoting the eligible and competent persons amongst the teachers community, they have been advertising the above noted posts of SET (BPS-16) and Subject Specialist (BPS-17) on the basis of open merit/adhoc/contract wherein it was clearly mentioned that the said posts will be temporary and will continue only for a tenure of six months or till the appointment by the Public Serviced Commission or Departmental Selection Committee That after passing the KPK Act No.XVI of 2009 by the Provincial Assembly the fresh appointees of six months and one year on the adhoc and contract basis including respondents no.9 to 1351 with a clear affidavit for not adopting any legal course to make their services regularized, have been made permanent and regular employees whereas the employees and teaching staff of the Education Department having at their credit a service of minimum 15 to maximum 30 years have been ignored. That as per contract Policy issued on 26/10/2002 the Education Department was not authorised/entitled to

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EXAMINER
 Peshawar High Court

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make appointments in BPS-16 and above on the contract basis as the only appointing authority under the rules was Public Service Commission. That after the publication made by the Public Service Commission thousands of teachers eligible for the above said posts have already applied but they are still waiting for their calls and that through the above Act thousands of the adhoc teachers have been regularized which has been adversely effected the rights of the petitioners, thus having no efficacious and adequate remedy available to the petitioners, the have knocked the door of this Court through the aforesaid constitutional petitions.

4- The concerned official respondents have furnished parawise comments wherein they raised certain legal and factual objections including the question of maintainability of the writ petitions. It was further stated that Rule 3(2) of the N.W.F.P. Civil Servants (Appointment, Promotion & Transfer) Rules 1989, authorised a department to lay down method of appointment, qualification and other conditions applicable to post in consultation with Establishment & Administration Department and the Finance Department.

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EXAMINER
 Peshawar High Court

25 FEB 2015

That to improve/uplist the standard of education, the Government replaced/amended the old procedure i.e. 100% including SETs through Public Service Commission KPK for recruitment of SETs B-16 vide Notification No. SO(PE)4-5/SS-RC/Vol-III dated 18/01/2011 wherein 50% SSTs (SET) shall be selected by promotion on the basis of seniority cum fitness in the following manner:-

(i) Forty percent from CT (Gen),

CT(Agr), CT(Indust: Art) with at least 5

years service as such and having the

qualification mentioned in column 3.

(ii) Four percent from amongst the DM

with at least 5 years service as such and

having qualification in column 3.

(iii) Four percent from amongst the PET

with at least 5 years service as such and

having qualification mentioned in column 3.

(iv) One percent amongst Instructional

Material Specialists with at least 5 years

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Pasnowal High Court

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service and having qualification mentioned in column 3."

It is further stated in the comments that due to the degradation/fall of quality education the Government abandoned the previous recruitment policy of promotion/appointment/recruitment and in order to improve the standard of teaching cadre in Elementary & Secondary Education Department of KPK, vide Notification dated 09/04/2004 wherein at serial No. 1.5 in column 5 the appointment of SS prescribed as by the initial recruitment and that the (North West Frontier Provincial) Khyber Pakhtunkhwa Employees(Regularization of Services)Act, 2009 (ACT No.XVI of 2009 dated 24th October, 2009 is legal, lawful and in accordance with the Constitution of Pakistan which was issued by the competent authority and jurisdiction, therefore, all the writ petitions are liable to be dismissed.

5- We have heard the learned counsel for the parties and have gone through the record as well as the law on the subject.

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 Peshawar High Court

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6- The grievance of the petitioners is two fold in respect of Khyber Pakhtunkhwa, Employees (Regularization of Services) Act, 2009 firstly, they are alleging that regular post in different cadres were advertised through Public Service Commission in which petitioners were competing with high profile carrier but due to promulgation of Act ibid, they could not made through it as no further proceedings were conducted against the advertised post and secondly, they are agitating the legitimate expectancy regarding their promotion, which has been blocked due to the in block induction / regularization in a huge number, courtesy Act, No. XVI of 2009.

7- As for as, the first contention of advertisement and in block regularization of employees is concerned in this respect it is an admitted fact that the Government has the right and prerogative to withdraw some posts, already advertised, at any stage from Public Service Commission and secondly no one knows that who could be selected in open merit case, however, the right of competition is reserved. In the instant case KPK, employees

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EXAMINER
 Peshawar High Court

25 FEB 2015

(Regularization of Services) Act, 2009, was promulgated, which in-fact was not the first in the line rather N.W.F.P (now Khyber Pakhtunkhwa) Civil Servants (Regularization of Services) Act, 1988, NWFP (now Khyber Pakhtunkhwa) (Regulation of Services) Act, 1989 & NWFP (now Khyber Pakhtunkhwa) Adhoc Civil Servants (Regularization of Services) Act, 1987 were also promulgated and were never challenged by anyone.

3- In order to comment upon the Act, *ibid*, it is important to go through the relevant provision which reads as under:-

S.2 Definitions. (1)---

a)---

aa) "contract appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment.

b) "employee" means an adhoc or a contract employee appointed by Government on adhoc or contract basis or second shift/night shift but does not include the employees for project post or appointed on work charge

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EXAMINER
Peshawar High Court

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basis or who are paid out of contingencies;
 ----- whereas,

S. 3 reads:-

Regularization of services of certain employees.--- All employees including recommendee of the High Court appointed on contract or adhoc basis and holding that post on 31st December, 2008 or till the commencement of this Act shall be deemed to have been validly appointed on regular basis having the same qualification and experience for a regular post;

9- The plain reading of above sections of the Act, ibid, would show that the Provincial Government, has regularized the "duly qualified persons", who were appointed on contract basis under the Contract Policy, and the said Contract Policy was never ever challenged by any one and the same remained in practice till the commencement of the said Act. Petitioners in their writ petitions have not quoted any single incident / precedent showing that the regularized employees under the said Act, were not qualified for the post against

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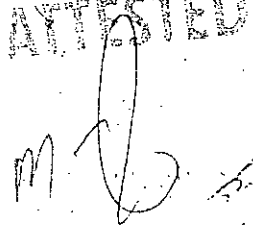
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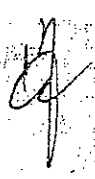
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which, they are regularized, nor had placed on record any documents showing that at the time of their appointment on contract they had made any objection. Even otherwise, the superior courts have time and again reinstated employees whose appointments were declared irregular by the Government Authorities, because authorities being responsible for making irregular appointments on purely temporary and contract basis, could not subsequently turned round and terminate services because of no lack of qualification but on manner of selection and the benefit of the lapses committed on part of authorities could not be given to the employees. In the instant case, as well, at the time of appointment no one objected to, rather the authorities committed lapses, while appointing the private respondent's and others, hence at this belated stage in view of number of judgments, Act, No. XVI of 2009 was promulgated. Interestingly this Act, is not applicable to the education department only, rather all the employees of the Provincial Government, recruited on contract basis till 31st December 2008 or till the commencement of this Act have been

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 Provincial Govt. Coll
 26 FEB 2015

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regularized and those employees of to other departments who have been regularized are not party to this writ petition.

