



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

**NOTIFICATION.**

- 1. Whereas**, the appellant namely Mr. Fazal Sardar was appointed against the CT Post vide appointment Order dated 14-02-2009 & was further upgraded/promoted to the post of SCT (BS-16) vide order dated 25-10-2016 in view of his service record in the E&SE Department.
- 2. And whereas**, the appellant was promoted to the post of SST (BS-16) vide Notification No. 4573 dated 22-02-2019 which was latter on withdrawn vide Notification dated 03-05-2019 by the competent authority under Section-21 of General Clauses Act 1897 amended in 1956 on the grounds of his B.Sc degree in 3<sup>rd</sup> division obtained under Roll No. 42551 with further qualification of his additional subject in Maths-B under Roll No. 65167 in second division from the University of Peshawar.
- 3. And whereas**, feeling aggrieved from the Notification dated 03-05-2019, the appellant filed a W.P No. 569-M/2019 before the Honorable Peshawar High Court, Peshawar which was dismissed vide order dated 25-6-2019. Hence the appellant filed a Service Appeal No. 1729/2019 under the above said titled on 11-12-2019 before the Honorable Service Tribunal which was decided vide dated 07-12-2021, whereby, the impugned order dated 03-05-2019 was set aside by restoring his promotion order dated 22-02-2019 with all consequential benefits.
- 4. And whereas**, aggrieved by the the Judgment dated 07-12-2021 of the Service Tribunal, the Respondent Department filed CPLA against the judgement ibid before the august Supreme Court of Pakistan which is pending adjudication before the apex Court & in the meantime, the appellant filed an E.P No. 143/2022 before the Honorable Service Tribunal for the implementation of the Judgment under reference.

Now therefore, in pursuance of the Judgment dated 7-12-2021 passed by the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar in Service Appeal No. 1729/2019 & consulting with the promotion policy in vogue, the undersigned, in a capacity of being competent authority, is pleased to set aside the order bearing Endst: No. 1954-60 dated 03-05-2019 by restoring the promotion Notification bearing Endst: no. 4573-78 dated 22-02-2019 in respect of Mr. Fazal Sardar SCT (BS-16) conditionally till the final outcome of pending CPLA against the judgment dated 07-12-2021 before the august Supreme Court of Pakistan. Moreover, the services of aforementioned teacher are hereby placed at the disposal of the DEO (M) Dir Lower for further adjustment against the SST (BS-16) with immediate effect in the interest of public service.

**DIRECTOR  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar.**

Endst: No: 4557-62 /F.No. AD(Lit-II)/Notification/2022 Dated Peshawar the: 23/09/2022

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

- 1 ✓ Learned Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
- 2 Learned AG Khyber Pakhtunkhwa Service Tribunal Peshawar.
- 3 District Education Officer (Male) Dir Lower.
- 4 District Account Office District Dir Lower.
- 5 Deputy Director (Legal) E&SE Khyber Pakhtunkhwa Peshawar.
- 6 Official concerned.
- 7 PA to Director E&SE Khyber Pakhtunkhwa Peshawar.
- 8 Master file.

**Deputy Director (Estab/M-I)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar**