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.

- 163 - €er €s. 1

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

(Atig 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.

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

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.

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)

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.

Chairiman

01.10.2020

12.08.2020

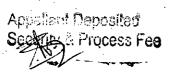
Counsel for the appellant present.

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.

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

(Mian Muhammad) Member (E)



Learned counsel for the appellant Fazal Manan is 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.

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 OF ORDER SHEET

Form-A

Court of

1692/2019 Case No.-S.No. Date of order Order or other proceedings with signature of judge proceedings . 3 2 1 The appeal of Mr. Fazal Manan resubmitted today by Mr. Noor 1-04/12/2019 Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR 4/12/19 This case is entrusted to S. Bench for preliminary hearing to be 2put up there on 10/01/20 CHAIRMAN 10.01.2020 Appellant present in person. Former requests for adjournment due to general strike of the Bar. Adjourned to 20.02.2020 before S.B. Chairman

₩\$**}**,

The appeal of Mr. Fazal Manan SST GHS Dard Puran 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. <u>8-//</u> /2019.

Nate:

REGISTRAR - 8 111/19

SERVICE TRIBUNAL **KHYBER PAKHTUNKHWA PESHAWAR.**

Mr. Noor Muhammad Khattak Adv. Pesh.

Gi That the appellant has not been promoted to the post of SST (BPS.16) and be is still in the (13PS-15) as certified Teacher. Re-Submitted after compliance.

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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2.	Service book	A	5-13.	
3.	Advertisement	B	14.	
4.	Act	С	15- 17.	
5.	Judgment	D	18-40.	
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8.	Service rules	G	46- 52.	
9.	Educational testimonials		53- 61.	
10.	Judgment	I	62-64.	
11.	Departmental appeal	J	65.	
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.

<u>R/SHEWETH:</u> <u>ON FACTS:</u>

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

- 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 annexureD.

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

-The entries this jugo should atteated FAZAL MANAN Name Race yous of Zain (Pailan) 2. nder Residence VILL: Bengalai P.O Aloch Tehsil Puran Distt Shangla NJICN 3. eccived back Father's name and residence GHAIB ANA. VILL 1- Bengalan Puran Distt Shanglon P.O. Aloch Tahsi Date of birth by Christian era as (10-03:1976) nearly as can be ascertained Tenth March NIH 9 Sevent 5. (fill feet & Serien Luch) 6. -5-7 Exact height by measurement Exam- Fagine ar Und R. No Personal marks for indentification NIL 7. 787 8. Left hand thumb and Finger impres-1208 dsion of (non-gazetted) officer miation 27 (HB) Little Finger. **Ring Finger** 36<u>7</u>, Finalexamination Middle Finger. AMF LESHI **Fore Finger** an obtain Thumb. m 31/03/ ye q f-Manan 9. Signature of Government servant Bistt: Officer(M) JO. Signature and designation of the (Edu) Distt: Shangia. Head of the Office, or other Attesting Officer. ದು ಬಿ*ಸಿಕ್ಕಳು ಮತ್ತು* ಬ NA Exam: under SAIDU SHARIF, SWAT ' detal 7-5-2002 . . Officer (MIF) TISTED Seconder. ÷ Cisinica Shanala District BULDIN i. M

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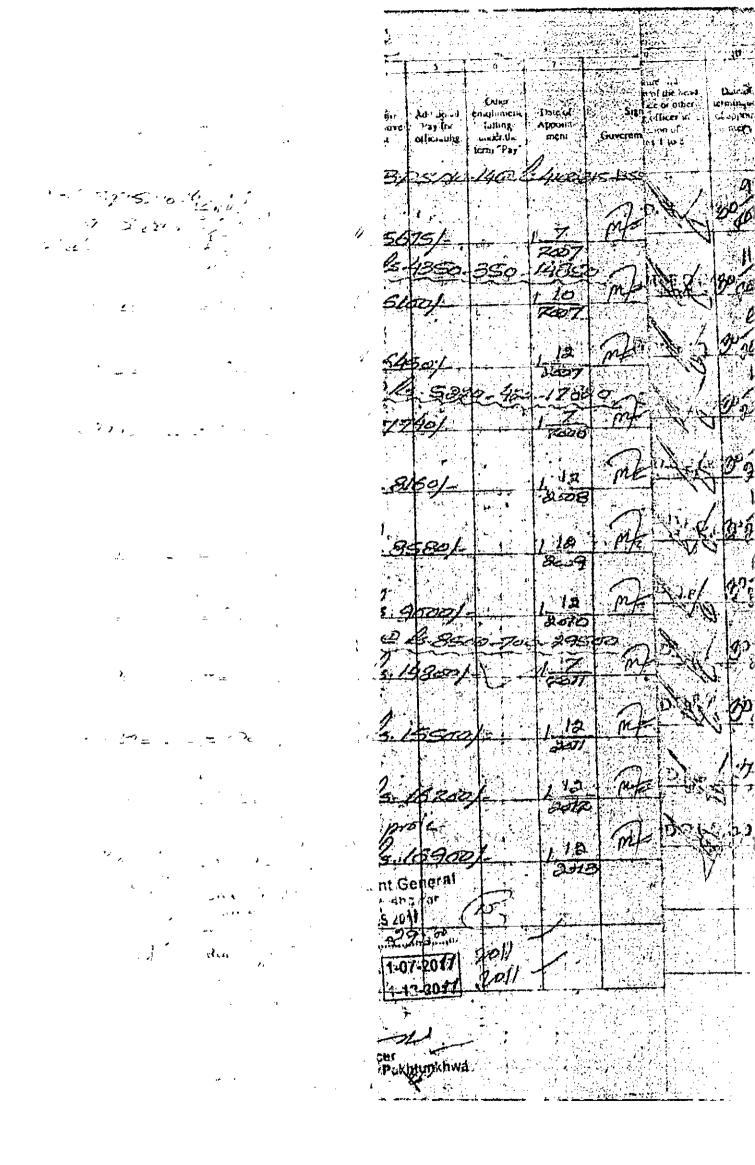
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ا مند بدانی بستان باد مدین می تحذر کم بناد و بستیند : به بستاست (بی ایس 17) کی معیت سے تعییماتی کے لئے دونواست استفریس یہ بر تندیک جمد ایک سروی کی تعن کے تحاب تک اس میں سے دولمی پہلے ہو کے لئے دولم اسد دارد دین وزیل النبی تو بیت – دان مند تعمی تو بیت – (() می تشیم شدویو نیورش سے اسمون مردی معد نجاد پی ایک ایک اے (ایج کیشن) یا سادور تعلیمی تو بیت اور

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امرہ دن صور پر سیم دیاں اس سون سے ن سال مدر بطا ہر ہے۔ ((i) اُبر درین ایا ^{تعل}می کا بین کے حال اسد وار دستیا ہے نہ ہوں تو متعقد علمون میں اسر ڈکری کے حال امید دار سیک سیشلسٹ سے طور پر از شرط پر ختب کیا جائے کا کہ دوسط پر قطبی قابلیت الی تقریران کی ہرنے کے ایک اسی دار سیکر اور اسی سیکرے کا ن پر بنی کی نوٹس سے قوالمین کے مطالب ان کو طافر میں سے برطامت کیا جائے گا۔

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ارز استمر از دبیداک این که ایف اے مرتبکینس اور این اے لوبا ایر اور ایم اے ارائم ایر ذکریوں کی نوتو کا بید اور 2 مد باسپورٹ مائز تصادیر کے مراد زیر بخطی کے دفتر کو 24 زمبر 2004 جمک بالاں سے قل پیچی جائے فرا تمن اسیداد ارتباد یر دسیت سے سنجن بین سرف شارت مساید امید دادون کونیت ادرا مزوم کے لئے بلا باب سے کا

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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:-

2.

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

(2) It shall come into force at once.

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

attested

"Government" means the Government of the ⁹[Khyber Pakhtunkhwa];

(c)

(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 "adhoc 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. <u>Regularization of services of certain employees.</u>—All employees including recommendees 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:

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

4. <u>Determination of seniority.</u>---(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

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. <u>Overriding effect</u>.—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. <u>Repeal.</u>---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, PESHAWA JUDICIAL DEPARTMENT)

JUDGMENT. WP No. 1662/10 with cm 141/13 26-01-2015 Appellant/Petitionerky, Gybellam, Naki Solicoelle Date of hearing _ Respondent of Warer Ammak 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
 (ii) "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.

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Order accordingly.

d/Musarrat Hilah

<u>Announced.</u> solf usua ar Ammad sett

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ATTESTED Peshawar High Co 25 FEB 2015

JUDGMENT SHEET

PESHAWAR HIGH COURT, PESHAWAR (JUDICIAL DEPARTMENT)

Writ Petition No.2905 of 2009.

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ATTA ULLAH AND OTHERS PETITIONERS.

VERSUS.

JUDGMENT.

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

Date of hearing <u>26.01.2015</u> Appellant/Petitioner by Ghulam Wabi khan Advocate Respondent by Sandar Ali Raza Advocate & Ciagar Advocate &

WAQAR AHMAD SETH, J:- Through this single

judgment we propose to dispose of the instant Writ Petition No.2905 F 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 Jaw and fact is involved in all these petitions.

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without

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The petitioners in all the writ petitions

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, authority and jurisdiction, based on

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malafide intentions and being unconstitutional as well as ultra vites to the basic rights as mentioned in the THE FRANCE set-aside and the " constitution be 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. that the further prayed is dated No.A-14/SET(M) notification 11.12.2009 and Notification No.A-17/SET(5) Contract-Apptt:2009 dated 11.12.2009, as Notification well as No.SO(G)ES/1/85/2009/SS(Contract) dated

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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, inconstitutional and against the fundamental rights of the petitioners. 21

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 lateron 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

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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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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 * r 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

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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 1.14 . 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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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 copartment 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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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:-

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"(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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service and having qualification mentioned

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in column 3."

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subject.

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It is further stated in the comments that due to the degradation/fall of quality education the Government abandoned the previous recruitment policy of

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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

ATTÉSTED ATTESTED EXAMINER Peshawar 5 FE/8 2015

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

C)

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)

 $= \sum_{j=1}^{n-1} \left\{ \begin{array}{c} \sum_{j=1}^{n-1} \\ \sum_{j=1}^{n-1} \end{array} \right\}_{j=1}^{n-1} \sum_{j=1}^{n-1} \sum_{j=1}^{n-1} \\ \sum_{j=1}$

(Regulation of Services) Act, 1989 & NWAP (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)---

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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 shirt/night_shift_but_does_not include the employees for project post or appointed on work charge

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

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S. 3 reads:-

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Regularization of services of employees.----All certain including employees 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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superior courts have time and again reinstated employees whose appointments were declared infegular by the authorities being because Authorites, Government 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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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

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

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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

against the fresh post.

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11- The law has defined such type of legislation as

"beneficial and remedial". A beneficial legislation is a statue which purports to confer a benefit on individuals or a

class of jursons. 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 conductive to the public goods. The challenged

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Act, 2009, seems to be a curative statue as for years the then Provincial Governments, appointed employees on

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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 <u>N.S Bindra</u>

in interpretation of statute, tenth edition in the following

manners.-

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"A statue which purports to confer a benefit on individuals or a class of persons, by reliving them οŕ 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 statue, the principle established is that there is no room for taking a narrow view but that the court is entitied to be generous towards the persons on whom the benefit has

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2.14重新的分析 "noitelsipel dous privitebru seldioning ent of nevring si toeffe. bne beveirics, is achieved and Builiebnu, esogrup lear ant tent os tor liberal and broad interpretation llas znoizivorg leisitenedRensions call and render the protection one which would defeat the same the object of the Act, rather than the which advances, fulfils, and furthers adopt that construction beneficent enactments, the court constructing the provision of ni tedi noitourtenos to nones belites very object of the rule. It is a well edi eiçlen bluow doidw prinsem evitorites a neut rether prinesm Liberally so as to give it a wider

especially a beneficial provision,

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been conferred. It is the duty of the

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Remedial or curative statues on the other hand have

CHIST oj dn ə**ɔuəpnıdsiın**[əteb pue Цŗ to metry ino geek of syres shift to keep pace with the views of society. statutory or otherwise. Their purpose is wel puitzixs ard adt ni tosted zsibamar And remedial statute is one which

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harmony with new ideas or conceptions of what constitute just and properhuman 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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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, change of from time and circumstances, from the mistakes and unadvised determinations of unlearned (or even learned) judges, or from any other cause whatsoever." Section Sugar

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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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Such legislation must therefore, either clarity an ambiguity or

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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.

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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, Ru : 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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I.A.Sherwani & others Versus Government of Pakistan, reported in 1991 SCMR 1041. Even otherwise, under Rule 3 Pakhtunkhwa Servants) (2)the Khyber (Civil of (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 ويتشيح وسيتشر والمراج declared illegal at this stage. 15-3. 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 ATTESTED

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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

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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

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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

be considered for promotion promotion 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 duly 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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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

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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 recruilment and 50 %

promotion quota then all the employees have been

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regularized under the Act in question be calculated in that

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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 vi. w 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.

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UI/A S 722 arit -rime IN THE SUPREME COURT OF PAKISTAN (APPELLATE JURISDICTION) PRESENT MR. JUSTIÇE EJAZ AFZAL KHAN. MR. JUSTIÇE SH. ABMAT SAEIDI MR. JUSTICE DAZ ÛL ARSAN: CIV L PETITIONS NO. 127-P TO 129-P OF 2015. (Against the judgment dated 26.1.2015 a the Seinowar High Court. Peshawar passed if With Patition No.2905 of 2007 (Same First State). المستعمد مرمرام فالمرد الجرم The Chief Secretory, Govt. of KPK, Peshgwar and others م عد اداع ...Pchilistner(s) (in cil coses). <u>Versus</u> Allet.leh and others. Masia thingligh and others. Nukh ar Ahmda and others.

<u>ORDER</u> Elaz Altal Khan II the learned Add lond Advacate G ineral crubedring on behalf of the Govt: of XPK stated at the barrinot as-per

Mr. Ghulam Nabi Khan, ASC Mr. Abdul Coyyum Serwar, AOR

For the putilioner(s): Mr. Mujchici Al Khan, Addl. A.G. KPK

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Court: Associate Suprema Courtiol Pasistan Islamabad

GR No: 2 Civil/Criminal Date of Press No of Were No of Ere-Requisitions Copy Feelin: ·Court Ree's. Date of Col

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	زارد! المُرزر بكوليزى اليك 2011 و تستيشن بمر 4 ترجمت كلما بندير بخفة تحواك متعلقة احتلام تح سكونتى المن الميدوارون مت تجوزه فارم به 30	بینک ادر استر آف نیم زینگررز، استر کور درد والی آمرام او از کر از استر او خر	خيىرىخىتوخوالپدائىمىن ، دېپېيىن، پې زىيانىقام (مردان زىان) سكۈد . ت) میلونون ک
L.	چیو موالے معطفہ العلام کے سکونی المل امیدداروں سے بحوزہ فارم پر 30 ۱) پردستیاسیا ہے ۔متررہ ، ارت مرز رہے کے بعد موسول : ویے دانی در فواستیں	النب ما تن (http://vww.nts.pk	<i>دب بین _در داست در</i> (NTS) کی	
		تابليت	Oviri	
35-21	ان يليل د ممرى بحس كے ساتلة درينا ذيل ودسف ميں اور في يون ۔ ا	کی بخن کسلیم همید و بویندر سن سے سیند او پر (i) سیمستری، میانوی (دورالوی یا داری)	سیشار کا عون شکر (SST) بیالوجی/میسنری	
·	واسبه الجوكيشن بالحبوكيشن بتبن يتجلرو تمري	(ii)۔ کی محمق شلیم خد دیونیور کی ہے ایم دی سمبر محر شاہ	BPS, 16 سینڈرٹی سکول نیچر (SST)	
-35121	تان بیلرد کری می کے ساتھ درج ذیل دومندانتن نازی ہوں۔ سیچس B یا۔ (iii)۔ فرس یہ مینکس	(i)_ لاکن العس A ا_(ii)_ لاکر	زمر) است س	;
	ا اب ایم کیشن یا ایم کیشن میں بخل و تری ب	(2)۔ میں تمریحک کم شد دیو تدریل سے ایم	BPS. 16	······································
-35-21	ی پیرو کری جم کے ساتھ در بنی و بل دوسندایین اور بی ہوں ۔ مادی کروپ۔	(۱) به انتمریز فی از زنی ، تومنینیز کروپ یاد کمرمه	BPS. 1	1 1
	الجوكيشن بالبحو كيشن بتراجيل وأكرؤيه	(2)- ، ممن بمی شلیم خد د <u>اد مت</u> در کارے ایم ا		
· · ·	ب کل 200 نمرات کا تشیم ان طرت ، کی جا تیکی . (ب)- تعلیما تا بلیت = 100 نمبر جس کی مرید تشیم اس طرت ہوگی	ربير.100 =NTS تمبر	(۱) مشرينشه نمين بد. در ا	
	<i>j.</i> }		_ تعلیمی قابلیت	

2.3	معلين قابليت
مامل کرد : نبر ۲۵۶ تقسیم بخ نبر	المرالحري
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ما من کرد ونبر ۲۵۶ تقسیح بند ما من کرد ونبر ۲۵۶ تقسیح بند	بالحرين / بالحرين
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مامل کرد. نبر OSx تسیری کمبر	الجال / پاچتری

نى الى يې ملاكەن كامىرت ىمى نىردن كانتىيىس لىرن يوكى. ماس كردەنبىر 35 تىمىيىش نېم دېتىدىيە مەندايم سايىچىش كىمىرت ىمى نىركەتتىم كىلرىتە بايل يوكى . ~ «ئىمات يېكىش مامس كردەنبىر 20x تىمىم تى نىر

فوت: (1) برشول کا آسان کے سلے طبحہ ویلیمہ دیرے اس مرضب کی بالنتی میں بہت اورن کے NTS کے مامل کرد دیمراد هلیمی تابیت کے نمبردن کوم کیا بایلا۔ (2) برادید دارے NTS فی درخواست قادم 300 دوب چارج کی بالے کا ارایک امیددار5 سکولوں کے سلے درخواست دیکا تو ایمن کے 800 دوب عل NTS میں من کر بیتے رم کدامید درم تو دردا شت کریں گے۔ (3) ۔ NTS شت می 40 لیسد نیم لینا خراد کی سب 40 لیسد سے کم نیم لینے دالا امیدوان ایل تحصور بوکا ہوں میں ان کہت دو

مر المراجع المراجع (۱) قمام تورين متيت فير يخونو المرجدة المناس ملايق بنياد فاقتر وكما المساعة المالية المروكية

المان من من المحاد مان الالات المؤل من البدال المال برك لم محد مراد المال محملة المال محملة المال الميداس في فرد المرم و ورد مرد 2017 مرد 2010 مرد المال المحمل من المال محمد المرد br>المرد المرد الم	الماليات المالية المالي المالية المالية br>المالية المالية	
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	علي هو المسر الملغة :. (1) ترام ترريال عرب خير محترز المرمد قرائم. كريدة أنم. كريدات عدام تد من	
1、1、1、1、1、1、1、1、1、1、1、1、1、1、1、1、1、1	میں۔(2)متدردانرار کیلے دونید ادر آئیستی)مدرارد() کیلے جمہ تعدین کر ہے۔ میں دیر میں میں میں میں میں میں میں میں اندل - (2)متدردانرار کیلے دونید ادر آئیستی)مدرارد() کیلے جمہ تعدین کر بین میں دیر میں اور کی میں میں میں از برد	
(3)انٹرویک دیت اس کی ایناد برمانوں جارب اول کو مارک سے معرف کرتے ہے۔ کہ میں بین میں برادی میں برویل میں موردی کرامش کی انہا بردی میں کارٹ در اول اول کے دیت اول کے دیت اول کو میں کارٹ در اول اول کے دیت اول کے دیت اول کر اول کے دیت اول کے دیت اول کر اول کر اول کر اول کے دیت اول کر اول ک اول کر اول کر کر کر اول کر اول کر کر اول کر اول کر اول کر اول کر اول کر اول کر کر اول ک	(3)انگروم کے دقت اس کی اسار بھراخرا ہات اس میں اگر میں میں میں دور کردیں دور میں دور کردیں میں کی بھر میں اور ا الکار انگروم کے دقت اس کی اسار بھراخرا ہات اس میں اکر کے مالک میں میں کر کردیں اور اس میں ایک کر ایک میں ایک کر	
کرانتیار مال ہے کہ دوکرل دیریا ہے بغیری کی ایس کی اور اور میں میں کر ان کاریا کا میں مرکبا ہوتا ہے اور مرم کی معدال درخواسوں پر کمرکما مالی اور تک از مرکبا میں اور کار اور تک اور مرکبا میں اور کار اور تک اور مرکبا میں مرکبا میں اور کار اور کار مرکبا میں اور کار اور کار مرکبا میں اور کار اور کار مرکبا میں مرکبا میں مرکبا میں مرکبا ہے اور کار مرکبا میں مرکبا مرکبا میں مرکبا میں مرکبا میں مرکبا مرکبا میں مرکبا مرکبا مرکبا مرکبا میں مرکبا	کرانتیار ماک سے کردہ کرک میں بلائے بغیری میں دیت کی اچڑی کی لیر راہز رومز مدن کردیں ہے۔ اسے میں اندوں 2000 میں ان این از ماک سے کردہ کرک میں بلائے کی کی ادلت کی اچڑی کی لیر راہز رومز مدن کردیں (17) کردی بلائے اور کر دیکی ہے	
~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~	المحك يليبع كاليلا يجلورك المجهل كالعتيار حاصل موكاك ماحل كالماس لمنال المان تستنصح واصدار الجرازي والمادي المتلارين المحالية المالير المالي المسلم المحالية المالجر الماري المحالية المالية المسلم المحالية المحالي	
قليما نياد لرك رنسف يرصيم الاردن ك تارك المدكن المدارك المادين المارين المناقب المراجب المراجب المراجبة المركس المان المالي المناقب المناعر المارك المالي المناقب المناعر المارك المارك المارك المسالي المناقب المنالمن المناقب ا المناقب المناقب المن	العليمان المركس مرتبت سي مسترين الدرون كوتاري المركس (11) الكركن الميدوركن المنادع ما المحصر المرون المسترين المس	
مطولت کارورت شدر خور بخور منزم الصور کا بایا جس کے لیے کہ اول ایک میں میں میں اول میں اول میں کے لئے الراضور کا بایا میں اور ایک اور سے کہ اول صور کا بایک (11) بکل قام بال	المعلومات كاميورت شارد زخواست فارم خود بخو دمنس فالصوركيا بالجاجن كمك ليتحركوني المكل متعددتهم المراجع الممانية والمسلمة الم	
كابلاد بمك اميداركا ديساك سلترش كاملادى مے 2017 برام مل اور ان المرار المديك المرارك بار من مر مر مر مر مرارك المارك بلار المسلك الم المسلك المسلك الم	ک بنیار پر موگ است میدوار کا ادبیا کست مسترش کا مدال دی ہے۔ 2010 مرکے بعد سے میں کس حسک کر میں اور	•
برید مردن است است. میدند و بین سردن برا مرد فرا موادر اور ارد ارد ارد ارد ارد ارد ارد بین دند. د مردن (1) ایک است دارد می دند. د مردن (1) ایک است دارد می دند. د مردن (1) مرد مردن (1) مرد از مرد از مرد مردن (1) مرد از مرد مرد مردن (1) مرد مرد مرد مردن (1) مرد	あいがしていていたいので、「「「」」	
خال كما بايمكردوم سكولان شراب كميدديان مريددا سك بيد الكريش كالمرض المحال المتحارين المنامين المحالي المناري المراحي المساحة الم المحال المحالية المراحية الما المحالية الما المحالية الم المحالية المحالية المحال	خال ركما بايتاكرد مر سكولون عن ال كم بعدد إده مرف والسك ميد وارك ميشك (17) در خوار سد المحار المحار المحار المحار المحار المحال المستعد المراحية والمراحية والمراحية والمحال المحال ال المحال المحال المح	:
	ליק באיז בערט לו ברי גילי לי האינג הלעל אין אנוין אין	
	and a second structure with the second structure was and	÷
	V. on the Arth Channel M. Kannel and Channel and Channel and Channel	



(43)

王言に言語を見

i.

منوع الا الا من من الا بالمن المراد المولم ويتمجم والمن المراد المرام المراد المرا مراكب بي المراد المرا مراكب بي المراد الم

51 C				\neg
5			با مرای	. <u> - "</u>
1	، شهرش رد زیرز سر مربع مار می است. 	ج. ج	سَيْنَهُ رَبِّي سَوَلَ ثِمِي SST يَدْهِ بْنَ	
	ی تشیم شدویو نیور تک بے سیکند زوید من پیلر (کرتی جس کے بیاتھ در نہ ذیل د بعضایت اور تی بیوں ۔ برف لیالو تی (دوالو بی بی بی) برف لیالو تی (دوالو بی بی) تن)		ر تمسنرنBPS 16	
:21				
35 مال	می شنیم شهرایی نیزری بی اینج ایسا جو کیش با اجو کیشن جن عول وا تری	<u>, (2</u>	سیکندرنی سکول نیم SST	
	ی سیم شود از نیور کی بینے منہ وہ یہ محفولان نے حجر سی بینے اور اس این	जुला	میکردن سون بیمبر الحکام بر بر میتو	
:21	بينې مېلې (a) نوس سې د يرک کې د کرک کې کې که کالحدون و کې د دسته کې د دسته کې د دسته که زنې بول که د د د مېلې (a) نوس مېلې (a) د کې د منتقص	-79G	ن ^{م ب} ر المعمر BPS.16	
35 سال	ن شیم شدونی بندر می سے کا کور ۱۹۸۷ میں ۲۵ میں ن شیم شدونی بندر می سے برسا ایج نیشن یا ایج نیشن میں بیل اگر ہی	(2) ئى ب		
-	ل من	<u>.</u>	ئىتىندى ئىتولىيى _ي SST	
	با سنیم شد و بولند دینی سند میشد و در من چیل می سر میرو مری با اوروز بیوسیو کرد. است سینته زورژن چیل و کرنی جس سکرما تورو می فول دوه خدایتن اورون و ول - با اوروز بیوسیو کرد. است کم با در مریک می از مرکز می می کم از می در می فول دوه خدایتن اورون و ول -	ا ۲۰۰ ب ر ۱۰۰ قرین		
	السام المستر مرجب بالرقع مسادن مردب (2) من جي مشيم شعرونو ندم کې بيته ايم ال الکه کېش کا	بر بر کمبی م		
35 مال	مى يېلوزېرن . مى يېلوزېرن .	اج کن ک	ارا بی سینیش میز به در	م <u>سبب</u> تو نم میزمان
<u>_</u>	م چرد کرنی. 200 نیمرانیه کی متیم از طرن کی جائے کی نہ ریتھ	ل یں بش	ک مما مرون می از کر میریادر ناف در از این میشود. جدمه از	المكرمة م
•) تعلیمی 5 بلیت=100 نبه جس کام یہ شیم ان طرن ہوتی۔ .)	(ب		+ + ·
			لعسى کابنیت	
·. ·	5. A.		الم المحالية	
	20x, 10, 10 m - 20x	<i>.</i>	التب ال <u>مرالي</u> التر	
a standarda	ما من مود ونمبر 20x متسم في لمر		یا۔ سال پی مار بال ان کا ک	. •
	مانتن مرد ونمبر 20% متسرع نمبر مانتن مرد ونمبر 20% متسرع نمبر			
	ما من كرد و نبر 200 مسير في نبر		الیم! بنه لایم اکن ک است المیم اکن ک	
	10X7.1170 *		ف اید ایش سیا تی تشر	
	مامل کرد ونیبر 15 متنا کی نبر ما		اليم إيغ الشماب الجوتينش	
	ماسل کرد ونبر x05 شتیری نیر		المحمل الجاجان	
	مامل کرد دنبر 35x شیری کم دیند بنا در زایم ب ایجویش کا مورت متر میرکی شیرم بازد. مسل کرد دنبر 35x شیریش کم دیند بنا در زایم ب ایجویش کا مورت متر میرکی شیرم بطریته ذیل ہوتی ۔	• (کی معورت میں نمبہ ون کی شمسر ہوتا کر	ما ميا د مدالد کورس
	ک مرد دلیم 35% سیم شانیم جنگ چنا در ندایم ب ایجویشن خاصورت متر میر کامتیم بطرید و طرید آ	ر مي د و ي	با کرا ونیبر 20 متیم کل میں کل کر ساکرا ونیبر 20 متیم کل میبر	سابح يكشن مامل
	چاہتی جس میں امیہ دارون کے NTS کے حاصل کر دونی اور تعلیمی قابلیت سے بسروں کو جاری دیں ہوں۔ مجاہتی جس میں امیہ دارون کے NTS کے حاصل کر دونی اور تعلیمی قابلیت سے نیسر دل کو نہی کیا جائے کا مجاہ کرایک امید داریا بی سکوں کے لئے درخواہ ہے دیں بیچی ہیں۔		ب میں بر میں چر سے دیں ہے۔ میں کیا ہے ایک	. مکانی
	NTS 2 2 800 2 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1		ت ممر ک بیشید.	
			state () من المركز () من من الم	: حرب حرب
ستأتار متني	الے مرجعہ قوائمین سے محالی نمیادی آمر رک Initial Appoinment کے 25 فیلسد کوئے کے تحت خالط فراد کیلئے دو فیلسد امور اطلبیۃ اسیدواروں کے لئے تمن فیلمد کو پیفتس ہے (3) امتروبو کے دقت اسل تعلی الہ	2)معترورا	کنمیکمت پالیک سال کیلیے ہوں کی د	· Adnoc (
	الما الما الما الما الما الما الما الما		ふりし やる れいり ちかたとう	· · · · · · · · · · · · · · · · · · ·
	الريم المسلمان عشرن مسامرا فأخباب والأكالكم فسأتم رودقت أكرز رماعها المداري المساج		محاوات بالملك سيسترق	S. 36-€
· · · · ·	م سے بڑی کا جس کا جس کا جس کا معلمہ کا اسمان استمار کے بعد ملومہ وہ کا طرق	6- 63	یا کی یو مصلح سن ایک را ^و از این کرد به یو تع	و د سن مد و ر
	ساين المسابقة المستعمان المحالين وتعطي وطالبتها والمعاد والمعاد والمعاد والمعاد والمساد المدور	6 2.1	الجامتكن المغوية جراكاتني	. ب السلال ا
ے): برو	الوائین و کوز دخریته کار کے مطابق مالات محرف کی متیاد پر ہوں کی 10) قدام تعلیم استا بسرف کود کسن ہے۔ سلے کستوال کے خلاف تو لوٹی چار وجو کی کی جائے کی بھر آئمتر دیکے لیے اسے سرکار کی طاق زمت کے لیے۔ تیہ قدم خوان کو دستوں تا میں کہ بارے کو جس سر سات کہ رہا ہے ضور س	مل <i>ي معرد مرد و</i> حديد	میں اور کی میں مسلمہ ہے ہوتا ہو ہوا۔ اموار کی 1914 میں کی سرید اس ک	
2	کے کتے والن کے علاق تو نوٹی جارہ جوئی کی جائے کی بعد آئیں ہے کہ اکتراب کے التراب کر میں اور است کے	ساديس با	میکن با ۱۹۹۶ میکر جا در میادمیددارد با رغبار سربه رومدار سال	. (12.65
ي دين	سکے کصفوان کے خلاف قانونی جارہ جوٹی کی جائے کی بعد آئر میں لیے است کر کا طرف کے است کر میں کا درخت کا سے سے سے تہ قام خود بخو دستوں تا تساری جانے کا جس سے لیے کوئی اپنی حصورتیں کی جائے گی 13 کا اعترہ یو کیلیے تما مقترر مان مانہ تہ اعلان میں زور ایک کہ دار ایس سے میں ایس حصورتیں کی جائے گی 13 کا اعترہ یو کیلیے	ب در تولس	ا العاقوم با منطق مالت الأصورت بثر حمر الدار برمانا السر الراس ب	
<u></u>	قمام قرم ملی منہ قباطل نے کیا میں کا کہ خاصف میں میں صورت کی جانے کا اعرب میں کے تاریخ محام قرم ملی منہ قباطل کے نامیں کا کہ خان میں کی تعریر میں میں میں کہ اور کی کہ	(14.2	• ^م ن متر، د الوسس، چیک یک بنه مها تیم ^ی د	ن میں جو سے ہے۔ مربع
: يو تبه	تہ قوم موان کو دہشو یا تصور کیا جائے کو جس کے لیے کوئی اچنی حصور نے کا کا جائے کی 13) اعروبی کیلے تمام تقرر مال مزیر تہ اسلان کے ذوبیہ ماکن کی بنیاد پی ہوں کی نہ 15)امید دارکوای سٹول میں سر دنیا کر کا ہوتی۔ سیس کیلیے در فونسٹ دیسے سکتا ہے۔ امید دوسر کا یک یا ایک سے زیاد دسلوں میں سلیطن کی مور میں مارک	بالمانية الروا	یک مید از بیک وقت 5 سولون م	، ۲ ۵ - 1 5 (). ر
÷ .	والمراسبة المستعم المسلمة المعيد ومستعاليت بالمغب ستتذبأ ومطلول المتر معياهم الجمعين والعبار والمرارد	یک رہے۔	ارمة الترقيق ممهر المعرار كالأمليك	بلية سلحك عكرر وا
 52% -	ے اس میں میں بعد سر کی اس دست کا تحکیل ارتحا جائے کا کہ دہم نے سلوں دیکے اور اس در اس ا		ن کلم میں ایک	والمسروار توسيست
-11-	تان امیدار و مامن نیس بلکه اس شما ان بات کا خیال رکما بات کا کی جراف می سال کی طورت شما ا طریقہ کار NTS کے ویب سالٹ پر موجود ہے، 18 امتینتہ املان کے مالی آسامی کی کا تعمیل سکول وابغ کوذ دیا کہ ہے۔	ب است. مرکز ک	ک ک ک ک بی ایک کر دور NT کے دیب مانت پردن کی ہے،	م تساتحه کا
2.3		دور حن 		1. J
	INF(P)4383			
	-1-6-2-6 3 2.4 6 2.4			
		-	-	
	-· AG			
	, way			
	ADP \			
	$ \mathcal{H} $			
			, ¹	