10- All the employees have been regularized under the Act, ibid and duly qualified, eligible and competent for the post against which they were appointed on contract basis and this practice remained in operation for years. Majority of those employees getting the benefit of Act, ibid may have become overage, by now for the purpose of recruitment against the fresh post.

11- The law has defined such type of legislation as "beneficial and remedial". A beneficial legislation is a statute which purports to confer a benefit on individuals or a class of persons. The nature of such benefit is to be extended relief to said persons of onerous obligations under contracts. A law enacted for the purpose of correcting a defect in a prior law, or in order to provide a remedy where non previously existed. According to the definition of Corpus Juris Secundum, a remedial statute is designed to correct an existence law, redress an existence grievance, or introduced regularization conducive to the public goods. The challenged

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President High Court
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Act, 2009, seems to be a curative statute as for years the then Provincial Governments, appointed employees on contract basis but admittedly all those contract appointments were made after proper advertisement and on the recommendations of Departmental Selection Committees.

12- In order to appreciate the arguments regarding beneficial legislation it is important to understand the scope and meaning of beneficial, remedial and curative legislation.

Previously these words have been explained by N.S Bindra in interpretation of statute, tenth edition in the following manners:-

"A statute which purports to confer a benefit on individuals or a class of persons, by relieving them of onerous obligations under contracts entered into by them or which tend to protect persons against oppressive act from individuals with whom they stand in certain relations, is called a beneficial legislations....In interpreting such a statute, the principle established is that there is no room for taking a narrow view but that the court is entitled to be generous towards the persons on whom the benefit has

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been conferred. It is the duty of the court to interpret a provision, especially a beneficial provision, liberally so as to give it a wider meaning rather than a restrictive meaning which would negate the very object of the rule. It is a well settled canon of construction that in constructing the provision of beneficent enactments, the court should adopt that construction which advances, fulfils, and furthers the object of the Act, rather than the one which would defeat the same and render the protection illusory..... Beneficial provisions call for liberal and broad interpretation so that the real purpose, underlying such enactments, is achieved and full effect is given to the principles underlying such legislation."

Remedial or curative statues on the other hand have been explained as:-

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"A remedial statute is one which remedies defect in the pre existing law, statutory or otherwise. Their purpose is to keep pace with the views of society. They serve to keep our system of jurisprudence up to date and in

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harmony with new ideas or conceptions of what constitute just and proper human conduct. Their legitimate purpose is to advance human rights and relationships. Unless they do this, they are not entitled to be known as remedial legislation nor to be liberally construed. Manifestly a construction that promotes improvements in the administration of justice and the eradication of defect in the system of jurisprudence should be favoured over one that perpetuates a wrong".

Justice Antonin Scalia of the U.S. Supreme Court in his book on Interpretation of Statute states that:

"Remedial statutes are those which are made to supply such defects, and abridge such superfluities, in the common law, as arise from either the general imperfection of all human law, from change of time and circumstances, from the mistakes and unadvised determinations of unlearned (or even learned) judges, or from any other cause whatsoever."

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13- The legal proposition that emerges is that generally beneficial legislation is to be given liberal interpretation, the beneficial legislation must carry curative or remedial content.

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harmony with new ideas or conceptions of what constitute just and proper human conduct. Their legitimate purpose is to advance human rights and relationships. Unless they do this, they are not entitled to be known as remedial legislation nor to be liberally construed. Manifestly a construction that promotes improvements in the administration of justice and the eradication of defect in the system of jurisprudence should be favoured over one that perpetuates a wrong".

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Such legislation must therefore, either clarify an ambiguity or an omission in the existence and must therefore, the explanatory or clarificatory in nature. Since the petitioners does not have the vested rights to be appointed to any particular post, even advertised one and private respondents who have being regularized are having the requisite qualification for the post against which the were appointed, vide challenged Act, 2009, which is not effecting the vested right of anyone, hence, the same is deemed to be a beneficial, remedial and curative legislation of the Parliament.

14- This court in its earlier judgment dated 26th November 2009, in WP No. 2905 of 2009, wherein the same Khyber Pakhtunkhwa (Regularization of Servers) Act, 2009, vires were challenged has held that this court has got no jurisdiction to entertain the writ petition in view of Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, as an Act, Rule or Notification effecting the terms and conditions of service, would not be an exception to that, if seen in the light of the spirit of the ratio rendered in the case of

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Peshawar High Court

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I.A. Sherwani & others Versus Government of Pakistan.

reported in 1991 SCMR 1041. Even otherwise, under Rule 3

(2) of the Khyber Pakhtunkhwa (Civil Servants)

(appointment), promotion and transfer) Rules 1989, authorize

a department to lay down method of appointment,

qualification and other conditions applicable to the post in

consultation with Establishment & Administrative Department

and the Finance Department. In the instant case the duly

elected Provincial Assembly has passed the Bill/Act, which

was presented through proper channel i.e Law and

Establishment Department, which cannot be quashed or

declared illegal at this stage.

15- Now coming to the second aspect of the case, that

petitioners legitimate expectancy in the shape of promotion

has suffered due to the promulgation of Act, *ibid*, in this

respect, it is a long standing principle that promotion is not a

vested right but it is also an established principle that when

ever any law, rules or instructions regarding promotion are

violated then it become vested right. No doubt petitioners in

the first instance cannot claim promotion as a vested right

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but those who fall within the promotion zone do have the right to be considered for promotion.

16- Since the Act, XVI of 2009 has been declared a beneficial and remedial Act, for the purpose of all those employees who were appointed on contract and may have become overage and the promulgation of the Act, was necessary to given them the protection therefore, the other side of the picture could not be brushed a side simply. It is the vested right of in service employees to be considered for promotion at their own turn. Where a valid and proper rules for promotion have been framed which are not given effect, such omission on the part of Government agency amounts to failure to perform a duty by law and in such cases, High Court always has the jurisdiction to interfere. In service employees / civil servants could not claim promotion to a higher position as a matter of legal right, at the same time, it had to be kept in mind that all public powers were in the nature of a sacred trust and its functionary are required to exercise same in a fair, reasonable and transparent manner strictly in accordance with law. Any transgression from such

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principles was liable to be restrained by the superior courts in their jurisdiction under Article 199 of the Constitution. One could not overlook that even in the absence of strict legal right there was always legitimate expectancy on the part of a senior, competent and honest carrier civil servant to be promoted to a higher position or to be considered for promotion and which could only be denied for good, proper and valid reasons.

17- Indeed the petitioners cannot claim their initial appointments on a higher post but they have every right to be considered for promotion in accordance with the promotion rules in field. It is the object of the establishment of the courts and the continue existence of courts of law is to dispense and foster justice and to right the wrong ones. Purpose can never be completely achieved unless the in justice done was undone and unless the courts stepped in and refused to perpetuate what was patently unjust, unfair and unlawful. Moreover, it is the duty of public authorities as appointment is a trust in the hands of public authorities and it is their legal and moral duty to discharge their functions as

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 25 FEB 2015

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trustee with complete transparency as per requirement of law, so that no person who is eligible and entitle to hold such post is excluded from the purpose of selection and is not deprived of his any right.

