

ORDER

14.07.2021

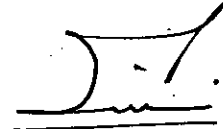
Mr. Abdur Rehman Mohmand, Advocate for the appellant present.
Mr. Muhammad Riaz Ahmed Paindakheil, Assistant Advocate General for
the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, in
Service Appeal No. 1266/2018 titled "Afzal Shah Versus Government of
Khyber Pakhtunkhwa through Secretary Elementary and Secondary
Education Secretariat building Peshawar and eight others", the instant
appeal is accepted and the appellant is held entitled for promotion from
the date, the first batch of their other colleagues at provincial level were
promoted in the year 2014 with all consequential benefits. Parties are left
to bear their own costs. File be consigned to record room.

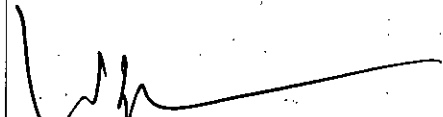
SCANNED
KPST
Peshawar

ANNOUNCED

14.07.2021



(SALAH-UD-DIN)
MEMBER (JUDICIAL)



(ATTIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

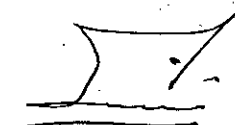
07.07.2021

Mr. Abdur Rehman Mohmand, Advocate, for the appellant present. Muhammad Riaz Ahmed Paindakheil Assistant Advocate General for the respondents present.

We being Members of Larger Bench, remained busy in hearing arguments in the appeals fixed before the Larger Bench, therefore, arguments in the instant appeal could not heard. Adjourned. To come up for remaining arguments before the D.B on 14.07.2021.



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

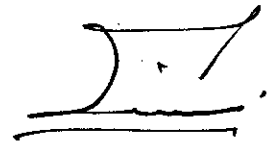
18.06.2021

Mr. Abdur Rehman Mohmand, Advocate, for the appellant present. Mr. Hayat Muhammad, Assistant Director (Litigation) alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant stated that connected appeals involved in the same issue are fixed for 28.06.2021, therefore, the instant appeal may also be fixed alongwith the said appeals. Adjourned. To come up for arguments before the D.B on 28.06.2021.



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

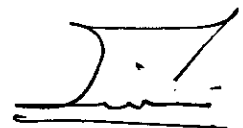
28.06.2021

Mr. Abdur Rehman Mohmand, Advocate, for the appellant present. Mr. Hussain Ahmed, Focal Person alongwith Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents present.

Partial arguments heard. To come up for remaining arguments before the D.B on 07.07.2021.



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



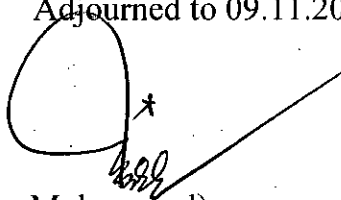
(SALAH-UD-DIN)
MEMBER (JUDICIAL)

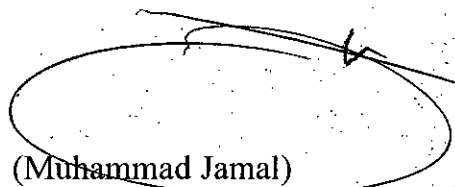
10.09.2020

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

According to the learned Additional Advocate General the present appeal was entrusted to Mr. Usman Ghani, District Attorney but he cannot attend the Court due to the ailment of his mother. Learned Addl: AG requested for adjournment.


Adjourned to 09.11.2020 for arguments before D.B. ✓


(Mian Muhammad)
Member (E)


(Muhammad Jamal)
Member(J)

25.01.2021

Due to pandemic of Covid-19, the case is adjourned to 14.04.2021 for the same.


Reader

14.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 18.06.2021 for the same as before.


READER

13.02.2020

Counsel for the appellant present. Mr. Ziaullah, DDA for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned To come up for arguments on 30.03.2020 before D.B.

Member



Member

30.03.2020

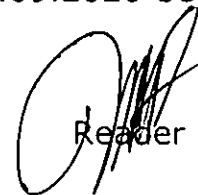
Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 24.06.2020 before D.B.



Reader

24.06.2020

Due to public holiday on account of COVID-19, the case is adjourned for the same on 10.09.2020 before D.B.



Reader

09.10.2019


Counsel for the appellant and Addl. AG alongwith Fawad Afzal, Senior Clerk and Irfanullah, Assistant for the respondents present.

Representatives of the respondents have submitted parawise comments on behalf of the respondents which are placed on record. To come up for arguments on 18.12.2019. The appellant may submit rejoinder, within a fortnight, if so advised.


Chairman

18.12.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn To come up for arguments on 28.01.2020 before D.B.


Member


Member

28.01.2020

None for the appellant present. Addl:AG for respondents present. Due to General Strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the instant case is adjourned. To come up for further proceedings/arguments on 13.02.2020 before D.B. Appellant be put on notice for the date fixed.


Member


Member

11.07.2019

Counsel for the appellant and Addl. AG alongwith Zakiullah, Senior Auditor for respondent No. 8 present. Nemo for respondents No. 1 to 7 and 9.

Learned counsel for the appellant submitted applications for condonation of delay as well as placing on file notification dated 24.07.2014 which are placed on file. Fresh notices be issued to respondents No. 1 to 7 and 9 for submission of their written reply on 19.08.2019 before S.B.


Chairman

19.08.2019

Counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Assistant AG alongwith Fawad Section Officer and Sajid Superintendent for the respondents present.

Representative of respondents states that though written reply prepared but yet to be signed by the respondents and requests for further time.

Adjourned to 17.09.2019 on which date the requisite reply/comments shall positively be submitted.


Chairman

17.09.2019

Counsel for the appellant, Addl. AG with Sajid Supt. and Fawad Afzal Senior Clerk for respondents No. 4, 5, 6, 7 and 9 present. None present on behalf of respondents No. 1 to 3.

Written reply on behalf of respondent No. 8 already furnished and placed on record. Representative of respondents No. 4 to 7 & 9 request for further time. Fresh notices be issued to respondents No. 1 to 3. Last opportunity is granted to respondents No. 1 to 7 & 9 for submission of written reply/comments on 09.10.2019 before S.B.

Chairman 

21.03.2019

Nemo for the appellant. Mr. Kabirullah Khattak learned Addl: AG for the respondents present. Written reply not submitted. Learned AAG request for time to file written reply/comments. Adjourn. To come up for written reply/comments on 23.04.2019 before S.B.


Member


23.04.2019

Clerk to counsel for the appellant and Addl: AG alongwith Mr. Shoaib, Senior Auditor for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. Case to come up for written reply/comments on 18.06.2019 before S.B.


(Ahmad Hassan)
Member

18.06.2019

Counsel for the appellant and Mr. Muhammad Shoaib, Senior Auditor on behalf of respondent No. 8 alongwith Mr. Kabirullah Khattak, Additional AG present. Representative of respondent No. 8 submitted written reply. None present on behalf of respondents No. 1 to 7 & 9 therefore, notices be issued to the respondents with the direction to direct the representatives to attend the court and submit written reply on the next date by way of last chance. To come up for written reply/comments on behalf of respondents No. 1 to 7 & 9 on 11.07.2019 before S.B.


(Muhammad Amin Khan Kundi)
Member

14.01.2019

Counsel for the appellant present.

Learned counsel for the appellant has submitted today an application for placing on record copy of notification dated 24.07.2014. It was stated that in the impugned notification of 11.10.2017 a reference was made to the notification placed on record today, therefore, the same was necessary for proceeding further in the matter. The application is, therefore, allowed which shall be made part of the record.

Arguing about the merits of the case of appellant it was contended that the impugned notification was given immediate effect, whereby, the appellant was deprived of promotion in BPS-16 w.e.f. 24.7.2014 while other similarly placed SSTs performing duty in the Province were extended the benefit of promotion from the date of notification i.e. 24.07.2014.

The appellant has also submitted an application for condonation of delay in filing the appeal in hand. It is noted therein that the appellant was, after filing of his departmental appeal, persistently assured by the respondents regarding resolution of the issue. This fact on the part of the respondents held back the appellant from filing present appeal within time. It was also stated that the appellant, in the meanwhile, sent at least two reminders to the respondents for decision of his departmental appeal, but in vain.

In view of the above instant appeal is admitted for regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 21.03.2019 before S.B.

Appellant Deposited
Security & Process Fee




Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. _____ 1270/2018 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/10/2018	<p>The appeal of Mr. Abdul Hakeem presented today by Mr. Abdur Rehman Mohmand Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	11-10-18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>23-11-2018</u>.</p> <p style="text-align: center;"> CHAIRMAN</p> <p>23.11.2018</p> <p>Counsel for the petitioner present and requested for adjournment. Adjourned. To come up for preliminary hearing on 14.01.2019 before S.B.</p> <p style="text-align: right;"> Muhammad Amin Khan Kundi Member</p>

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

S.A.No. 1270/2018.

ABDUL HAKIM

VERSUS

**GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH
SECRETARY ELEMENTARY AND SECONDARY EDUCATION
PESHAWAR AND OTHERS**

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5.	Copy of appointment letter	"B"	9
6.	Copy of letter No.4954 dated 07.08.2014 of Respondent No.2	"C"	10
7.	Copy of the said Notification Endst No.10910-92 dated 01.11.2014	"D"	11-13
8.	Copy of letter No.2587-2601 dated 09.03.2015, of the Respondent No.5	"E"	14
9.	Copy of letter Endst No.15701-50 dated 11.10.2017 of Respondent No.4 and 6	"F"	15-18
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Dated 04/10/2018

APPELLANT

THROUGH



**ABDUR RAHMAN MOHMAND
ADVOCATE HIGH COURT
PESHAWAR**

03005991598.

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

S.A.No.1270/2018.

1506

09/10/2018

ABDUL HAKIM SST GENERAL (BPS-16) GPS AKHUNZAD
GAN MOHMAND AGENCY GOVERNMENT OF KHYBER
PAKHTUNKHWA EDUCATION DEPARTMENT.

----- APPELLANT.

VERSUS

1. GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY ELEMENTARY AND SECONDARY EDUCATION SECRETARIATE BUILDING PESHAWAR.
2. DIRECTOR ELEMENTARY AND SECONDARY EDUCATION DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION KHYBER PAKHTUNKHWA, PESHAWAR.
3. DEPUTY DIRECTOR (ESTABLISHMENT) ELEMENTARY AND SECONDARY EDUCATION DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR.
4. DIRECTOR EDUCATION FATA, FATA SECRETARIAT KHYBER PAKHTUNKHWA, WARSAK ROAD PESHAWAR.
5. DEPUTY DIRECTOR (ESTABLISHMENT) DIRECTORATE OF EDUCATION, FATA SECRETARIAT KHYBER PAKHTUNKHWA, WARSAK ROAD PESHAWAR.
6. ADDITIONAL DIRECTOR (ESTABLISHMENT) DIRECTORATE OF EDUCATION, FATA SECRETARIAT KHYBER PAKHTUNKHWA, WARSAK ROAD PESHAWAR.
7. AGENCY EDUCATION OFFICER ^{District} MOHMAND ^{Tehsil} GALLANAI.
8. ACCOUNTANT GENERAL (PR) SUB OFFICE, PESHAWAR.
9. SECRETARY FINANCE DEPARTMENT FATA SECRETARIAT KHYBER PAKHTUNKHWA, WARSAK ROAD PESHAWAR.

-----RESPONDENTS

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT,1974
AGAINST ORDER DATED 11.10.2017 OF RESPONDENT
NO.4 & RESPONDENT NO.6 FOR NON OBSERVANCE OF
PROMOTION/SENIORITY ORDER OF THE APPELLANT**

FROM THE DATE OF NOTIFICATION NO.SO(PE)/4-5/SSRC/MEETING/2013/TEACHING CADRE DATED 24TH JULY, 2014 FOR PROMOTION OF SCT/CT TO SST (GENERAL) BPS-16, PASSED BY THE GOVERNMENT OF KHYBER PAKHTUNKHWA ELEMENTARY AND SECONDARY EDUCATION BASED ON DISCRIMINATION, VIOLATION OF FUNDAMENTAL RIGHT AND AGAINST KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER RULES, 1989).

.....

RESPECTFULLY SHEWETH!

1. That the Appellant is a naturally born law abiding citizen of the Islamic Republic of Pakistan and is qualified up to Bachelor of Arts and B.ED.(Copies of CNIC is annexure "A").
2. That the Appellant was appointed as regular PTC on dated 09.09.1986 by Respondents No.4 &6 and has performed his duties on different locations with honesty and full devotion and has been a responsible, hard worker, skillful, dutiful, punctual and obedient teacher and presently the Appellant has promoted to the post of Secondary School Teacher (SST BPS-16) and is posted at GPS Akhunzad Gan Mohmand Agency.(Copy of Appointment letter is annexure "B").
3. That the Respondent No.1 i.e Government of Khyber Pakhtunkhwa Elementary and Secondary Education through NOTIFICATION NO.SO(PE)/4-5/SSRC/MEETING/2013/TEACHING CADRE DATED 24TH JULY, 2014 and recommendation of the Departmental Promotion Committee has promoted the Appellant to the post of Secondary School Teacher (SST BPS-16).
4. That the Respondent No.2, Deputy Director (Estab) Elementary & Secondary Education Khyber Pakhtunkhwa through letter No.4954 dated 07.08.2014 and letter No.4874 dated 06.08.2014 requested Respondent No.4 to fill the vacant posts of SST (General/Science) in Government Higher Secondary/High & Middle Schools (M&F) FATA by promotion of in-service teachers under the existing rules. (Copy of the letter No.4954 dated 07.08.2014 of Respondent No.2 is annexure "C").
5. That after requesting again and again by the Deputy Director (Estab) Elementary & Secondary Education Khyber Pakhtunkhwa through different letters Respondent No.4 delayed the process and did not consider the Appellant for his due date of promotion.
6. That following the above mentioned same Notification, the District Education Officer Male Charsadda through Endst No.10910-92 dated 01.11.2014 promoted 77 SCTs/CTs, SDMs/DMs, SATs/ATs, STTs/TTs, Senior Qaris/Qaris, PSHTs/SPSTs, to the post of SST (Bio-Chem), SST (Phy-Maths), SST(General) BPS-16. (Copy of the said Notification Endst No.10910-92 dated 01.11.2014 is annexure "D").
7. That after quit length of time, through letter No.2587-2601 dated 09.03.2015, the Respondent No.5, wrote a letter to all the Agency Education Officers FATA to prepare category wise list

(Male/Female) as per given proforma along with photo copies of the documents of the candidates for promotion against the post of SST. (Copy of letter No.2587-2601 dated 09.03.2015, of the Respondent No.5 is annexure "E").

8. That the Respondent No.4 and 6 have not observed the appellant promotion from his due date i.e 24th July,2014 according to Notification but delay the matter and lastly has order the same through letter Endst No.15701-50 dated 11.10.2017 after a long time, So Appellant has not been treated in accordance with law, and appellant rights secured and guaranteed under the law and constitution have been violated.(Copy of letter Endst No.15701-50 dated 11.10.2017 of Respondent No.4 and 6 is annexure "F")
9. That this order of Respondent No.4 and Respondent No.6 has affected the Seniority/promotion of the Appellant because the Seniority of the SST teachers in Khyber Pakhtunkhwa and FATA are the same and not considering the appellant from the due date adversely affect the appellant right for seniority in Subject Specialist (SS) posts in Higher Secondary School as well as Headmasters in High Schools which is clear violation of fundamental rights of Appellant and against Notification Peshawar, dated the November 13, 2012. (Copy of Notification Peshawar, dated the November 13, 2012 is annexure "G").
10. That feeling aggrieved from the order dated 11.10.2017, the Appellant filed Departmental Appeal on dated 25.10.2017, before Respondent No.4.(Copy of Departmental Appeal dated 25.10.2017 is annexure "H").
11. That the Appellant frequently visited the office of Respondent No.4 for consideration of his departmental appeal but the official Authority delayed the matter and wants some more time for consideration, for which the appellant sent another reminder for consideration of departmental appeal on dated 15.01.2018.(Copy of Reminder application dated 15.01.2018 is annexure "I").
12. That the Appellant was informed that his departmental Appeal is under consideration and will be discussed with Respondents No. 2 & 3, but again respondents No.4 and 6 delayed the matter and lastly appellant sent another application on dated 11.06.2018 for consideration of his departmental appeal. (Copy of the Application dated 11.06.2018 is annexure "J").
13. That the appellant time and again visited/requested the respondents to follow the said rules but all in vain. It is pertinent to mention here that the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Department through Notification No.SO (B & A)/1-18/E&SE/2012 dated Peshawar, 11.07.2012 passed up gradation order of the posts for Grant of Incentive of Higher Pay Scale to different Categories/Cadres of teachers in Elementary & Secondary Education Department and the same order was applied upon appellant. (Copy of the up gradation Notification No.SO (B & A)/1-18/E&SE/2012 dated Peshawar, 11.07.2012 is annexure "K").
14. That due to the above mentioned reasons the **Appellant** has no option but to knock the door of this honorable Court for his

fundamental rights guaranteed under the constitution of Islamic republic of Pakistan, 1973.