 \mathbb{N}

بر بختو نخو الوالمست کو بیر بیش میدنیک اور ٹرانسفر آف فیجر دلیکجر دن¹⁴ سرائٹرز اور ذاکٹر زر دکولیفری 1 یک 2011ء کی میشن نجسر 4 کے تحت کلمد ایلیمٹر کی اینز سیفرندا کی بیر از مصاف (مرداند/ زنانه) سکولوں میں درجہ ذیل آسا میاں پر کرنے کمیلیے خیبر بختو نخوانے متعاقد اصناح کے سکوتی ایلی واکست نارم NTS کے دیب سائٹ (/http://www.nis.org.pi) پر ستیاب ہے ۔ ^م ترر وہاد ہے کوز رنے کے بعد موصول ہونے والی درخواستوں پر فورنیں کیا ہویں

	ت بليت	نا آآ -ر ی	1.7
	ممني بخواجها بم شده ايو خدر شن مسيد سيكند فراويين يتجلم وأكمر في يتسكر ما تصود من فوط، دومضا بمن لاز في دول	سيكندري سكوب لي <u>حير (</u> SST)	1
	(۱) سمسترن میالدین (زوانوی پایانی) ((2) سمند بخشیم شد دینه ورز به در ایرا سا ایم کمشن یا بجرسمن می چلرد کرن (بیانوبی/کیسٹریBPS-16 یا	1. 10 V.
	المراجع ومرجع المراجع المراجع المراجع ا	سیندری کے ای بخبر (SS)	2
10 1	(i) فرکز بستیش A یا (ii) از ^{مراجع} باط ((i) فرنجیه است کم شریع می مجمع بسیم شد. ویته را بست ایم کست یا بیج کمشن عاصی ع		
	م من المحرية بين يم شهره ويونيون تركي سابع من تداؤه الإزنيانية لم وقر كند في جيب ساتم دورج فه إلى دومغدا من للاز مي جول	سَلِيَندُري مِكْواً رَضِيمُ (SS)	3
罰/).	(۱) انجمریز ق لازی : دستیز ^ت رور بادیگر سادی کروچ (۱) کسی بحی تسلیم شد ، یو نیورش سے ایم اے ایج کیش یا ایج کیش میں یکچ	BPS-16	

ست ساتندہ کے لیکٹن کیلئے کریٹریا دن ڈیل ہیں کی 200 نمبرات کی تشیم اس طرح سے کی دائیں ۔ (ایسکریڈ ٹیسٹ بذرایہ 100 = 101 نمبر ۔ ب تعلیمی قابلت = 200 بر مسکمی صوبید تقاصیبہ اس طوب حوکمی

کل ندیر	تخليمي فابتليت	كل ذيابة.	تعليمي فابليت
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بياصل كرد . نمبر 05x كقسيم كم نمبر .	المجاجرا المجانب الجويمش	جاصل کر دو ^ن بر بریک کر است کر است. جاصل کر دو نبر بریک کر است کر است	الله الم أيف البراني
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	مسل کرد و بیر پر 15 مشیم کن نیسر		

1 - برسکول کرآ بیای کیلنے تلحدہ میلیرہ میرمد کسٹ مرتب کیا جائزہ جش شرا اسد داردن کے ۱۳۶۶ کے حاصل کرد دنبرادر تعلیمات کے نبروں کوتع کیا جائزہ۔ میر دارنے ، ۱۳۹۳ فی درمحاست فارم 100 بروپ جارج کر بیک بڑکہ اسد دارخود برداشت کریتھے۔

INF(P) 3360

45/A

BETTER COPY

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	SH	ANC	JLA
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S.NO	NAME	FATHER	ADDRESS	SCORE	NAME OF
		NAME			SCHOOL
9	FAZAL MANAN	Ghaibana	Villag	125.28	GHS Shang
		· ·	Bengalai Post		
			Office Alach		
			Tehsil puran		
			District	1	· ·
			Shngla		
			CNIC No-		
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			0213045-7		

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 concernd authorities by the DEO(concerned), any one ffound 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 o_{1}^{c} 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.

Dated Peshawar the 30/04/2014.

Appointment Order SST (General) Male Adhoe



Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar PII No. 091-9210389, 9210938, 9210437,9210957, 9210468 Fax 091-9210936 E-mail rafig 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 ellowances 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 :-

5	Name	Father Name	Address	· · · · · · · · · · · · · · · · · · ·	······································
				Score	Name of School
	Hafiz		Dhik Dussu Muhallah		·
1	Khuram	Skander	Hafizahad, Street Number		· ·
	Nadeem	Khan	09. House Number AnotA	140.51	GHS Hador
1.1	Abbasi	· ·	Westridah, Rapabaad		Bandi .
		·	CNIC No 17101-40.18 ****		· · ·
	Khurram	Abdul	Millioger Philed Burd		
7	Dilal Shah	Qoygum	Limited Lora Past Office		GHS Ghari
		Shah	Lora District Abbottabad	178.66	Noorpur
			CNIC No 13101-000-605.		Souchas
3.	Kala Khan	Gul Khitab	Villoge And Kalondo Port		
		Gurkhalab	Office Nara Via Havelian	133.68	GHS Sarhan
	+		CNTC NO 11101-842240-0		Une surnan
			Hussoin Town Hehad Rowl		
	Faheem		[Actur To Ring Road] And		
1		Mahammad	Post Office Afa Col. Street		
	¹ Sarwar	Sorieor Khim	No. House No of Charge	129.20	GHSTattan
	1		, harmony	•	Kulan .
		.[·	CNIC No 17301-7043669-7		i .
			Village Sunja Post Office		
T .	Muhammad	Haji Ariz Ur	Roi District And Tehsil		
	Finz Aziz	Rehman	Abbattabal	129.22	Glis Seer
			CNIC No 13101-80161.15-3		CONSISCEP.
			House Number Te 13-		
	Munech Ur	Fager	Mohallah Muhammad Zai		
	Rehman	Muhammad	Nawan Sher District	·	•
		armoning a	Abbottabad	128.05	GHS Bagan
·			UNIC No 13101-0835-68-5		
			Village Kotnuli Post Office	· · · · · · · · · · · · · · · · · · ·	
•	Syed Safid	Sued Sabir	Kukatri Tehsil Anil Distt		
	Hussain Shah	Hussain Shah	Abbottabad	128 15	GHSs
			CNIC No 13101-9696053-9		Topeal >
	Shehar Yar	Allah Ditta	House C-10		
	Ahmed	Aican	CNIC No total and	128.12	GHS Hadora
	lf)ikhar		CNIC No 13101-7105938-7 Village Post Office Mohar		Bandi
	Ahmed	Sarwar Khan	Kalan Hurno Atd		
	1 Miniga		CNICN:	127.39	GHS Surjal
		·	CNIC No 13101-0932806-5 Pokistan Militory		
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	Barra	<u>.</u>	Academy Kokal Road		
D	Rameez Hussain	Tanweer	Shahzaman Colony		Gus
	Tussan	Hussain Shah	Zaghum Manzil House No	127.12	
			58/48 CTehsil And District		Lakhala
			Abbattabad		
			UNIC NO PROPERTIDUATE OF		
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1	Zaheer	Ghulam	Store Neur Surehun Chouck		1
	Hussain	Mustafa	Link Roud Tehsil And	120.46	GHS Seer
	1		District Abbattabad		
2	(, ())) · · · · · · · · · · · · · · · ·	<u> </u>	CNIC No 13101-0824824.5		
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	1		Village Kund Post Office		School
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•	Umar Shah	Sped Rajdar	Besham, Tehsil Allai	134.52	GHS

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Appointment Order SST (General) Male Adhoc

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Appointment Order SST (General) Male Adhoc

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Appointment is purely on temporary & contract basis initially for one year wef May 1st, 2014 to April 30th, 2015.

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.

Appointment is subject to the condition that the certificate/documents rest 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.

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.

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

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.

Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.

He/she will be governed by such rules and regulation's as may be issued from time to time by the Gout.

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 preceded under the rules framed from time to time.

\$¹, ~-----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. Before handing over charge once again their document may be checked if they 1

have not the required relevant quifications as per rules, they may not be handed over charge of the post.

(Muhammad Rafiq Khattak)

Khyber Pakhtunkhuva Peshawar.

Director Elementary and Secondary Education

2084-91

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

Copy forwarded for information and necessary action to the: -

- 1. Accountant General Khyber Pakhtunkhwa Peshawar.
- Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar 2.
- 3. District Education Officers Concerned
- District Accounts Officer Concerned ۵.
- Official Concerned. 5-
- 6. PS to the Secretary to Gout: Khyber Pakhtunkhuna E&SE Department. PA to the Director E&SE Khyber Pakhtunkhwa Peshawar
- 8.
- M/File

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MARTINE CAMPACTURE CONTRACTOR CONTRACTOR CONTRACTOR

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).

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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.

Dated Peshawar the 16/3/2018.

Shangla-Male SSTs Regularization order 20 08 - Į.