18- Considering the above settled principles we are of the firm opinion that Act, XVI. of 2009 is although beneficial and remedial legislation but its enactment has effected the in service employees who were in the promotion zone, therefore, we are convinced that to the extent of in service employees / petitioners, who fall within the promotion zone have suffered, and in order to rectify the inadvertent mistake of the respondents/Department, it is recommended that the promotion rules in field be implemented and those employees in a particular cadre to which certain quota for promotion is reserved for in service employees, the same be filled in on promotion basis. In order to remove the ambiguity and confusion in this respect an example is quoted, " If in any cadre as per existence rules, appointment is to be made on 50/50. % basis i.e 50 % initial recruitment and 50 % promotion quota then all the employees have been

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regularized under the Act in question be calculated in that cadre and equal number i.e remaining 50 % are to promoted from amongst the eligible in service employees, other wise, eligible for promotion on the basis of sonority cum fitness."

19- In view of the above, this writ petition is disposed of in the following terms:-

(i) "The Act, XVI of 2009, commonly known as (Regularization Of Services) Act, 2009 is held as beneficial and remedial legislation, to which no interference is advisable hence, upheld.

(ii) Official respondents are directed to workout the backlog of the promotion quota as per above mentioned example, within 30 days and consider the in service employees, till the backlog is washed out, till then there would be complete ban on fresh recruitments.

Order accordingly.

Announced.
26th January 2015

sd/ Waqar Ahmad setti
sd/ Masarraf Hilali

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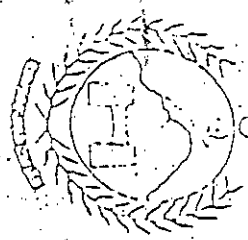
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CERTIFIED TO BE TRUE

Examiner
Peshawar High Court, Pesh
Authorized Under Article
The Quota - Freshness Order

25 FEB 2015



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GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

NOTIFICATION

Peshawar, dated the November 13, 2012.

No. SO (PEM-SSSR)CM/Meeting/2012/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 and in supersession of all Notifications issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby lays down the method of recruitment, qualification and other conditions specified in the Appendix to this Notification which shall be applicable to all the posts specified in Column No. 2 of the said Appendix and the schedule therewith.

SECRETARY TO GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

Copy forwarded to:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Law Department
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar
5. The Accountant General, Khyber Pakhtunkhwa Peshawar
6. The Director (E3SE) Khyber Pakhtunkhwa Peshawar
7. The Director Education (FATA), Peshawar
8. Copy to the Secretary, Government of FATA, Peshawar

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- 9. The Director Curriculum & Teachers Education Attock/Isfabad.
- 10. The Director (PITE) Khyber Pakhtunkhwa Peshawar.
- 11. The Director ESRU, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar
- 12. The Director Director Database (EMIS) E&SE Department.
- 13. The Deputy Director of Officers in Khyber Pakhtunkhwa.
- 14. All District Coordination Officers in Khyber Pakhtunkhwa.
- 15. All Executive District Officers Elementary & Secondary Education in Khyber Pakhtunkhwa.
- 16. All District Accounts Officers in Khyber Pakhtunkhwa / Agency Accounts Officers FATA.
- 17. All Agency Education Officers FATA.
- 18. P.S to Governor, Khyber Pakhtunkhwa.
- 19. P.S to Chief Minister, Khyber Pakhtunkhwa.
- 20. P.S to Chief Secretary, Khyber Pakhtunkhwa
- 21. P.S to Minister E&SE, Khyber Pakhtunkhwa Peshawar.
- 22. P.S to Secretary E&SE Department.
- 23. Master File.

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Section Officer (Primary)

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APPENDIX

S.NO.	Nomenclature of the post	Minimum qualification and experience for initial appointment or by transfer	Age limit	Method of recruitment.
1.	2.	3.	4.	5.
1.	Secondary School Teacher (BPS-16)	(i) Second class Bechelor's Degree with two subjects as Chemistry, Botany, Zoology, Physics, Mathematics, Statistics Humanities and other equivalent groups from a recognized University: or (ii) M.A in Education or Bachelor's Degree in Education from a recognized university.	18 to 35 Years.	(a) Fifty percent by promotion on the basis of seniority-cum-fitness in the following manners. (i) forty percent from amongst the certified Teachers (General), Certified Teachers (Industrial Arts) and Certified Teachers (Home Economics) with at least five years service as such and having qualification mentioned in column No. 3. (ii) four percent from amongst the Drawing Masters with at least five years service as such and having qualification mentioned in column No. 3. (iii) four percent from amongst the Physical Education Teachers with at least five years service

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No quota has been allocated for PST's cadre.

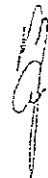
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		(iv) one percent from amongst the Instructional Material Specialists, with at least five years service as such and having qualification mentioned in column No. 3, and (v) one percent from amongst the Arabic Teachers with at least five years service as such and having qualification mentioned in Column No. 3, and (b) fifty percent by initial recruitment.
2.	Seniority Arabic Teacher (SAT) (BPS-16)	By promotion on the basis of seniority-cum-fitness from amongst Arabic Teachers with at least five years service as such and having qualification as prescribed for initial recruitment of Arabic Teacher.
3.	Senior Theology Teacher (STT) (BPS-16)	By promotion on the basis of seniority-cum-fitness from amongst Theology Teachers with at least five years service as such and having qualification as prescribed for initial recruitment of Theology Teacher.
4.	Senior Certified Teacher (SCT) (General) (BPS-16)	By promotion on the basis of seniority-cum-fitness from amongst Certified Teachers with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (General).

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10.	Arabic Teacher (AT) (BPS-15)	<p>(i) Second Class Secondary School Certificate from a recognized Board with Shahdatul Alamia Fil Uloomul Arabia wal Islamia from or Darul Uloom Saidu Sharif Swat, Darul Uloom Darosh Chitral, Government run Darul Uloom, as notified by the Government from time to time; or</p> <p>(ii) Second Class Master's Degree in Arabia from a recognized University.</p>	<p>By initial recruitment</p> <p style="text-align: right;">(57)</p>
11.	Theology Teacher (TT) (BPS-15)	<p>(i) Second Class Secondary School Certificate from a recognized Board with Shahdatul Alamia Fil Uloomul Arabia wal Islamia from or Darul Uloom Saidu Sharif Swat, Darul Uloom Darosh Chitral, Government run Darul Uloom, as notified by the Government from time to time; or</p> <p>(ii) Second Class Master's Degree in Arabia from a recognized University.</p>	<p>(a) Seventy five percent by initial recruitment; and</p> <p>(b) twenty five percent by promotion on the basis of seniority-cum-fitness from amongst the senior Qaris with at least five years service and having qualification prescribed for initial recruitment of Theology Teacher;</p> <p>Note: In case of non availability of suitable person for promotion then by initial recruitment.</p>
12.	Senior Qari (BPS-15)	<p style="text-align: center;"><i>Attested</i> M. S.</p>	<p>By promotion on the basis of seniority-cum-fitness from amongst Qaris with at least five years service as such and having qualification as prescribed for initial recruitment.</p>
13.	Certified Teacher (General)	<p>Bachelor's Degree or equivalent qualification from a recognized</p>	<p>(a) Forty percent by initial recruitment; and</p>

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Certified or two years Associate Degree in Education from a recognized University or eighteen months Diploma in Education.

