

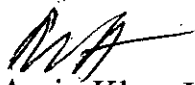
10.07.2019 Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 25.09.2019 before D.B.

  
Member

  
Member


25.09.2019 Junior to counsel for the appellant present. Mr. Riaz Kahn Paidakhel learned Assistant Advocate General for the respondent present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is busy before the Hon'ble Peshawar High Court. Adjourned. To come up arguments on 20.11.2019 before D.B

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

21.11.2019 Appellant with counsel present. Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Appellant submitted application for withdrawal of the present service appeal with the permission to file fresh appeal if needed under the circumstances. Application is placed on record. The ground mentioned in the application appear to be genuine hence the application is accepted and the present service appeal is dismissed as withdrawn with the permission to file fresh service appeal subject to all legal objection. Parties are left to bear their own costs. File be consigned to the record room.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

Announced  
21.11.2019

Service Appeal. 205/18  
Before the Service Tribunal KPR.  
Peshawar.

Fazal Mahmood vs Govt. of KPK.

APPLICATION FOR THE  
WITHDRAWAL OF  
SERVICE APPEAL  
NO. 205/18 WITH  
THE PERMISSION TO  
FILE FRESH APPEAL  
IF NEEDED UNDER  
THE CIRCUMSTANCES.

RF  
MA  
21.11.2019

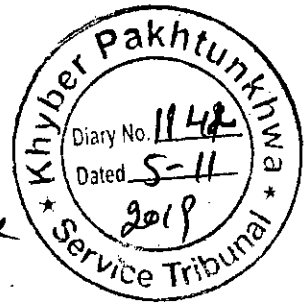
Respectfully Steweth:

- 1) That the abovementioned Service Appeal is pending adjudication wherein today is the date fixed.
  - 2) That as certain improvements have been made and such improvements are needed to be incorporated in the Service Appeal otherwise the entire exercise would be non-futile. It is, therefore, humbly requested to allow appellant permission to withdraw the Service Appeal and allow him permission to file the fresh Service Appeal.
- Appellant

Dated, 21/11/19

Before - The Honorable Court Chairman Service Tribunal KPK Peshawar.

Service Appeal No. - 205/18



Fazal-E-Mehmood VS

Edu

Application for early hearing in  
- the above title case.

Respectfully sheweth,

1st # That the above title case is pending before this Honorable Court since 10/12/19.

2nd # That promotion matter is subjudice before the Promotion Committee, However, it has been told by the Respondent that due to the instant service Appeal - the case of the Applicant may not be processed, Hence, the instant Application.

put up to the court with relevant appeal.

It is therefore most humbly prayed that on acceptance of this application, kindly grant nearest possible.

Reader

Signature of Applicant

Applicant

Signature of Applicant

Fazal-E-Mehmood

Dated: 05/11/19

The date of hearing be accelerated to 3rd week of November 2019. Notice to all concerned.

through

Signature of Advocate

Muhammad Azeed Butt Adv

28.01.2019

Junior to counsel for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Junior to counsel for the appellant stated that similar nature of appeals titled Mr. Maqasood Ur Rehman and Mr. Daftar Khan have been fixed for arguments on 26.02.2019 before D.B-I, therefore the same may also be clubbed with the said appeals. Request allowed. Case to come up for arguments on 26.02.2019 before D.B-I alongwith connected appeals.

(Ahmad Hassan)  
Member

(M. Hamid Mughal)  
Member

26.02.2019

Junior to counsel for the appellant and Mr. Muhammad Jan, DDA for the respondents present.

Request for adjournment is made on behalf of learned senior counsel for the appellant due to his engagement in many cases before the Honourable High Court today. Adjourned to 14.05.2019 before the D.B.

Member

Chairman

14.05.2019

Junior to counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Due to leave of the worthy Chairman the case is adjourned to 10.07.2019 for arguments before D.B.

(Hussain Shah)  
Member

10.08.2018

Neither appellant nor his counsel present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Case to come up for written reply/comments on 09.10.2018 before S.B.

  
Chairman

09.10.2018

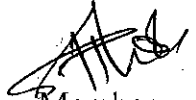
Appellant Fatal Mahmood in person present. Mr. Inayatullah, ADO alongwith Mr. Kabirullah Khattak, Addl. AG for the respondents present, who already submitted written reply. Written reply of respondents No. 2 & 3 submitted. Learned AAG relied on the same on behalf of respondents No. 1 & 4. To come up for rejoinder, if any, and arguments on 28.11.2018 before the D.B.

  
Chairman

28.11.2018

Counsel for the appellant and Addl. AG for the respondents present.

Learned counsel for the appellant has submitted rejoinder to the written reply by respondents No. 2 & 3. To come up for arguments on 28.01.2019 before the D.B.

  
Member

  
Chairman

26.02.2018

Counsel for the appellant present. Preliminary arguments heard and case file perused. The appellant was appointed as PET (BPS-9) in Education Department on 20.10.1993. Later on he was adjusted as C.T on 05.11.1995. He passed C.T Exam on 15.07.1996 and was allowed graded pay of the said post. Though he has completed necessary formalities but respondents granted him graded pay w.e.f 31.03.1999, whereas he has demanding the same from the date of appointment. He preferred departmental appeal on 27.10.2017 which was not responded within stipulated period, hence, the instant service appeal. As monetary benefits are involved so limitation would not hit this case.


Points urged need consideration. Admit, subject to deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 16.04.2018 before S.B.

  
(AHMAD HASSAN)  
MEMBER

16.04.2018


Clerk of the counsel for appellant and Addl: AG for the respondents present. Security and process fee not deposited. Appellant is directed to deposit security and process fee within seven(7) days, thereafter notices be issued to the respondents for written reply/comments on 05.06.2018 before S.B.

Appellant Deposited  
Security & Process Fee

  
Member

05.06.2018



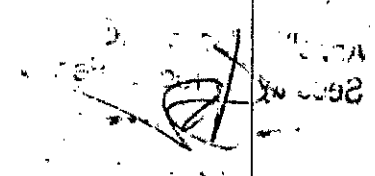
Agent to counsel for the appellant present. Mr. Kabir Ullah Khattak, Addl: AG present. None present on behalf of official respondent. Therefore, fresh notices be issued to the respondent department to attend the Court positively. Written reply not submitted. Learned Addl: AG requested for adjournment. Adjourned. To come up for written reply/comments on 10.08.2018 before S.B.