15. That due to above mentioned reasons since seniority of the appellant was disturbed, Appellant had therefore locus standi to file this appeal on the following grounds amongst others.

GROUND:-

- I. That the Appellant has not been treated in accordance with law, and his rights secured and guaranteed under the law and constitution have been violated.
- II. That as per rules the respondents are duty bound to follow the APT Rules and the specified quota, but the same are not being followed by the respondents for a long time which is clear violation of fundamental rights of Appellant. Moreover the same APT Rules 1989, have been following in all Govt. Departments since its inception.
- III. That the Appellant has the required eligibility to promote since the Appellant has fulfilled the required criteria and job experience but was not promoted after quite long time but even when the Respondents No.1 to 3 promoted the appellant from dated 24th July,2014, Respondents No.4 & 6 did not consider the same from its due date but delayed the process.
- IV. That the discrimination as observed by the respondents with Appellant is highly deplorable and condemnable, being unlawful, unconstitutional, without authority, without jurisdiction, against the norms of natural justice and equity and against the law on subject, hence liable to be declared as such.
- V. That the acts of the respondents No.4 & 6 not making promotion order of the Appellant from 24th July,2014 is against the law and rules and as such the respondents are under obligation to make his promotion order according to the said Notification dated 24th July, 2014.
- VI. That the act of respondent No.7 not providing the category wise list (Male/Female) as per proforma along with photo copies of documents of the candidates for promotion against the post of SST is based on malafide, on ulterior motive and against the norm of natural justice.
- VII. That the action on the part of the Respondents have adversely affecting Appellant financial rights as protected by the constitution and the Appellant be treated at par like other employees of other District who were promoted from the 24th July,2014 and as such to equally dealt in accordance with the law and rules.
- VIII. That even the Appellant reported the matter to the respondents though various applications to observe the meritocracy policy but respondents are not issuing appropriate direction in this regard because Appellant is suffering for no fault on his part and as

such all the appropriate direction needs to be issued to the respondents for complete redressal of the grievances of Appellant.

- IX. That the Appellant seek the permission of this Hon'able court to rely on additional grounds at the hearing of this petition.

It is therefore, most humbly prayed that on acceptance of the instant appeal:

(A) An appropriate direction may please be issued and the promotion order of the Appellant may kindly be ordered from the date of Notification i.e 24th July, 2014 like other employees of the other districts.

(B) That appellant may kindly be compensate with all back benefits from the date of Notification i.e 24th July, 2014 till the disposal of this Service Appeal.

(C) And any other relief not specifically prayed and to which the Appellant is found entitled may also be granted.

DATED: 04.10.2018

Arshad

APPELLANT

THROUGH

Ra. Mohmand

ABDUR RAHMAN MOHMAND
ADVOCATE HIGH COURT PESHAWAR.

NOTE:

No such like appeal for the same appellant upon the same subject matter has earlier been filed by me before this Hon'able Tribunal.

Ra. Mohmand
Advocate

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

S.A.No...../2018.

ABDUL HAKIM VERSUSGOVERNMENT OF KHYBER

**PAKHTUNKHWA THROUGH SECRETARY ELEMENTARY
AND SECONDARY EDUCATION PESHAWAR AND OTHERS.**

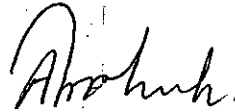
AFFIDAVIT:

**I, ABDUL HAKIM SST GENERAL (BPS-16) GPS AKHUNZAD GAN
MOHMAND AGENCY GOVERNMENT OF KHYBER
PAKHTUNKHWA EDUCATION DEPARTMENT, do hereby
solemnly affirm and declare on oath that the contents of the
instant appeal are true and correct to the best of my knowledge
and belief and that nothing has been concealed or kept secret from
this Hon'able court.**



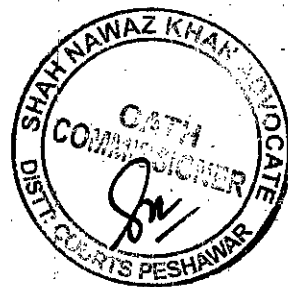
Identified By Advocate

**ABDUR RAHMAN MOHMAND
ADVOCATE HIGH COURT, PESHAWAR.**



DEPONENT

ATTESTED



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

S.A.No...../2018.

**ABDUL HAKIM VERSUS GOVERNMENT OF KHYBER
PAKHTUNKHWA THROUGH SECRETARY ELEMENTARY
AND SECONDARY EDUCATION PESHAWAR AND OTHERS.**

ADDRESSES OF THE PARTIES:

APPELLANT:

ABDUL HAKIM SST GENERAL (BPS-16) GPS AKHUNZAD
GAN MOHMAND AGENCY GOVERNMENT OF KHYBER
PAKHTUNKHWA EDUCATION DEPARTMENT.

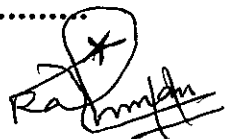
RESPONDENTS:

1. GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY ELEMENTARY AND SECONDARY EDUCATION SECRETARIATE BUILDING PESHAWAR.
2. DIRECTOR ELEMENTARY AND SECONDARY EDUCATION DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION KHYBER PAKHTUNKHWA, PESHAWAR.
3. DEPUTY DIRECTOR (ESTABLISHMENT) ELEMENTARY AND SECONDARY EDUCATION DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR.
4. DIRECTOR EDUCATION FATA, FATA SECRETARIAT KHYBER PAKHTUNKHWA, WARSAK ROAD PESHAWAR.
5. DEPUTY DIRECTOR (ESTABLISHMENT) DIRECTORATE OF EDUCATION, FATA SECRETARIAT KHYBER PAKHTUNKHWA, WARSAK ROAD PESHAWAR.
6. ADDITIONAL DIRECTOR (ESTABLISHMENT) DIRECTORATE OF EDUCATION, FATA SECRETARIAT KHYBER PAKHTUNKHWA, WARSAK ROAD PESHAWAR.
7. AGENCY EDUCATION OFFICER MOHMAND AGENCY GALLANAI.
8. ACCOUNTANT GENERAL (PR) SUB OFFICE, PESHAWAR.
9. SECRETARY FINANCE DEPARTMENT FATA SECRETARIAT KHYBER PAKHTUNKHWA, WARSAK ROAD PESHAWAR.

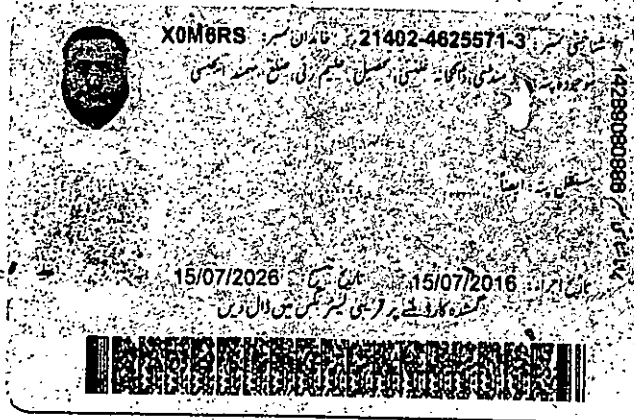
DATED:04.10.2018

APPELLANT
THROUGH

ABDUR RAHMAN MOHMAND
ADVOCATE HIGH COURT PESHAWAR.

.....


8



9

OFFICE OF THE AGENCY INSPECTOR OF SCHOOLS MOHMAND CHALLANAI

Order No. 3331

Dated. 9-9-86
office

OFFICE ORDER:

In continuation of this order No. 3271 dt: 31-8-86
Mr. Abdul Hakeem S/O Abdul Hamid Khan returned
from the elementary College Jamrud Khyber Agency after the
completion of P.T.C course is hereby appointed against vacant
PTC post at G.P.S. Sandu Khel Mohmand Agency.

Note:-

All the rules & condition laid down in the
general order under reference should be strictly
observed.

Sd
(MIR BAD SHAH)
AGENCY INSPECTOR OF SCHOOLS
MOHMAND AGENCY CHALLANAI.

Endst: No. 3332-34 dated 9-9-1986.

Copy to the :-

- 1. A.A.I.S Concerned.
- 2. Pay Clerk.
- 3. Candidate concerned.

Gue
M. S. S. I. C. A.

Mir Bad Shah
Agency Inspector of School
Mohmand Agency Challanai,

9/9/86

10

ATRA PESH
SVP FATA

Directorate of Elementary & Secy: Education
Khyber Pakhtunkhwa, Peshawar.

No. 4954/F.No. SST Promotion to SS Posts
Dated Peshawar the 7/8 2014

To:

The Director of Education (FATA),
FATA Secretariat Warsak Road, Peshawar.

Subject: - DEPARTMENTAL PROMOTION FROM SCTS/CT/SDM/DM/ SAT/
AT/SIT/TT & S, QARIES/QARIES TO THE POST OF SSTs (BS-16
REGULAR. ^{SPT/PSI}

Memo:

In continuation of this Directorate letter No. 4874 dated
06-08-2014 on the subject cited above and to request you to fill the vacant
posts of SST (General/Science) in Government Higher Secondary/High & Middle
Schools. (M&F) FATA by promotion of in-service teachers under the existing
rules already conveyed to you under the above cited letter number and date
under intimation to all concerned.

[Signature]
Deputy Director (Estb)
Elementary & Secy: Education
Khyber Pakhtunkhwa

Endst: No. _____

Copy of the above is forwarded for information to:-

1. PS to Minister for E&SE Khyber Pakhtunkhwa.
2. PS to Secretary to Govt. of Khyber Pakhtunkhwa, E&SE Department.
3. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.

Deputy Director (Estb)
Elementary & Secy: Education
Khyber Pakhtunkhwa

[Signature]
Attested



DISTRICT EDUCATION OFFICER
MALI CHARSADDA

Notification

Consequent upon the recommendations of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification, No.50 (PE)/4-5/SSRC/Meeting/2013/Teaching Cadre dated 29th July 2014 and Notification No 3376-80/File No.2/Promotion SST B-16: Dated Peshawar the 28-10-2014 issued by the Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar, the following SCTs/CTs, SDMs/DMs, SATs/ATs, STTs/TTs, Senior Qaris/Qaris, TSITs/ SPSTs are hereby promoted to the post of SST(Bio-Chem), SST (Phy-Maths), SST(General) noted against each BPS-16 (Rs.10000-800-34000) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and conditions given below with immediate effect and further posted in the Schools noted against each:-

A. SST (Bio-Chem)

S.No	Name of Teacher & Designation	Present Place of Posting	Place of Posting
15	Mazhar - Ul-Islam (SCT)	GHS Umanzar	GHS Umanzar No 2
93	Riasat Ali (SCT)	GHS Zarbab Garhi	GHS Shergao
112	Ifkhar Ahmad (SCT)	GHS Rajar No 1	GHS Nisatta
183	Jamshaid Khan (SCT)	GHS Zuhrah Garhi	GHS Gulistan Korona
190	Maqsood Jan (CT)	GHS Umanzar	GHS Tarangzai
237	Hayat Jan (CT)	GHS Umanzar No 2	GHS Tarangzai
245	Inayat Ur Rehman (CT)	GHS Umanzar	GHS Tarangzai
282	Nasrullah Khan (CT)	GMS Dhakka	GHS Hajizai
323	Jamshaid Khan (CT)	GHS Abazai	GHS Tangi No.2
341	Idrees Khan (CT)	GMS Dab Banda	GHS Charsadda Khass
365	Muhammad Said (CT)	GHS Rahmatullah	GHS Shara Shabqadar
1087	Abdallah Jan (SPST)	GPS Munshiano Killa	GHS Halimzai
1454	Tariq Hussain (SPST)	GPS Harvan No	GHS Dasher
1454	Muhammad Akram (SPST)	GPS Inam Killa	GHS Mera Gul Abad
1454	Taj Ullah (SPST)	GHS Shakoor	GHS Mardhand
1474	Zikarullah Jan (SPST)	GPS Hajizai	GHS Katozai
1531	Arab Jan (SPST)	GPS Baz Mian Killa	GHS Kangra
1534	Shehriyar (DM)	GHS Sati Abad	GHS Khas Killa

B. SST (Phy-Maths)

Attested

S.No	Name of Teacher & Designation	Present Place of Posting	Place of Posting
72	Mahboob Ul Hassan (SC)	GHS Rahmat Ullah Khan Korona	GHS Rahmat Ullah Khan Korona
120	Fazli Wahab (SCT)	GHS Soor Kamar	GHS Mardhand
139	Nawab (SCT)	GMS Mufti Abad, GHS Muhammad Nari	GHS Wardaga
140	Shakir Ullah (SCT)	GHS Chari Hamid Gul	GHS Geedar
141	Habib Ur Rehman (SCT)	GHS Chari Hamid Gul	GHS Parang

6	142	Imtiaz Ali (SCT)	GHS Ghani Hamid Gul	GHS Rajjar No.1
7	171	Masal Khan (SCT)	GHSS Dargai Manga	GHS Dargai Manga
8	180	Syed Sabaz Ali (SCT)	GHSS Dhakki	GHS Ghazgi
9	210	Basharat Ahmad (SCT)	GHS Charsadda No.1	GHS Shakardhand
10	225	Ijaz Ali Khan (CT)	GHS Harichandi	GHS Mirzadher
11	259	Sajid Ali Shah (CT)	GMS Marchaki Rajjar	GHS Turangzai
12	266	Khial Badshah (CT)	GHS Tangi No.2	GHS Abazai
13	330	Shakir Rehman (CT)	GHS Charsadda No.1	GHS Rajjar No.2
14	347	Sareer Ahmad (CT)	GHSS Sherpao	GHS Gandheri
15	352	Zahid Shah (CT)	GHS Shodag	GHS Kharaki
16	782	Shahid Jamal (SPST)	GPS Dosehra	GHS Turlandi
17	907	Salar Fathuddin (SPST)	GPS Marozai	GHS Khwaja Hawas
18	1076	Irshad Ali (SPST)	GPS Ziam	GHS Mani Khela
19	1089	Siraj Ahmad (SPST)	GPS Shahdhand	GHS Mirzai
20	1090	Aftab Hussain (SPST)	GPS Umarzai No.2	GHS Gul Khitab Koroono Umerzai
21	1167	Samir Gul (SPST)	GPS Angar Koroono	GHS Behlola
22	1168	Sajid Ali (SPST)	GPS Rajjar No.2	GHS Zahid Abad
23	84	Muhammad Younas (DM)	GHSS Umarzai	GHS Khuladhand
24	113	Kamran (DM)	GHS Hajizai	GHS Soro Killi
25	97	Aleem Ullah (AT)	GHS Hajizai	GHS Shara
26	81	Akram Khan (IT)	GHSS Sherpao	GHS Zarab Chari
27	42	Asmat Ali (SQari)	GCMHS Turangzai	GHS Cheena

C.SST (General)