(b) sixty percent by promotion on the basis of seniority-cum-fitness from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (General).

Provide that if no suitable candidate is available amongst the Primary School Head Teachers for transfer, then the posts will be filled by promotion on the basis of seniority-cum-fitness from amongst senior primary school teachers with at least five years service and having qualification prescribed for initial recruitment of certified teacher (General).

Note: In case of non availability of suitable person for promotion then by initial recruitment.

14. Certified Teacher (Industrial Arts) (BPS-15)

(i) Bachelor's Degree from a recognized University with two years training in the relevant technical subjects from any Government industrial or Govt: Technical vocational Institute or Centre; or
(b) Bachelor's Degree from a recognized

(a) Forty percent by initial recruitment; and
(b) sixty percent by promotion on the basis of seniority-cum-fitness from amongst the primary school head teachers with at least five years service and having qualification prescribed for initial recruitment of certified teacher

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APPENDIX

S.No.	Nomenclature of the post.	Minimum qualification and experience for initial appointment or by transfer.	Age limit.	Method of recruitment.
1.	Secondary School Teacher (11/5/16).	(i) Second class Bachelor's Degree with two subjects as Chemistry, Botany, Zoology, Physics, Mathematics, Statistics Humanities and other equivalent groups from a recognized University or (ii) M.A in Education or Bachelor's Degree in Education, from a recognized University.	18 to 35 years.	(i) Fifty per cent by promotion on the basis of seniority-cum-fitness, in the following manner: (ii) Forty per cent from amongst the Certified Teachers (General), Certified Teachers (Agriculture), Certified Teachers (Industrial Arts) and Certified Teachers (Home Economics) with at least five years service as such and having qualification mentioned in column No. 3; (iii) Four per cent from amongst the Drawing Masters with at least five years service as such and having qualification mentioned in column No. 3; (iii) Four per cent from amongst the Physical Education Teachers with at least five years service as such and having qualification mentioned in column No. 3.

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<p>Senior Arabic Teacher (SMT) (MPS-16)</p>		<p>(iv) one per cent from amongst the Instructional Material Specialists, with atleast five years service as such and having qualification mentioned in column No. 3; and</p> <p>(v) one per cent from amongst the Arabic Teachers with atleast five years service as such and having qualification mentioned in Column No.3; and</p> <p>(b) fifty per cent by initial recruitment.</p> <p>By promotion, on the basis of seniority-cum-fitness, from amongst Arabic Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Arabic Teacher.</p>
<p>Senior Theology Teacher (STT) (MPS-16)</p>	<p>KPR Jy 2015</p>	<p>By promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Theology Teacher.</p> <p>By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (General), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (General).</p>
<p>Senior Certified Teacher (SCT) (General) (MPS-16)</p>		

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<p>10. Arabic Teacher (AT) (BPS-15)</p>	<p>(i) Second Class Secondary School Certificate, from a recognized Board with Shahdaiul Alamia Fit Uloomul Arabia wal Islamia from a recognized Tanzimatul Walaqul Madaris: or Darul Uloom Sa'idu Sharif Swal, Darul Uloom Chirbagh Swal, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government/Un Darul Uloom, as notified by the Government from time to time; or (ii) Second Class Master's Degree in Arabic from a recognized University.</p>	<p>20 to 35 years.</p>	<p>By initial recruitment</p>
<p>11. Theology Teacher (TT) (BPS-15)</p>	<p>(i) Second Class Secondary School Certificate, from a recognized Board with Shahdaiul Alamia from a recognized Tanzimatul Walaqul Madaris or Darul Uloom Sa'idu Sharif Swal, Darul Uloom Chirbagh Swal, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government/Un Darul Uloom, as notified by the Government from time to time; or (ii) Second Class Master's Degree in Islamicia from a recognized University.</p>	<p>20 to 35 years.</p>	<p>(a) Seventy-five per cent by initial recruitment and twenty-five per cent by promotion, on the basis of seniority and fitness, from amongst the Senior Qaris, with at least five years service and having qualification prescribed for initial recruitment of Theology Teacher. <u>Note:</u> In case of non-availability of suitable person for promotion, then by initial recruitment.</p>
<p>12. Senior Qari (BPS-15)</p>	<p>(iii) Second Class Master's Degree in Islamicia from a recognized University.</p>		
<p>13. Certified Teacher (General) (BPS-15)</p>	<p>Bachelor's Degree or equivalent qualification from a recognized University with Certified Teacher</p>	<p>18 to 35 years.</p>	<p>By promotion, on the basis of seniority, competence, fitness, from amongst Qaris, with at least five years service as such and having qualification prescribed for initial recruitment. (a) Forty per cent by initial recruitment; and</p>

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(a) Certified Teacher (MPS-15) ✓	(b) Bachelor's Degree from a recognized University with two years training in the relevant technical subjects from any Government Industrial or Govt. Technical Vocational Institute or Center or	18 to 35 years.	Certificate or two years Associate Degree in Education from a recognized University or eighteen months Diploma in Education.	(b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (General); Provided that if no suitable candidate is available amongst the Primary School Head Teachers for transfer, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (General).
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Note: In case of non availability of suitable person for promotion, then by initial recruitment.

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Primary School Teacher

Category of Qualification	Total Marks 100 For Humanities group or Intermediate Level	For Candidate of Science group
SSC	Marks obtained X 20 / total marks =	5 Extra marks for FSc, 5 Extra marks for B.Sc and 5 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection
HSSC	Marks obtained X 10 / total marks =	
B./BSc	Marks obtained X 25 / total marks =	
PST Certificate/ Diploma in Education / ADE.	Marks obtained X 20 / total marks =	
M.A./M.Sc./Ed/ M.A. Edu.	Marks obtained X 20 / total marks =	
M.Phil/Ph.D	Marks = 05	

Other conditions:-

1. The concerned appointing authority will scrutinize and verify the documents and make the appointment as per prescribed rule and the will get the documents lodged after the issuance of appointment orders within shortest possible time, not exceeding ninety (90) days.
2. The receipt that prepared by the concerned appointing authority shall be displayed for ten days to receive the objections/queries. If any, will issue the final order in the making necessary corrections while addressing the observations/objections/queries, followed by requisite appointment order.
3. In case of objection(s) / query / final order / queries upon scrutiny/verification the service of the teacher concerned shall be terminated and the amount pending him as salary shall be recovered from him and an FIR shall be lodged against him on account of forged / found under the retention.
4. Don't stand from recognized Technical-Industrial / Madaris, Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darrosh Chitral and any other Government run Darul Uloom, as notified by the Government from time to time will be acceptable for the purpose of appointment against the posts of Arabic Teachers or Theology Teachers, as the case may be.

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IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:

MR. JUSTICE EJAZ AZFAL KHAN,
MR. JUSTICE SH. AZMAT SAEED,
MR. JUSTICE IJAZ UL ANSARI.

پہلے سے سروس آئندہ
حق میں سپریم کورٹ کا فیصلہ
لیجسلیٹو اور جڈ
غیر مزاد خطا

PETITIONS NOS. NO. 127-P TO 129-P OF 2017.
In the judgment dated 20.09.2017 of the
Peshawar High Court, Peshawar passed in Writ
Nos. 127-129 of 2017.

Chief Secretary, Govt. of KPK, Peshawar and others
Versus
Mujich and others,
Ghulam Nabi Khan and others,
Abdul Goyyam Sarwar and others.

Petitioner(s)
(in all cases)
Respondent(s)

حیرانگہ حوائج
تنظیم آئندہ
ICPIK
سیم خدسنا جاچا

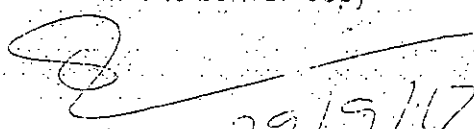
For the petitioner(s): Mr. Mujich Ali Khan, Addl. A.G. KPK.
For the respondent(s): Mr. Ghulam Nabi Khan, ASC
Mr. Abdul Goyyam Sarwar, ADR

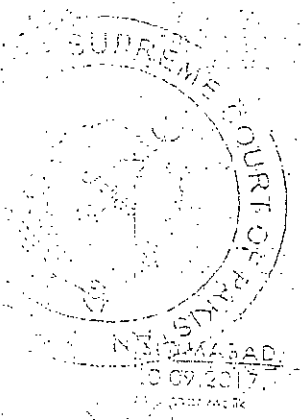
Date of hearing: 20.09.2017.

ORDER

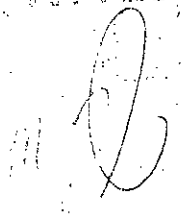
Sd/-Abdul Khaliq The learned Additional Advocate General
appearing on behalf of the Govt. of KPK (one of the counsel) as per
instructions of the Government has not press these petitions. Dismissed
of such.

Sd/-Ejaz Afzal Khan, J.
Sd/-Sh. Azmat Saeed, J.
Sd/-Ijaz ul Ansari, J.
Certified to be True Copy

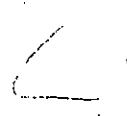

29/9/17 ✓
Court Associate
Supreme Court of Pakistan
Islamabad



ATTESTED



GR No: 14572/17 Civil/Criminal
Date of Presentation: 29-9-17
No of Writs: 12
No of Filings: 12
Requisition: 12
Copy Fee in: 12
Court Fee in: 12
Date of Copy: 29/9/17
Date of deposit: 29/9/17
Compared by: Prepared by:


2017

ANN-**(F)** J-**(65)**

To,

The Secretary E&SE,
KPK Peshawar Secretariat.

THROUGH: DISTRICT EDUCATION OFFICER (M) SHANGLA.

SUBJECT: APPEAL FOR THE APPOINTMENT AS SS IN (ISLAMIAT) IN THE LIGHT OF
HONORABLE SUPREME COURT JUDGMENT.

R/SIR,

With due respect I beg to state that in the year 2005 I was appointed as SS in (islamiat) on adhoc for the period of six months after qualifying the departmental screening test vide order no SOG/SL/5.S:Appott/2005 dated 10/09/2005. Condition of the said order reads that in-service teachers shall not be allowed to join the post. As I was regular teacher of the Education Department since 01/03/2000. So the DEO did not take over charge me to join the post. Later on the extension was given to these adhoc appointees time and again and then they were regularized by the government in the year 2009.

The affected teachers went to High Court and after long period the honorable court gave judgment to accommodate the affected teachers. But unfortunately it was not implemented. Then the department went to the Supreme Court and honorable supreme court after long consideration annulled the decision of High court on September 20, 2017 in favor of affected teachers.

Dear sir, I am eligible for the post of SS in islamiat in all respect. I have passed MA islamiat in 1st division and I did my B.Ed and M.ED. I also continued my study as private candidate and passed MA History & P.Science.

There are also two posts of SS in islamiat, vacant in my domiciled district Shangla i.e GHSS Martang and GHSS Chowga puran.

So please kindly issue my appointment order in back date according to regularization act of services 2009 with all benefits including seniority and arrears in the light of honorable supreme court judgment. I pledge that I will perform my duties with full devotion. I shall be very thankful for this act of kindness.

Note : All supported documents are attached with the application.

Yours obediently,

Fazal Manan SST (G)

GHS Shang Shangla.

Copy of the above is forwarded to :

- 1) The Chief secretary KPK
- 2) The Director E&SE KPK

The application is forwarded to DEO (M) Distt Shangla for n/a please.

(Bis)
HEAD MASTER
GHS
Distt. Shangla

ANN(E)



Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

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

APPOINTMENT.

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

Abbottabad					
S#	Name	Father Name	Address	Score	Name of School
1	Hafiz Khuram Nadeem Abbasi	Skander Khan	Dhak Hussu Mahallah Hafizabad, Street Number 09, House Number 432/A, Westridge, Rawalpindi CNIC No 13101-4948553-3	140.51	GHS Hadara Bandi
2	Khuram Bilal Shah	Ahmad Qayyum Shah	Manager United Bank Limited Lora Post Office Lora District Abbottabad CNIC No 13101-0995607-5	138.66	GHS Ghari Noorpur
3	Kala Khan	Gul Khitab	Village And Kalanda Post Office Nara Via Havelian CNIC No 13101-8422407-9	133.68	GHS Sorhan
4	Fahem Sarwar	Muhammad Sarwar Eban	Hussain Town Ichhal Road (Near To Ring Road) And Post Office Aji Col. Street No 1 House No 261 Nara CNIC No 13101-7043669-7	129.29	GHS Pattan Kolan
5	Muhammad Fiaz Aziz	Haji Aziz Ur Rehman	Village Sogha Post Office Bai District And Tehsil Abbottabad CNIC No 13101-8016145-3	129.22	GHS Seer
6	Muneeb Ur Rehman	Faqeer Muhammad	House Number 17 Mohallah Muhammad Zai Naraon Sher District Abbottabad CNIC No 13101-0835768-5	128.95	GHS Rogan
7	Syed Sajid Hussain Shah	Syed Sahir Hussain Shah	Village Kolwali Post Office Kakatri Tehsil And Distt. Abbottabad CNIC No 13101-9696053-9	128.45	GHS Tijra
8	Shehar Yar Ahmed	Allah Ditta Awan	House C-10 CNIC No 13101-7105938-7	128.12	GHS Hadara Bandi
9	Mikhar Ahmed	Sarwar Khan	Village Post Office Mohar Kalan Harro Attd CNIC No 13101-0932806-5	127.39	GHS Surjil
10	Rameez Hussain	Tauveer Hussain Shah	Pakistan Military Academy Kakul Road Shahzaman Colony Zaghon Manzil House No 58/48 C Tehsil And District Abbottabad CNIC No 13101-1712276-9	127.12	GHS Lakhala
11	Zaher Hussain	Ghulam Mustafa	Store Near Sarehan Chock Link Road Tehsil And District Abbottabad CNIC No 13101-0823824-5	126.46	GHS Seer
Batagram					
S#	Name	Father Name	Address	Score	Name of School
1	Umar Shah	Syed R. Qadir	Village Kund Post Office Besham, Tehsil Allai CNIC No 13201-1375159-9	124.52	GHS Jambher