  
Member

Form-A  
FORM OF ORDERSHEET

Court of \_\_\_\_\_

Case No. 205/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	14/02/2018	<p>The appeal of Mr. Fazal Mehmood presented today by Mr. Muhammad Adeel Butt Advocate may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	15/02/18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>26/02/18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: right;"></p>

BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA

Service Appeal No. 205 / 2018

Fazal Mahmood, SPET, Government High School, Samander Garhi, District  
Nowshehra

Versus

Govt. Of Khyber Pakhtun khwa & Others

Index

S.No	Description of documents	Annex	Page
1	Grounds of Appeal along with Affidavit		01-04
	Addresses of parties		05
2	Copy of the appointment Order	A	06-08
4	Order of the graded pay	B	09
6	Copy of the reinstatement order	C	10
7	Copy of the representation and service record	D	11-33
	Wakalatnama		

Appellant

Through

Muhammad Adeel Butt,  
Advocate, Peshawar

Dated



BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA

Service Appeal No. 205 / 2018

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 204

Dated 14-2-2018

Fazal Mahmood, SPET, Government High School, Samander Garhi, District  
Nowshehra

Versus

1. The Government of Khyber Pakhtun Khwa through Secretary E&SL, Peshawar
2. The Director E&S, Directorate E&S, Peshawar
3. The District Education Officer, Nowshehra
4. District Accounts Officer, Nowshehra.

**Appeal under section 4 of the Service Tribunal Act, 1974 whereby the Respondents have given no attention to the Representation made to them by the Appellant, for the grant of graded pay and consequential benefits.**

Filed to-day

~~Registrar~~

14/2/18

**On Acceptance of this Appeal, this Honorable Court may please hold the Appellant entitled for the award of graded pay and all the benefits attached to it.**

Respectfully Sheweth,

1. That the Appellant was appointed on 20/10/1993, against the Post of PET in BPS-9 by the Respondents department on fixed pay, and since then he is serving the department with zeal and devotion. (Copy of the appointment Order is annexed as Annexure "A").

It is important to mention that during the days of Appellant's appointment, there were available no trained teachers and the Respondent Department had

no other option, hence, the appointment of untrained teachers took place. Due to their appointment thousands of students were able to get education.(copy of the appointment order is attached as Annexure "A".

2. That on 05/11/95 the appellant was adjusted against CT post as one teacher M.Haroon resigned from the post.
3. That the Appellant passed C.T exam on 15/07/1996 and as such the appellant was granted graded pay of C.T Post vide order dated 15/7/96.( Copy of the Order is attached as Annexure "B").
4. That on 09/01/1998 the Appellant was terminated from service and filed the departmental appeal, and, then Service Appeal bearing No.463/98. During the pendency of appeal the appellant was re instated in to service by the competent authority on 24/12/98 and resultantly the appellant withdrew his Service appeal.(copy of the reinstatement order is annexure "C")
5. That, upon completion of teachers training, after four years of service, the Respondents allowed the graded pay / regularization with effect from 31/03/1999.
6. That the appellant throughout his service agitated for the grant of graded pay with effect for their induction/appointment in to the service but no attention, to his legitimate demand, was ever given by the respondents, hence the instant appeal .
7. That the Appellant filed the Representation before the competent Authority which was not responded within statutory period of 90 days and hence the instant service appeal, despite the fact, the Representation contains the judgments of the higher courts in this respect. (Copy of the Representation is annexed as ~~copy of the~~ *copy of the service record annexure D,*
8. That the appellant, being aggrieved of the acts and omission by not treating her at par with other similarly placed employee on the same grounds, and having no other adequate and efficacious remedy, assails the same through this appeal inter alia on the following grounds:-

Grounds.

- A. That the appellant has not been treated in accordance with law and has been discriminated among similarly placed persons who were allowed graded pay for the un trained period, but, it was illegally denied to the appellant.
- B. That in the absence of any condition regarding the training and regularization , in the appointment Order , the Respondents have no rights whatsoever to deny the legitimate rights related to regularization , graded pay , seniority , promotion and other allowances, increments, etc. Had that not been the situation the Appellant might have completed his training soon after assuming the charge. It is in fact the reason that the Superiors Courts were pleased to allow the increments from the date of induction in to service to untrained teachers.

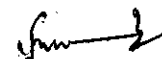
It is important to mention that the appellant been related to the Teaching Profession was appointed during the times when the trained teachers were not available and undoubtedly such teachers are the pioneers in developing the

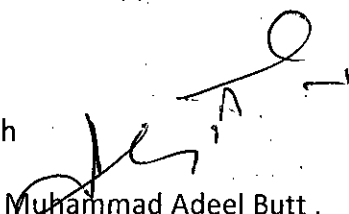
Education structure of the Province. By denying the Appellant's Service legitimate benefits, the respondents are not acknowledging their efforts, roles rather in a way they are disrespecting the Appellant's important role in developing the Education Sector.

- C. That it is a well settled principle of Law that when a point of Law was decided by the Superior Courts which not only covered the cases of Civil Servants who litigated but also those who have not litigated so the dictates of good governance demands that those judgments should also be implemented in the cases of others employed instead of constraining them to approach the Courts.
- D. That as per judgment of the Honorable Supreme Court of Pakistan, if is made to work on a particular post, then the employee will be entitled to all remuneration attached to that post.
- E. That numerous Judgments of the August Supreme Courts allowed the graded pay/running pay to untrained teachers vide Notification 30-10-2009. The Appellant been a similarly placed person cannot be deprived from the right that has already been granted to other similarly placed Persons.
- F. That Appellant case is similar and identical to those numerous cases in which civil servant had been allowed graded pay from the date of their induction in to service.
- G. That beyond any shadow of doubt the Appellants were serving on the higher grade and no law of the land restricts the Respondent to disallow such benefits to its employees, rather the August Supreme Court of Pakistan and this Service Tribunal itself has allowed numerous appeals on the same ground.
- H. That it is also important to mention that the Respondents have granted graded pay and other related benefits to other untrained teachers from the date of their induction into service, hence the appellant has been discriminated.
- I. That the departmental representation may be read as the integral part of this Appeal.

It is, therefore, most humbly requested that on the acceptance of this Service Appeal this Honorable Tribunal may please hold the Appellant entitled for the graded pay, seniority, promotion with effect from date of his induction/ appointment into the service and the same period in service be also counted towards his service .

Any other remedy, this Honorable Tribunal may deems appropriate may also be granted to the appellant under the circumstances

  
Appellant

Through   
Muhammad Adeel Butt ,  
Advocate Peshawar.

BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA

Service Appeal No. \_\_\_\_\_, 2018

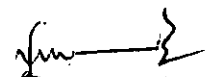
Fazal Mahmood, SPET, Government High School, Samander Garhi, District Nowshehra

Versus

Govt. Of Khyber Pakhtun khwa & Others

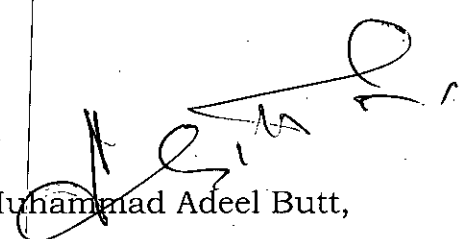
**Affidavit**

I, Fazal Mahmood, SPET, Government High School, Samander Garhi, District Nowshehra do hereby solemnly affirm and declare on oath that all the contents of the Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

  
Deponent

Identified by :-



  
Muhammad Adeel Butt,  
Advocate, Peshawar

(5)

BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA

Service Appeal No. \_\_\_\_\_, 2018

Fazal Mahmood, SPET, Government High School, Samander Garhi, District  
Nowshehra

Versus

Govt. Of Khyber Pakhtun khwa & Others

**Memo of Addresses**

**APPELLANT**

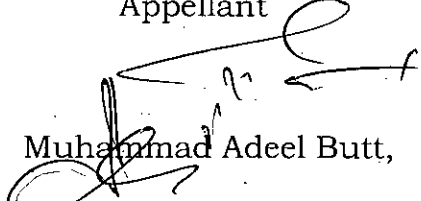
Fazal Mahmood, SPET, Government High School, Samander Garhi, District Nowshehra

**Respondents.**

1. The Government of Khyber Pakhtun Khwa through Secretary E&SL, Peshawar.
2. The Director E&S, Directorate E&S, Peshawar
3. The District Education Officer, Nowshehra
4. District Accounts Officer, Nowshehra.

Through

  
Appellant

  
Muhammad Adeel Butt,  
Advocate, Peshawar

Armed 21

(6)

APPOINTMENT

Consequent upon the recommendation of Selection Committee, the following candidates are hereby appointed against PET Post in the School, mentioned against each in BPE-9 @Rs. 1175-72-2265 fixed plus usual allowance as admissible under the rules with effect from the date of <sup>their</sup> taking over charge in the interest of Public Service.

S.No.	Name & Father Name with Address.	School where posted.	Remarks.
1.	Mohammad Shahid s/o Haji Fazli Karim Nowshera Cantt.	G.M.S. 3 Bisalpur NBR.	Against Vacant Post.
2.	Sayar Mohammad s/o Ghulam Mohammad V. Tangi Chd.	G.M.S. Mahmood Abad Umarzal Charsadda.	Against Newly created Post.
3.	Fazal Nawaz s/o Abdullah V.S.P.O D. Khel NBR.	G.M.S. Maroba NBR.	Against Vacant Post.
4.	Waliullah Wazir Khan s/o Faridullah V.S.P.O Charsadda.	G.M.S. Johangira Road NBR.	-do-
5.	Alan Zeb s/o Abdul Majid Chamkani Peshawar.	G.M.S. Jongari Nowshera.	-do-
6.	Arshad Naz s/o Nughtaq Mux Hussain Teh. & Distt. Chd.	G.M.S. Mirzagan Charsadda.	Newly created Post.
7.	Inamullah Jan s/o Bahadar Khan V. Sarwani Chd.	G.M.S. Spin Kana Nowshera.	-do-
8.	Mian Arshad Hayat s/o Mian Inwamud Din V. Z.K.K. Shahib NBR.	G.M.S. Sawal NBR.	-do-
9.	Mohammad Kavooq s/o Mohd Umar Khan V. Abbas Killa Chd.	G.M.S. Malik Khan Koorana NBR.	-do-
10.	Muhammad Ali s/o Abdul Rab Kheski NBR.	G.M.S. Khaz Killa Nowshera.	-do-
11.	Saifur Rehman s/o Ziarat Gul V. Gadia Killa Chd.	G.M.S. Khairko Chd.	Employee of Afghan Government released by Govt.
12.	Abdul Ghaffoor s/o Mohd. Zaifur Mohi-ud-din Charsadda.	G.M.S. Gul Ditta Chd. Koorana Umarzal Chd.	-do-
13.	Umar Hayat s/o ITC No. 2 Akbar Pura NBR.	G.M.S. Kutar Pan Nowshera.	-do-
14.	xxxxx Mohammad Fahim s/o Fazli Rahim s/o V. Kankale Peshawar.	G.M.S. Kander NBR.	-do-
15.	Fazal Mohammad s/o Sultan Mohammad Damodar Garhi	G.M.S. 7 Mamraz NBR.	-do-
16.	Tehsidullah s/o Sadeedullah V.S.P.O R Rajjar Charsadda.	G.M.S. Garhi Chundan NBR. Chd.	-do-

ATTESTED

*[Handwritten Signature]*

First Appointment ord. P.E.T. G.M.S. Chowki Mamraz NBR. Dated 20.10.1993. Fazal Mehmood s/o Sultan mehmood

*[Handwritten Signature]*  
 MASTEI  
 G.H.S.  
 Killa NBR. K

Endst: No. 8163 / F. No. CT/DM/FED/AT/ Dated Pesh: the 20.10.93.  
Appt: 93/

Copy of the above is forwarded to the:-

1. Director of Secondary Education NWFP Peshawar.
2. Director of Primary Edu: Hayat Abad NWFP.
3. PS to Secretary Education Govt: of NWFP.
4. PA to Director of Secondary Edu: NWFP Peshawar.
5. Accountant General NWFP.
6. All the Distt: Edu: Officers (Male) Secondary Peshawar/Nowshera/Charsadda.
7. Principals/Headmasters concerned.
8. ANCO Establishment Branch Local Office.
9. Supdt: Establishment Branch Local Office.
10. Candidates concerned.
11. P/File concerned.
12. Distt: Accounts Officers Charsadda and Nowshera.

*[Signature]*  
 Deputy Divisional Director (S) / 19/10/93  
 For/Divisional Director of Edu: (Schools)  
 Peshawar Division, Peshawar.

Office of the DDO (M) Secerup Nowshera

Brn No 16-18 Date 25/10/93

copy to the

- 1) DHO, Nowshera
- 2) H/Master Mrs. Chohan
- 3) Office concerned

Abdul Jabbar  
Steno Typist

ATTES: ED

*[Signature]*

*[Signature]*  
 DDO (M) 25/10/93  
 Secerup Nowshera

OF THE DEPARTMENT OF EDUCATION, PESHAWAR.

Appointment of the following person(s) is hereby ordered  
against the post of CT on temporary & adhoc basis at Rs. 1605/  
plus usual allowances as admissible under the rules in force - BPS -9  
1605-97-3060 at the Institution named

Name	Qualification & Address	Posted at	Remarks
1.	Fazal Mahmood S/O Sultan Mahmood FBI CMS Kotar Pan	GHSS Nizam Pure Nowshera.	Against Vacant CT Po

TERMS & CONDITIONS/

1. His/Her appointment is purely temporary & liable to termination any time without assigning reasons or notice.
2. In case of resignation he/she will have to serve one month's prior notice and one month's pay in lieu.
3. He/She is required to produce health & age certificate from the Medical authority concerned before taking over charge provided he/she is not in Govt. service.
4. He/She should not be allowed to take over charge if his/her age is less than 18 years or above 25 years.
5. His/Her apptt; is subject to further condition that he/she is domiciled of NWFP.
6. His/Her antecedents forms should be obtained duly verified by the local police authorities & submit to this office together with application for apptt; on prescribed form & under taking declaration of moveable & immoveable property for record in this office.
7. All original educational character & domicile certificates should be thoroughly checked before handing over charge, if necessary it should be verified from the Institutions concerned.
8. If he/she fails to take over charge of the post within a week of the receipt of this order the offer of apptt; shall stand cancelled.
9. Charge reports should be submitted to all concerned.
10. TA/DA etc is allowed.
11. He/she should be given test in Hazira (Iran & Pakistan) Hindi. Result intimated to this office.

(MOHAMMAD SAEED)  
(DIRECTOR OF EDUCATION)

DIVL. DIRECTOR OF EDUCATION  
PESHAWAR DIVN. PESHAWAR  
1-11-1995

No: 9960-68 / Dated

Copy to the:-  
1. (P) & (E) Secy, Nowshera.  
2. ~~XXXXXXXXXXXXXXXXXXXX~~ / Nowshera.  
3. ~~XXXXXXXXXXXXXXXXXXXX~~ Principal GHSS Nizam Pure Nowshera.  
4. Candidate concerned.  
5. ~~XXXXXXXXXXXXXXXXXXXX~~ Branch.

ATTESTED

*[Handwritten Signature]*

for Divl. Director of Education,  
Peshawar Division.

Attested  
*[Handwritten Signature]*  
ABDUL MASTER  
G. H. S.  
814 NSR. Nowshera

C.T. Appointment order copy.





Annexure C

Arrear Sanction order

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SECY: NOWSHERA.

OFFICE ORDER/

Consequent upon the acceptance of appeal referred by Incharge Officer Public response Centre Nowshera and in continuation to this office Memo No.6198-6202 Dated 24.12.98, Mr. Fazal Nohood PET Govt: High School, Badrashi Nowshera is hereby re-instated from the date of termination with all back benefits.

- NOTE:-
1. Necessary entries should be made in his S/Book.
  2. Charge report should be submitted to all concerned.

( MOHAMMAD SALEEM )  
DISTRICT EDUCATION OFFICER  
(MALE) SECONDARY NOWSHERA.

Endst:No. 172-74 /Dated Nsr; the 4/3 /2000.

Copy forwarded for information & action to the:-

1. Incharge Officer Public response Centre Nowshera  
for his letter No.84/DCN/PRC Dt:27.11.99
2. District Accounts Officer Nowshera.
3. Principal Govt:High School Badrashi Nowshera.

*M. Hassan*  
DISTRICT EDUCATION OFFICER  
(MALE) SECONDARY NOWSHERA.



(For use in Police Department only).

12

Heirs. Passed NSL (HPE) Exam, Spring 2015  
 under Roll NO# 14-SP-78346 obtained Marks  
 444/800 Result declared on-08-11-2015.  
 1. End St. No. #1034 9-50 DEO (MT) Dep't. Per mission dated 13-3-2014.  
 3.

Verification Roll No. \_\_\_\_\_ dated \_\_\_\_\_  
 HEAD MASTER  
 Govt. High School  
 Samnder Gahri  
 Nowshera K. received back

ISHTIAQ AHMAD  
 SGT B-16  
 GSS Akbar Pura  
 Distt: Nowshera/  
 Left Thumb Impression

Qualification	Date	Qualification
English		First Arts
Pushto		B.L. or B.A.
Urdu		Pleadership examination
Plan-drawing		Training School Final examination
Finger Print		Other qualifications—
Drill Instructing		
Court Duties		
Reserve Duties		

ATTENDED

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

- 1. Name .. *Fazal Mahmood.*
- 2. Race .. *Afghan.*
- 3. Residence .. *Mohallah Samander Ghari*  
*Village & P.O. Nowshera.*
- 4. Father's name and residence .. *Sultan Mahmood.*  
*Nowshera.*
- 5. Date of birth by Christian era as nearly as can be ascertained .. *( 13 - 2 - 1971 )*  
*Thirteen february N.H. Seventy one*
- 6. Exact height by measurement .. *5 - 6"*
- 7. Personal marks for identification .. *A black mark on the chest.*
- 8. Left hand thumb and Finger impression of (non-gazetted) officer

Little Finger.

Ring Finger

Middle Finger.

Fore Finger

Thumb.

9. Signature of Government servant

*[Handwritten Signature]*

ISTIAQ AHMED  
SCLER G  
JISS A.D. Pura  
Dist: Nowshera

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

*[Handwritten Signature]*

**ATTESTED**

*[Handwritten Signature]*



Heirs, Passed M.A Pashto Examination under R/No 10640 Session 96 (A) from University of Peshawar marks obtaining 458/1100 (Second) Result declared on date 25-9-97

Verification Roll No. dated received by

Passed B. Ed Exam in 2013 from Northern University K.P.K, Nowshera

Signature and Stamp

Left thumb-impression

Passed Matric Examination under R/No-743R from BISE Swat 1987 (Passed) and Passed in Grades

Qualification	Date	Qualifications	Date
English		First Arts	
Pashtu		B. I. or B. A. and Physical Health and Antineoplastic	
Urdu	Passed	Pleadership examination	10/5/83
Plan-drawing	Pictorial	Training School Final examination	1983
Finger print	Examined	Other qualifications	
Drill instructing	1984	Examined 97/200	1983

Passed Court Rules Exam under R/No 9561 Session 1980 Syllabus Reserve duties (RST) and from B.F.S. 453/1100

Examined on Jan 1983

ISHKAD ARI... GISS Ak... Pura Dist: Nowshera

N.B.—Line to be drawn under the qualification possessed

9 Signature and Name of the head of the office or other attesting officer in station of posts 1 to 8	10 Date of termination of appoint- ment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant	
				Nature and dura- tion of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
					Period			Government to which debitable
(Signature)	30/11/93 12/01/94	Technical Transfer	(Signature)				Appointed as Joint PEI N.C.P	
DEU (Signature) NOB...	13/01/94	Transfer to Kulm...	(Signature)				Post at GMS Chokri mandir N.S.K by Deputy Director Director E.N.G School Encl No: 8167 Dated: 20/10/93 and D.E.O in sec N.S.K Encl No: 16-18 Dated: 25/10/93	
(Signature)	30/05/94	Revised scale	(Signature)					
(Signature)	30/11/94	Fined	(Signature)					
(Signature)	6/11/95	CHANGE of POST & TX Transfer	(Signature) Nowshera				change of Post require clarification.	
(Signature)	30/11/95		(Signature)					
(Signature)	03/05/96	Transf	(Signature)				Passed B.A Examination under D.No: 52710 section 1981 Annex from University of Peshawar and securing 223/550 and placed in grade D for merit determined on 6.3.93.	
(Signature)	24/05/96	Govt. Higher Sec. School Bisambar (Nowshera) BPS No: 14	(Signature)				(Division Improved) See Page No: 7	
(Signature)	30/11/96	Annual Increment	(Signature)				(1) Service verified w.c. 7 24/10/93 to 31-12-94 from the ACGR roll and other record of this office.	
(Signature)			(Signature)				Being Secnd Divn BA and Transf c. 7. 25/05/96 D.E.O in Sec N.S.K Nowshera	

ATTESTED  
(Signature)



(18)

1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Government
C.M.S. A.I.				2226/-		12/96	Koz
- Do -				2387/-		12/97	Koz
		ISHFAQ AHMAD 1-8-16 G.I. Akbar Pur. Dist: Nowshera					

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officer i  
tion of  
s 1 to 8

(18)

A. H. S. D.





9 Signature and designation of the officer or other attesting officer in columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc).	12 Signature of the head of the office or other attesting officer	13 Leave Allocation of period of leave on average pay upto four months for which leave salary is debit.ble to another Government Period Government to which debit.ble	14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
M. A. W. (M/S) (N.S.)	3/98	C. H. A. (M/S) (N.S.)	[Signature]	Graded pay	[Signature]	[Checkmark]
M. A. W. (M/S) (N.S.)	3/98	C. H. A. (M/S) (N.S.)	[Signature]	Allowed graded pay scale B.P.S. no. 9 vide Dir. & Dir. Edu. (M/S) (N.S.)	[Signature]	[Checkmark]
M. A. W. (M/S) (N.S.)	3/98	C. H. A. (M/S) (N.S.)	[Signature]	Educative school Peshawar	[Signature]	[Checkmark]
M. A. W. (M/S) (N.S.)	3/98	C. H. A. (M/S) (N.S.)	[Signature]	Encl. no. 13487-89 dt 15-2-96	[Signature]	[Checkmark]
M. A. W. (M/S) (N.S.)	3/98	C. H. A. (M/S) (N.S.)	[Signature]	w.e.f. 25/5/96	[Signature]	[Checkmark]
M. A. W. (M/S) (N.S.)	3/98	C. H. A. (M/S) (N.S.)	[Signature]	Terminated from service	[Signature]	[Checkmark]
M. A. W. (M/S) (N.S.)	3/98	C. H. A. (M/S) (N.S.)	[Signature]	vide Director of Edu. (S) Pesh. Div. Peshawar vide Encl. No. 687-091 dt. 9-1-98	[Signature]	[Checkmark]
M. A. W. (M/S) (N.S.)	3/98	C. H. A. (M/S) (N.S.)	[Signature]	Re-instated on vacant post of P.E.T. Un-trained at G.H.S. Badrahi (N.S.) vide District Edu. Officer (M/S) Nowshera Encl. No. 6198-6202 dt. 24-12-98	[Signature]	[Checkmark]
M. A. W. (M/S) (N.S.)	3/98	C. H. A. (M/S) (N.S.)	[Signature]	[Text]	[Signature]	[Checkmark]

Accounts Office  
Nowshera

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term 'Pay'	Date of appointment	Signature of Government servant
L.H.S. Badarshi (NSR)	Temp	BPS-9	Revised Entries w.e.f 9 <sup>01</sup> / <sub>98</sub> 1605-97-3064				[Signature]
P.E.T ✓			Rs. 1605/- P.M	Fixed		04 <sup>02</sup> / <sub>98</sub>	[Signature]
do	do		Rs. 1605/- P.M	Fixed		01 <sup>12</sup> / <sub>98</sub>	[Signature]
do	do		Rs. 1605/- P.M	Fixed		01 <sup>12</sup> / <sub>99</sub>	[Signature]
[Signature]			Rs. 1605/- P.M	Fixed		2 <sup>5</sup> / <sub>2000</sub>	[Signature]
L.H.S. Navin K. [Signature]	do						[Signature]
ISPTAQ AHV 16 S.C.T B-16 G.H.S. Akh. C Para Distt: Nowshera							
B/S No 14. (Rs. 2065-161-4480)							
do	do		Rs. 2065/- P.M	Fixed		25 <sup>12</sup> / <sub>2000</sub>	[Signature]
do	do		Rs. 2226/- P.M			1 <sup>12</sup> / <sub>2000</sub>	[Signature]
do	do		Rs. 2387/- P.M			1 <sup>12</sup> / <sub>2000</sub>	[Signature]

Signature of Government servant

Signature of Government servant

Signature of Government servant

Signature of Government servant

Signature of Government servant

Signature of Government servant

Signature of Government servant

District Maley

Secy. N

Secy



1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	if officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "pay"	Date of appointment	Signature of Government servant
P. I. Post	✓ Pay	Scale Revised				1-12-2001	
G.O. 15 Nawa Killa	✓ Temp		Rs. 3580/pm			1-12-2001	[Signature]
		✓					
Office of the Accountant General N.W.F.P. Peshawar.							
Pay fixed in the revised pay scales 2001 of Rs. 3100 - 2400 - 10300 (14)			1-12-2001				
at Rs. 3580/pm N.W.F.P. with next increment on			1-12-2002				
Account Officer Pay Fixation Party NWFP, Peshawar	[Signature]						
[Signature]							
- Do -	- Do -		Rs. 3820/pm			12/2002	[Signature]
							[Signature]

ISHITA JALMAD  
SC 1016  
GHSS A. K. Pura  
District Peshawar

ATTESTED

Office of the  
Secretary  
District  
Peshawar

Unit: Salona P.E.T. up to 24/4/2000

9	10	11	12	13		14	15	
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
Signature of Government servant	Signature and office of the head of the office or other officer in charge of the establishment	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Perpetual	Government to which debitable	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or praise of the Government servant
	District Officer (M) Secy: (Admin. & Dev.) Nowshera	30/11/2003		District Officer (M) Secy: (Admin. & Dev.) Nowshera				
<p>Services Verified w.o. Other Record</p> <p>Principal Govt. High School Sadrahi (Nar)</p> <p>01-05-2000</p>					<p>PET Exam - 99</p> <p>R.D.E. Education Deptt.</p> <p>Secured Marks 608/1050 and placed in First Division</p> <p>Result declared on 25/4/2000</p>			
<p>Appointed against eq post at GHS Nizampur vide Divisional Director of Education Peshawa Dini Peshawar No 9962-68 dt 1-11-95</p>					<p>Allowed Graded Pay in BPs No. 14, due to possessing higher qualification BA in 2nd Divi with Professional Qualification of PET, we from 25.4.2000 he from the date of passing of Professional Exam vide this office No. 5126 dt 4/6/2000.</p>			
	District Officer (M) Secy: (Admin. & Dev.) Nowshera	30/11/2003		District Officer (M) Secy: (Admin. & Dev.) Nowshera				
<p>Allowed Graded Pay in BPs No. 14, due to possessing higher qualification BA in 2nd Divi with Professional Qualification of PET, we from 25.4.2000 he from the date of passing of Professional Exam vide this office No. 5126 dt 4/6/2000.</p>					<p>District Education Officer (Male) Secondary Nowshera</p>			





Signature and Position of the officer or attesting officer (Columns 1 to 8)	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debit-able to another Government		
				Period	Government to which debit-able		
<i>[Signature]</i> DEO (M) Secy NER	30/11/03		<i>[Signature]</i>			<b>SERVICE VERIFIED W.E.F</b> <b>1-1-04... TO 30/11/04 FROM</b> <b>ACQ. ROLL &amp; OTHER RECORD</b> <b>OF THIS OFFICE</b> DEO (M) Secy NER <b>District officer</b> <b>SAB Distt Nowshera</b>	
<i>[Signature]</i> DEO (M) Secy NER	30/11/03		<i>[Signature]</i>				
<i>[Signature]</i> DEO (M) Secy NER	30/11/03		<i>[Signature]</i>				
<i>[Signature]</i> DEO (M) Secy NER	30/11/2004	Revision of pay scale	<i>[Signature]</i>			<b>S/ Tribunal decision attached</b> 13/4/04 b-29743/10 A/13-4 B-14 w.e.f 9/1/98 to 30/4/2000 Rs 2167/- District Accounts Nowshera	
<i>[Signature]</i> DEO (M) Secy NER	30/11/2005		<i>[Signature]</i>				
<i>[Signature]</i> DEO (M) Secy NER	30/11/06		<i>[Signature]</i>			<b>SERVICE VERIFIED W.E.F</b> <b>1-12-04... TO 30/11/04 FROM</b> <b>ACQ. ROLL &amp; OTHER RECORD</b> <b>OF THIS OFFICE</b> DEO (M) Secy NER <b>District officer</b> <b>SAB Distt Nowshera</b>	
<i>[Signature]</i> DEO (M) Secy NER	30/11/06		<i>[Signature]</i>				
<i>[Signature]</i> DEO (M) Secy NER	30/11/06		<i>[Signature]</i>				

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1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term 'Pay'	7 Date of appointment	8 Signature of Government servant
Revised Entries w.e.f. 9-1-98.							
PBT Post GMS Nawaselli	Temp/Per		Rs 2387/pm			01/1998	
- Do -	- do -		Rs 2548/pm			01/1998	
- Do -	- do -		Rs 2709/pm			01/1999	
- Do -	- do -		Rs 2870/pm			1/2000	
			pay scale revised				
Do	do		Rs 4300/pm			1/2001	
Do	do		Rs 4540/pm			1/2002	
Do	do		Rs 4780/pm			1/2003	
Do	do		Rs 5020/pm			1/04	
Pay scale Revised w.e.f. 1-7-2005							
- Do -	- do -		Rs 5765/pm			7/05	
- Do -	- do -		Rs 6049/pm			1/05	
- Do -	- do -		Rs 6315/pm			1/06	

Signature of the Government servant in this column

ISHIAQ AHMED  
GMS Nawaselli  
Dist: Nawasera

Signature of the Government servant in this column

29

1 Name of post	2 Whether substan- tive or officiating and whether permanent or temporary	3 if officiating. state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "pay"	7 Date of appointment	8 Signature of Government servant
BPS-14 (R. 4100 - 315 - 13550)							
PET GHS Nawankilla			Rs. 6305/- P.M.			17/07	
PET, GHS Nawankilla			Rs. 6305/- P.M.			01/10/2007	
-do- -do-			6620/- P.M.			01/12/2007 F.N.	<i>[Signature]</i>
Revised BPS - No. 14 (4920 - 380 - 16320) 2008							
-do- -do-			7960/- P.M.			01/07/2008 F.N.	<i>[Signature]</i>
-do- -do-			8340/- P.M.			01/12/2008 F.N.	<i>[Signature]</i>
<p>for fees Rs. 3580/- from 12/2007 Permitted at 4307/- from 12/2007 classification</p> <p>AD</p>							
			<p>ISHTIQA AHMAD SCT GHSSAK Pura Distt: Nowshera</p>				
<p>ATTESTED</p> <p><i>[Signature]</i></p>							

Signature of Government servant	Name and designation of the head of office or other officer in charge of the office to which appointed	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to recorded punishment or censure, or praise of Government servant	
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
						Period			Government to which debitable
		30/6/07	Revision of pay scale.				Service verified from 1-12-2005 to 30-9-07		
		30/9/07	School up graded to High status				From the acquisition roll & other records of this office		
		30/11/2007	Annual increment.						
		30/6/2008 AN.	Revision of pay scale.				passed SDPE from Gomal University in the year 2005-06 under Roll No. 1271 obtained 558 out of 1050 in (2nd Division) Results declared on 4-9-2006.		
		30/11/2008 AN.	Annual increment.						