S.No	Name of Teacher & Designation	Present Place of Posting	Place of Posting
1	9 Muhammad Ishaq (SCT)	GHS Mera Gul Abad	GHS Mera Gul Abad
2	12 Muhammad Afzal (SCT)	GHS Cheena	GHS Rajjar - 1
3	13 Inam Ullah (SCT)	GHS Sherpao	GHS Turangzai
4	14 Darus Salam (SCT)	GHS Ambadher	GHS SKF Dalazak
5	16 Sultan Shah (SCT)	GHS Shakardhand	GHS Shakardhand
6	20 Muhammad Iqbal (SCT)	GHS Kangra	GHS Katozai
7	22 Kifayat Ullah (SCT)	GCMHS Turangzai	GHS Rajjar - 1
8	27 Wajid Ali (SCT)	GMS Dheri Ghazgi/ GCMHS Turangzai	GHS Ghazgi
9	28 Zaid Ullah (SCT)	GHS Shakardhand	GHS Dargai Manga
10	33 Muhammad Islam (SCT)	GHS Mani Khela	GHS Mani Khela
11	34 Abdur Basir (SCT)	GMS Sherpao	GHS Gul Abad Tangi
12	37 Muhammad Saeed Khan (SCT)	GHS Mirzadher	GHSS Tarnab
13	45 Muhammad Israr (SCT)	GMS Islamabad No.2	GHSS Doshera
14	47 Muhammad Qasim Jan (SCT)	GHS Charsadda No.1	GHSS Nisatta
15	48 Maz Ullah Khan (SCT)	GMS Zarin Abad	GMS Zarinabad
16	49 Niamat Ullah (SCT)	GMS Nawan Killi	GMS Kot
17	51 Nizar Ud Din (SCT)	GHS Parang	GHS Rajjar - 2
18	40 Pervez Shah (PSHT)	GPS Sheikh Killi	GHSS Nisatta
19	69 Zahir Ullah (PSHT)	GPS Khuladher	GHS Babara

20	121	Atta Ur Rahman (PSHT)	GPS Bosa Khel No.1	GHSS No.1 Charsadda
21	168	Halim Khan (PSHT)	GPS Bachayano Killi	GHS Abazai
22	169	Ali Muhammad (PSHT)	GPS Qalaray	GHSS Doshera
23	186	Muhammad Rafi (PSHT)	GPS Dagi Faizullah Khan	GHS Dheri Sikandar Khan
24	190	Waheed Ullah (PSHT)	GPS Shabqadar Fort No.2	GHS Dheri Sikandar Khan
25	276	Hanif Ullah (PSHT)	GPS Bakayana	GHS Ambadher
26	14	Yaqoob Jan (SDM)	GHS Utmanzai No.2	GHSS Utmanzai
27	9	Wajid Ullah Jan (STT)	GHS Rashaki	GHS Rashaki
28	43	Hafiz Ullah (STT)	GHS Charsadda Khas	GHS Geedar
30	02	Muhammad Nasrul Qaddus (TT)	GHS Soor Kamar	GHS Mardhand
31	24	Muhammad Tayyab (TT)	GHS Soro Killi	GHS Soro Killi
32	10	Qari Mohsin Ullah (SQari)	GHS Tangi No.2	GHS Sadar Ghari

Terms and Conditions:-

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
3. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. Their Inter-Se Seniority on lower post will remain intact.
6. No TA/DA is allowed for joining his duty.
7. They will give an undertaking to be recorded in the services book to the effect that if any over payment made to them in light of this order, will be recovered and if they are wrongly promoted, they will be reversed.
8. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
9. Their posting will be made on School Based, they will have to serve at the place of posting, and the service is not transferrable to any other station.
10. Before handing over charge once again their documents may be checked if they have not the required relevant qualification as per rules, they may not be handed over charge of the post.
11. Their BA/BSc and B.Ed degrees and DMCs will be verified by the concerned DDO.

(Siraj Muhammad)
 District Education Officer
 Male Charsadda

Endst No. 10910-92 Promotion SST B-16: Dated Charsadda the 1/11/2014.

Copy forwarded for information and necessary action to the:-

1. Director E&SE Khyber Pakhtunkhwa.
2. P.A to Secretary E&SE Khyber Pakhtunkhwa.
3. Principal/Head Master Concerned.
4. District Account Officer Charsadda.
5. All Officers Concerned.
6. M/ File.

[Handwritten Signature]

[Handwritten Signature]
 District Education Office
 Male Charsadda

14



Jahangir

FATA SECRETARIAT
DIRECTORATE OF EDUCATION
KPK, WARSAK ROAD PESHAWAR, PAKISTAN

NO. 2587-2601
DATED 9-3-15
E-6 IIP GRADATION

MOST IMMEDIATE.

To

All the Agency Education Officers
In FATA.

Subject. DEPARTMENTAL PROMOTION FROM THE POST OF SCTS/CT/SDM/DM/SAT/AT/STT/TT&S, QARIESQARIES TO THE POST OF SSTS (BS-16) Regular.

Memo;

I am directed to enclose herewith the Deputy Director (Estab) Elementary & Secondary Education Khyber Pakhtunkhwa letter No.4954/F.No.SST promotion to SST posts dated 7/8/2014 alongwith criteria on the above noted subject.

Keeping in view the criteria, kindly prepare category wise list (Male/Female) as per below proforma alongwith photo copies of documents of the candidate for promotion against the post of SST for onward submission to the quarter concerned please.

S.No	Name of Teachers	Name of School	Desig;	BPS	Academic Qualification	Professional Qualification	Date of Ist Apptt; on present post.	Domicile

sd
Deputy Directress (Estab)

Endst;No. 2602-3 / Dated 9-3 2015.

Copy to;

1. Deputy Director (Estab) Elementary & Secondary Khyber Pakhtunkhwa w/r to his letter mentioned above and telephonic discussion with Supdt; (Estab) E&SE Khyber Pakhtunkhwa that the information as per proforma may be checked & necessary guidance may be intimated if any please.
2. P.A to Director Education FATA.

Abu Sa
MISSED

[Signature]
Deputy Directress (Estab)
54

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2007 SmR 382/54
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SM (M) Mohmand Agency

s/cop



FATA SECRETARIAT
DIRECTORATE OF EDUCATION
KHYBER PAKHTUNKHWA, WARSAK ROAD PESHAWAR, PAKISTAN
PHONE. 091-9210166 FAX 091-9210216

No. _____ Date ____/____/2017

Notification

In pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No.SO(PE)/4-5/SSRC/Meeting/2013/Teaching Cadre dated 24th July,2014 and recommendations of the Departmental Promotion Committee, the following SCTs/CTs, SDMs/DMs SATs/ATs, STTs/TTs, Senior Qaris/Qaris, PSHTs/SPSTs/PSTs of Mohmand Agency are hereby promoted to the post of SST (Bio-Chem),SST (Phy-Maths), SST (General) noted against each in BPS-16 (Rs. 18910-1520-64510) plus usual allowances as admissible under the rules on regular basis under the existing policy, on the terms and condition given below, with immediate effect in the interest of public service.

A. SST (Bio/Chem)

1. PROMOTION OF SCT/CT TO SST (Bio/Chem) BPS-16.

Total No. of SST vacant post of SSTs (Bio/Chem)	04
25% share initial recruitment	01
75% share for Promotion.	03
40 % Share of promotion of Senior CT/CT	02
Posts available for promotion	02
Promoted through this order	02

S.No	Sl.No	Name of Official	Place of posting	D/O Birth	Date of Appott; regular CT	Qualification	Remarks
1	44	Afzal shah	GHS Sandu khel	4/2/1966	5/11/1995	BSc/B.Ed	Services placed at the disposal of AEO Mohmand Agency for further posting against SST Bio/Chem (BPS-16) post.
2	47	Munawar khan,	GMS Musa kore	25/11/1969	13/3/1996	BSc/B.Ed	Services placed at the disposal of AEO Mohmand Agency for further posting against SST Bio/Chem (BPS-16) post.

B. SST (Phy-Maths)

1. PROMOTION OF SCT/CT TO SST (Mph/Maths) BPS-16.

Total No. of SST vacant post of SST (Phy-Mahts)	05
25% share initial recruitment	0
75% share for Promotion.	05
40 % Share of promotion of Senior CT/CTs	02
Posts available for promotion	02
Promoted through this order	02

S.No	Sl.No	Name of Officials	Place of posting	D/O Birth	Date of Appott; regular CT	Qualification	Remarks
1	33	Javed Akhtar	GMS Babi khel	12/3/1972	7/3/1995	BSc/B.Ed	Services placed at the disposal of / Mohmand Agency for further post against SST Phy/Math (BPS-16) po
2	58	Mansoor Ahmad khan	GHS Pandiali	8/5/1972	22/9/1998	BSc/B.Ed	Services placed at the disposal of / Mohmand Agency for further post against SST Phy/Math (BPS-16) po

2. PROMOTION OF PSHT/SPST/PST TO SST (Phy-Maths) BPS-16

Total No. of SST vacant post of SSTs (Phy-Maths)	05
25% share initial recruitment	0
75% share for Promotion.	05
20 % Share of promotion of PSHT/SPST/PST	02
Posts available for promotion	01
Promoted through this order	01

16

S.No	Sl.No	Name of Official	Place of posting	D/O Birth	Date of Appott; regular PST	Qualification	Remarks
1	28	Khial Zada	GPS Subhan khwar	2/3/1969	15/3/1993	BSc/B.Ed	Services placed at the disposal Mohmand Agency for further against SST Phy/Math (BPS-16)

ITEM NO.3. PROMOTION OF S.DM/DM TO SST (Phy-Maths) BPS-1 REGULAR BASIS.

The case of promotion of STT/TT to the post of SST (Phy-Maths) BPS-1 considered and the DPC recommended as under:-

Total No. of SST vacant post of SSTs (Phy-Maths)	05
25% share initial recruitment	0
75% share for Promotion.	05
04 % Share of promotion of Senior DM/DM	01
Posts available for promotion	01
Promoted through this order	01

S.No	Sl.No	Name of Official	Place of posting	D/O Birth	Date of Appott; regular DM	Qualification	Remarks
1	16	SHER MOHAM MAD	GHS PRANG GHAR	30/10/1966	25/12/1993	BSc/B.Ed	Services placed at the disposal Mohmand Agency for further against SST Phy/Math (BPS-16)

C. SST (General)

1. PROMOTION OF Sr; CT/CT TO SST (General) BPS-16.

Total No. of SST General (M) Posts vacant Posts	16
25% share initial recruitment	04
75% share for Promotion.	12
40 % Share of promotion of Sr; CT/CT	05
Posts available for promotion	05
Promoted through this order	05

S.No	Sl.No	Name of Official	Place of Posting	Date of Birth	Date of Appott; as Regular CT	Qualification	Remarks
1	2	Shamsur Rahman	GMS Kandi Issa khel	16/1/1959	31/8/1984	BA/B.Ed	Services placed at the disposal Mohmand Agency for further against SST General (BPS-16)
2	4	Said Alam shah	GHS Nivi killi laman	10/3/1960	16/6/1987	BA/B.Ed	Services placed at the disposal Mohmand Agency for further against SST General (BPS-16)
3	6	Karim khan	GHS Subhan khwar	12/7/1964	12/10/1987	BA/B.Ed	Services placed at the disposal Mohmand Agency for further against SST General (BPS-16)
4	8	Rahmat said	GHS Dab kore	12/3/1960	29/11/1987	BA/B.Ed	Services placed at the disposal Mohmand Agency for further against SST General (BPS-16)
5	13	Nizam u Din	GMS Ghazi Beg	20/9/1961	29/11/1987	BA/B.Ed	Services placed at the disposal Mohmand Agency for further against SST General (BPS-16)

2. PROMOTION OF PSHT/SPST/PST TO SST (General) BPS-16.

Total No. of SST General (M) Posts vacant Posts	10
25% share initial recruitment	04
75% share for Promotion.	11
20 % Share of promotion of PSHT/SPST/PST	04
Posts available for promotion	04
Promoted through this order	04

S.No	Sl.No	Name of Official	Place of posting	D/O Birth	Date of Appott; regular PST	Qualification	Remarks
1	1	Stana Gul	GPS Sikandar khel	2/3/1963	4/10/1982	BA/B.Ed	Services placed at the disposal Mohmand Agency for further against SST General (BPS-16)

2	Abdul Hakim	GPS Akhunzad Gan	11/4/1966	14/9/1986	BA/B.Ed	Services placed at the disposal of Mohmand Agency for further promotion against SST General (BPS-16)
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3. PROMOTION OF SDM/DM TO SST (General) BPS-

Total No. of SST General (M) Posts vacant Posts	1
25% share initial recruitment	0
75% share for Promotion.	1
4 % Share of promotion of SDM/DM	0
Posts available for promotion	0
Promoted through this order	0

S. No	S.L No	Name of Official	Place of Posting	Date of Birth	Date of Appott: as Regular DM	Qualifi-cation	Remarks
1	11	Latif Ullah	GHS Ghami kore	12/5/1970	16/2/1993	BA/B.Ed	Services placed at the disposal of Mohmand Agency for further promotion against SST General (BPS-16)

4. PROMOTION OF SAT/AT TO SST (General) BPS-16 ON REGULAR BASIS

The case of promotion of SAT/AT to the post of SST (General) BPS-16 is considered and the DPC recommended as under:-

Total No. of vacant Posts of SST (General)	1
25% share initial recruitment	0
75% share for Promotion.	1
4 % Share of promotion of SAT/AT	0
Posts available for promotion	0
Promoted through this order	0

S. No	S. L No	Name of Official	Place of Posting	Date of Birth	Date of Appott: as Regular AT	Qualifi-cation	Remarks
1	31	Mohammad Idrees	GHS Subhan khwar	10/10/1975	19/1/2000	BA/B.Ed	Services placed at the disposal of Mohmand Agency for further promotion against SST General (BPS-16)

5. PROMOTION OF STT/TT TO SST (General) BPS-16.

Total No. of vacant Posts of SST (General)	1
25% share initial recruitment	0
75% share for Promotion.	1
4 % Share of promotion of STT/TT	0
Posts available for promotion	0
Promoted through this order	0

11/10/17

S.No	S.L No	Name of Official	Place of Posting	Date of Birth	Date of Appott: as Regular TT	Qualifi-cation	Remarks
1	2	Abi Hayat	GHS Dab kore	6/9/1971	16/3/1992	BA/B.Ed	Services placed at the disposal of Mohmand Agency for further promotion against SST General (BPS-16)
2	3	Imtiaz Gul	GHS Navey Kalley Laman	14/10/70	1/11/95	MA/B.Ed	Services placed at the disposal of Mohmand Agency for further promotion against SST General (BPS-16)

6. PROMOTION OF SQari/Qari TO SST (General) BPS-16.

Total No. of vacant Posts of SST (General)	1
25% share initial recruitment	0
75% share for Promotion.	1
4 % Share of promotion of S.Qari/Qari	0
Posts available for promotion	0
Promoted through this order	0

(18)

S.No	S.L No	Name of Official	Place of Posting	Date of Birth	Date of Appott: as Regular TT	Qualifi-cation	Remarks
1	9	Zar Gul	GHS Khatki Sharif	15/3/1985	22/11/2005	BA/B.Ed	Services placed at the dispc Mohmand Agency for furtf against SST General (BPS-16

Terms and conditions:-

- 1 They would be on probation for a period of one year extendable for a further period of one year.
- 2 They will be governed by such rules and regulations as and when issued from time to time by the Provincial Govt.
- 3 Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the law framed from time to time.
- 4 Charge report should be submitted to all concerned.
- 5 No TA/DA is allowed for joining his duty.
- 6 They will give an under taking to be recorded in their service book to the effect that if any payment is made to him/her in the light of this order will be recovered and if he/she is promoted, he/She will be reverted.
- 7 Before handing over charge once again their document may be checked if they have not the prescribed qualifications as per rules, they may not be handed over charge of the post.
- 8 The prescribed qualifications/ documents may be verified from the concerned Universities/ Institutions by the AEO concerned.

(Hashim Khan)
Director Education FATA

Endst: No. 15701-50

Dated Peshawar the 11/10/11

Copy forwarded for information and necessary action to the:-

1. Accountant General (PR) Sub Office, Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. Agency Education Officer Mohmand Agency.
4. Agency Accounts Officer Mohmand Agency.
5. PS to ACS FATA.
6. PS to the Secretary SSD, FATA Secretariat, Peshawar.
7. PS to the Secretary Finance Department FATA Secretariat Peshawar.
8. PA to Director Education, FATA.
9. Promotees Concerned.
10. M/File.

Gulistan
AUG 2011

"
Addl: Director (Estab)
Directorate of Education, FATA

Govt

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

NOTIFICATION

Peshawar, dated the November 13, 2012.

No. SO/PE/4-5/SSRC/Meeting/2012/Teaching Cadres- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all Notifications issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby lays down the method of recruitment, qualification and other conditions specified in the Appendix to this Notification which shall be applicable to all the posts specified in Column No. 2 of the said Appendix and the schedule therewith.

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

Endst. No. & Date as above.

Copy forwarded to:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Law Department.
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General, Khyber Pakhtunkhwa Peshawar.
6. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
7. The Director Education (FATA), Peshawar.

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

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Section Officer (Primary)

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APPENDIX

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

40%
CT

4%
DM

4%
PET

planned

(20)

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

1%

1%

AT

50%

Initial Proms

22

Agreement

✓

	Senior Certified Teacher (Industrial Arts) (BPS-16).		By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Industrial Arts), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Industrial Arts).
6.	Senior Certified Teacher (Agriculture) (BPS-16).		By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teacher (Agriculture), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Agriculture).
7.	Senior Drawing Master (BPS-16).		By promotion on the basis of seniority-cum-fitness from amongst Drawing Masters, with at least five years service as such and having qualification as prescribed for initial recruitment of Drawing Master.
8.	Senior Certified Teacher (SCT) (Home Economics) (BPS-16).		By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Home Economics), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Home Economics).
9.	Senior Physical Education Teacher (BPS-16).		By promotion, on the basis of seniority-cum-fitness, from amongst Physical Education Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Physical Education Teacher.

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

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

60%

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		University with nine months training from any Government Agro Technical Teacher Training Center of the Level of Certified Teacher, Agro technical (Industrial Arts).		(Industrial Arts): Provided that if no suitable candidate is available amongst the Primary School Head Teachers for Promotion, then the posts will be filled by promotion on the basis of seniority cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teachers (Industrial Arts). <u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment...
15.	Certified Teacher (Agriculture) (BPS-15).	(i) Bachelor's Degree from a recognized University with one year training in Agriculture from any Government institute or center with nine months training from Government Agro Technical Teacher Training Center of the level of Certified Teacher Agro Technical (Agriculture); or (ii) Bachelor's Degree with Agriculture as one of the subject, from a recognized University; or (iii) Bachelor's Degree from a recognized	18 to 35 years.	(a) Forty per cent by Initial recruitment; and (b) sixty per cent by promotion, on the basis of seniority-cum-fitness from amongst the Primary School Head Teachers, with at least five years service and having qualification prescribed for initial recruitment of Certified Teachers (Agriculture): Provided that if no suitable candidate is available amongst the

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		any Government Training Center of the Level of Certified Teacher, Agro technical (Agriculture).		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 (Agriculture). <u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.
16.	Certified Teacher (Home Economics) (BPS-15).	(i) Bachelor's Degree with Home Economics, as one of the subject, from a recognized University with in service training from Government Agro Technical Teacher Training Center; or (ii) Certified Teacher Certificate with Home Economics, as one of the subjects, from any Government Training school or college with Bachelor's Degree; or (iii) Bachelor's Degree from a recognized University with nine months training from Government Agro Technical Teacher Training Center of the level of the Certified Teacher Agro Technical (Home Economics); or (iv) Bachelor's Degree, from a recognized	18 to 35 years.	(a) Forty per cent by Initial recruitment; and (b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service as such and having qualification prescribed for initial recruitment of Certified Teacher (Home Economics). Provided that if no suitable candidate is available amongst the Primary School Head Teachers for promotion, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment o

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		University with one year vocational training from any Government training center or institute with nine months training from Government Agro Technical Teacher Training center of the level of certified Teacher Agro Technical (Home Economics).		Certified Teacher (Home Economics). <u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.
17.	Drawing Master (BPS-15).	Bachelor's Degree from a recognized University with one year Drawing Master (DM) course Certificate.	18 to 35 years.	(a) Eighty per cent by initial recruitment; and (b) twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Drawing Master. Provided that if no suitable candidate is available for promotion then on the basis of seniority-cum-fitness from Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Drawing Master. <u>Note:</u> In case of non-availability of suitable candidate for promotion, then by initial recruitment.

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18.	Physical Education Teacher (BPS-15).	Bachelor's Degree from a recognized University with one year Junior Diploma in Physical Education course or Army equivalency or other equivalent qualification.	18 to 35 years.	<p>(a) Eighty per cent by initial recruitment; or</p> <p>(b) twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Physical Education Teacher:</p> <p>Provided that if no suitable candidate is available for promotion then 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 Physical Education Teacher.</p> <p><u>Note:</u> In case of non-availability of suitable candidate for promotion, then by initial recruitment.</p>
19.	Primary School Head Teacher (PSHT) (BPS-15).			By promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least ten years service and having qualification prescribed for initial recruitment of Primary School Teacher.
20.	Senior Primary School Teacher (BPS-14).			By promotion, on the basis of seniority-cum-fitness, from amongst Primary School Teachers.

عزت علی شاہ

نظمی سید (کالج) - نذر شاہ - نذر شاہ سوری - نذر شاہ سوری

ایسا شیخ - قتل محمد - عالم اجتیل - اسحاق علی - سیّد اللہ علیہ
اسرار اللہ پانڈے - گل حسن دلازب - سلیم خان کھنجر
نہیں رہیں - شاہد رحمان - فواد امجد میرزا

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				with at least five years service as such : having qualification prescribed for ini recruitment of Primary School Teacher.
21.	Primary School Teacher (BPS-12).	(i) Intermediate or equivalent qualification, from a recognized Board with Primary School Teacher Certificate/ Diploma in Education from a recognized Institute; or (ii) Secondary School Certificate, from a recognized Board in second Division with two years Associate Degree in Education from a recognized University.	18 to 35 years.	By initial recruitment on merit at Union Coun level: provided that if no suitable candidate within the Union Council is available, then fr the adjacent Union Councils on merit.
22.	Qari (BPS-12).	Intermediate-with-Hifz-e-Quran and Qirat Sanad from a recognized Institution.	18 to 35 years.	By initial recruitment.

Qari

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SCHEDULE

Selection criterion and other conditions for direct recruitment against the below mentioned posts shall be as in

Arabic Teacher

Educational Qualification	Total Marks: 100
SSC	Marks obtained X 20 / total marks = _____
HSSC	Marks obtained X 20 / total marks = _____
B.A/BSc	Marks obtained X 20 / total marks = _____
M.A Arabic / Shahdatul Alamia Fil Uloomul Arabia wal Islamiya from a recognized Tanzimnatul Wafaqul Madaris	Marks obtained X 20 / total marks = _____
Other MA/MSc/M.Ed / MA Edu	Marks obtained X 15 / total marks = _____
MPhil/PhD	Marks = 05

Theology Teacher

Category of Qualification	Total Marks 100
SSC	Marks obtained X 20 / total marks = _____
HSSC	Marks obtained X 20 / total marks = _____
B.A/BSc	Marks obtained X 20 / total marks = _____
M.A-MSc/M.Ed / MA Edu	Marks obtained X 20 / total marks = _____
M.A Islamiat / Shahdatul Alamia Fil Uloomul Arabia wal Islamiya from a recognized Tanzimnatul Wafaqul Madaris	Marks obtained X 15 / total marks = _____
MPhil/PhD	Marks = 05

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Qari/Qaria

Category of Qualification	Total Marks 100
SSC	Marks obtained X 20 / total marks = _____
Qiri Sanad from a recognized Institution.	Marks obtained X 20 / total marks = _____
HSSC	Marks obtained X 20 / total marks = _____
B.A/BSc	Marks obtained X 20 / total marks = _____
MA/MSc/ M.Ed / MA Edu	Marks obtained X 15 / total marks = _____
MPhil/PhD	Marks = 05

Certified Teacher
(General, Industrial Arts, Agriculture, Home Economics)

Category of Qualification	Total Marks 100 For Humanities group at Intermediate/Graduation Level	For Candidate of Science group
SSC	Marks obtained X 20 / total marks = _____	5 Extra marks for F.Sc, 5 Extra marks for B.Sc and 5 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection
HSSC	Marks obtained X 20 / total marks = _____	
B.A/BSc	Marks obtained X 20 / total marks = _____	
CT Certificate/ Diploma in Education /ADE	Marks obtained X 20 / total marks = _____	
MA/MSc/M.Ed / MA Edu	Marks obtained X 15 / total marks = _____	
MPhil/PhD	Marks = 05	

Signature

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Primary School Teacher

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

Other conditions:-

1. The concerned Appointing Authority will scrutinize and verify the documents and make the appointment as per prescribed rule and the will get the documents verified after the issuance of appointment orders within shortest possible time, not exceeding ninety (90) days.
2. The merit list prepared by the concerned appointing authority shall be displayed for ten days to receive the objections/appeals, if any, and shall issue the final merit list after making necessary corrections while addressing the observations/objections/appeals, followed by requisite appointment orders.
3. In case a document(s) is/are found fake/ forged/ bogus upon scrutiny/ verification, the service of the teacher concerned shall be terminated and the amount paid to him as salary shall be recovered from him and an FIR shall be lodged against him on account of forgery/fraud under the relevant law.
4. *Deni Asnad* from recognized Tazemai-ul-Wafaqul Madaris, Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by the Government from time to time will be acceptable for the purpose of appointment against the posts of Arabic Teachers or Theology Teachers, as the case may be.

Drawing Master

Category of Qualification	Total Marks 100	For Candidate of Science group
SSC	Marks obtained X 20 / total marks = ____	5 Extra marks for F.Sc, 5 Extra marks for B.Sc and 5 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection.
HSSC	Marks obtained X 20 / total marks = ____	
BA/BSc	Marks obtained X 20 / total marks = ____	
DM Certificate	Marks obtained X 20 / total marks = ____	
MA/MSc/M.Ed / MA Edu	Marks obtained X 15 / total marks = ____	
MPhil/PhD	Marks = 05	

Physical Education Teacher

Category of Qualification	Total Marks 100	For Candidate of Science group
SSC	Marks obtained X 20 / total marks = ____	5 Extra marks for F.Sc, 5 Extra marks for B.Sc and 5 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection.
HSSC	Marks obtained X 20 / total marks = ____	
BA/BSc	Marks obtained X 20 / total marks = ____	
JDPE or Equivalent Certificate	Marks obtained X 20 / total marks = ____	
MA/MSc/M.Ed / MA Edu	Marks obtained X 15 / total marks = ____	
MPhil/PhD	Marks = 05	

(33)

TO,

**THE DIRECTOR EDUCATION FATA
FATA SECRETARIAT DIRECTORATE OF EDUCATION
KHYBER PAKHTUNKHWA, WARSAK ROAD PESHAWAR.**

**DEPARTMENTAL APPEAL AGAINST ORDER DATED 11.10.2017
FOR DISCRIMINATION, VIOLATION OF FUNDAMENTAL
RIGHT AND NON OBSERVANCE OF PROMOTION/SENIORITY
OF THE APPELLANT FROM THE DATE OF NOTIFICATION
NO.SO(PE)/4-5/SSRC/MEETING/2013/TEACHING CADRE
DATED 24TH JULY, 2014 FOR PROMOTION OF PSHT/SPST/PST
TO SST (GENERAL) BPS-16.**

.....
RESPECTED SIR!

Appellant submits as under:

1. That the Appellant was appointed as regular PTC on dated 09.09.1986 by your worthy department and has performed his duties on different locations with honesty and full devotion and has been a responsible, hard worker, skillful, dutiful, punctual and obedient teacher and presently the Appellant has promoted to the post of Secondary School Teacher (SST BPS-16) and is posted at GPS Akhunzad Gan Mohmand Agency.
2. That the Government of Khyber Pakhtunkhwa Elementary and Secondary Education through NOTIFICATION NO.SO(PE)/4-5/SSRC/MEETING/2013/TEACHING CADRE DATED 24TH JULY, 2014 and recommendation of the Departmental Promotion Committee has promoted the Appellant to the post of Secondary School Teacher (SST BPS-16).
3. That the Deputy Director (Estab) Elementary & Secondary Education Khyber Pakhtunkhwa through letter No.4954 dated 07.08.2014 and letter No.4874 dated 06.08.2014 requested you to fill the vacant posts of SST (General/Science) in Government Higher Secondary/High & Middle Schools (M&F) FATA by promotion of in-service teachers under the existing rules.
4. That after requesting again and again by the Deputy Director (Estab) Elementary & Secondary Education Khyber Pakhtunkhwa through different letters your worthy lordship delayed the process and did not consider the Appellant for his due promotion.
5. That following the above mentioned same Notification, the District Education Officer Male Charsadda through Endst No.10910-92 dated

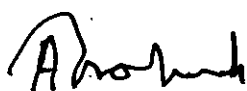
01.11.2014 promoted 77 SCTs/CTs, SDMs/DMs, SATs/ATs, STTs/TTs, Senior Qaris/Qaris, PSHTs/SPSTs, to the post of SST (Bio-Chem), SST (Phy-Maths), SST(General) BPS-16.

6. That your August office has not observed the appellant promotion from his due date i.e 24th July,2014 according to Notification and has order the same through letter Endst No.15701-50 dated 11.10.2017, So Appellant has not been treated in accordance with law, and appellant rights secured and guaranteed under the law and constitution have been violated.
7. That this order of your office has affected the Seniority/promotion of the Appellant because the Seniority of the SST teachers in Khyber Pakhtunkhwa and FATA are the same and not considering the appellant from the due date adversely affect the appellant right for seniority in Subject Specialist in Higher Secondary School as well as Headmasters in High Schools which is clear violation of fundamental rights of Appellant.
8. That the discrimination as observed by this office with Appellant is highly deplorable and condemnable, being unlawful, unconstitutional, without lawful authority, without jurisdiction, against the norms of natural justice, equity and against the law on subject, hence liable to be declared void ab initio.
9. That the act of your good office' not making promotion order from the date of Notification of Khyber Pakhtunkhwa i.e 24th July,2014 is based on malafide, and ulterior motive.
10. That the action on the part of your good office has been affecting adversely appellant financial rights as protected by the constitution and the Appellant be treated at par like other employees who are promoted and as such to equally dealt in accordance with the law and rules.

It is therefore, most humbly prayed that on acceptance of the instant appeal an appropriate direction may please be issued and the promotion order of the Appellant may kindly be ordered from the date of Notification i.e 24th July,2014 and any other relief not specifically prayed and to which the Appellant is found entitled may also be granted.

DATED:25-10-2017

APPELLANT



ABDUL HAKIM SST GENERAL (BPS-16) GPS AKHUNZAD GAN
MOHMAND AGENCY GOVERNMENT OF KHYBER
PAKHTUNKHWA EDUCATION DEPARTMENT.

(37)


TO,

**THE DIRECTOR EDUCATION FATA
FATA SECRETARIAT DIRECTORATE OF EDUCATION
KHYBER PAKHTUNKHWA, WARSAK ROAD PESHAWAR.**

REMINDER FOR CONSIDERATION OF DEPARTMENTAL APPEAL AGAINST UNJUST ORDER DATED 11.10.2017 FOR DISCRIMINATION, VIOLATION OF FUNDAMENTAL RIGHT AND NON OBSERVANCE OF PROMOTION/SENIORITY OF THE APPELLANT FROM THE DATE OF NOTIFICATION NO.SO(PE)/4-5/SSRC/MEETING/2013/TEACHING CADRE DATED 24TH JULY, 2014 FOR PROMOTION OF PSHT/SPST/PST TO SST (GENERAL) BPS-16.

.....
RESPECTED SIR!

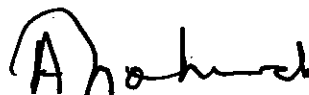
Appellant submits as under:

 That in continuation of the departmental appeal dated 25.10.2017 on the subject cited above and to request you that the promotion order of the Applicant may kindly be ordered from the date of Notification i.e 24th July,2014 because your August office has not observed the applicant promotion from his due date i.e 24th July,2014 according to Notification and has order the same through letter Endst No.15701-50 dated 11.10.2017, So Applicant has not been treated in accordance with law, and applicant rights secured and guaranteed under the law and constitution have been violated. Furthermore this order of your office has affected the Seniority/promotion of the Applicant because the Seniority of the SST teachers in Khyber Pakhtunkhwa and FATA are the same and not considering the applicant from the due date adversely affect the applicant right for seniority in Subject Specialist in Higher Secondary School as well as Headmasters in High Schools which is clear violation of fundamental rights of Applicant.

It is therefore requested that applicant promotion order may kindly be reviewed in the light of the departmental appeal dated:25.10.2017 in the best interest of justice.

DATED:15-01-2018

APPLICANT



ABDUL HAKIM SST GENERAL (BPS-16) GPS AKHUNZAD
GAN MOHMAND AGENCY GOVERNMENT OF KHYBER
PAKHTUNKHWA EDUCATION DEPARTMENT.

TO,

THE DIRECTOR EDUCATION FATA
FATA SECRETARIAT DIRECTORATE OF EDUCATION KHYBER
PAKHTUNKHWA, WARSAK ROAD PESHAWAR.

Reminder in continuation of the departmental appeal dated 25.10.2017 for your oral promise regarding consideration of Departmental Appeal Dated 25.10.2017 against Notification Endst No.15701-50 dated 11.10.2017.

Applicant submits as follow:

1. That the Applicant is a regular employee of your worthy department and is a loyal, hard worker, obedient and duty full since his appointment.
2. That the Government of Khyber Pakhtunkhwa Elementary and Secondary Education through NOTIFICATION NO.SO(PE)/4-5/SSRC/MEETING/2013/TEACHING CADRE DATED 24TH JULY, 2014 and recommendation of the Departmental Promotion Committee has promoted the Appellant to the post of Secondary School Teacher (SST BPS-16).
3. That your August office has not observed the appellant promotion from his due date i.e 24th July,2014 according to Notification and has order the same through letter Endst No.15701-50 dated 11.10.2017.
4. That your department has not applied its mind while exercising its discretion to promote the employees from the due date, which has resulted in pick and choose.
5. That every individual had an inalienable right to be dealt with in accordance with law and equal treatment of citizens has been guaranteed by the Constitution.
6. That your office had orally promised to consider the my departmental appeal as per Notification dated 24 July, 2014, but till date neither any action has been taken nor the applicant has been informed by your worthy office.

It is therefore requested that Applicant departmental appeal my kindly be considered.

Dated :11.06.2018

Your faithful

ABDUL HAKIM





**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

Dated Peshawar, 11.07.2012

NOTIFICATION:

No. SO (B & A)/I-18/E&SE/2012: Sanction of the Government of Khyber Pakhtunkhwa is hereby accorded to the up gradation of the posts for Grant of Incentive of Higher Pay Scale to different Categories/Cadres of teachers in Elementary & Secondary Education Department w.e.f. 01-07-2012 as per details given below:-

Sr. No.	Nomenclature of Teaching Cadre Post	Location	Existing Basic Pay Scale	New Approved Basic Pay Scale	Remarks
1.	Primary School Teacher (PST)	Govt. Primary School	BPS-5 BPS-6 BPS-7 BPS-9 BPS-10 BPS-12	(BPS-12)	The post of PST is upgraded to BPS-12. Accordingly, 33,497 posts of PSTs, already sanctioned in various pay scales are upgraded to BPS-12 for the present incumbents as well as future appointees.
2.	Senior Primary School Teacher (Sr. PST)	"do"	Newly Upgraded/Redesignated Post	(BPS-14)	22,331 posts of the existing PSTs in various existing pay Scales are upgraded to BPS-14 and redesignated as Senior PST. The posts will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
3.	Primary School Head Teacher (PSHT)	"do"	Newly Upgraded/Redesignated Post	(BPS-15)	20,804 posts of the existing PST's (one post in each Primary School) are upgraded to BPS-15 and redesignated as Primary School Head Teacher, and will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
4.	Certified Teachers (CT)	Govt. Middle/High/Higer Secondary School	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of CTs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
5.	Senior Certified Teachers (Sr. CT)	"do"	Newly Upgraded/Redesignated Post	(BPS-16)	One thirds (1/3 rd) of the total CT posts are upgraded to BPS-16 and redesignated as Senior CTs which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
6.	Arabic Teachers (A.T)	"do"	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of ATs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
7.	Senior Arabic Teachers (Sr. AT)	"do"	Newly Upgraded/Redesignated Post	(BPS-16)	One thirds (1/3 rd) of the total AT posts are upgraded to BPS-16 and redesignated as Senior AT, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
8.	Teacher of Theology (TT)	"do"	BS-07 BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of TTs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
9.	Senior Teacher of Theology (Sr. TT)	"do"	Newly Upgraded/Redesignated Post	(BPS-16)	One thirds (1/3 rd) of the total TT posts are upgraded to BPS-16 and redesignated as Senior TT, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
10.	Drawing Masters (DM)	"do"	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of DMs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
11.	Senior Drawing Masters (Sr. DM)	"do"	Newly Upgraded/Redesignated Post	(BPS-16)	one thirds (1/3 rd) of the total DM's posts are upgraded to BPS-16 and redesignated as Senior DM, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or

12.	Physical Education Teachers (PET's)	"do"	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of PETs are upgraded to present incumbents to the post as well as future ap.
13.	Senior Physical Education Teachers (Sr. PET's)	"do"	Newly Upgraded/ Redesignated Post	(BPS-16)	One thirds (1/3 rd) of the total PETs posts are upgraded to B-16 and redesignated as Senior PET, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
14.	Qari/Qaria	"do"	BPS-7 BPS-9 BPS-10 BPS-12 BPS-14 BPS-15	(BPS-12)	All the existing posts of Qari/Qaria are upgraded to BPS-12 for the present incumbents to the post as well as future appointees.
15.	Sr. Qari/Sr. Qaria	"do"	Newly Upgraded/ Redesignated Post	(BPS-15)	One thirds (1/3 rd) of the total Qari/Qaria posts are upgraded to BPS-15 and redesignated as Senior Qari/Qaria, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.

2. A policy shall also be devised in the framework of input/output criteria in terms of qualification, length of service, regularity, punctuality, results, curricular and co-curricular achievements and other performance indicators, so that the teachers do not take the scheme for granted but work for it.
3. District wise/ school wise breakup of the posts is enclosed herewith as Annexure-A.

SECRETARY

Endst: No. SO(FR)/FD/10-22(E)/2010 Dated Pesh: the _____ 2012

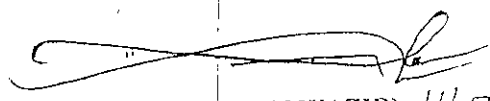
Copy is forwarded to Accountant General Khyber Pakhtunkhwa, Peshawar.
All District Account Officers

**SECTION OFFICER (FR)
FINANCE DEPARTMENT**

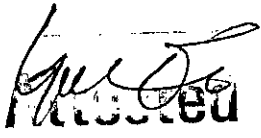
Endst. Of even Number & Date.

Copy of the above is forwarded to:-

1. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department, with reference to his letter No SO(FR)/FD/10-22(E)/2010 dated 26.06.2012.
2. P.S. to Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
3. P.S. to Special Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
4. P.S. to Deputy Secretary-II, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
5. P.S. to Minister of E&SE, Khyber Pakhtunkhwa.
6. The Director, E&SE Khyber Pakhtunkhwa, Peshawar.
7. All the Executive District Officers, E&SE Khyber Pakhtunkhwa.
8. The Managing Director, Printing Press, Khyber Pakhtunkhwa, Peshawar.
9. Master file.



(NOOR ALAM KHAN WAZIR) 11/07/2012
SECTION OFFICER (B&A)
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT



وکالت نامہ

بعدالت جناب سروس ٹریبیونل خیبر پختونخواہ پشاور

حکومت و غیرہ

بنام

عبدالحمید

05-10-2018

تاریخ

منجانب ایپلینٹ

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی بمقام پشاور کے لیے

عبدالرحمن مہند ایڈوکیٹ ہائی کورٹ پشاور bc-10-0611

کو بدین شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا اگر پیشی پر من مظهر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر من مظهر کو کوئی نقصان پہنچنے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا اختیار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراءے ڈگری و نظر جانی اپیل و گرائی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد دہاشی و راضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری کی طرف درخواست حکم اتنا ہی یا قرتی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ مختیار نامہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزوی کارروائی کے واسطے یا بصورت اپیل، اقبال کے واسطے کسی دوسرے وکیل یا پیر مٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں۔ لیے مشیر قانون کو ہر امر میں وہی اور ویسے ہی اختیارات حاصل ہوں گے۔ جیسے کہ صاحب موصوف کو حاصل ہیں اور پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا یہ مختیار نامہ لکھ دیا تاکہ سند رہے۔

05-10-2018۔ مضمون مختیار نامہ بن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

ATTESTED & ACCEPTED

R. Imtiaz

عبدالرحمن مہند ایڈوکیٹ ہائی کورٹ پشاور

05/10/2018

Abraham
عبدالحمید ولد عبدالحمید خان سکینہ
ڈگری ڈیپارٹمنٹ غلٹی تحصیل حلیم زئی
بیلو مہند ایڈوکیٹ

وکالت نامہ

بعدالت جناب سروس ٹریبونل خیبر پختونخواہ پشاور

حکومت وغیرہ

بنام

عبدالحمید

05-10-2018

تاریخ

مخانب ایڈیلڈ

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی بمقام پشاور کے لیے

عبدالرحمن مہمند ایڈوکیٹ ہائی کورٹ پشاور bc-10-0611

کو بدین شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا اگر پیشی پر من مظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پشاور کے کسی اور جگہ ساعت ہونے یا بروز تعطیل یا پشوری کے اوقات کے آگے پیچھے پیش ہونے پر من مظر کو کوئی نقصان پہنچنے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا اختیار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر ساختہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل و گرانہ ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد وراثی و راضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا طرفہ درخواست حکم انتہائی یا ترقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادا نیگی علیحدہ مختیار نامہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا ایئر سٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو ہر امر میں وہی اور ویسے ہی اختیارات حاصل ہوں گے۔ جیسے کہ صاحب موصوف کو حاصل ہیں اور پہلے ادا نہ کر دیں گے۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا یہ مختیار نامہ لکھ دیا تاکہ سند رہے مورخہ 05-10-2018 مضمون مختیار نامہ من لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

ATTESTED & ACCEPTED

Ra
Amir

عبدالرحمن مہمند ایڈوکیٹ ہائی کورٹ پشاور

05/10/2018

Abrosh
عبدالحمید ولد عبدالحمید خان سکینہ
منڈی ڈگری نہ غلٹی تحصیل حلیم زئی
ضلع مہمند ایچ سی

Before the Honourable Khyber Pakhtunkhwa Service
Tribunal Peshawar

Writ Petition No.1270/2018

Mr. Abdul Hakim.....Petitioner.

V/S

Government of
Khyber PakhtunkhwaRespondents.

(Reply on behalf of Respondent No. 08)

Respectfully Sheweth :-

Para 1 to 15:- No Comments

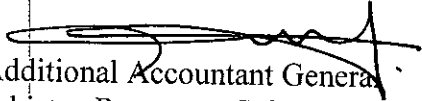
Grounds:-

i to ix No comments

Prayer:-

Humbly submitted that the responsibility of promotion of appellant rests with the department. The Pre-Audit role of this office will get start if the claim of the appellant submitted by the department and as such no claim regarding payment on account of promotion has been received so far.

It is assured that timely action will be taken according to prevailing rules if the claim is received in this office. It is prayed that this office "Additional Accountant General Pakistan Revenues, Sub-Office, Peshawar" may very kindly be excluded of the respondents list.


Additional Accountant General
Pakistan Revenues, Sub-Office,
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

CM No. _____ /2019

ABDUL HAKIM

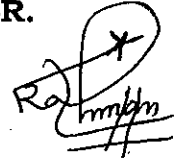
VERSUS

GOVT. OF KP AND OTHERS

INDEX.

S.NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGES
1.	Petition		
2.	Notification dated 24.07.2014		
3.			

PETITIONER.



Through

ABDUR RAHMAN MOHMAND

Advocate high court, Peshawar

Office: Room No.S-5 Al-Fareed Center

Faqirabad, Peshawar.

Mobile # 03005991598

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

ABDUL HAKIM APPLICANT.

VERSUS

GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY
ELEMENTARY AND SECONDARY EDUCATION SECRETARIATE
BUILDING PESHAWAR AND OTHERS

**APPLICATION FOR CONDONATION OF DELAY IN ABOVE
TITLED CASES IF ANY.**

1. That the impugned appeals are filed before this Hon'able court and is fixed for today.
2. That there are some delay in the above titled appeals but the said delay was never intentional but due to verbal promises of the respondents.
3. That the Respondent No.4 hand over the matter in dispute to Respondents No.6 who accompanied the appellant to civil secretariat Peshawar to resolve the issue but the respondents delayed the matter.

4. That even law favours adjudication of cases on merit rather on technicalities.

5. That there is no legal bar on acceptance of this petition.

It is therefore requested that on acceptance of this petition the above titled appeal may kindly be condoned in the best interest of justice.

Appellants

Through



Abdur Rahman Mohmand

Advocate High Court Peshawar.

Affidavit:

I Abdul Hakim do hereby affirm and declare on oath that the contents of this petition are true and correct and nothing has been concealed from this Hon'ble Court.

Abrahim
Deponent.

CNIC: 21402-4625571-3



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

CM No. /2019

ABDUL HAKIM

VERSUS

GOVT. OF KP AND OTHERS

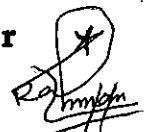
PETITION ON BEHALF OF APPELLANT/ PETITIONER
FOR PLACING ON RECORD/FILE NOTIFICATION
DATED THE 24TH JULY,2014 ANNEXED WITH
INSTANT PETITION.

Respectfully Sheweth:

1. That the above titled service Appeals are pending in this honorable court and is fixed for today dated 14.01.2019.
2. That the petitioner want to place on file certain documents which are necessary for determination of real matter in dispute which were inadvertently not annexed at the time of institution of the instant service appeal.
3. That there is no legal bar on the acceptance of this petition rather the same is in the interest of justice and also requirement of revision petition.

It is therefore, humbly prayed that on acceptance of instant petition the record annexed with this petition may kindly be placed on file in the interest of justice.

Appellant/Petitioner
Through
ABDUR RAHMAN MOHMAND
Advocate high court, Peshawar



A. Duggam Khan
P. AATA PB path
SUP PATA

Most immediate.

Directorate of Elementary & Secy: Education
Khyber Pakhtunkhwa, Peshawar.

No. 4874 /F.No. SST Promotion to SS Posts
Dated Peshawar the 6/8 2014

To

The Director of Education (FATA),
FATA Secretariat Warsak Road, Peshawar.


Subject: - DEPARTMENTAL PROMOTION FROM SSTs TO THE POST OF
SUBJECT SPECIALIST (BS-17) REGULAR IN DIFFERENT SUBJECT.

Memo:

I am directed to refer to the subject cited above and to state that in order to submit the working paper regarding Departmental Promotion to the post of Subject Specialist (BS-17) regular in various subject under the existing rules (Copy attached). In this regard the following information/documents in respect of in-service SSTs (M&F) are urgently required to this Directorate on the format (Copy attached).

1. Original ACRs for the last 5 years.
2. Synopsis of last 5 years ACRs.
3. Last three years result.
4. Non Involvement certificate.
5. Bio data on Proper format (Copy attached).
6. MA/MSc Degree.

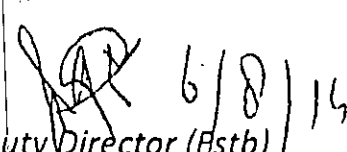
In this regard, I am further directed to ask you to submit the requisite information/documents to this Directorate up to 20th August, 2014 positively as hard & soft copy and handed over to Deputy Director (Establishment) so as to submit the promotion case to the Administrative Department well in time. Submission of incomplete information should be avoided and you will be personally responsible for any deficiency.

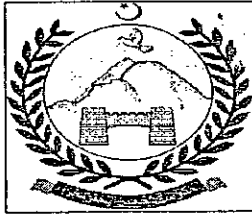

Deputy Director (Estb)
Elementary & Secy: Education
Khyber Pakhtunkhwa

Endst: No. 4875-77

Copy of the above is forwarded for information to:-

1. PS to Minister for E&SE Khyber Pakhtunkhwa.
2. PS to Secretary to Govt. of Khyber Pakhtunkhwa, E&SE Department.
3. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.


Deputy Director (Estb)
Elementary & Secy: Education
Khyber Pakhtunkhwa



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Peshawar, dated the 24th July, 2014.

NOTIFICATION

No.SO(PE)4-5/SSRC/Meeting/2013/Teaching Cadre:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby directs that in this Department's Notifications No.SO(G)S&LD/1-28/2003/Vol-II dated, 09-04-2004, Notification No.SO(G)S&L/1-69/06/Vol-1/DPE/LIB dated, 13-11-2007, and Notification No.SO(PE) 4-5/SSRC/Meeting/2012/Teaching Cadre, dated, 13.11.2012, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix,-

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

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

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

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

1	2	3	4	5
"1B.	Secondary School Teacher (BPS-16)	<p>I. At least second class Bachelor Degree's from a recognized University on need basis from the following groups with two subject</p> <p>(a) (Chemistry, Botany or Zoology),</p> <p style="text-align: center;">Or</p> <p>(b) (Physics, Maths "A" or "B" or Statistics)</p> <p style="text-align: center;">Or</p> <p>(c) (Humanities and other equivalent groups at degree level with English as compulsory subject;</p> <p style="text-align: center;">and</p> <p>II. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualifications from a recognized University.</p>	21 to 35 years.	<p>1. Seventy Five per cent by promotion, on the basis of seniority-cum-fitness, from the district concerned in the following manner:</p> <p>(a) forty per cent from amongst the Senior Certified Teachers (BPS-16), with at least five years service as Senior Certified Teacher and Certified Teacher and having qualification mentioned in column No.3:</p> <p style="padding-left: 40px;">Provided that if no suitable candidate is available from amongst Senior Certified Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers, with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(b) four per cent from amongst the Senior Drawing Masters(BPS-16), with at least five years service as Senior Drawing Masters and Drawing Masters and having qualification mentioned in column No.3:</p>

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

				<p><i>Provided that if no suitable candidate is available from amongst Senior Theology Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers with at least five years service as such and having qualification mentioned in column No. 3;</i></p> <p><i>(e) three per cent from amongst the Senior Qaris (BPS-16), with at least five years service as Senior Qari and Qari and having qualification mentioned in column No.3:</i></p> <p><i>Provided that if no suitable candidate is available from amongst the Senior Qaris then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from Qaris with at least five years service as such and having qualification mentioned in column No. 3;</i></p> <p><i>(f) twenty per cent from amongst the Primary School Head Teachers (BPS-16), with at least seven years service as Primary School Head Teachers and Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No. 3:</i></p> <p><i>Provided that if no suitable candidate is available from amongst</i></p>
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				<p><i>Primary School Head Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least seven years service as Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No.3:</i></p> <p><i>Provided further that if no suitable candidate is available from amongst Senior Primary School Teachers for promotion then the post shall be filled from amongst Primary School Teachers with at least seven years service as such and having qualification mentioned in column No. 3; and</i></p> <p><i>(ii) twenty Five percent by initial recruitment.</i></p> <p>Note:</p> <p><i>I. If no suitable candidate is available in the relevant cadre of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment.</i></p> <p><i>II. Posts of General SST and SSTs-1 Science and SST-2 Science shall be filled by promotion or initial recruitment, each on need basis separately."</i></p>
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**SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

Endst : of even No & date:

1. The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department Peshawar.
3. The Secretary to Government of Khyber Pakhtunkhwa, Law Department Peshawar.
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General Khyber Pakhtunkhwa Peshawar.
6. The Director, Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
7. The Director of Education (FATA) Peshawar.
8. The Director, Curriculum and Teacher Education Khyber Pakhtunkhwa Abbottabad.
9. The Director, (PITE) Khyber Pakhtunkhwa Peshawar.
10. The Director, ESRU Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
11. Manager Government Printing Press Khyber Pakhtunkhwa Peshawar.
12. The Deputy Director, EMIS (S&SE) Department Khyber Pakhtunkhwa Peshawar.
13. All District Education Officer (M&F) in Khyber Pakhtunkhwa.
14. All District Account Officer in Khyber Pakhtunkhwa.
15. All Agency Education Officer in FATA
16. All Agency Account Officer in FATA.
17. PS to Governor Khyber Pakhtunkhwa. Peshawar.
18. PS to Chief Minister Khyber Pakhtunkhwa. Peshawar.
19. PS to Chief Secretary Khyber Pakhtunkhwa. Peshawar.
20. PS to Minister E&SE Khyber Pakhtunkhwa. Peshawar.
21. PS to Secretary E&SE Khyber Pakhtunkhwa. Peshawar.
22. Master file

**(ZAMIN KHAN MOMAND)
SECTION OFFICER (PRIMARY)**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

CM No. _____ /2019

ABDUL HAKIM

VERSUS

GOVT. OF KP AND OTHERS

INDEX.

S.NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGES
1.	Petition		
2.	Notification dated 24.07.2014		
3.			

PETITIONER.



Through

ABDUR RAHMAN MOHMAND

Advocate high court, Peshawar

Office: Room No.S-5 Al-Fareed Center

Faqirabad, Peshawar.

Mobile # 03005991598

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

ABDUL HAKIMAPPLICANT.

VERSUS

GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY
ELEMENTARY AND SECONDARY EDUCATION SECRETARIATE
BUILDING PESHAWAR AND OTHERS

**APPLICATION FOR CONDONATION OF DELAY IN ABOVE
TITLED CASES IF ANY.**

1. That the impugned appeals are filed before this Hon'able court and is fixed for today.
2. That there are some delay in the above titled appeals but the said delay was never intentional but due to verbal promises of the respondents.
3. That the Respondent No.4 hand over the matter in dispute to Respondents No.6 who accompanied the appellant to civil secretariat Peshawar to resolve the issue but the respondents delayed the matter.

4. That even law favours adjudication of cases on merit rather on technicalities.

5. That there is no legal bar on acceptance of this petition.

It is therefore requested that on acceptance of this petition the above titled appeal may kindly be condoned in the best interest of justice.

Appellants

Through



Abdur Rahman Mohmand

Advocate High Court Peshawar.

Affidavit:

I Abdul Hakim do hereby affirm and declare on oath that the contents of this petition are true and correct and nothing has been concealed from this Hon'ble Court.

A Brahm
Deponent.

CNIC: 21407-4625571-3



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

CM No. _____ /2019

ABDUL HAKIM

VERSUS

GOVT. OF KP AND OTHERS

PETITION ON BEHALF OF APPELLANT/ PETITIONER
FOR PLACING ON RECORD/FILE NOTIFICATION
DATED THE 24TH JULY,2014 ANNEXED WITH
INSTANT PETITION.

Respectfully Sheweth:

1. That the above titled service Appeals are pending in this honorable court and is fixed for today dated 14.01.2019.
2. That the petitioner want to place on file certain documents which are necessary for determination of real matter in dispute which were inadvertently not annexed at the time of institution of the instant service appeal.
3. That there is no legal bar on the acceptance of this petition rather the same is in the interest of justice and also requirement of revision petition.

It is therefore, humbly prayed that on acceptance of instant petition the record annexed with this petition may kindly be placed on file in the interest of justice.

Appellant/Petitioner

Through

ABDUR RAHMAN MOHMAND

Advocate high court, Peshawar



*A. Daryam Khan
PATA PB path
PATA*
Most immediate.

Directorate of Elementary & Secy: Education
Khyber Pakhtunkhwa, Peshawar.

No. 4874 / F.No. SST Promotion to SS Posts
Dated Peshawar the 6/8 2014

To

The Director of Education (FATA),
FATA Secretariat Warsak Road, Peshawar.

Subject: - DEPARTMENTAL PROMOTION FROM SSTs TO THE POST OF
SUBJECT SPECIALIST (BS-17) REGULAR IN DIFFERENT SUBJECT.

Memo:

I am directed to refer to the subject cited above and to state that in order to submit the working paper regarding Departmental Promotion to the post of Subject Specialist (BS-17) regular in various subject under the existing rules (Copy attached). In this regard the following information/documents in respect of in-service SSTs (M&F) are urgently required to this Directorate on the format (Copy attached).

1. Original ACRs for the last 5 years.
2. Synopsis of last 5 years ACRs.
3. Last three years result.
4. Non Involvement certificate.
5. Bio data on Proper format (Copy attached).
6. MA/MSc Degree.

In this regard, I am further directed to ask you to submit the requisite information/documents to this Directorate up to 20th August, 2014 positively as hard & soft copy and handed over to Deputy Director (Establishment) so as to submit the promotion case to the Administrative Department well in time. Submission of incomplete information should be avoided and you will be personally responsible for any deficiency.

AK 6/8/14
Deputy Director (Estb)
Elementary & Secy: Education
Khyber Pakhtunkhwa

Endst: No. 4875-77

Copy of the above is forwarded for information to:-

1. PS to Minister for E&SE Khyber Pakhtunkhwa.
2. PS to Secretary to Govt. of Khyber Pakhtunkhwa, E&SE Department.
3. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.

AK 6/8/14
Deputy Director (Estb)
Elementary & Secy: Education
Khyber Pakhtunkhwa



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Peshawar, dated the 24th July, 2014.

NOTIFICATION

No.SO(PE)4-5/SSRC/Meeting/2013/Teaching Cadre: - In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby directs that in this Department's Notifications No.SO(G)S&LD/1-28/2003/Vol-II dated, 09-04-2004, Notification No.SO(G)S&L/1-69/06/Vol-1/DPE/LIB dated, 13-11-2007, and Notification No.SO(PE) 4-5/SSRC/Meeting/2012/Teaching Cadre, dated, 13.11.2012, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix,-

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

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

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

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

1	2	3	4	5
"1B.	Secondary School Teacher (BPS-16)	<p>I. At least second class Bachelor Degree's from a recognized University on need basis from the following groups with two subject</p> <p>(a) (Chemistry, Botany or Zoology), Or (b) (Physics, Maths "A" or "B" or Statistics) Or (c) (Humanities and other equivalent groups at degree level with English as compulsory subject;</p> <p style="text-align: center;">and</p> <p>II. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualifications from a recognized University.</p>	21 to 35 years.	<p>1. Seventy Five per cent by promotion, on the basis of seniority-cum-fitness, from the district concerned in the following manner:</p> <p>(a) forty per cent from amongst the Senior Certified Teachers (BPS-16), with at least five years service as Senior Certified Teacher and Certified Teacher and having qualification mentioned in column No.3:</p> <p style="text-align: center;">Provided that if no suitable candidate is available from amongst Senior Certified Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers, with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(b) four per cent from amongst the Senior Drawing Masters(BPS-16), with at least five years service as Senior Drawing Masters and Drawing Masters and having qualification mentioned in column No.3:</p>

				<p><i>Provided that if no suitable candidate is available from amongst Senior Drawing Masters for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Drawing Masters with at least five years service as such and having qualification mentioned in column No. 3;</i></p> <p><i>(c) four per cent from amongst the Senior Arabic Teachers(BPS-16), with at least five years service as Senior Arabic Teachers and Arabic Teachers, and having qualification mentioned in column No.3:</i></p> <p><i>Provided that if no suitable candidate is available from amongst Senior Arabic Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from Arabic Teachers with at least five years service as such and having qualification mentioned in column No. 3;</i></p> <p><i>(d) four per cent from amongst the Senior Theology Teachers(BPS-16), with at least five years service as Senior Theology Teachers and Theology Teachers and having qualification mentioned in column No.3:</i></p>
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				<p><i>Provided that if no suitable candidate is available from amongst Senior Theology Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers with at least five years service as such and having qualification mentioned in column No. 3;</i></p> <p><i>(e) three per cent from amongst the Senior Qaris (BPS-16), with at least five years service as Senior Qari and Qari and having qualification mentioned in column No.3:</i></p> <p><i>Provided that if no suitable candidate is available from amongst the Senior Qaris then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from Qaris with at least five years service as such and having qualification mentioned in column No. 3;</i></p> <p><i>(f) twenty per cent from amongst the Primary School Head Teachers (BPS-16), with at least seven years service as Primary School Head Teachers and Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No. 3:</i></p> <p><i>Provided that if no suitable candidate is available from amongst</i></p>
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			<p><i>Primary School Head Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least seven years service as Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No.3:</i></p> <p><i>Provided further that if no suitable candidate is available from amongst Senior Primary School Teachers for promotion then the post shall be filled from amongst Primary School Teachers with at least seven years service as such and having qualification mentioned in column No. 3; and</i></p> <p><i>(ii) twenty Five percent by initial recruitment.</i></p> <p>Note:</p> <p><i>I. If no suitable candidate is available in the relevant cadre of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment.</i></p> <p><i>II. Posts of General SST and SSTs-1 Science and SST-2 Science shall be filled by promotion or initial recruitment, each on need basis separately.”.</i></p>
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**SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

Endst : of even No & date:

1. The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department Peshawar.
3. The Secretary to Government of Khyber Pakhtunkhwa, Law Department Peshawar
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General Khyber Pakhtunkhwa Peshawar.
6. The Director, Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
7. The Director of Education (FATA) Peshawar.
8. The Director, Curriculum and Teacher Education Khyber Pakhtunkhwa Abbottabad.
9. The Director, (PITE) Khyber Pakhtunkhwa Peshawar.
10. The Director, ESRU Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
11. Manager Government Printing Press Khyber Pakhtunkhwa Peshawar.
12. The Deputy Director, EMIS (S&SE) Department Khyber Pakhtunkhwa Peshawar.
13. All District Education Officer (M&F) in Khyber Pakhtunkhwa.
14. All District Account Officer in Khyber Pakhtunkhwa.
15. All Agency Education Officer in FATA
16. All Agency Account Officer in FATA.
17. PS to Governor Khyber Pakhtunkhwa. Peshawar.
18. PS to Chief Minister Khyber Pakhtunkhwa. Peshawar.
19. PS to Chief Secretary Khyber Pakhtunkhwa. Peshawar.
20. PS to Minister E&SE Khyber Pakhtunkhwa. Peshawar.
21. PS to Secretary E&SE Khyber Pakhtunkhwa. Peshawar.
22. Master file

**(ZAMIN KHAN MOMAND)
SECTION OFFICER (PRIMARY)**

BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No: 1270/2019.

ABDUL HAKIM SST BPS -16 DISTRICT MOHMAND.....Appellant

VERSUS

Govt: of Khyber Pakhtunkhwa and OthersRespondents

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S.NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGES
1	PARAWISE COMMENTS	1-3
2	Affidavit	4.
2	Copy of W.P. No. <u>969-P/2016</u>	A	5-6
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4	copy of the notification	C	8-11

(1)

BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No: 1270/2019.

ABDUL HAKIM SST BPS-16, DISTRICT MOHMAND **Appellant.**

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Education Peshawar and Others. **Respondents.**

Para-wise comments on behalf of respondent No: 4,5,6 &7

Respectively Sheweth:

Preliminary Objection

1. That the appellant has got no cause of action to file the instant appeal.
2. That the appellant has not come to this Honourable Tribunal with clean hands.
3. That the appellant has concealed material facts from this Honourable Tribunal.
4. That the appellant is estopped by his own conduct to bring the present appeal.
5. That the appeal is barred by law and no departmental appeal has been filed to the competent authority against the impugned order, hence not maintainable under Section-4 of Service Tribunal Act-1974.

On Facts:

1. No comments.
2. No comments.
3. No comments. Pertain to records.
4. Correct to the extent that although the respondent No.2 have asked from the respondent No. 4 to fill vacant Post of SST by promotion of in-service teachers. But it is pertinent to mention that another case was in court in W.P. No. **969-P/2016** which was decided dated **19/10/2016**.

(Copy attached as Annexure-A)

5. Incorrect. Hence denied. As elucidated in para 4 above.
6. Agree.
7. Incorrect. No delay has been made after decision in W.P. No. **969-P/2016** by District Education Officers to prepare category wise list (Male/Female) as per given Proforma along with photo copies of the documents of the candidates for promotion against the post of SST.

(Copy of the letter is attached as Annexure B).

8. Incorrect. Hence denied. Soon after gaining approval from Finance department/SAFRON, the respondents positively acted on the notification issued by the respondent No.1 and in pursuance of that issued notification No.15701-50 dated 11/10/2017. And while doing so the respondents dealt the appellant in accordance with law and no constitutional right

has been violated of the appellant. **(copy of the notification is attached as Annexure C).**

- 9. Incorrect. Hence denied. It is a common principal that the seniority takes place with immediate effect from the date of promotion/appointment. As the appellant promoted in pursuance of notification of 11/10/2017, The seniority is maintained till the time. And while doing so no right of the appellant has been violated.
- 10.No comments.
- 11. Incorrect. Hence denied. The matters relates to teachers was responsibility of the Deputy Director (Estt), Elementary & Secondary Education, KPK Peshawar.
- 12. As elucidated in above para.
- 13.No comments.
- 14. Incorrect. The appellant case was considered and promoted. The promotion is always made from immediate effect.
- 15. The appellant seniority is taking place with immediate effect from the date of his promotion, therefore, has no right to bring the instant appeal on the following grounds.

Grounds:

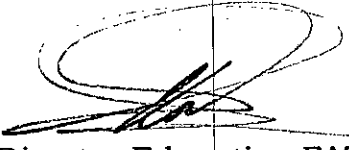
- I. Incorrect. The appellant was treated in accordance with law and while doing so no right of the appellant has been violated.
- II. Incorrect. Hence denied. The respondents positively acted on the APT rules and that was the reason that notification of 11/10/2017 was issued.
- III. Incorrect. As elucidated in para 4 on facts above. The appellant was dealt in accordance with law and when promoted in light of notification on 11/10/2017, seniority and all benefits have been given from the date of their promotion.
- IV. Incorrect. Hence denied. That there is no discrimination on the part of the respondents. The respondents positively acted in accordance with law and while so illegality or injustice was committed to the appellant.
- V. Incorrect. As explained in above Para. The appellant was promoted in pursuance of notification issued on 11/10/2017 and thus obliged.
- VI. Incorrect. The respondent No. 7 provided list to the competent authority respondent No.4 and on the basis of that list the promotion of the appellant and others were made possible.
- VII. As elucidated in above para.
- VIII. Incorrect. As explained in Para-4 of the facts above.
- IX. That the respondent seeks permission of this Hon'ble tribunal to present some other grounds at the time of hearing of the appeal.

3


Pray:

In the light of the above factual position, it is humbly prayed that the appeal may please be dismissed with cost.

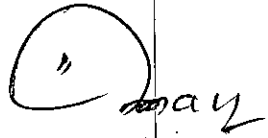
Respondent NO. 4.


Director Education FATA

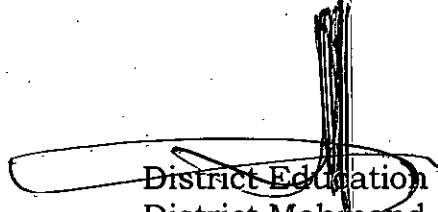
Respondent NO. 5.


Deputy Director (Estab)
Directorate of Education
Newly Merged Districts.

Respondent NO. 6.


Additional Director (Estab)
Newly Merged Districts

Respondent NO. 7.


District Education Officer
District Mohmand

4

AFFIDAVIT.

We the above respondents do hereby declare and affirm on oath that the above comments are true and correct to the best of our Knowledge and belief and that nothing has been concealed from this Honorable Tribunal.

Respondent NO. 4



Director Education FATA

Respondent NO. 5.



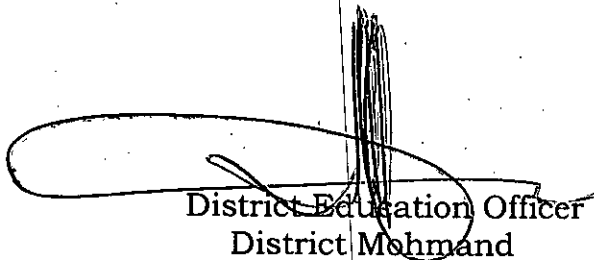
Deputy Director (Estab)
Directorate of Education
Newly Merged Districts.

Respondent NO. 6.



Additional Director (Estab)
Newly Merged Districts

Respondent NO. 7.



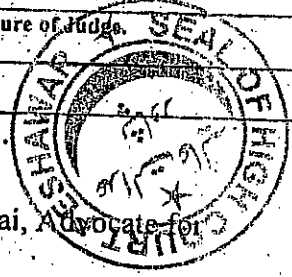
District Education Officer
District Mohmand

Amir - A 5

4

PESHAWAR HIGH COURT, PESHAWAR
FORM OF ORDER SHEET

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
19.10.2016	<p>W.P.No.969-P/2016</p> <p>Present: Mr. Muhammad Asif Yousafzai, Advocate for petitioners.</p> <p>Mr. Rab Nawaz Khan, AAG for respondents.</p> <p>NISAR HUSSAIN KHAN, J:- Petitioners have filed the instant Constitutional petition for issuance of an appropriate writ with the following prayer:-</p> <p>That on acceptance of this writ petition, the action of respondents by violating Notification dated 13.11.2012 and filing of posts falling to the share of promotion quota through advertisement dated 24.1.2016 may be declared as illegal, without lawful authority, violation of Notification dated 13.11.2012 and exceeding the authority given in said Notification. The respondents may further please be directed not to fill promotion quota posts through initial recruitment and to act as per Notification dated 13.11.2012.</p> <p>Respondents filed their comments which were sketchy hence they were directed to file better statement which accordingly has been filed. Today, learned AAG and Abdul Malik A.D. (litigation) appeared before the court and conceded the</p>



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EXAMINER
Peshawar High Court
17 MAR 2018

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(5)

request of petitioner and commitment made at the bar that no initial recruitment shall be made on the promotion quota and they shall strictly observe the policy of the Government and Rules on the subject. When learned counsel for petitioner was confronted with the said statement he was satisfied.

In view of above development in the matter, this petition is disposed of on the basis of commitment made at the bar today on behalf of respondents as well as better comments.

M. Ahsan Ali

JUDGE

M. Ahsan Ali

JUDGE

File
22/10/16

Exam

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court, Peshawar
Authorised Under Article 87 of
The Qanun-e-shahadat Order 1984

17 MAR 2018

14385

No. of Petition of Applicant

Date of Presentation of Application

No. of Pages

Case No.

U.S. No.

Case No.

Date of Judgment

Date of Filing

Received by

(Shahid Ali)

M. Ahsan Ali
7

(7) (8)
Annex - "B"

(6)



Jhangir

FATA SECRETARIAT
DIRECTORATE OF EDUCATION
KPK, WARSAK ROAD PESHAWAR, PAKISTAN

NO. 2887-2601
DATED 9-3-15
E-6 IIP GRADATION

MOST IMMEDIATE.

To

All the Agency Education Officers
In FATA.

Subject: **DEPARTMENTAL PROMOTION FROM THE POST OF SCTS/CT/SDM/DM/SAT/AT/ST/TT&S, QARIESQARIES TO THE POST OF SSTS (BS-16) Regular.**

Memo;

I am directed to enclose herewith the Deputy Director (Estab) Elementary & Secondary Education Khyber Pakhtunkhwa letter No.4954/F.No.SST promotion to SST posts dated 7/8/2014 alongwith criteria on the above noted subject.

Keeping in view the criteria; kindly prepare category wise list (Male/Female) as per below proforma alongwith photo copies of documents of the candidate for promotion against the post of SST for onward submission to the quarter concerned please.

S.No	Name of Teachers	Name of School	Desig;	BPS	Academic Qualification	Professional Qualification	Date of Ist Apptt; on present post.	Domicile

Sd/
Deputy Directress (Estab)

Endst;No. 2602-3 / Dated 9-3-2015.

Copy to;

1. Deputy Director (Estab) Elementary & Secondary Khyber Pakhtunkhwa w/r to his letter mentioned above and telephonic discussion with Supdt; (Estab) E&SE Khyber Pakhtunkhwa that the information as per proforma may be checked & necessary guidance may be intimated if any please.

2. P.A to Director Education FATA.

Attested *[Signature]*

[Signature]
Deputy Directress (Estab)
[Signature]

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Annex - 'C'

7

2007 SmR 389/54
2008 4 5
PLD 148 145



SM (M) Mohmand Agency

st/2017

FATA SECRETARIAT
DIRECTORATE OF EDUCATION
KHYBER PAKHTUNKHWA, WARSAK ROAD PESHAWAR, PAKISTAN
PHONE. 091-9210166 FAX 091-9210216

No. _____ Date ____/____/2017

Notification

In pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No.SO(PE)/4-5/SSRC/Meeting/2013/Teaching Cadre dated 24th July,2014 and recommendations of the Departmental Promotion Committee, the following SCTs/CTs, SDMs/DMs SATs/ATs, STTs/TTs, Senior Qaris/Qaris, PSHTs/SPSTs/PSTs of Mohmand Agency are hereby promoted to the post of SST (Bio-Chem), SST (Phy-Maths), SST (General) noted against each in BPS-16 (Rs. 18910-1520-64510) plus usual allowances as admissible under the rules on regular basis under the existing policy, on the terms and condition given below, with immediate effect in the interest of public service.

A. SST (Bio/Chem)

1. PROMOTION OF SCT/CT TO SST (Bio/Chem) BPS-16.

Total No. of SST vacant post of SSTs (Bio/Chem)	04
25% share initial recruitment	01
75% share for Promotion.	03
40 % Share of promotion of Senior CT/CT	02
Posts available for promotion	02
Promoted through this order	02

S.N	Sl:N	Name of Official	Place of posting	D/O Birth	Date of Appott; regular CT	Qualif- cation	Remarks
1	44	Afzal shah	GHS Sandu khel	4/2/1965	5/11/1995	BSc/B.Ed	Services placed at the disposal of AEO Mohmand Agency for further posting against SST Bio/Chem (BPS-16) post.
2	47	Munawar khan	GMS Musa kore	25/11/1969	13/3/1996	BSc/B.Ed	Services placed at the disposal of AEO Mohmand Agency for further posting against SST Bio/Chem (BPS-16) post.

B. SST (Phy-Maths)

1. PROMOTION OF SCT/CT TO SST (Mph/Maths) BPS-16.

Total No. of SST vacant post of SST (Phy-Mahts)	05
25% share initial recruitment	0
75% share for Promotion.	05
40 % Share of promotion of Senior CT/CTs	02
Posts available for promotion	02
Promoted through this order	02

S.N	Sl:N	Name of Officials	Place of posting	D/O Birth	Date of Appott; regular CT	Qualif- cation	Remarks
1	33	Javed Akhtar	GMS Babi khel	12/3/1972	7/3/1995	BSc/B.Ed	Services placed at the disposal of / Mohmand Agency for further post against SST Phy/Math (BPS-16) po
2	58	Mansoor Ahmad khan	GHS Pandiall	8/5/1972	22/9/1998	BSc/B.Ed	Services placed at the disposal of / Mohmand Agency for further post against SST Phy/Math (BPS-16) po

2. PROMOTION OF PSHT/SPST/PST TO SST (Phy-Maths) BPS-16

Total No. of SST vacant post of SSTs (Phy-Maths)	05
25% share initial recruitment	0
75% share for Promotion.	05
20 % Share of promotion of PSHT/SPST/PST	02
Posts available for promotion	01
Promoted through this order	01

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S.No	Sl.No	Name of Official	Place of posting	D/O Birth	Date of Appott; regular PST	Qualification	Remarks
1	28	Khial Zada	GPS Subhan khwar	2/3/1969	15/3/1993	BSc/B.Ed	Services placed at the disposal Mohmand Agency for further against SST Phy/Math (BPS-16)

ITEM NO.3. PROMOTION OF S.DM/DM TO SST (Phy-Maths) BPS-1 REGULAR BASIS.

The case of promotion of STT/TT to the post of SST (Phy-Maths) BPS-1 considered and the DPC recommended as under:-

Total No. of SST vacant post of SSTs (Phy-Maths)	05
25% share initial recruitment	0
75% share for Promotion.	05
04 % Share of promotion of Senior DM/DM	01
Posts available for promotion	01
Promoted through this order	01

S.No	Sl.No	Name of Official	Place of posting	D/O Birth	Date of Appott; regular DM	Qualification	Remarks
1	16	SHER MOHAM MAD	GHS PRANG GHAR	30/10/1966	25/12/1993	BSc/B.Ed	Services placed at the disposal Mohmand Agency for further against SST Phy/Math (BPS-16)

C. SST (General)

1. PROMOTION OF Sr; CT/CT TO SST (General) BPS-16.

Total No. of SST General (M) Posts vacant Posts	16
25% share initial recruitment	04
75% share for Promotion.	12
40 % Share of promotion of Sr; CT/CT	05
Posts available for promotion	05
Promoted through this order	05

11/11/17

S.No	S.L No	Name of Official	Place of Posting	Date of Birth	Date of Appott; as Regular CT	Qualification	Remarks
1	2	Shamsur Rahman	GMS Kandi Issa khel	16/1/1959	31/8/1984	BA/B.Ed	Services placed at the disposal Mohmand Agency for further against SST General (BPS-16)
2	4	Said Alam shah	GHS Nivi killi laman	10/3/1960	16/6/1987	BA/B.Ed	Services placed at the disposal Mohmand Agency for further against SST General (BPS-16)
3	6	Karim khan	GHS Subhan khwar	12/7/1964	12/10/1987	BA/B.Ed	Services placed at the disposal Mohmand Agency for further against SST General (BPS-16)
4	8	Rahmat said	GHS Dab kore	12/3/1960	29/11/1987	BA/B.Ed	Services placed at the disposal Mohmand Agency for further against SST General (BPS-16)
5	13	Nizam u Din	GMS Ghazi Beg	20/9/1961	29/11/1987	BA/B.Ed	Services placed at the disposal Mohmand Agency for further against SST General (BPS-16)

2. PROMOTION OF PSHT/SPST/PST TO SST (General) BPS-16.

Total No. of SST General (M) Posts vacant Posts	11
25% share initial recruitment	0
75% share for Promotion.	11
20 % Share of promotion of PSHT/SPST/PST	0
Posts available for promotion	0
Promoted through this order	0

S.No	Sl.No	Name of Official	Place of posting	D/O Birth	Date of Appott; regular PST	Qualification	Remarks
1	1	Stana Gul	GPS Sikandar khel	2/3/1963	4/10/1982	BA/3.Ed	Services placed at the disposal Mohmand Agency for further against SST General (BPS-16) p

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2	2	Abdul Hakim	GPS Akhunzad Gan	11/4/1966	14/9/1986	BA/B.Ed	Services placed at the disposal of Mohmand Agency for further promotion against SST General (BPS-16)
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3. PROMOTION OF SDM/DM TO SST (General) BPS-16.

Total No. of SST General (M) Posts vacant	1
25% share initial recruitment	0
75% share for Promotion.	1
4 % Share of promotion of SDM/DM	0
Posts available for promotion	0
Promoted through this order	0

S. No	S.L No	Name of Official	Place of Posting	Date of Birth	Date of Appott: as Regular DM	Qualifi-cation	Remarks
	11	Latif Ullah	GHS Ghaml kore	12/5/1970	16/2/1993	BA/B.Ed	Services placed at the disposal of Mohmand Agency for further promotion against SST General (BPS-16)

4. PROMOTION OF SAT/AT TO SST (General) BPS-16 ON REGULAR BA

The case of promotion of SAT/AT to the post of SST (General) BPS-16 is considered and the DPC recommended as under:-

Total No. of vacant Posts of SST (General)	1
25% share initial recruitment	0
75% share for Promotion.	1
4 % Share of promotion of SAT/AT	0
Posts available for promotion	0
Promoted through this order	0

S. No	S. L No	Name of Official	Place of Posting	Date of Birth	Date of Appott: as Regular AT	Qualifi-cation	Remarks
1	31	Mohammad Idrees	GHS Subhan khwar	10/10/1975	19/1/2000	BA/B.Ed	Services placed at the disposal of Mohmand Agency for further promotion against SST General (BPS-16)

5. PROMOTION OF STT/TT TO SST (General) BPS-16.

Total No. of vacant Posts of SST (General)	1
25% share initial recruitment	0
75% share for Promotion.	1
4 % Share of promotion of STT/TT	0
Posts available for promotion	0
Promoted through this order	0

S.No	S.L No	Name of Official	Place of Posting	Date of Birth	Date of Appott: as Regular TT	Qualifi-cation	Remarks
1	2	Abi Hayat	GHS Dab kore	6/9/1971	16/3/1992	BA/B.Ed	Services placed at the disposal of Mohmand Agency for further promotion against SST General (BPS-16)
2	3	Imtiaz Gul	GHS Navey Kalley Laman	14/10/70	1/11/95	MA/B.Ed	Services placed at the disposal of Mohmand Agency for further promotion against SST General (BPS-16)

6. PROMOTION OF SQari/Qari TO SST (General) BPS-16.

Total No. of vacant Posts of SST (General)	
25% share initial recruitment	
75% share for Promotion.	
4 % Share of promotion of S.Qari/Qari	
Posts available for promotion	
Promoted through this order	

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11/10/17

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S.No	S.L No	Name of Official	Place of Posting	Date of Birth	Date of Appott: as Regular TT	Qualifi-cation	Remarks
1	9	Zar Gul	GHS Khatki sharif	15/3/1985	22/11/2005	BA/B.Ed	Services placed at the dispc Mohmand Agency for furtt against SST General (BPS-16

Terms and conditions:-

- 1 They would be on probation for a period of one year extendable for a further period of one year.
- 2 They will be governed by such rules and regulations as and when issued from time to time by the Provincial Govt.
- 3 Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
- 4 Charge report should be submitted to all concerned.
- 5 No TA/DA is allowed for joining his duty.
- 6 They will give an undertaking to be recorded in their service book to the effect that if any payment is made to him/her in the light of this order will be recovered and if he/she is promoted, he/She will be reverted.
- 7 Before handing over charge once again their document may be checked if they have not the prescribed qualifications as per rules, they may not be handed over charge of the post.
- 8 The prescribed qualifications/ documents may be verified from the concerned Universities/ Institutions by the AEO concerned.