Appointment Order SST (General) Male Adhoc

14	Fazal Ullah Jan	Faujaan	Village Lahore Tehsil Lahore Post Office Lahore Moghalla Jhu Khel Swabi CNIC No 16201-4167113-1	131.97	GIS Deaka
15	Hamid Ayaz	Mohabat Khan	Mohalla Lya Khel Village Marghu Tehsil And District Swabi CNIC No 16202-0950732-9	131.85	GIS Jehangira
16	Muhammad Bilal	Sanober Khan	Village Fehure Hamlet Post Office Topi Tehsil Topi District Swabi CNIC No 16202-6125733-7	131.68	GIS Malik Abad
17	Siraj Muhammad	Raj Muhammad	Mohallah Sultan Abad Village And Post Office Adina Tehsil Razzar Swabi CNIC No 16202-0508109-9	131.12	GIS Pak Klya
18	Wall Ullah	Noor Muhammad	Vill And P/O Salim Khan Teh And Dist Swabi CNIC No 16202-0877578-3	130.81	GIS Pabnal
17	Irfan Ali	Abdul Rasool	Mithallah Muslim Abad Colony, Village Ahaad Khan Pail Swabi CNIC No 16202-4982176-9	130.48	GIS Nararji
18	Shakeel Nasir	Shad Muhammad	Shakeel Cloth House Link Road Abdur Rehman Market Swabi District Swabi CNIC No 16202-6432915-1	130.24	GIS Nararji

Shangla

S#	Name	Father Name	Address	Score	Name of School
1	Shams Ul Arifin	Roh Ul Amin	Village Faiza Tehsil Puran P/O Sandoul Puran CNIC No 15505-8517617-7	135.56	GIS Dankool
2	Wall Ullah	Shah Nawaz Khan	Village And Post Office Sundoi District Shangla CNIC No 15505-1477609-3	134.25	GIS Pishlor
3	Shah Ullah	Shah Nawaz Khan	Village And Post Office Sundoi Tehsil Puran CNIC No 15505-7097957-1	128.76	GIS Kaduna
4	Sikandar Hayat	Muhy Ul Din	Village And Post Office Bilkani Tehsil Alpuri District Shangla CNIC No 15501-7692934-7	127.94	GIS Matra
5	Izaz Ul Din	Kiramul Ullah	Village Burnerwal Post Office Aloch Tehsil District Shangla CNIC No 15505-6485509-9	127.9	GIS Baina
6	Amjad Ali	Abdul Salam	Village Faiza Post Office And Tehsil Puran District Shangla CNIC No 15505-1450044-9	127.13	GIS Opal
7	Haroon Ur Rashid	Abdul Shakuor	Vill Pagorai Po Ible Baha Teh Alpurai Dist Shangla Pagorai CNIC No 15501-4701711-7	126.33	GIS Kurara
8	Gulzaida	Fam Jan	Village Kurza Alpuri Mohallah Plaza Teh And Po Alpuri Dist Shangla CNIC No 15501-6580757-3	126.32	GIS Kormang
9	Fazal Manan	Ghaibana	Village Bengulal Post Office Aloch Tehsil Puran District Shangla CNIC No 15505-0213045-7	125.28	GIS Shang
10	Ubaid Ullah	Sultan Mahmood	Village Ganorai Po And Teh Puran Dist Shangla CNIC No 15505-0220282-9	125.1	GIS Shang

Swat

S#	Name	Father Name	Address	Score	Name of School
1	Muhammad Humayun	Muhammad Ayub	Cd Dr Arshad Homeo Clinic Haji Anba Chowk Mingora CNIC No 15602-0487896-5	136.07	GIS Gurnal
2	Asghar Khan	Kachay	Vill: Pashanai, Post Office Labat, Tehsil Matla CNIC No 15601-4958825-3	134.01	GIS Ashoran

Appointment Order SST (General) Male Adhoc

3. Appointment is purely on temporary & contract basis initially for one year wef May 1st, 2014 to April 30th, 2015.
4. She should not be handed over charge if she exceeds 35 years or below 18 years of age. Age relaxation case may be submitted to competent authority.
5. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO (concerned), any one found producing bogus Certificate will be reported to the law enforcing agencies for further action.
6. His/her services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
7. Pay will not be drawn until and unless a certificate to the effect by DEO (concerned) is issued that his/her certificates are verified.
8. He/She should join his post within 10 days of the issuance of this notification. In case of failure to join the post within 10 days of the issuance of this notification, his/her appointment will expire automatically and no subsequent appeal etc shall be entertained.
9. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
10. He/she will be governed by such rules and regulations as may be issued from time to time by the Govt.
11. His/her services shall be terminated at any time, in case his performance is found unsatisfactory during his/her contract period. In case of misconduct, he/she shall be proceeded under the rules framed from time to time.
12. His/her appointment is made on School based, He/she will have to serve at the place of posting, and His/her service is not transferable to any other station.
13. Before handing over charge once again their document may be checked if they have not the required relevant qualifications as per rules, they may not be handed over charge of the post.

(Muhammad Rafiq Khattak)

Director
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

2084-91

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

Copy forwarded for information and necessary action to the:-

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

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

BETTER COPY

SHANGLA MALE SSTs REGULAIZATION ORDER 20 08

**DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION KHYBER
PAKHTUNKHWA**

NOTIFICATION:-

Under the provision of the Khyber Pakhtunkhwa employees of the elementary and secondary education (appointment and regularization of services) Act 2018 (Khyber Pakhtunkhwa Act No.1 of 2018) and in pursuance of the govt, of Khyber Pakhtunkhwa notification No: SO(S/F) E&SED/3-2/2018/SITT/contract, dated 16-02-2018 the services of the following secondary school teachers (SST Bio/chem.), (SST Maths/Physics), (SST General) appointed on Adhoc/Contract basis, are hereby regularized in BPS-16, on the SST post in teaching cadre on the terms and conditions given below with effect from the date of tytheir appointments.

(SST GENERAL).

SR	ROLL NO	NAME	ADDRESS	TOTAL MARKS/OUT OF 200/	SCHOOL	APPOINTMENT ORDER NO AND DATED	EXTENSION ORDER NO AND DATED IF ANY
1	783152	FAZAL MANAN	BINGALAE PURAN, 15505-0213045-7	125.28	GHS SHANGLA	DO-	DO-

TERMS & CONDITION

- The regularization will not be in favour of those, who have not taken over charge of or has remained absent from duty or resigned from service and also not for those who are under disciplinary proceedings.
- Their services shall be governed by the Khyber Pakhtunkhwa civil servant Act, 1973, the Khyber Pakhtunkhwa (appointment , deputation, posting and transfer of teacher s, lecturer , instructors and Doctors) regularity Act, 2011 and such rules and regulations as may be issued from time to time by the government
- Their pay shall be released subject to the verification of academic and professional documents/testimonials from the concerned boards/ universities by the district education officers concerned.
- Their services will be considered regular and they shall be eligible for pension/deduction of GP Fund in terms of the Khyber Pakhtunkhwa civil servant Act, 1973 as amended in 2013.
- Their services are liable to termination on one month notice from either side. In case of resignation without notice, their one month pay/allowances shall be fortified to the government.
- They shall posses the same qualification and experience required for the subject post on regular basis.
- Their regularization shall not effect the promotion quota of the existing holders of posts in respective service "cadre". They shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of the Khyber Pakhtunkhwa employees of the elementary and secondary education (appointment and regularization of services) Act, 2018 (Khyber Pakhtunkhwa Act No.1 of 2018), and shall also rank junior to such other persons , if any , who, in pursuance of the recommendation of the Khyber Pakhtunkhwa public service commission made before the commencement of this Act , are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.
- Their seniority shall be determined on the basis of their continuous service in cadre provided that if the date of continuous service in case of two or more employees is same the employee elder in age shall rank senior to the other.

Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

PH No. 091-9225339, 9225344.

Fax 091-9225343

Email: khattakfarid@gmail.com



NOTIFICATION

Under the provision of The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2018 (Khyber Pakhtunkhwa Act No.1 of 2018) and in pursuance of the Govt. of Khyber Pakhtunkhwa Notification No: SO(S/P) E&SED/3-2/2018/SPT/Contract, Dated: 16-02-2018, the Services of the following Secondary School Teachers (SST Bio/Chem), (SST Maths/Physics), (SST General) appointed on Adhoc/Contract basis, are hereby regularized in RPS-16 on the SST posts in Teaching Cadre on the terms and conditions given below with effect from the date of their appointments.

(SST Bio Chem)

Sr.	Roll No	Name	Address	Total Marks (out of 200)	School	Appointment order No and dated	Extension order No and dated if any
78-10-482		Shejat Ali	Vill. Mangay P/O Alpurai Tehsil Alpurai District Shangla 15501-9366171-3	126.73	GHS Sheshan	2068-75 30-04-2014	4913-20 dated 28-04-2017
78-10-447		Mujeeb Ur Rehman	Vill. and P/O Shawawoo Chakisar District Shangla 15503-3980623-3	130.21	GHS Shang	-do-	-do-
78-10-464		Mahmood Ul Hassan	Vill. Basi Alpurai District Shangla 15501-6351598-5	128.57	GHS Kacora	-do-	-do-
78-10-465		Zia Ul Haq	Vill & P/O Chowga Puran 15505-1232359-3	130.38	GHS Pishlor	-do-	-do-
78-10-342		Yaz Malloob Khan	Bar Kura Shangla 15501-7932557-5	135.19	GHS Kass Lilonai	-do-	-do-
78-10-291		Farman Khan	Vill Bar Kalay Alpurai 15607-9342271-3	115.37	GHS Basi	4050-56 dated 30-11-2015	1565-80/ dated 30-11-2017
78-10-251		Muabb Ali	Vill. Khwar Kalay Lilonai, Shangla 15501-2416378-5	116.75	GHS Pagarai	4050-56 dated 08-01-2016	-do-
78-10-220		Muhamma d Jafar	Shapur Shangla 17301-1481382-3	118.14	GHS Opar	-do-	-do-
78-10-235		Shejat Ali	sundari puran shangla 15501-1483932-7	117.3	GHS Amirovi	-do-	-do-
78-10-307		Aqal Zeb	Achar Kotkay 15501-8285123-7	114.69	GHSS Olandar	1463-69 dated 08-01-2016	1565-80 dated 04-12-2017
92100009		Sabir Ullah	Vill. Baina Chowga Puran District Shangla 15505-5249583-7	122.09	GHS Faiz Puran	5560-66 dated 04-05-2017	NA
92000097		Muhamam d Farman	Vill. Kikor, Post Office Aloch Tehsil Puran District Shangla 15505-5593522-1	122.53	GHS Gharai Kandaw	3127-34 dated 18-04-2017	NA
78100045		Mian Sadiq Ahmad	Vill. Kormang P/O and Tehsil Bisham District Shangla 15503-8489627-5	127.62	GCMHS Chakisar	-do-	NA
92100002		Farman Hussain	Bar Alpurai 15501-7583034-3	129.8	GHS Bar	-do-	NA
92100008		Ihsan Ul	Mir Abad Barr	127.94	GHS	-do-	NA

Shangla Male SSTs Regularization order 20 08 3

12	920063	Syed ikram ullah Shahid	Gesham Shangla 15502-9676766-3	127.26	Alpurai GHSS Butyal	11-2015 4165-71 Dated 30/11/2015	-do-
13	920051	Miraj Ud Din	Chakisar Shangla 15501-0831814-7	112.25	GHS Kormang	4165-71 dated 30- 11-2015	-do-
14	7620120	Sohail Rauf	Shahpur District Shangla 15501-2953232-7	111.79	GHS Olandar	4050-56 dated 30- 11-2015	-do-
15	76200158	Akhil Zeb	Dandi Shangla 15501-9008660-1	114.79	GHS Manai Maira	3127-34 dated 18- 04-2017	NA
16	92200005	Ahif Ur Rahman	Ranyal Shangla 15501-3759272-7	124.6	GHS Ranyal	-do-	NA
17	92300004	Saeed Anwar	Dehrai Alpurai 15501-0498912-7	108.77	GHS Pagorai	-do-	NA
18	92200002	Hassan Sardar	Qumorai Shahpur Shangla 15501-7355710-5	118.5	GHS Bair	-do-	NA
19	92200004	Sami Ullah	Litwanar Shangla 15501-6272919-3	111.06	GHS Basi	-do-	NA
20	76200002	Abdur Rehman	Vill. Faiza, P/o Sundvi Puran District Shangla 15502-4574510-7	137.2	GHS Faiza Puran	-do-	NA
21	92200003	Sardar Ali	Alpurai District Shangla 15501-7821119-7	107.81	GCMHS Alpurai	-do-	NA
22	92200003	Fazal Mabood	Sundvi Puran Shangla 15505-5737073-3	111.5	GHS Kadana	-do-	NA
23	92200003	Sana Ul Haq	Shahpur District Shangla 15501-5081061-3	116.74	GHS Kuz Kana	-do-	NA
24	92200004	Fateh Ul Mulk	Vill. Kulalai, Puran District Shangla 15505-5774400-3	122.7	GHS Shawar oo	-do-	NA
25	92200005	Muhtob Ur Rehman	Kulalai, Puran 15505-1207622-5	108.3	GHS Machkan du	-do-	NA
26	92200005	Iqbal Ullah	Village, Bisham Shangla 15502-2285929-3	113.38	GHS Kabalgra m	5560-66 dated 04- 05-2017	NA

(SST General)