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 Pakhtunkhuca Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act. 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)

r a'	RollNo	Name	Address	Total Marks Lout of	School :	Appointmen Lorder No and dated	Extension order No and dated if any
				200]	·		
	78-10482	Shujat Ak	Vill Managay P/o	126.73	GHS 1	2058-75	4913-20
	10.00.00		Alpural Tehsil Alpural		Sheshan	30-04-	dated
	1		District Shangla			2014	28-04-2017
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	—i		Vill, Kliwar Kalay	116 75	GHS	4050-56	-10-
7	7810061	Nigab Ali		1.013	Pagorai	Jaled 08-	-
	-	-	Litownai, Shangla		, Lyster	: 01 2016	1
** *** *	·		15501-2415378-5	118 14	GHS	-do-	l do
8	1110020	Muhainmi		110 14	Opel		
		d Jafai	17301-1-181382-3	117-3	GHS	do-	-do-
9	76:0235	Shujat Ak	sundovi puran	1113	Annovi		;
	<u>)</u>		shangla	Į.			
			15501-1483932-7	1-14 69	GHSS	1463-69	1565-80
101	7810307	- Agəl Zeb	Achai Kolkay	1774 09	Olandar	dated 08-	dated 04
		· .	15501-8285123-7		1 0.0000	01-2016 -	12-2017
		-+	· · · · · · · · · · · · · · · · · · ·	122.09	GHS	5560-66	NA
11	92100009		Vill Baina, Chowga	1 22.09	Faiz	dated 04-	
	3	Uliah	Puran District		Puran	05-2017	i
			Shangla				
	_		15505-5249583-7		GHS	3-27-34	N.4
12	9200009			e 122.53	Gharai	dated 18-	
•		d Numan			Kandaw		
ł		-	District Shangia (Kandaw	0	1
ĺ			1.15505-5593522-1	·	GCMHS	5 -da-	NA
13	7810004		Vill, Kormang P/O	127 62	Chakist		
1	- 3	Saciq	··· and Tehsil-Bisham		CHORISE	**	•
		Ahmad	District Shangla		I 1	•	
1.	:	· · ·	15503-8489827-5				
1.1	9210000	2 Farman	Sonr Alpurai	125 8	GHS	-dc+	
	0	Hussain	15501-7880034-3		Banr		
15	9210000	08. Jhsan Ui	Mir Abad Banr	127 9	I GHS	-do-	NA :

Shangla Male	SSTs Regularizatio	n order 20.08 – 3
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		·			Alpurai	11-2015	
		Sund Harris	Besham Shangla	127 26	GHSS	4165-71	-do-
2 "	820063	,	15502-9676766-3	12/20	Bulya!	Daled	
	. 1		13002-9010100-0		Surge	30/1-1/201	. *
;· · ·		Shahid			i	5	
	7000054	Advant Lind	Chukisar Shangla	112 25	GHS	4165-71 1	-00-
3	7820051	· · · · · · · · · · · · · · · · · · ·	15501-0831814-7	112 20	Kormang	dated 30-	
	1	Din	15501-0657614-7		Normang 1	11-2015	
		Sohail Rauf	Shahpur District	111 79	GHS	4050-56	-do-
-	7820120	Sonan Kata	Shangla Shangla		Olandar	dated 30- I	
			15501-2953232-7	· · ·		11-2015	• .
	76000460	Albier Zab	Dandi Shangla	114.79	GHS I	3127-34	NA
15	76200158	Akhtar Zeb	15501-9008560-1	114.19	Manai	dated 18-	
			19901-9009000-1		Maira	04-2017	
	+		Dunnel Christian	124 6	GHS	-do-	NA
16	92200005	Altaf Ur	Ranyal Shangla	1240	Ranyal		• •
	. 4	Rehman	15501-3759272-7	108.77	GHS	-do-	NA
17 1	92300004	Saeed	Dehrəi Alpurai	100.77	. Pagorai		
	1	Anwar	15501-0498912-7	1185	GHS		NA
18.	92200002	Hassan	Damorai Shahpur	1105	Banr	-0.0-	
6	3	Sardar	Shangla		Dam		
Ø			15501-7355710-5	1 1 26	GHS	-00-	NA
19	92200004	Sam Ullah	Lilownai Shangla	1 7 00		-50-	
	6		15501-6272919-3		Basi	-do-	ŇĂ
20	78200002	Abdur	, Vilt, Fuiza, Plo	137.2	GHS	-00-	10/4
	- 3	Rehinan	Sundvi Puran	I	Faiza	1	
			District Shangla	1	Pulen		
			15502-4574510-7				NA .
21	92200003	Sardar Ali	Alpurai District	107,81	GCMHS	:do-	INA I
	8		Shangla	-	' Alpurai		
1	:		15501-7821119-7			-do-	NA
122	92200003		Sundvi Puran	111 5	GHS	1-00-	
	0	Mabood	Shangla .	ļ	¹ Kadona	-	ł
			15505-5737073-3				
23	92200003	Sana Ul	Shahpur District	115.74	GHS Kuz	-00-	NA
	9.	Hag	Shangla		Kana	ľ	
I			15501-5081061-3	: 			
2.1	92200004	Faleh UI	Val Kulatai, Puron	122 7	GHS	-do-	1.1.1
· ·	9	Mastk	District Shangla		Shawaw	•	;
i .			15505-5774-00-3		00		
25	92200006	6 Menboob	Kumai, Puran	108.3		-do-	NA .
1 - u	: 3	Ur Retinian	15505-1307622-5	1	Machkan		·
		į	1		dər		
20	92200000	5 - Ikrom allah	Village Bisham	113.38	GHS	5560-66	NA
/	6	l i	Shangia	:	Kabaigra		Í
,			15502-2289929-3		m	05-2017	
$\overline{(SS)}$	CT Com	eral) 🐰					
· · · · ·			·····	Jutal	School	Appointme	n Extension
Sr	RollNo	Name	Address	Marks	1,10,110,11	l order No	order No a

· · · · · ·	RollNo	Name	Address	Total Marks [out of 200]	School	Appointmen It order No and dated	Extension order No and dated if any
,	78-30776	Sikandar Hayat	Vili, Bilkanai Shangla 15501-7699934-7	127 94	GHS Mana	2084-91 daled 30- 04-2014	4913-20 dated 24-04 2017
	78-30818	Shamsul Arileen	Vill Faiza, Puran Shangla 15505-8517617-7	135.56	GHS Danakool	-do-	-do-
3	7831501	Ubaidullah	Vill Ganorai Puran 15505-0220282-9	125.1	GHS Shang	-do-	-do-
9	7831522	Fazal Manan	Eingalai, Puran 15505-0213045-7	125.28	GHS Shang	-do	do-
5	78-30474	Shafi Ullah	Vill & P/o Sundvi, Tehsil Puran District Shangla 15505-3097057-1	128.76	GHS - Kadona	-do-	-do-
6	1 78-31109	War Ullah	Mit & P/o Sundvi, Totisit Puran District Shangla 15505-3437609-3	134 25	GFIS Pishlor		
7	78-30699	Gul Zada	Basi Alpurai. 15501-6580753-3	126.32	GHS Kormang	-00-	-00-
8	78-3:060	Haroch Ur Rashid	Pagorai Alpukai 15501-4763239-7	126 33	GHS Karora	-do-	-do-
9	78-30629		Sunerwall Puran 15505-6485509-9	127.9	GHS Baina	do	-do-

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Shangla-Male SSTs Regularization order 20 08

	!	······· ··· ··························	•		Puran		i .
0.	7830387	Zakir Ullah	Vill, Mir Abad Banr 15501-6945946-3	132 96	GHS Damorai	4050-56 dated 30 . 11-2015	-1565-80 daled 30-11 2017
1	7830570	Səjjəd Ahmad	Vill Kadona, Aloch Puran 15505-6854461-1	130.93	GMS Ajınır	-do-	-(i0-
12	7830232	Amir-Ali	Shahpur, Shangla - 15501-9515271-9.	138.85	GHS Kuz Kana	-do-	-do-
13	7630488 [Fazəl Subhan	NeemKalay Puran 15505-7218535-7	135.6	GHS Larai Pirkhana	-do-	-do-
14	7830460	Rafi Ullah	Kulalai Puran 15602-1542316-1	130 77	GMS Shahloot	-do-	-do-
īŝ	7830562	Mohib Uilah	Aloch Purun 15505- 0223050-1	131 16	GHS Olanadar	3817-22 dated 21- 09-2016	NA
16	9230002 25	Asad Khan	Vill Suer, Pio Candar, Teshil Bisham District Shangla 15502-16764444-5	145 13	GMS 28 Kotkay	3127-34 18-04- 2017	
17	9230003 98	Asghar Ali	 Shang Bisham 15502-5494571-5 	117 07	GHS Dandai	-do-	NA
18	9230004 42	Altaf Hussain	Damora, Shangla 15501-7356958-5	148 13	GMS Dehrar Maira	-do	NA ,
19	9230004 00	Irshad Ali	Dehrai Alpurai 15501-9349868-5	145.13	GHS Opal	-do-	NA
20	9230001 97	Tahir Alı	Shang Bisham 15502-3272311-9	1437	GHS Kabalgra m	-00-	NA
21	7830065 9	Zeeshan Alam	Chakisar Shangla 15503-5119622-1	142 35	GHS Manai Maira	-do-	NA

(DISABLE QOUTA (M) SST

Sr	RollNo	Nome	Address	Total Marks Jout of 200]	School	Appointmen Lorder No and dated	Extension order No and dated if any
· · ·	78-30732	Sardar	Dehrei Alpurai	103.5	GHS	3837-46	4913-20
1		Zamin	15501-8752815-3	1	Karora	dated 21-	dated 24-04-
	•				; 	07-2014	2017
	9210000	Sayed	Dandosay Karora	122 76	GHS	3127-34	NA
12	74	, Wahid Shoh	15501-3619253-7		, Dherai	I dated 18+	
		1		1	Alpucai	04-2017	.

TERMS & CONDITIONS.

6.

- 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.
- 2. Their services shall be governed by the Khyber Pakhtunkhica Civil Servant Act, 1973, the Khyber Pakhtunkhica (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.
- 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 puy/allowances shall be forfeited to the Government.
 - They shall posses 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 endre. 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

Shanglit Male SSTs Regularization order 20 08

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

Their seniority shall be determined on the basis of their continuous services incadre, 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 Khattåk) Director

Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

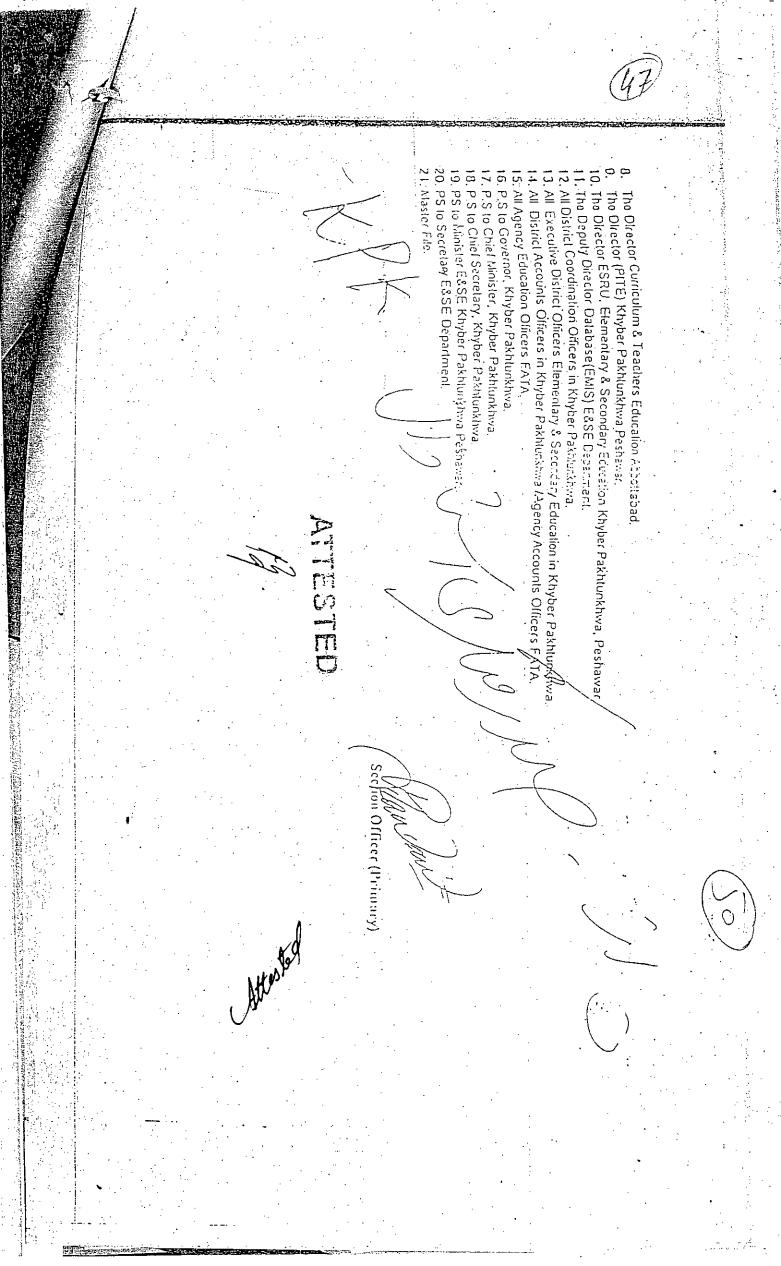
Endst: No. - 5176 - 6 17 : No. 517 / File No. 2/A-14/SST/Adhoc/Appti: Dated Peshawar the _____6/5___/2018. Copy forwarded for information and necessary action to the: -1. Accountant General Khyber Pakhtunkhwa Peshawar.

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

8.

Dir Director (Estab) Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

Undst. No. & Date as abo; 5. qualification and etaza.ccaditions specified in the Appendix to this Notification which shalf be Applicable to all the posts specified in Column No. 2 of the liducation Department is consultation with the Establishment Department and the Finance Department hereby Kays down the method of recruitment, Servants (Appointment, Premotion and Transfer) Rules, 1989 and in supersession of All Notifications is used in this before, the Elementary and Secondary <u>No SO(PE):1-S/SSRC/Meeting/2012/Teaching Cadre:-</u> In pursuance of the provisions contained in Sdb rule (2) of rule Jofthe Khyber Pakhtunkhwa Civit 0 Copy lonvarced to:-The Director (2352) Khyber Pakhtunkhwa Peshawar. The Director Education (FATA), Peshawar, Copy to the gast Citatian KPK The Accountant General, Khyber Pakhlunkhwa Peshawar. The Secretary Kryber Pakhlunkhwa, Public Service Commission Peshawar. The Secretery is Covl. of Khyber Pakhtunkhyva, Finance Department. The Secretary to Govt. of Khyber Pakhtunkhwa, Law Department The Secretary to Govl. of Khyber Pakhtunkhiva, Establishment Department, ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT. GOVERNMENT OF THE KHYBER PAKHTUNKHWA Peshawar, dated the November 13.2012. SECRETARY TO COVERNMENT OF THE ΚΗΎBER PAKITUNKHNVA ELENIERTARY AND SECONDARY EDUCADIOR DEFARTMENT. NOTIFICATION 5101



SETTER COPY OF ANNEXURE......



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48,

	· · · ·		- ([]	
		APPENDIX		
S.NO.			Age	Method of
	of the post		limit	recruitment.
				· · · ·
		initial appointment		
		or by transfer		
1		3.	.4.	5.
1 /	· · · · ·	(i) Second class	18 to	(a) Fifty percent
		Bechelor's Degree	35	by promotion
T 1	·		Years.	on the basis of
7	(BPS-16) /	as Chemistry,		seniority-cum-
	Jat			fitness in the
()	rates		· · ·	following
0.81		-		manners.
M				(i) forty percent
	1 .			from amongst
			• •	the certified
				Teachers
		-		(General).
	· · ·	University: or	*	Certified
		(ii) M A :-		Teachers
				(Industrial Arts)
				and Certified
		in Education from		Teachers
				(Home
		ecognized		Economics) with
•		difficer sicy.		at least five
		· 		years service as
• • •			. 1	such and having qualification
			•	mentioned in
				column No. 3.
				(ii) four percent
	-			from amongst
	C	1 1	o to ch	the Drawing
	Vo gueta	rus peer alla	an -1	Masters with at
1	"nOTH	adro		least five years
· · · · ·	a porse	au -		service as such
				and having
			1	qualification
			1	mentioned in
·		Ýn		column No. 3.
		<i>H</i>		(iii) four percent
• • •	N	UT I	1	from amongst
	A LINE		. 1	the Physical
	Ju II			Education
)	(Teachers with
	M' Y	· .	ļ	ears service
	10 F			
	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	1. 1. Secondary School Teacher (BPS-16) est Constant No Scieta No Scieta Sor PST'S C	S.NO. Nomenclature of the post of the post of the post of the post function function function for the post of the	(S.NO. Nomenclature of the post of the post of the post initial appointment or by transfer 1. Secondary School Teacher (BPS:16) Second class School Teacher (BPS:16) Second class Bochelor'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. Mo guota fues been albeated for DST3: Cadve ATTESTED

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2.	Seniority Arabic Teacher	iv) one percent from amongst the nstructional 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. By promotion on the basis of seniority-cum-fitness from amongst Arabic Teachers with at least five years service as such and having
3.	(SAT) (BPS-16) Senior Theology Teacher (STT) (BPS-16)	qualification as prescribed for initial recruitment of Arabic Teacher. 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 initia recruitment of Certified Teacher (General).

Attested

	Ĩ	:	. ' ,	
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	10	Arabic	(i) Second Class	By initial recruitment
Sec 1	10.	Topchor	Secondary School	
	ž		Certificate from a	(51)
			Certificate non a	
		15) -		
			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	
			(ii) Second Class	
			Master's Degree in	
.*			Arabia from a	
	1.1		recognized University.	
	11.	Theology	(i) Second Class	(a) Seventy five
		Teacher	Secondary School	percent by initial
- 		(TT) (BPS	- Certificate from a	recruitment; and
			reconized Board with	(b) twenty five percent
1.5		15)	Shahdatul Alamia Fi	I by promotion on the
	ł		Ulcomul Arabia Wa	I basis of seniority-cum-
	1		Jelarria from or Daru	I fitness from amongst
Nordan Bartan Ar			Isidinia nom or Dard	f the senior Qaris with
			Uloom Saluu Shah	a at loast five years
			Swat, Darul Uloon	h at least five years
х) ·	-	Darosh Chitral	, service and having
			Government run Daru	
· ·			Uloom, as notified b	y prescribed for initial
		•	the Government from	n recruitment of
	ġ		time to time; or	Theology Teacher;
			(ii) Second Clas	s Note: In case of non
л. Н -			Master's Degree i	n availability of suitable
				a person for promotion
			recognized University.	
				recruitment.
• • •			ari	By promotion on the
•		2. Senior Qa		basis of seniority-
•		(BPS-15)	N (cum-fitness from
				amongst Qaris with
				at least five years
				service as such and
				having qualification
Л	. }		VI CONTRACTOR	
h				as prescribed for
V V	ţ			initial recruitment.
	1	3. Certified	Bechlor's Degree	or (a) Forty percent by
	'	Teacher	equivalent qualificati	on initial recruitment; and
		(General		
	· L	<u> </u>	41	
	t			

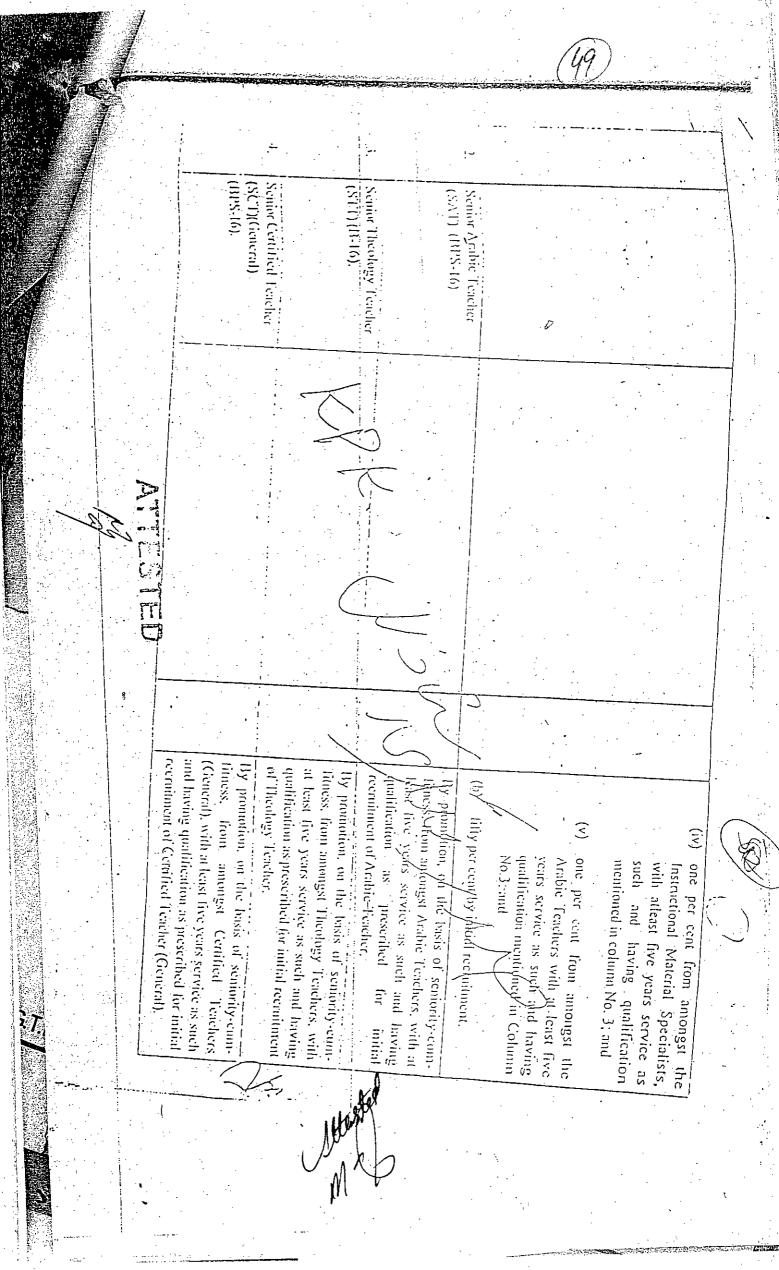
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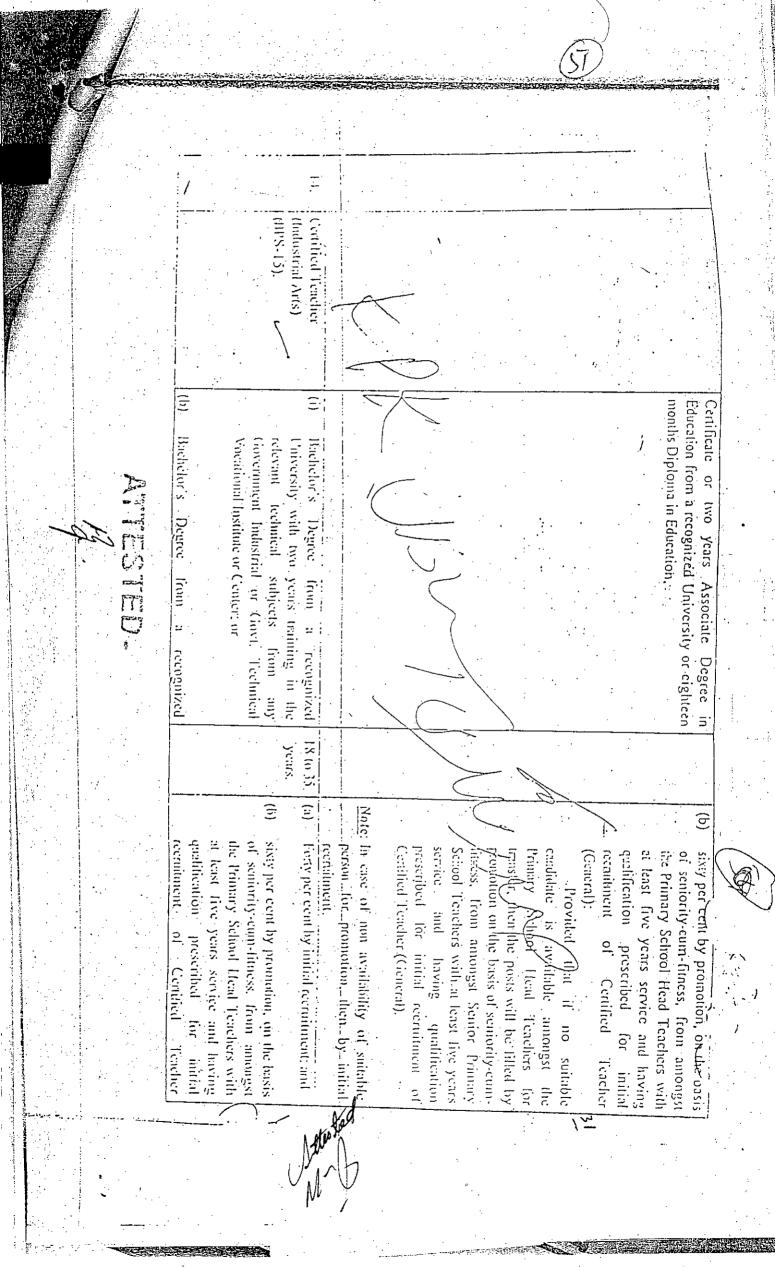
	•		
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	··· · · - ·		
		Certified or two years	(b) sixty percent by
	1		promotion on the basis of
		5	•
			seniority-cum-fitness
		5	from amongst the
	· · · · · · · · · · · · · · · · · · ·	2	Primary School Head
			Teachers with at least
			five years 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
			filed 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
			/
		(i) Dechalaría Dere	recruitment.
14.	Certified	(i) Bachelor's Degree	(a) Forty percent by
	Teacher	from a recognized	initial recruitment; and
	(Industrial	University with two	(b) sixty percent by
	Arts) (BPS-	years training in the	promotion on the basis of
	15) •	relevant technical	seniority-cum-fitness
	-	subjects from any	from amongst the
		Government industrial	primary school head
	•	or Govt: Technical	teachers with at least five
		vocational Institute or	years service and having
R		Centre; or	
			qualification prescribed
	-	(b) Bechlor's Degree	for initial recruitment of
	L	from a recognized	certified teacher
L. W	·		
		ter	· · · ·
		A the m	

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48 7. 7. 7. o. 1 (INPS-16). Secondary School Teacher Komenclature of the post. Ξ Ē Minimum qualification and experience for MLA in Education or Basissfor's Degree in Physics, Mathematics, Statistics Homanities recognized University; w and other equivalent groups from subjects as Chemistry: Botany, Zoology, Education, from a recognized University. Second class Bachelor's Degree with two initial appointment or by transfer. APPENDIX :: 18 10:35 years. ∧ge liniit. (a) -Ē mainner. Ē of seniority cum-fitness, in the following Fifty percent by promotion on the basis Ξ Method of recruitment. four per cent from amongst the four per cent from annugst the No.U.: Certified Teachers (Industrial Arts) and having qualification mentioned qualification incutioned in column questication mentioned in column and Certified/Yelfehers (Home in column No. 5: at least five years service as such years service as such and having Drawing Musters with at least five Certified Teachers (Agriculture) forty per cent from amongstathe Physical Education Teachers with Sch ij : Econopicy) with at least five years Certified /as such and Teachers A (General) luving



X ē ند. را .___ Arabic Teacher (AT) (I) PS-15). Certified Teacher -(11) S (13) Senior Quri Theology Teacher (TT) (Ciencial) (BPS-15).5 Ξ Ξ Ξ recognized University with Bachelor's Degree or equivalent qualification from a from a recognized Board with Shahdatul or Darul Uloom Saidu Sharif Swat, Darul a recognized Tanzimuatul Walaqul Madaris: Second a recognized University. Second Class Master's Degree in Arabic from Governmentum Darul Uloom, as notified by Alamia Fil Uloomul Arabia wal Islamia from Darul Uloom Darosh Chitral and any other Accord Class/Master's Degree in Islamiyat Shacif Swat, Darul Ulumn Charbagh Swat, Second Class Secondary School Certificate. the Government from time to time; or Uloom Charbagh Swat, Darul Uloom Chitral Darut Ulohm Chitral, Darul Uloom Darosh Chitral_and_any_other_Covernment_mi_Naru Wafaqui Madaris or Dacul Uloom Saidu \geq lange trom ;a time to time; or Uloom, as notified by the Givernpernt from from & recognized Universit Class Secondary School Certificate, ATTESTED recognized Board with Shahdatul from a recognized Tanzimatu Certified Teacher 20 to 35 18 to 35 20 10 35 years. years. Cars. By initial recruitine (E) Mic: In case of non-availability of suitable Ξ prescribed for initial recruitment 6 years service as such and having qualification faness, from amongst Qaris, with at least five By promotion, on the basis of seniority-cumqualification presenter and having qualification presented for initial recruitment, and twighty-)[velper cyntsy premotion, on the Seventy-live Forty percent by initial recruitment; and reernitment. person for promotion, then by recruitment of Theology Teacher: Ξ. sh the Senior Qaris, with at least senjority-cum-litness. 3 initial initial Irom



Mer conditions. Ull'hillPhD MANNISCAN, Ed. / M.A. Edu Education I.(DE) 8.1/0Sc PST Certificate/ Diploma in 11SSC SSC. Category of Qualification rimary School Teacher Marks = 0SMarks obtained X 20 / total marks = Marks obtained X 20 / total marks = Marts obtained X 251 total marks = Murks ubtained X 10 / total marks = Murks ubtained X 20 / total marks -Intermediate Level Total Marks 100 For Humanities group at score obtaining by a conditate during his selection Euro marks for St.Sc will be whiled to the total . 5 Estra marks for FSc. 5 Estra-wairty for U.Se and 5 Fur Candidate.of Science group

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Serial No. 10151

(PAKISTAN)

Merit Certificate

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Son / Daughter of <u>GHAIBANA</u> Registration No: <u>00-NSA-0238</u> Registration No: <u>K-6198982</u> having completed the prescribed requirements in sem		ded the degree		5 m m .	2	UMN 2002	AUTU
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Bachelor of Education (B.Ed)

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

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VICE-CHANCELLO

CONTROLLER OF EXAMINATIONS

Ą٠۶ Result declared on: August 05,2003



ISLAMABAD. DATED: October 08,2006

JUDGMENT SHEET PESHAWAR HIGH COURT, PESHAWARCOUR (JUDICIAL DEPARTMENT) 60 COC No. 105-P/2018 in WP No. 355

JUDGMENT.

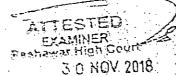
Date of hearing: 08.11,2018

Respondent (s): Millammad Diam when) by Gid Causer di Respondent (s): Mullammad Diam when) by Gid Causer di Ship Opti.

Jurvile.

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 praved 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



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 (5) Contract-Apptt: 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)

(u)

The Act, XVI of 2009, commonly (Regularization known. as of Services) Act, 2009 is held as beneficial and remedial legislation, to which no interference is advisable hence, upheld Official respondents are directed to workow 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

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

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

Arguments heard and record perused.

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 1/2 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

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service tribunal.

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

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<u>Chief Justice</u>

Judge

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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,

To,

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 a ll 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)

GHS Shang Shangla.

Copy of the above is forwarded to :

1). The Chief secretary KPK

2).The Director E&SE KPK

Attested

Abe application it forwarded to DEO(M) Dist shaugh for n/a place.

HEAD MASTER

Dist.Sungia

C: ES

VAKALATNAMA

Service Tribunal, Vestianar Before the KP

(APPELLANT) _(PLAINTIFF)

OF 2019

(PETITIONER)

(RESPONDENT) (DEFENDANT)

agal Monan

VERSUS

Education Dest:

I/We man 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.

/2019 1 Dated.____

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. Appeal No. 1692 M8: Forzert Marram of 20 Appellant/Petitioner Lovt: CF KPHERE ESE / Scharros Respondent Respondent No. (M) Distt: Shangla. No. Notice to:

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

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

Day of.....

Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Note:

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

"B"

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

PESHAWAR.

5115 No. of 20 19 Appellant/Petitioner Respondent No. the Creat: CF KPK through Serretary Notice to:

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......dated.....

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

Day of.....

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

Khyber Pakhtunkhwa-Service Tribunal,

Note:

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"R"

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

Notice to:

No.

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 <u>8.00 A.M.</u> If you wish to urge anything against the appellant/petitioner you are at fiberty 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.

j/11/20 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 appealies attached. Copy of appeal has already been sent to you vide this

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

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

Day of.....

Registrar,

Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Note:

2.

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

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.

4 Set

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.
 - That the instant Service Appeal is against the prevailing law & rules.
 - 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.

- 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).
 - 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 29-09-2017 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. <u>Incorrect & not admitted</u>. 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. <u>Incorrect & not admitted</u>. 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. <u>Incorrect & not admitted</u>. 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. <u>Incorrect & not admitted</u>. 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.

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: <u>Incorrect & not admitted</u>. The stand of the appellant is without any cogent reason & legal justification & liable to be rejected.
- H. <u>Incorrect & not admitted</u>. 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.

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

-r Mu *ÐÍRECTOR*

Deponent

E&SE Department Khyber Pakhtunkhwa, Peshawar. (**Respondents No: 2 @@)**

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.

Ann-A

ا اور بعد مید شدان از است تما کشار یک خطاف بیلیجه ما تبلیجه است (بی این ۲۰۱۰) بی حضیت سے طبقاتی سے کے دونوا شک استوب میں سفر یک چه اول پیک مرد کمیشن کے تحاب تک اس میں سے اور کمی سیلے اور کے لیے دولا۔ اسدادار درمین و زین استیمی تو ایت ت حال برد۔

التحسی قوبلیت ..() کسی شعر و معدر می سه مامترهٔ مرق معه بی ایم ایم ایم ایم اسه (ایم یسیش) با مساوی تعشیری تابل امروز ماهد پر تعلیم شده وانی مذل سول مین 5 ماله شد مدینا تجرب .

میں دیں طور پر سیم مرد بار کس کوں سری محمد میں مربید ہو۔ (4) اگر درین الاقلیمی قابلیت کے حال امیدوار دستایہ به نہ ہوں تو متعلقہ شمون میں مامز ڈگری کے حال امیدوار سیجیک سیستلست کے طور پراس ثبر بار پر طنی کیا جائے کا کہ وہ مولی تعلیمی قابلیت اینی آخر دینی کی جونے سے انے کو خطوطین دقت میں پولی سریسے تالے، کا کی پولیم کی کونٹ سی قوالی من کے مطالق این کو طار مت سے برخامت کی جائے گا۔

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در خواطنی : دومیداتی میزک ایف اے مرتبقینس اور کی اے کر لیا یو اورا کم اے / ایکم ایو ڈکر ایل کی و کو کا بون اور 2 مده یا سورت مانز نصاد یے تم اور زیر دختلی کے دفتر کو 24 دسمبر 2004 رتک یا اس سے تس تلکی تجا ہے۔ خوالتین اسیدوار تسان وسینہ سے سنتی بڑی ۔ صرف شارت اسٹیڈ اسیدوارداں کومیت اورا شرویو سے لیے بلایا جائے گا۔

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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:-

2.

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

(2) It shall come into force at once.

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;

Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011 Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011 Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011 Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011 Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011 Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

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"Government" means the Government of the ⁹[Khyber Pakhtunkhwa];

"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;

"law or rule" means the law or rule for the time being in force governing the selection and appointment of civil servants; and

"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 "adhoc 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. <u>Regularization of services of certain employees.</u>---All employees including recommendees 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 quantification and experience for a regular post:

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

4. <u>Determination of seniority.</u>---(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

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(e)

(f)

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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. <u>Overriding effect</u>.—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. <u>Repeal.</u>—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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ANN-C AH CO JUDGMENT SHEET PESHAWAR HIGH COURT, PESHAWA JUDICIAL DEPARTMENT) JUDGMENT. WP No. 1662/10 with cm 141/13 26-01-2015 Date of hearing ____ Appellant/Petitioner/47: Collector Nabi Dolucodo Respondent of a varian Amarian And 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:-"The Act, XVI of 2009, commonly (I)known as (Regularization Of Services) Act, 2009 is held as beneficial and remedial legislation, to which no interference is advisable herce, upheld. t stiller er e Official respondents are directed to (ii)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 ATTESTED ATTESTED complete ban on fresh recruitments. Order accordingly. <u>Announced.</u> sol/ usong ar Ammad sett

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JUDGMENT SHEET

PESHAWAR HIGH COURT, PESHAWAR (JUDICIAL DEPARTMENT)

Writ Petition No.2905 of 2009. ATTA ULLAH AND OTHERS......PETITIONERS.

VERSUS.

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EXAMINE Poshawar High

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

JUDGMENT.

Nabi khan Advercate. Date of hearing Ghulem Appellant/Petitioner bin aza Advocate q Mandar -7ad Chain AAG Respondent Cicias, an Af

WAQAR AHMAD SETH, J:- Through this single

judgment we propose to dispose of the instant Writ Petition No.2905 F 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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ATTENED.

- ÷r $\mathbf{2}$ The petitioners in all the writ petitions have 2approached 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 for being 👷 malafide 🚓 🕾 intentions 🛒 and unconstitutional as well as ultra vites to the the basic rights as mentioned in F Falmer and the be set-aside constitution respondents be directed to fill up the above noted posts after going through the legal and lawful and the normal procedure+asprescribed under the prevailing laws instead of using the short cuts for obliging their own person. further prayed that the lt is dated No.A-14/SET(M) notification 11.12.2009 and Notification No.A-17/SET(5) Contract-Apptt:2009 dated 11.12.2009, as

well as Notification No.SO(G)ES/1/85/2009/SS(Contract) dated

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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, inconstitutional and against the fundamental

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rights of the petitioners.

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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 gracipusly 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, Qan and SET in different Schools; that respondents No.9 to 1359 were appointed on adhoc/contract basis on different times and lateron their service were regularised through the North West Frontier Province Employees (Regularization of Services) Act, 2009; - Friday and 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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EXAMINE Fesnewst High

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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 recruitment through Public Service 25% by initial -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 *- r 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 . A Recording to the 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 09/03/2002 was promulgated under the shadow of which some 1681 posts of different cadres were advertised by the Public Service Commission. TESTED

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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 (BPSet en en freten V 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 dr till the appointment by the Public Serviced Commission or Departmental Selection Committee That after passing the KPK Act 110.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 Educe on Department was not authorised/entitled to ATESTE

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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. The concerned official respondents have furnished 4- 1 parawise comments wherein they raised certain legal and factual objections including the question of maintainability of a se ca deserve a 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 cupartment to lay down ات بېرىلىغۇنا ئۆكەرى 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 HKM Col 25 FEB 2015

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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.

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(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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service and having qualification mentioned

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in column 3."

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200 **- 1**166 It is further stated in the comments that due to the Government quality education the degradation/fall 🖗 of previous recruitment policy of the abandoned 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.

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

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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 AcLibid, they could not made through it as no further proceedings were conducted against the advertised post and secondly, they are gagitating 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. . 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. the In instant KPK, casə 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 Pakhtuhkhwa) (Regulation of Services) Act, 1989 & NWFP (now Khyber Pakhtunkhwa) Adhoc. Civil Servants (Regularization of Services) Act, 1987 were also promulgated and were never

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challenged by anyone.

<u>S.2 Definitions.</u> (1)---

a)---

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

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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
shirt/night shift but does not
include the employees for project
post or appointed on work charge

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

S. 3 reads:-

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Requiarization of services of All employees.---certain including employees 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 qualification and the same 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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EXA

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 inegular by the authorities being because Authorites, Government 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 lepses 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 ATESTED Government, recruited on contract basis till 31st December 2008 or till the commencement of this Act have been TEOTEO

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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

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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.

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11- The law has defined such type of legislation as "béneficial and remedial" A beneficial legislation is a statue which purports to confer a benefit on individuals or a

class of Lorsons. 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 conductive to the public goods. The challenged

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Act, 2009, seems to be a curative statue as for years the then Provincial Governments, appointed employees on contract basis but admittedly all those contract appointments

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were made after proper advertisement and on the recommendations of Departmental Selection Committees.

In order to appreciate the arguments regarding 12beneficial 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:-

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"A statue which purports to confer a benefit on individuals or a class of persons, by reliving 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 statue, the principle established is that there is no room for taking a narrow view but that the court is entitied 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 the provision of constructing 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."

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Remedial or curative statues on the other hand have

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ATTSTED "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

béen explained as:-

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, change of time from and circumstances, from the mistakes. and unadvised determinations of unlearned ... (or even learned) judges, or from any other cause whatsoever." a la factoria de la companya de la c

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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.

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, change of from time and circumstances, from the mistakes and unadvised determinations of unlearned ... (or learned) even judges, or from any other cause . whatsoever.?? المحافظ والمحافظ والمحافظ المحافظ المحا

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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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17 20 Such legislation must therefore, either clarity 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 ATA 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 ATTESTED

EXAMINE

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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 Pakhtunknwa (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.

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

the first instance cannot claim promotion as a vested right

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violated then it become vested right. No doubt petitioners in

19 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

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their jurisdiction under Article 199 of the Constitution. One

could not overlook that even in the absence of strict legal and the strict legal in the strict legal is a strict the strict legal is a strict the strict of a strict 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 duly 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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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, 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

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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 a se anna an tha an th from amongst the eligible in service employees, other wise, eligible for promotion on the basis of sonority cum fitness."

22

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

the following terms.-

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

Official respondents are directed (ii)the workout the backlog of io above per promotion quota 25 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 cal way ar Almad sett

sil Masarrout Hikali

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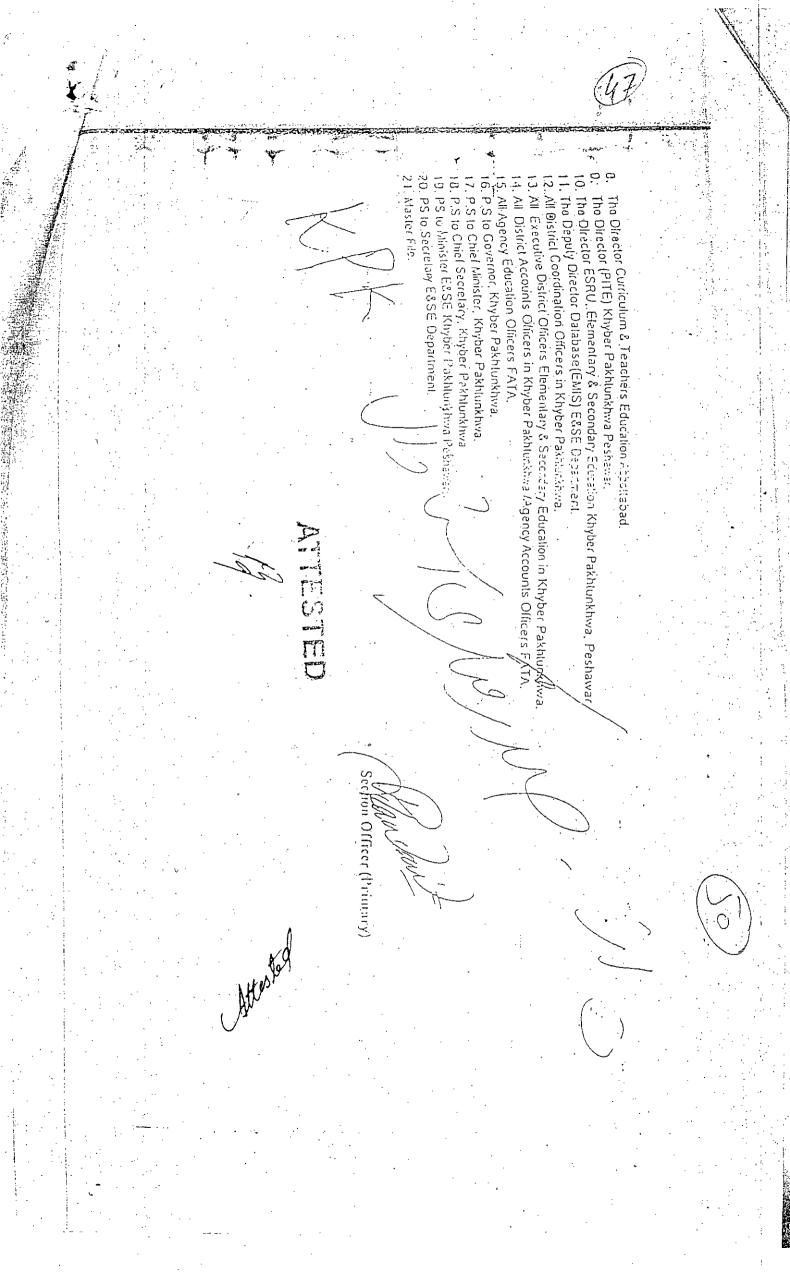
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e. Servants (Appointment, Premotion and Transfer) Rules, 1989 and in supersession of Alt Notifications is wed that is behalf, the Elementary and Secondary qualification and expected those specified in the Appendix to this Notfreation which shart be Applicable to all the posts specified in Column No. 2 of the fiducation Department is consultation with the Establishment Department and the Finance Department hereby keys down the method of recruitment, No SO(PEM-S/SSRC/Meeting/2012/Feaching Cadre:- In pursuance of the provisions contained in Sob rule (2) of rule Hoffine Khyber Pakhtunkhwa Civil Crudst, No. & Date as above Copy forwarded to:-The Secretary Keyber Pakhtunkhwa, Public Service Commission Peshawar, The Secretary to GovL of Khyber Pakhtunkhwa, Establishment Department, Copy to the gasi Catalan KPK The Secretary to GovA The Secretary to Cov The Director Education (EATA), Peshawar, The Director (E3SE) Khyber Pakhtunkhwa Peshawar. The Accountant General, Khyber Pakhlunkhwa Peshawar, 4. of Khyber Pakhtunkhwa, Finance Department, Λ of Khyber Pakhtunkhwa, Law Depathilt ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT. GOVERNMENT OF THE KHYBER PAKHTUNKHWA Peshawar, dated the November 13,2012 SECRETARY TO COVERNMENT OF THE KHYBER PAKINTUNKHNYA NOTIFICATION ELEVIERTARY AND SECONDARY SUDURIDURIDERARTMENT.