(Hashim Khan)
Director Education FATA

Dated Peshawar the 11/11/11

Endst: No. 15701-SD

Copy forwarded for information and necessary action to the:-

1. Accountant General (PR) Sub Office, Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. Agency Education Officer Mohmand Agency.
4. Agency Accounts Officer Mohmand Agency.
5. PS to ACS FATA.
6. PS to the Secretary SSD, FATA Secretariat, Peshawar.
7. PS to the Secretary Finance Department FATA Secretariat Peshawar.
8. PA to Director Education, FATA.
9. Promotees Concerned.
10. M/File.

"
Add: Director (Estab)
Directorate of Education, FATA

Attested

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

Service Appeal No: 1270/2018

Abdul Hakim SST GPS Akhunzadgan District Mohmand.

.....Appellant

VERSUS

Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar & others ...Respondents

JOINT PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS No: 1-7&9.

Respectfully Sheweth :-

The Respondents submit as under:-

PRELIMINARY OBJECTIONS.

- 1 That the Appellant has got no cause of action on 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 against the relevant provisions of law.
- 5 That the appellant has not come to this Honorable Tribunal with clean hands.
- 6 That the instant appeal is liable to be dismissed for mis-joinder and non-joinder of the necessary parties to the present appeal.
- 7 That the appellant is estopped by his own conduct to file the instant appeal.
- 8 That the withdrawal of 4-advance increments from the appellant vide order 01/01/2016 is within legal sphere .
- 9 That the instant Appeal is barred by law.
- 10 That this Honorable Tribunal has got no jurisdiction to entertain the instant appeal.
- 11 That the impugned Notification dated 11/10/2017 of the Respondent Department is legally competent and liable to be maintained in favor of the Respondents.
- 12 That the Notification dated 24/07/2014 is in accordance with the prevailing policy and Notification dated 13/11/2012.

- 13 That the Respondent Department has acted as per law, rules and relevant policy in the instant case.
- 14 That the appellant has been treated as per law, rules and criteria.
- 15 That the appellant is not entitled for the grant of promotion against the SST(SC) post in B-16 wef 24/07/2014.
- 16 That Notification relating to the promotions are always with immediate effect.

ON FACTS.

- 1 That Para-1 needs no comments, being related to the citizenship & CNIC & qualification of the appellant.
- 2 That Para-2 also needs no comments being related to the service record. The appellant was appointed by the Respondent Department against the CT (M) post vide appointment order dated 05/11/1995 and later on, was promoted to (SST/Sc.) post in B-16 and posted at GHS Sandu Khel District Mohmand. **(Copy of the said Notification dated 11/10/2011 is attached as Annexure-A).**
- 3 That Para-3 is correct to the extent of Notification dated 24/07/2014 issued by the Respondent No: 1 wherein, vide serial No. I B, in columns 2,3, 4 and 5 the Respondent Department has clearly mentioned the prescribed qualification criteria and method of promotion of SST post in B-16 as prescribed in the promotion Notification dated 13/11/2012 of the Respondent Department at a ratio of 75% by promotion on the basis of seniority cum fitness & 40% quota given to SCT in B-16 post with the prescribed qualification as mentioned in the said Notifications. **(Copies of the mentioned Notifications dated 13/11/2011 & 24/07/2014 an Annexure-B&C).**
- 4 That the para-4 is correct to the extent of letter dated 07/08/2014 and 06/08/2014 for filling the vacant post of SST (G) since in accordance with the current promotion policy dated 13/11/2012 and 24/07/2014 from the in-service teachers falling under administrative domain of Ex-Director FATA New merged in the Khyber Pakhtunkhwah, **(Copies of the said letters are attached as Annexure D&E).**
- 5 That the para-5 is incorrect and denied. The Respondent Department was acted as per law, rules and criteria in the promotion process after observing all the codal formalities. Therefore, the claim of the appellant is baseless and liable to be rejected.

- 6 That the para-6 is incorrect and misleading on the grounds that the appellant has posted in FATA at that time having no relevance and concern with the official work of the DEO (M) Charsadda allowed promotion to the eligible teacher of various cadres vide office letter dated 01/11/2014 and is not competent to grant promotion against the SST in B-16 post rather this is the domain and competency of the Respondent 2. Therefore, the plea of the appellant is without any legal force and justification and liable to be dismissed in favour of the Respondent in the interest of justice.
- 7 That para-7 is misleading on the grounds that correspondence between Department and Sections is a matter relative to official business and the appellant is repeatedly taking shelter of this correspondence on mala-fide intentions of gaining illegal service benefits against the SST (SC) post in B-16 and is not entitled for the grant of his promotion against the said post wef 24/07/2014 under the relevant provisions of law.
- 8 That the para-8 is also incorrect & denied. The appellant has been treated as per law rules & criteria against the SST (SC) post in B-16 by the Respondent and he is not entitled of the grant of promotion against the said post wef 24/07/2014 under the relevant provisions of law.
- 9 That the para-9 is incorrect and denied. The appellant has been treated in accordance with law, rules and criteria. Therefore, the stance of the appellant is without any cogent reason and legal justification. Hence, liable to be dismissed.
- 10 That para-10 is incorrect and misleading the appellant has not filed any kind of Departmental Appeal against the impugned Notification dated 11/06/2017. Hence, got finality against the appellant under the relevant provision of law of limitation Act 1908. Hence, the appeal in hand is liable to be dismissed on this score in favour of the Respondents.
- 11 That para-11 is incorrect and misleading on the grounds that no Departmental Appeal has been filed by the appellant against the Notification order dated 11/10/2017. Therefore, the claim of the appellant is illegal and liable to be dismissed.
- 12 That para-12 is also incorrect as no cogent reason and proof has been annexed by the appellant in support of his plea regarding the intimation by the Respondent Department to the appellant of the fate and stage of the Departmental Appeal which in itself is mala-fide on the part of the appellant.

- 13 That para-13 is incorrect and denied as the act of the Respondent Department with reference to impugned Notification dated 11/07/2012 is not applicable upon the case of the appellant in the given circumstances of the case. Therefore, the plea of the appellant is meritless & liable to be rejected in favour of the Respondents.
- 14 That para-14 is legal and is directly related to the jurisdiction of this Honorable Tribunal. However, it is submitted that the appellant has been treated as per law, rules and criteria in the present case having no question of violating the basic fundamental rights of the appellant.
- 15 That para-15 is incorrect and denied that appellant has got no cause of action & locus standi in view of the facts & circumstance of the case narrated in the foregoing paras of the present reply with the additional submission that the Respondent Department has acted in accordance with the provisions of section-8 of Civil Servant ACT 1973 placing the appellant on his proper seniority against the said post. Hence, the appeal in hand is liable to be rejected on the following grounds inter alia:-

ON GROUNDS .

- I Incorrect and not admitted. The appellant has been treated as per law, rules and relevant criteria alongwith his batch-mates in the instant case by the Respondent Department. Therefore, the plea of the appellant is meritless and liable to be rejected.
- II Incorrect and not admitted. The Respondent Department has acted as per law rules and relevant criteria and thus has treated the appellant on the basis of his service record in the Respondent Department. Hence, the claim of the appellant is liable to be rejected.
- III Incorrect and not admitted. The stand of the appellant is baseless and liable to be rejected. As the Respondent Department has followed the relevant provisions of law in the instant case.
- IV The appellant is not entitled for the grant of promotion since 24/07/2014 under the prescribed rules and criteria prevalent in the Respondent Department.
- V Incorrect and denied. The claim of the appellant is without cogent reason and justification. The act of the respondent is always within legal and prescribed parameter. Therefore, the stand of the appellant merits no legal place in the present circumstance of the case and liable to be rejected.
- VI Incorrect and not admitted. Detailed reply to this ground has already been given in the foregoing paras. Hence, needs no further comments.

- VII Incorrect and not admitted. The claim of the appellant is illegal and without any proof. As the act of the Respondent Department in the present is within legal sphere.
- VIII Incorrect & denied. The stand of the appellant is without any legal proof and legally treated as per law, rules and policy in the instant case.
- IX Legal. However, the Respondents also seek leave of this Tribunal to submit additional grounds, case law and record at the time of arguments on the date fixed before this Honorable Bench.

In view of the above made submissions, it is most humbly prayed that this Honorable Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favor of the Respondent Department.

Dated ___/___/2019



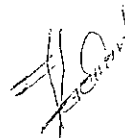
Secretary
E&S Department Khyber
Pakhtunkhwa, Peshawar
(Respondent No: 1).



Director
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondents No: 2, 3, 5&6).

AFFADIVIT

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



Deponent

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

Service Appeal No: 1270/2018

Abdul Hakim SST GPS Akhunzadgan District Mohmand.

.....Appellant

VERSUS

Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar & others ...Respondents

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Respectfully Sheweth :-

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PRELIMINARY OBJECTIONS.

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- 4 That the instant service appeal is against the relevant provisions of law.
- 5 That the appellant has not come to this Honorable Tribunal with clean hands.
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- 7 That the appellant is estopped by his own conduct to file the instant appeal.
- 8 That the withdrawal of 4-advance increments from the appellant vide order 01/01/2016 is within legal sphere .
- 9 That the instant Appeal is barred by law.
- 10 That this Honorable Tribunal has got no jurisdiction to entertain the instant appeal.
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- 15 That the appellant is not entitled for the grant of promotion against the SST(SC) post in B-16 wef 24/07/2014.
- 16 That Notification relating to the promotions are always with immediate effect.

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- 1 That Para-1 needs no comments, being related to the citizenship & CNIC & qualification of the appellant.
- 2 That Para-2 also needs no comments being related to the service record. The appellant was appointed by the Respondent Department against the CT (M) post vide appointment order dated 05/11/1995 and later on, was promoted to (SST/Sc:) post in B-16 and posted at GHS Sandu Khel District Mohmand. **(Copy of the said Notification dated 11/10/2011 is attached as Annexure-A).**
- 3 That Para-3 is correct to the extent of Notification dated 24/07/2014 issued by the Respondent No: 1 wherein, vide serial No. I B, in columns 2,3, 4 and 5 the Respondent Department has clearly mentioned the prescribed qualification criteria and method of promotion of SST post in B-16 as prescribed in the promotion Notification dated 13/11/2012 of the Respondent Department at a ratio of 75% by promotion on the basis of seniority cum fitness & 40% quota given to SCT in B-16 post with the prescribed qualification as mentioned in the said Notifications. **(Copies of the mentioned Notifications dated 13/11/2011 & 24/07/2014 an Annexure-B&C).**
- 4 That the para-4 is correct to the extent of letter dated 07/08/2014 and 06/08/2014 for filling the vacant post of SST (G) since in accordance with the current promotion policy dated 13/11/2012 and 24/07/2014 from the in-service teachers falling under administrative domain of Ex-Director FATA New merged in the Khyber Pakhtunkhwa, **(Copies of the said letters are attached as Annexure D&E).**
- 5 That the para-5 is incorrect and denied. The Respondent Department was acted as per law, rules and criteria in the promotion process after observing all the codal formalities. Therefore, the claim of the appellant is baseless and liable to be rejected.

- 6 That the para-6 is incorrect and misleading on the grounds that the appellant has posted in FATA at that time having no relevance and concern with the official work of the DEO (M) Charsadda allowed promotion to the eligible teacher of various cadres vide office letter dated 01/11/2014 and is not competent to grant promotion against the SST in B-16 post rather this is the domain and competency of the Respondent 2. Therefore, the plea of the appellant is without any legal force and justification and liable to be dismissed in favour of the Respondent in the interest of justice.
- 7 That para-7 is misleading on the grounds that correspondence between Department and Sections is a matter relative to official business and the appellant is repeatedly taking shelter of this correspondence on mala-fide intentions of gaining illegal service benefits against the SST (SC) post in B-16 and is not entitled for the grant of his promotion against the said post wef 24/07/2014 under the relevant provisions of law.
- 8 That the para-8 is also incorrect & denied. The appellant has been treated as per law rules & criteria against the SST (SC) post in B-16 by the Respondent and he is not entitled of the grant of promotion against the said post wef 24/07/2014 under the relevant provisions of law.
- 9 That the para-9 is incorrect and denied. The appellant has been treated in accordance with law, rules and criteria. Therefore, the stance of the appellant is without any cogent reason and legal justification. Hence, liable to be dismissed.
- 10 That para-10 is incorrect and misleading the appellant has not filed any kind of Departmental Appeal against the impugned Notification dated 11/06/2017. Hence, got finality against the appellant under the relevant provision of law of limitation Act 1908. Hence, the appeal in hand is liable to be dismissed on this score in favour of the Respondents.
- 11 That para-11 is incorrect and misleading on the grounds that no Departmental Appeal has been filed by the appellant against the Notification order dated 11/10/2017. Therefore, the claim of the appellant is illegal and liable to be dismissed.
- 12 That para-12 is also incorrect as no cogent reason and proof has been annexed by the appellant in support of his plea regarding the intimation by the Respondent Department to the appellant of the fate and stage of the Departmental Appeal which in itself is mala-fide on the part of the appellant.

- 13 That para-13 is incorrect and denied as the act of the Respondent Department with reference to impugned Notification dated 11/07/2012 is not applicable upon the case of the appellant in the given circumstances of the case. Therefore, the plea of the appellant is meritless & liable to be rejected in favour of the Respondents.
- 14 That para-14 is legal and is directly related to the jurisdiction of this Honorable Tribunal. However, it is submitted that the appellant has been treated as per law, rules and criteria in the present case having no question of violating the basic fundamental rights of the appellant.
- 15 That para-15 is incorrect and denied that appellant has got no cause of action & locus standi in view of the facts & circumstance of the case narrated in the foregoing paras of the present reply with the additional submission that the Respondent Department has acted in accordance with the provisions of section-8 of Civil Servant ACT 1973 placing the appellant on his proper seniority against the said post. Hence, the appeal in hand is liable to be rejected on the following grounds inter alia:-

ON GROUNDS.

- I Incorrect and not admitted. The appellant has been treated as per law, rules and relevant criteria alongwith his batch-mates in the instant case by the Respondent Department. Therefore, the plea of the appellant is meritless and liable to be rejected.
- II Incorrect and not admitted. The Respondent Department has acted as per law rules and relevant criteria and thus has treated the appellant on the basis of his service record in the Respondent Department. Hence, the claim of the appellant is liable to be rejected.
- III Incorrect and not admitted. The stand of the appellant is baseless and liable to be rejected. As the Respondent Department has followed the relevant provisions of law in the instant case.
- IV The appellant is not entitled for the grant of promotion since 24/07/2014 under the prescribed rules and criteria prevalent in the Respondent Department.
- V Incorrect and denied. The claim of the appellant is without cogent reason and justification. The act of the respondent is always within legal and prescribed parameter. Therefore, the stand of the appellant merits no legal place in the present circumstance of the case and liable to be rejected.
- VI Incorrect and not admitted. Detailed reply to this ground has already been given in the foregoing paras. Hence, needs no further comments.

- VII Incorrect and not admitted. The claim of the appellant is illegal and without any proof. As the act of the Respondent Department in the present is within legal sphere.
- VIII Incorrect & denied. The stand of the appellant is without any legal proof and legally treated as per law, rules and policy in the instant case.
- IX Legal. However, the Respondents also seek leave of this Tribunal to submit additional grounds, case law and record at the time of arguments on the date fixed before this Honorable Bench.

In view of the above made submissions, it is most humbly prayed that this Honorable Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favor of the Respondent Department.

Dated ___/___/2019



Secretary
E&S Department Khyber
Pakhtunkhwa, Peshawar
(Respondent No: 1).




Director

E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondents No: 2, 3, 5&6).

AFFADIVIT

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



Deponent