D.O (M)  
 (S & L) NSR  
 Head MASTER  
 G. H. S.  
 Killa NSR, Killa

Head MASTER  
 G. H. S.  
 Killa NSR, Killa

Head MASTER  
 G. H. S.  
 Killa NSR, Killa

Head MASTER  
 G. H. S.  
 Killa NSR, Killa

Head MASTER  
 G. H. S.  
 Killa NSR, Killa

Head MASTER  
 G. H. S.  
 Killa NSR, Killa

D.O (M)  
 (S & L) NSR

D.O (M)  
 (S & L) NSR

23

31

1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of the head or other officer in charge of the Government
<p>In accordance with the DCO Nawshera Notification No. 814/DCO 567-73 dated 29-01-2009, Pay fixed in BPS- No. 15 w.e.f. 2-12-2007.</p>							
<p><u>Revised BPS-No. 15 (4350-350-14850) 2007</u></p>							
<p>DET, GHS Nawau Killa, Nawshera Kalan.</p>	<p>Temp; Perm:</p>	<p>-</p>	<p>8800/P.M.</p>	<p>-</p>	<p>-</p>	<p>2 <sup>12</sup>/<sub>2007</sub> FN.</p>	<p>[Signature] G. H. S. KHANSA</p>
<p><u>Revised BPS -No- 15 (5220-420-17820) 2008</u></p>							
<p>-do-</p>	<p>-do-</p>	<p>-</p>	<p>8160/P.M.</p>	<p>-</p>	<p>-</p>	<p>01 <sup>07</sup>/<sub>2008</sub> FN.</p>	<p>[Signature] G. H. S. KHANSA</p>
<p>-do-</p>	<p>-do-</p>	<p>-</p>	<p>8580/P.M.</p>	<p>-</p>	<p>-</p>	<p>01 <sup>12</sup>/<sub>2008</sub> FN.</p>	<p>[Signature] G. H. S. KHANSA</p>
<p>The Dear I am of pay + allowances of 11/0/07 to 28/0/08, in the light of Court decision no 879/07. 25/11/08</p>							
<p>[Signature] D. M. Khan</p>							

ISHI AO  
SC  
GHS Kalan

ATTENDED



(For use in Police and other similar Departments)

RECORD OF POSTINGS

District and Post	No. of District Order	Date	District and Post	No. of District Order	Date
<i>Revised due to decision of court</i>					
<p>(2001)            Assistant General            Peshawar            Pay Rs 3100-2400-10300 (DAS) (19)            4540/-</p>			<p>(2005)            Assistant General            Office            Pay            3565-275-11815 (19)            6040/-</p>		
<p>GENERAL            PAY Rs 4100-315-13550 (14)            7565/-</p>					
<p>GENERAL            PAY Rs 5220-420-17820 (15)            9840/-</p>			<p>ISHTIAQ AHMAD            SGT B-16            GHISS Akbar Pura            Distt: Nowshera</p>		



بعدالت حضانہ فیتر میں کر دیں سر سول سٹار



2018ء پنجاب  
صفصل محمد بنام حکومت وغیرہ

مورخہ

مقدمہ

دعویٰ

جرم

Service Appeal

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ  
آن مقام لیٹاؤ کیلئے محمد عمر مل صاحب الی وکس  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے  
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے  
سبب سے و ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

2018

المرقوم 12

محمد عمر مل  
وکیل صاحب

العبد العبد

کے لئے منظور ہے۔

مقام لیٹاؤ

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Appeal No. 205/2018

Fazal Mehmood .....Appellant

VERSUS

Govt of KPK & Others..... Respondents

Respectively Sheweth

Written comments/reply on behalf of respondents.

**Preliminary Objections**

1. That the Appellant has no cause of action/locus standi to file the instant appeal.
2. That this honorable service tribunal has got no jurisdiction to entertain the present appeal.
3. That the present Appeal is bad for non-joinder and mis joinder of necessary parties.
4. That the instant appeal is badly time barred.
5. That the appellant has concealed material facts from this Honorable Tribunal.
6. That the appellant is estopped by his own conduct, by deed and by law to file the instant appeal.
7. That the instant appeal is barred by law.

**On Facts**

1. Pertains to record.
2. Pertains to record.
3. Pertains to record.
4. Pertains to record.
5. Pertains to record.
6. Incorrect. According to the Finance Department (Regulation Wing) Notification No. FD (PRC) 5-2/2002 dated Peshawar the.30-10-2009 the services of all those untrained teachers who were appointed on fix pay and were subsequently regularized against their posts, on acquiring / completing requisite training successfully, would be entitled for such benefits of annual increment from the date of their first appointments as such, but without arrears. In the light of the above the appellant is not entitled for arrears.

**GROUNDS:**

2

- A. Incorrect. The appellant was treated in accordance with law.
- B. Incorrect. There is clear direction/notification of the Finance Department regarding payment/nonpayment of arrears (Annexure A).
- C. Correct, but the Court Judgment is to the extent of payment from date of training/professional qualification.
- D. Incorrect. As explain in the above para.
- E. Incorrect. The appellant was also treated in the light of notification dated 30-10-2009.
- F. Incorrect. As explained in the above para's.
- G. Incorrect. As per paras above.
- H. Incorrect. The appellant was not discriminated.
- I. No comments.

It is therefore, requested before your Honor that the present Service Appeal is illegal, against facts and without force, may kindly be dismissed with cost.

**Respondent No.1**

Secretary E & SE  
Govt of KPK Peshawar

**Respondent No.2**

Director  
(E & SE) KPK Peshawar

**Respondent No.3**

District Education Officer (M)  
Nowshera

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Appeal No. 205/2018**


**Fazal Mehmood .....Appellant**

**VERSUS**

**Govt of KPK & Others..... Respondents**

**AFFIDAVIT**

I Fayaz Hussain, District Education Officer (M) Nowshera do solemnly affirmed and declare on oath that the contents of Par wise comments/ reply on behalf of respondent are true and correct to the best of my knowledge and that nothing has been concealed from this Honourable Court.

  
Deponent



GOVERNMENT OF N.W.F.P  
FINANCE DEPARTMENT  
(REGULATION WING)

NO. FD (PRC) 5-2 /2002  
Dated Peshawar the: 30-10-2009

To:

The Secretary to Govt. of NWFP,  
Elementary & Secondary Education Department,  
Peshawar.

Subject:

GRANT OF ANNUAL INCREMENT / RUNNING PAY TO  
UNTRAINED TEACHERS IN THE LIGHT OF SUPREME  
COURT JUDGMENT.

Dear Sir,

I am directed to refer to this Department letter No. FD (PRC) 5-2/2002, dated 30-03-2009 on the subject noted above and to say that certain quarters have raised some queries about the subject matter which are clarified as under:-

- i. All those untrained teachers who were appointed on fix pay and were subsequently regularized against their posts, on acquiring / completing requisite training successfully, would be entitled for such benefits of annual increments from the date of their first appointments as such, but without arrears.
- ii. The above benefit would also be admissible to all those retired teachers who fulfil the above conditions.
- iii. The above benefit would not be admissible to those who themselves resigned, or were removed / terminated from service.

2. This Department letter of even number dated 30-03-2009 shall be deemed to have been modified to the above extent.

Yours Faithfully,

(SHAUKAT ULLAH)  
SECTION OFFICER (SR-1)

Endst: of even No. & date.

Copy for information and necessary action:-

1. Accountant General, NWFP.
2. All District Coordination Officers, NWFP.
3. All District / Agency Accounts Officers, NWFP / FATA.

SECTION OFFICER (SR-1)

Directorate of Elementary & Secondary  
Education Khyber Pakhtunkhwa, Peshawar.

No. 2296 /A-88/KC/SET(M&F)SL/Inform:

Dated Pesh: the 31/8 /2012

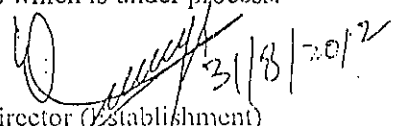
To:

The Executive Distt: Officer,  
Elementary & Secondary Education Peshawar

**SUBJECT: - Guidance for the preparation of seniority lists/promotion/upgradation  
of various cadres of teaching staff in Distt: Peshawar.**

I am directed to refer to your letter No. 11005 dated 23-8-2012 on the subject  
noted above and to inform you as under:-

1. The seniority cannot be considered from the date of appointment as untrained teacher. The seniority is considered from the date of regular appointment post or from the date of passing the prescribed professional qualification in case of untrained appointment (copy of the Rules attached).
2. The name of the teacher transferred from one district cadre post to other Distt: cadre post on his own request will be placed at the bottom of the seniority list i.e according to the date of taking over charge after the date of issue of his inter Distt: transfer order.
3. The name of the untrained teacher cannot be enlisted in the seniority list unless he passes the prescribed professional qualification.
4. The seniority of the teacher who was transferred to his own District due to devolution of Divisional Directorate will not be disturbed.
5. The new upgraded posts i.e BPS-14, BPS-15 & BPS-16 will be filled by promotion etc as & when the new Service Rules are notified by the Govt: of Khyber Pakhtunkhwa. The notification for constitution of DPC will be issued soon after the new Service Rules.
6. The ACRs/PERs are not required in fixation of pay due to upgradation of scales of PST/Qari teachers (M&F) in BPS-12 as well as upgradation of scale of CT/DM/PET/AT/TA teachers (M & F) in BPS-15. The ACRs will be required for their promotion in next scale against the newly upgraded posts in BPS-14, BPS-15 & BPS-16.
7. The new service rules/ amendment are under process.
8. Before the Service Recruitment Rules 2011, the teachers having FA & F.Sc (in 3<sup>rd</sup> division) already appointed according to the prescribed rules at that time, will be considered for seniority, but their promotion against the newly upgraded posts will be considered if allow the new Service Recruitment Rules which is under process.

  
Deputy Director (Establishment)  
(E&S) Khyber Pakhtunkhwa Peshawar

Endst: No. 2297-23-22

Copy forwarded for information & necessary action to the:-

1. All the Executive Distt: Officer (E&SE) in Khyber Pakhtunkhwa.
2. PS to the Secretary to Govt: E&SE Department Khyber Pakhtunkhwa.
3. PA to the Director E&SE Khyber Pakhtunkhwa

  
Deputy Director (Establishment)  
(E&S) Khyber Pakhtunkhwa Peshawar

Before the Service Tribunal, Peshawar  
S.A. No. \_\_\_\_\_

Fazle Mahmood

Versus

Govt: of KPK & others.

### **Rejoinder on behalf of Appellant**

Respectfully Sheweth , -

#### **FACTS**

1. Incorrect , the Appellant has got a cause of action .
2. Incorrect, this honorable tribunal has got a jurisdiction.
3. Incorrect all the necessary parties are incorporated as required under the law.
4. Incorrect, it's a continuous cause of action and Limitation has nothing to do in such cases.
5. Incorrect, in such case the ground of limitation do not exist.
6. Incorrect, No facts are concealed.
7. Incorrect, the appellant has the right to knock the door of this Honorable tribunal and very precious rights are attached .

#### **On Facts.**

1. The Respondents have not replied, the Para No.1 , in accordance with law and according to law , the rebuttal , if not made to specific para means the Respondents have admitted the narrations made by the

Appellant. As the Appellant's appointment order is silent about the condition related to the training . In other words the respondents have instead of appreciating the Appellants role towards children access to education, the Respondents have without any plausible and legal justification concealed the important fact of Seniority from the Appellant.

2. Admitted by the Appellant. The record is pretty much clear about the adjustment of the Appellant on 5/11/95 upon submission of resignation of Mr. Muhammad Haroon .
3. Admitted by the Respondents.
4. Admitted by the Respondents.
5. Admitted by the Respondents.
6. Correct to the extent of mentioned notification, however, it is important to mention that by awarding annual increment from the date of initial appointment, completely changed the seniority scenario as the same benefit is extended that is being granted to all regular employees. It has an ipso fact effect on the rights of all teachers who were appointed being untrained teachers.

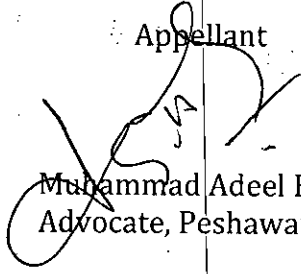
**Grounds.**

- A. -I. the version of Respondents is incorrect and the version of the Appellant is correct.

It is , therefore humbly requested and prayed that on the acceptance of the rejoinder, the Appeal in hand may please be accepted as prayed for.

Through

Appellant

  
Muhammad Adeel Butt  
Advocate, Peshawar