Sl	Roll No	Name	Address	Total Marks (out of 200)	School	Appointmen t order No and dated	Extension order No and dated if any
1	78-30776	Sikandar Hayat	Vill. Bikanari Shangla 15501-7699934-7	127.94	GHS Maira	2084-91 dated 30- 04-2014	4913-20 dated 24-04- 2017
2	78-30818	Shamsul Anfeen	Vill Faiza, Puran Shangla 15505-8517617-7	135.56	GHS Danakool	-do-	-do-
3	7831501	Ubaidullah	Vill Ganoral Puran 15505-0229282-9	125.1	GHS Shang	-do-	-do-
4	7831522	Fazal Manan	Bingatal Puran 15505-0213045-7	125.28	GHS Shang	-do-	-do-
5	78-30-174	Shafi Ullah	Vill & P/o Sundvi, Tehsil Puran District Shangla 15505-3097057-1	128.76	GHS Kadana	-do-	-do-
6	78-31109	Wasil Ullah	Vill & P/o Sundvi, Tehsil Puran District Shangla 15505-3437609-3	134.25	GHS Pishlor	-do-	-do-
7	78-30699	Gul Zada	Basi Alpurai, 15501-6580753-3	126.32	GHS Kormang	-do-	-do-
8	78-31060	Haroon Ur Rashid	Pagorai Alpurai 15501-4763239-7	126.33	GHS Karora	-do-	-do-
9	78-30629	Izaz Ud Din	Bumerwall Puran 15505-6485509-9	127.9	GHS Bana	-do-	-do-

Shangla Male SST's Regularization order 20 08 4

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				Puran			
10	7830387	Zakir Ullah	Vill. Mir Abad Banr 15501-6945946-3	132.96	GHS Damorai	4050-56 dated 30- 11-2015	1565-80 dated 30-11- 2017
11	7830570	Sajjad Ahmad	Vill Kadona, Aloch, Puran 15505-6854461-1	130.93	GMS Ajmir	-do-	-do-
12	7830232	Amir Ali	Shahpur, Shangla 15501-9515271-9	138.85	GHS Kuz Kana	-do-	-do-
13	7830488	Fazal / Subhan	Neem Kalay Puran 15505-7218535-7	135.6	GHS Lorai Pirkhana	-do-	-do-
14	7830460	Rafi Ullah	Kulalal Puran 15602-1542316-1	130.77	GMS Shahfool	-do-	-do-
15	7830552	Mahib Ullah	Aloch Puran 15505- 0223050-1	131.16	GHS Gianadar	3817-22 dated 21- 09-2016	NA
16	9230002 25	Asad Khan	Vill Sacr. P/o Dandai, Teshil Bisham District Shangla 15502-1676144-5	145.13	GMS 28 Kotkay	3127-34 18-04- 2017	NA
17	9230003 98	Asghar Ali	Shang Bisham 15502-5494571-5	147.07	GHS Dandai	-do-	NA
18	9230004 42	Aliaf Hussain	Damora, Shangla 15501-7356958-5	148.13	GMS Dehrai Maira	-do-	NA
19	9230004 00	Ishad Ali	Dehrai Alpurai 15501-9349868-5	145.13	GHS Opal	-do-	NA
20	9230001 97	Tahir Ali	Shang Bisham 15502-3272311-9	143.7	GHS Kabalgra m	-do-	NA
21	7830065 9	Zooshan Alam	Chakisar Shangla 15503-5119622-1	142.35	GHS Manai Mara	-do-	NA

(DISABLE QUOTA (M) SST

Roll No	Name	Address	Total Marks (out of 200)	School	Appointmen t order No and dated	Extension order No and dated if any
78-30752	Sardar Zamin	Dehrai Alpurai 15501-9752915-3	103.5	GHS Karora	3837-46 dated 21- 07-2014	4913-20 dated 24-04- 2017
9210006 72	Sayed Wahid Shah	Dandokay Karora 15501-3619253-7	122.76	GHS Dherai Alpurai	3127-34 dated 18- 04-2017	NA

TERMS & CONDITIONS.

- The regularization will not be in favour of those, who have not taken over charge OR has remained absent from duty OR resigned from service and also not for those who are under disciplinary proceedings.
- Their services shall be governed by the Khyber Pakhtunkhwa Civil Servant Act, 1973, the Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of Teachers, Lecturer, Instructors and Doctōrs) Regularity Act, 2011 and such rules and Regulations as may be issued from time to time by the Government.
- Their pay shall be released subject to the verification of academic and professional documents/ testimonials from the concerned boards/universities by the District Education Officers Concerned.
- Their services will be considered regular and they shall be eligible for pension/ deduction of GP Fund in terms of the Khyber Pakhtunkhwa Civil Servant Act, 1973 as amended in 2013.
- Their services are liable to termination on one month notice from either side. In case of resignation without notice, their one month pay/allowances shall be forfeited to the Government.
- They shall possess the same qualification and experience required for the subject post on regular basis.
- Their regularization shall not affect the promotion quota of the existing holders of posts in respective service cadre. They shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2018 (Khyber Pakhtunkhwa Act No.1 of 2018), and shall also rank

(2)

Shangla Male SSTs Regularization order 20 08 5

junior to such other persons, if any, who, in pursuance of the recommendation of the Khyber Pakhtunkhwa Public Service Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

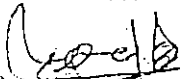
Their seniority shall be determined on the basis of their continuous services in cadre, provided that if the date of continuous service in case of two or more employees is the same, the employee elder in age shall rank senior to the younger one.


(Farid Ahmad Khattak)

Director
Elementary and Secondary Education
Khyber-Pakhtunkhwa Peshawar

276-80 17
/ File No. 2/A-14/SST/Adhoc/Apptt. Dated Peshawar the 16/3/2018.

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


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



ANZAM-678

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR



APPEAL NO. 717 /2019

Date 27/5/2019

Ms. Minir Idrees, Qaria (BPS-12),
G-15, Moharamadzar, District peshawar.....APPELLANT

VERSUS

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer(F), District peshawar.

.....APPELLANT

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT-1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT CONVERTING THE CONDONATIONAL ADJUSTMENT ORDER DATED 18/12/2013 IN TO PERMANENT ADJUSTMENT AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the respondents may kindly be directed to adjust appellant against her post on permanent basis. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

RESHEWETH:

ON FACTS:

EXAMINE
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

1- That the appellant was initially inducted in the respondent Department as qaria (BPS-7) vide order dated 16.05.2005. That in response to the said appointment order the appellant submitted arrival report and started performing her duty quite efficiently and up to the entire satisfaction of his superiors.

2- That the appellant was of tender age when her father was murdered on land dispute. That later on the property of appellant father was illegally occupied by her enemies which resulted in civil litigations. That the appellant and her sister being the sole legal heir of their father's property were facing life threats from her enemies. Copies of FIR and revenue courts orders are attached as annexure

..... A&B.

3- That the appellant due to serious threats to her life, applied for Extraordinary Leave (EOL) w.e.f. 20.08.2008 to 20.09.2012 (1/160

Compared by: _____ Prepared by: _____

27/5/2019