K	· · · /		APPENDIX		
	S.NO.	Nomenclature	Minimum qualification and		Method of recruitment.
		of the post	experience	يون كالهليك. ايت يستني	
			initial appointment		
		· ·	or by transfer		
	1		<u>3.</u>	4.	5.
	1. (Secondary	(i) Second class	18 to	(a) Fifty percent
		School	Bechelor's Degree		by promotion
		Teacher	with two subjects		on the basis of
E OF	17	(BPS-16) /	as Chemistry,		seniority-cum-
>			Botany, Zoology,		fitness in the
		antest	Physics,		following
0.0	16.81		Mathematics,	· .	(i) forty percent
the	i th	nontest	Statistics		from amongst
			Humanities and		the certified
		-	other equivalent groups from a		Teachers
		•	recognized		(General)
а. ¹ . С. А.			University: or		Certified
					Teachers
			(ii) M.A ir		(Industrial Arts)
			Education of	r	and Certified
			Bachelor's Degree	2	Teachers
			in Education from		(Home
		-	a recognized	j į	Economics) with
			university.		at least five
	:				years service as
·					such and having
	-				qualification
	-				mentioned in
					column No. 3.
					(ii) four percent
·		,			from amongst
•		1 Aunt	has been al	lecates	Masters with at
• •		No griero	n has been an		least five years
		for DST15	cadse.		service as such
·		AU.			and having
· · · ·					qualification
· · ·					mentioned in
					column No. 3.
· •			ĽŊ.		(iii) four percent
•			1 det		from amongst
		A,			the Physical
•		Alter y			Education
	A.	()4-1	1h		Teachers with
·····································		AL YAL			at least five
	1	je ∥N	ţ,	i .	EVERTS SPRVICE

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2. Seniority Arabic Teacher (SAT)	(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. By promotion on the basis of seniority-cum-fitness from amongst Arabic Teachers with at least five years service as such and having
 (BPS-16) 3. Senior Theology Teacher (STT) (BPS-16) 4. Senior Certified Teacher (SCT) (General) (BPS-16) 	Image: recruitment of Arabic Teacher.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.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 Theology Teacher.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).

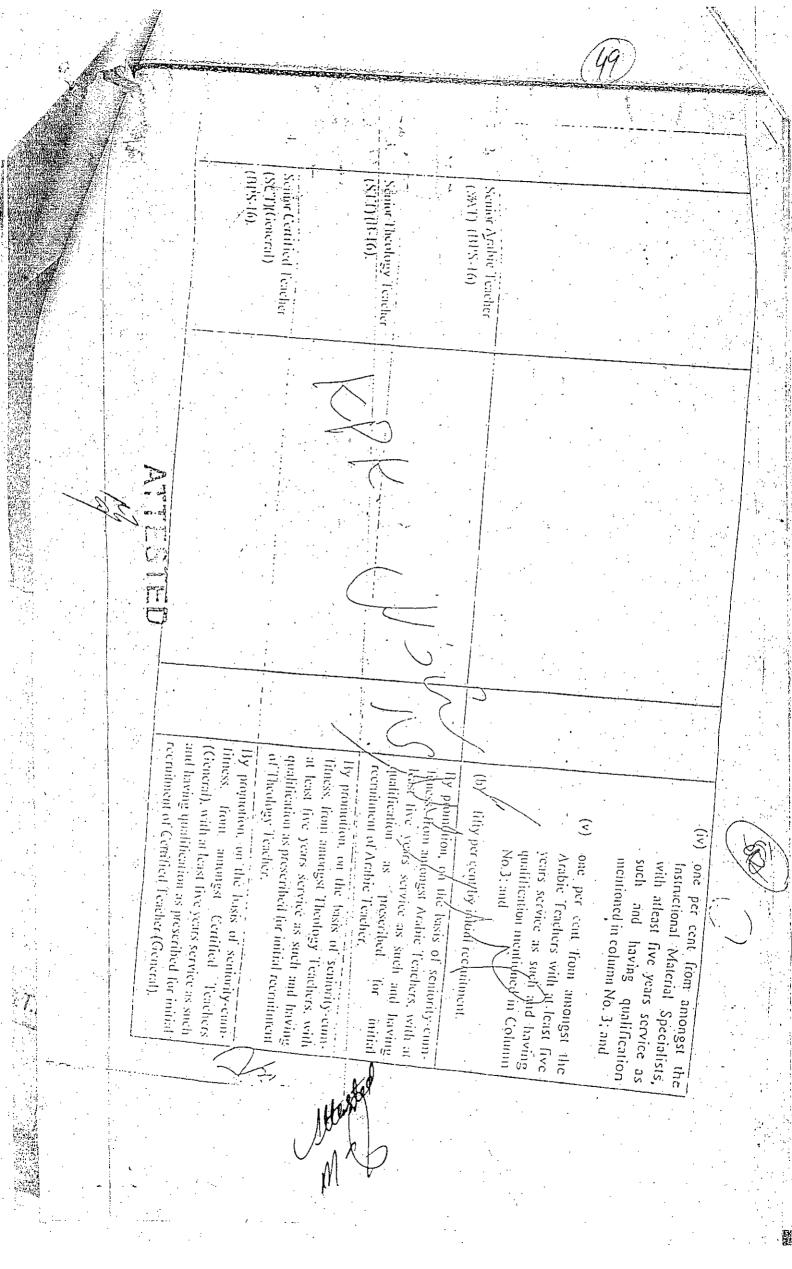
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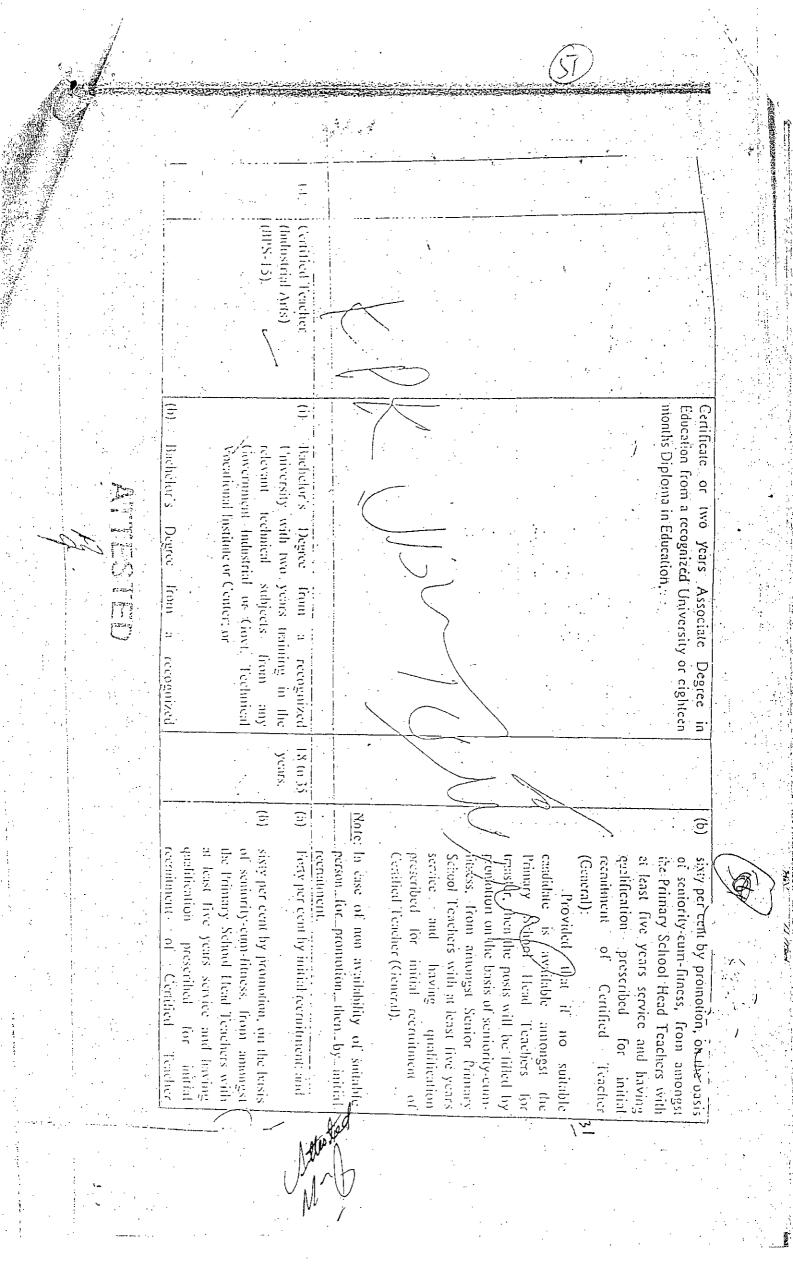
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6	10.	Arabic	(i) ; Second Class By initial recruitment
		Teacher 1	Secondary School
		(AT) (BPS-	Certificate from a
		15)	-recognized = Board with
	4		Shağdatul Alamia Fil
			Ulogmuli Arabia wal
		2 · · · · · · · · · · · · · · · · · · ·	Islamia from or Darul
		•	Uloom Saidu Sharif
			Swat, Darul Uloom
			Darosh Chitral,
			Government run Darul
			Uloom, as notified by
		•	the Government from
			time to time; or
			(ii) Second Class
			Master's Degree in
		· · · ·	Arabia from a
			recognized University.
	11	Theology	(i) Second Class (a) Seventy five
		Teacher	Secondary School percent by initial
		(TT) (BPS	Certificate from a recruitment; and
· · ·		15)	recognized Board with (b) twenty five percent
:		,	Shahdatul Alamia Fil by promotion on the
			Uloomul Arabia wal basis of seniority-cum-
			Islamia from or Darul fitness from amongst
			Uloom Saidu Sharif the senior Qaris with
			Swat, Darul Uloom at least five years
			Darosh Chitral, service and having
· · ·			Government run Darul qualification
			Uloom, as notified by prescribed for initial
			the Government from recruitment or
			time to time; or Theology Teacher;
· .			(ii) Second Class Note: In case of non
			Master's Degree in availability of suitable
· · · ·			Arabia from a person for promotion
			recognized University. then by initial
	- *	,	recruitment.
	· 1	2. Senior Qa	By promotion on the
		(BPS-15)	basis of seniority-
			i cum-fitness from
			amongst Qaris with
			at least five years
	ين المراجع المراجع (الم		service as such and
jarne i f	h	•	M. Thaving qualification
H Y			as prescribed for
()			initial recruitment.
		3. Certified	Bechlor's Degree or (a) Forty percent by
. N		Teacher	equivalent qualification initial recruitment; and
· · · ·	; L	(General) from a recognized
	:		

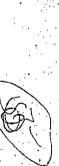
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	1		
		Certified or two years	(b) sixty percent by
		Associate: Degree in	promotion on the basis of
	,	and the second	seniority-cum-fitness
			from amongst the
	1. 200 a 100 a 1		Primary: School Head
	-	Diploma in Education.	Teachers with at least
			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
			filed 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
		<i>•</i>	person for promotion .
			then by initial
	•		recruitment.
	14. Certified	(i) Bachelor's Degree	(a) Forty percent by
	Teacher	from a recognized	initial recruitment; and
	(Industrial	University with two	(b) sixty percent by
	Arts) (BPS-	•	promotion on the basis of
	15)	relevant technical	seniority-cum-fitness
		subjects from any	from amongst the
		Government industrial	primary school head
		or Govt: Technical	teachers with at least five
		vocational Institute or	· · ·
		Centre; or	years service and having qualification prescribed
		(b) Bechlor's Degree	
	- M	from a recognized	for initial recruitment of
14. 14. 4 .			certified teacher
		And	
1	· .	N HOPY	
		MM 1	· · ·
· · · · · · · · · · · · · · · · · · ·		UNALI	
an a		I M'	

48 7.7.9 , 1 1 (1)115-16). Sysondary School Teacher Nomenclature of the post. 2 Ξ Ē Minimum qualification and experience for MAA in Education or Basisstor's Degree in recognized University; or and other equivatent groups from Educidion. from a recognized University. subjects as Chemistry, Botany, Zoology, Physics, Mathematics, Statistics Humanities Second class Bachelor's Degree with two initial appointment or by transfer. APPENDIX 1 - F :: ز 3 ن 8 ا years. ∕\ge linit ÷--(i) . Ē Filty percent by promotion on the basis manner: of seniority-cum-fitness, in the following Ξ and paying qualification mentioned at least live years service as such Physical Education Teachers, with four per cent from amongst the <u>in column No. 3</u>; four per cent from amongst the Nou qualification mentioned in column years service as such and having Drawing Masters with at tenst five quyfdicum mentioned in column Certified Teachgrs (Industrial Arts) Method of recruitment. and Certified / No Ni forty per cent from amongst the treonotines Certified Teachers , (Agriculture). Cenified Z Mush at least five years feachers Streft Telichers (Flome biit ے (Cieneral) having



Z 100 0 <u>^</u> <u>د ا</u> (DPS-15). Theology Feacher (TT) Ciencial) (IIPS-15). C Sennor Qari Certified leacher : (11: 2: 11) Ξ Ξ Ξ recognized Bachélor's Degree or equivalent qualification from a from a recognized Board with Shahdatul a recognized Tanzimualul Wafaqul Madaris: Second Class Secondary School Certificate, or Darul Uloom Saidu Sharif Swat, Darul Alamia Fil Uloomul Arabia wal Islamia from -second Class/Master's Degive, in Islamiyat Governmentum Darul Uloem, as notified by Second Class Secondary School Certificate, Second Class Master's Degree in Arabie from the Covernment from time to time; or Darul Uluom Darosh Chitral and any other Uloom Charbagh Swat, Darul Uloom Chitral, from (a recognized Board with Shahdatul a recognized University. finite to time; or thoom, as notified by the Gibverneque from Chiten1_and_any_other_Gyvernment_fun_Narul Alamia from a Darnt Aloom Chitrid, Darid Uloom Darost Shucit Swat, Darul Uloom Charbagh Swat, Wafaqut Madaris or Darut Utoom Saidu from a recognized Universit University with ATTESTED recognized Tanzimatur Certified Flencher 20 to 35 20 to 35 years. IN IN JO yrars. years. By initial recruitmer Ξ (E years service as such and having qualification [prescribed for initial recruitment. Note: In case of non-availability of suitable finess, from amongst Qaris, with at least five By promotion, on the basis of seniority-cum-[11] Seventy-live qualification preservined life_ 11.0 recruitment; and recruitment of Theology Teacher: reemiment. person for promotion, then by initial Forty per cent by initial recruitment: and mulnish the Senior Qaris, with at least nty-\[vd/per cynUsy promotion. Years senjority-enm-filmess. Ċ. Service - and Ë 5. Survey on the hini. initial 11011





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Printary School Teacher

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Category of Qualification	Totul Marks 100 For Humanitics group at	For Candidate of Science group
	Intermediate Level	
SSC.	Murks obtained X 20 / total marks =	3 Estra murks for FSc, 5 Extra neurly for U.Se and 5 From mucke for U.Se will be with the to track
HSSC	Nurks obtained X 10 / total marks =	score ochaining by a combine during his scheenion
B. I/OSc	Marks obtained X251 total marks =	
PST Certificate/ Diploma in Education /ADE.	Marks obtained X201 total marks =	
ALMAISCAN Edi ALA Edu	Marks obtained X 20 / wint marks =	
WIPhiUPhD	Marks = 05	

Devi Jourt from recognized Treconnt-al-Hoppil Machinic - Ducid Ulcom Saido Storif Swar, Danit Ulcom Cherbagh Swar, Davit Ulcom Chirat, Davit appointment opening the posts of strabic Teachers or Theology Teachers, as the case may be Ulown Darash Chitral and any other Government run Darof Ulocus, as notified by the Government from time to time will be averable for the purpose of weit his prepared by the expressived appointing and unity shall be displayed for ten days in receive the objections(a) preds. if way, well shall issue the final hed after five issuance of appfinitizent orders within shortest possible time, not exceeding amon 1901 days. white as salary shall be recovered from him and on FIR shall be holyed against him or account of Jorgery frand nucleo by relevant have feerned Appointing Authority will seminize and verify the documents out make the appointment as per prescribed rule and the will get the documents AfteX making increasely currections while addressing the abservations tabjections toppeads. Jollows, hy requisite appointment ceives uts) is the found faket how is upon scenting verification, the service of the teacher concerned -shall be teniorsted and the annuas

her conditions:-

A DS SST JY: Y ime SUPREME COURT OF PAKISTAN م بر مرومون 10.14(APPELLATE CURISDICTION) ر الم الم الم الم الم الم الم PRESENT: deis 5 bt MR. JUSTICE EDAT AFTAL KHAN. MR. JUSTICE'SH, ANVIAT SAELD. € deis MR. JUSTICE JUAT DE AHSAN. والمعاد و اطله عداداع callet Secretory, Govt, of CPK, Peshawar and others ...Pelilismer(s) 5 (in ell coses) <u>Versus</u> hits lich and others. عم ا _ مده satisfication and others. . Rh àr Ahmda and aihers. ICPIC cRespon: ant(s) م في رسا حا ها for the cathlones in Mil Mujohic, el Khon, Addi, A.G. Kex speché respondent(s); Mr. Ghular Mabi Khan, ASC Mr. Abdul Groyyum Sorwar, ADR Datiero(Hearing: 2016-21:201-21 <u>0 2 0 6 8</u> El<u>ativitation abdaller</u> the learned Audi joper Advaccie Conerol t searchag lan aethail ai the Gayt, ai KRK tigted di the sandhat as per lightuctions of the Government he doer not press these actitions. Electisses OS SUCH Sd/-Ejaz Afzal,M.an,J Sal-Sh. Azmat Sciend, J 18d4-Ifaz ul Ahsen J. JRT T Cartified to be True Copy 5 09.20 J Islamabad 330774578 restering GR No: 1. 1. 5 2 Civil/Criminat Date of Presenter No of West. No of Ere -Requiretterne Copy Feeling Court Free Co 2 Date of Co-14 Date of definition 1.46.31.4 Compared by Priapared by:.. 1917 26 B

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The Secretary E&SE,

KPK Peshawar Secretariat.

THROUGH: DISTRICT EDUCATION OFFICER (M) SHANGLA. SUBJECT: <u>APPEAL FOR THE APPOINTMENT AS SS IN (ISLAMIAT) IN THE LIGHT OF</u>

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 and notitake 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 segment 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 such the decision of High court on September 20, 2017 in favor of affected teachers.

Division and I did my B.Ed and M.ED. I also continued my study as private candidate and passed MA Division and I did my B.Ed and M.ED. I also continued my study as private candidate and passed MA Divisiony & P.Science.

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

So please kindly issue my appointment order in back date according to regularization act of services 3009 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) 24/7/2019

GHS Shang Shangla.

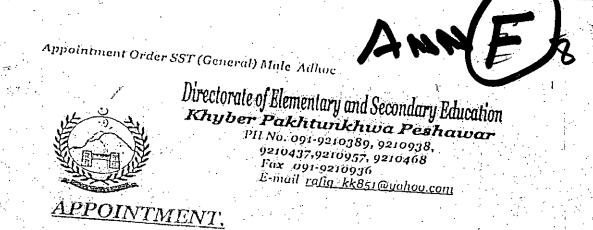
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Copy of the above is forwarded to :

i). ine Chief secretary KPK

2).The Director E&SE KPK

Nhe application il forwarded to DEO(M) Diett shangle for n/a place.



Committee, appointment of the following candidates are hereby ordered against the past of Secondary School Teacher (SST General) School based in HPS-16 (Rs. 10000-Rob-34000) @ Rs. 10000/. fixed plus usual cllowances as admissible under the rules on adhee 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 :-

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Appointment Order SST (General) Male Adhoc

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15	Hamid Ayaz	Mohahat : Khan	Mahathan Urgákhel Vitlage Marghuz Tehsil And District Swabi CNIC No. 16242-0050772-0	131.85	GIIS Jehangira
10	Muhaminad Bilal	Sanober Khan	Village Pelure Hamlet Post Office Topi Tehsil Topi District Swahi CNIC No 16202-612577217	131.68	GHS Malik Abad
17	Siraj Muhammad	Raj Muhammad	Moballah Sultan Abad Villaye And Post Office Adina Tehsil Ruzzar Swahi CNIC No 16202-0508109-9	131.12	CIIS Pak Kiya
18	Mali Ullah	Noor Muhammad	Vill And P/O Salim Khan Teh And Disti Sieabi UNIC No 16202-0877578-2	130.Ri	CHS Pabanal
17	Irfan Ali	Abdul Rasool	Muhallah Muslim Abad Colony, Village Ahad Khan Pull Swabi CNIC No 16202-40821-6-0	130.48	CIIS Naranj
18	Shakeel Nasir	Shad Muhammad	Shukrel Cloth House Link Road Abdur Rehman Market Sivahl Distorci Swahl CNIC No 16202-6432915-1	130.24	GIIS Naranj

Shangla '

<i>S</i> .	Name	Father Name		Score	Nume of School
.1 .	Shams VI Arifin	Roh ULAmin	Village Faiza Tehsil Duran P/O Sandovi Puran CNIC No 13505-8517617-7	135.56	GIIS Dankool
2	Wall Ullah	Shah Naivaz Khan	Vilalae And Post Office Sundovi District Shangla CNIC No 15505-1437609-3	134.35	GHS Pishlor
3	Shấn Ưiah	Shah Nawaz Khan	Village And Post Office Sundovi Tehsil Puran CNIC No 15505-3097057-1	128.76	GIIS Kadun
4	Sikandur Hayot	Muhỳ Ud Din	Village And Post Office Bilkant Tehsil Alpuri District Shangla CNIC No 15301-7699934-7	127.94	GIIS Maira
5.	Izaz Uil Din	Kiromat Ullah	Village Burnerical Post Office Alach Tehsil Distric Shangla CNIC No 15505-6485509-9	127.9	GHS Baina
6.	Amjad Ali	Abdul Salam	Village Faiza Pust Office And Tehzil Furan District Shangla CNIC No 15505-1450044-9	127.13	GIIS Opal
7	Haroon Ur Rushid	Abdul Shakoor	Teh Alpurai Distt Shangla Pagorai	126.33	GIIS Karora
8	Gulzada	fam Jan	UNR Naction (Star) Village Kaoza Alpari Mohallah Plaza Teh And Po Alpari Digit Shangla CNIC No 15501-6580753-3	126.32	GIIS Kèrmang
9	Fazal Manan	Ghaibana	Village Hengalai Pust Office Alach Tehsil Puran District Shangla CNIC No 15505-0213045-7	125:28	CIISSbang
10	Ubald Ullah	Sultan Mahmood	Village Ganorai Pa Anil Tch Puran Dist Shangla CNIC No 15505-0220282-9	125.1	CIIS Shang
Sw	vat			L _{_1}	
S -	Namé	Father Name	Address	Score	Name of School
· J	Muhammad Humayun	Muhammad Ayub	Cn Dr Arshad Homeo Clinic Haji Anba Chowk Mingorn <u>CNIC No 15602-0583896-5</u>	136.07	GIIS Gurnal
2	Asghar Khan	Kachoy	Vill: Poshtonal, Post Office Labat, Tehxil Matta CNIC No 15601-4958825-3	134.01	GIIS Ashoran

16

Appointment Order SST (General) Male Adhöc

Appointment is purely on temporary & contract basis initially for one year wef May 1st, 2014 to April 30th, 2015.

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.

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.

His/her services are llable 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.

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

He/She should join his post within 10 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.

Health and Age Certificate should be produced from, the Medical Superintendent concerned before taking over charge.

He/she will be governed by such rules and regulations as may be issued from time to time by the Gout.

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 preceded under the rules framed from time to time.

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

(Muhammad Rafiq Khattak)

Khyber Pakhtunkhiwa Peshawar.

Director Elementary and Secondary Education

2084-91

Endst: No.

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

Copy forwarded for information and necessary action to the: -

Accountant General Khyber Pakhtunkhwa Peshawar.

Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar. 2. 3.

- District Education Officers Concerned
- 4. District Accounts Officer Concerned 5. Official Concerned
 - Official Concerned.

6. PS to the Secretary to Govt: Khyber Pakhtunkhua E&SE Department. PA to the Director E&SE Khyber Pakktunkhuog Peshawar. 8. M/File

> Dy: Director (Estab) Khyber Pakhtunkhwa Peshawa

BETTER COPY

GLA 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 the theation No: SO(S/F) E&SED/3-2/2018/SITT/contract, dated 16-02-2018 the services of the subwing 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 sching cadre on the terms and conditions given below with effect from the date of tyheir pointments.

SST GENERAL).

k	ROLL NO	·	ADDRESS	TOTAL MARKS/O UT OF 200/	SCHOOL	•	EXTENSIO N ORDER NO AND DATED IF ANY
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CERMS & 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.

- 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.
- 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.
- 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 cedre, provided that if the date of continuous service in case of the comployees is service the employee elder in age shall rank service in the employee elder in age shall rank service in the employee elder in age shall rank service in the employee elder in age shall rank service in the employee elder in age shall rank service in the employee elder in age shall rank service in the employee elder in

Shyngla-Male SSTs Regularization order 20 08

Directorale of Elementary and Secondary Education Khyber Pakheunkhwa Peshawar PUNO. 091-9225339.9225344. Fax 091-9225343 Email: khattakfarid@gmail.com

NOTIFICATION.

Under the provision of The Khyber Pakhtinkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act. 2018 (Khyber Pakhtinkhwa Act No.1 of 2018) and in pursuance of the Govt. of Khyber Pakhtinkhwa Notfleation Na: SO(S/F) E&SED/3-2/2018/SFTT/Contract. Dated: 16-02-2018, the Services of the following Secondary School Teachers (SST Bio/Chein); (SST Maths Physics). (SST General) appointed on Adhoe /Contract basis, are hereby regularized in BPS-363 on the SST posts in Teaching Cadre on the terms and conditions given below with effect (SST Bio Chern).

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		0.017	Shangla	• • • •	Faiz	dated 04-	
	4		15505-5249583-7		Puran	05-2017	
12	S2000097	Muhamam	Vill, Kikor, Post Office	122.53		1	NA.
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- Shangla Male SS4	's Regularization a	order 20 08 - 3

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	92200003	Sardar Ali	15602-4574510-7 Alpurar District	107.81	GCMHS	-do-	NA
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	7831501 7831522	Arileon Ubaidullah Fuzal Manair	Shangla 15505-8517617-7 Vill Ganorai Puran 15505-0220282-9 Eingulai, Puran * 15505-0213045 7 Vill & P/o Sundvi, Tehsil Puran District Shangla	125.1	Danukool GHS Shang GHS Shang Shang	-do- -do-	- do-
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	7831501 7831522 7832522	Arileon Ubaidullah Fuzal Manair	Shangla 15505-8517617-7 Vill:Ganorai Puran 15505-0220282-9 Eurgatai,Puran * 15505-0213045 7 Vill & Plo Sundvi, Tehsil Puran District Shangla 15505-3097057-1 Vill-& Plo Sundvi,	125.1 125.28 128.76 134.25	Danukool GHS Shang GHS Shang Shang	-do- -do-	- do-
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,	7830387	Zakir Ullah.	Vill, Mir Abad Banr	132.96	GHS	4050-56	1565-80
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·:-		Ahinad	Puran 15505-6854461-1		Ajmir		
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3	7830488	Fazal /	NeemKalay Puran	135.6	GHS	-do-	do
		Subhan .	15505-7218535-7		Larai Pirkhana		
;	830460	Rali Ullan	Kulalai Puran	130 77	GMS	-do-	-do-
· .			15602-1542316-1		Shahloot		
; ł .	7830552	Mahib Ullah	Aloch Puran 15505-	131 16	GHS	3817-22	NA
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2	9230004	Allaf	Damora, Shangla	148 13	GMS	-do-	NA
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;	1 9230004 00	lishad Ali	Dehrai Alpurai	145.13	GHS	-do-	NA .
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Q.	97	Tuhir Ali	Shang Bisham	143.7	GHS .	-do-	NA
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Shangla-Male SSTs Regularization order 20 08

DISABLE QOUTA (M) SST

				Total				
۰.		Nume	Address	Marks [out of [200]	School	 Appointmen i order No and dated 	Extension order No and dated if any	
	, 78-30732	 Suidur 	Cenroi Alpural	103.5	GHS	(3837-46	1913-20	
•	1	Zamin	15501-8752915-3	ł	Karera	dated 21-	dated 24-04-	
	9210000	Sayed	Dandokay Karora	122 76	GHS	3127-34	NA	
••	72	Wahid Shair	15501-3619253-7		. Dherai	dated 18-		
·		<u>i</u>			Alpurai	. 04-2017		

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.
- services shall be governed by the Rhyber Pakhtunkhoa Civil Servant Act. 1973, the Klupber 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 esignation without notice, their one month pay/allowances shall be forfeited to the Government.
- They shall posses 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 eadre. They shall rank juition to all civil servants belonging to the same service or eadre, as the case may be, who are in service on regular basis on the commencement of The Klyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2018 (Khyber Pakhtunkhua Act No.1 of 2018), and shall also rank

Shanglit Male SSTs Regularization order 20 08 - 5

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

Their seniority shall be determined on the basis of their continuous services in outre, 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

(Farid Ahmad Khattak) Director Elementary and Secondary Education Khyber Pakhtunkhoa Peshawar

Meanuthailt Gen Secretary Khyb District Educati District Account Official Concern V5 to the Secreta PA'to the Directa	eral Klupber P er Pakhtinkha on Officer (Ma ls Officer Shan eed, uru ta Cont. 10	na necessary akhtunkhwa wa Publie Sei de) Shangla, igla,	Peshawar, wice Commissie	m Peshawar.	<u>~_/2018.</u> * >
MZAIIe		Elem	Dyr Director (contary and See Khyber Pakipa	(Estab) ondory Educati	an ar
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Ancall BEFORE THE KHYBER PAKHTUNKHWA SERVICE PESHAWAR Shyther 15 Lands APPEAL NO. 717 /2019 as, mine idrees, Qarla (BPS-12), and hohanmadzai, District peshawar.....APPELLANT VERSUS

i-. The Secretary (EBSE) 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 KHYBER THE PAKHTUNKHWA SERVICE TRIBUNAL ACT-1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT CONVERTING THE CONDATIONAL 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.

R/SHEWETH: ON FACTS;

15/15

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1-That the appellant was initially inducted in the respondenteed Department as garia (BPS-7) vide order dated 16.05.2005. That in-Is a day response to the said appointment order the appellant submitted

arrival report and started performing her duty quite efficiently and up The The 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 littoations. 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 Fin and revenue courts orders are "attached as annexure ABB. 3. That the appellant due to serious threats to her life, appliet for Entracedinary Leave (EOL) w.e.f. 20.08 2008 to 20.09.2012 (#160

Compared by Mapared by: