

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Service Appeal No. 1366/17

Date of Institution... 11.12.2017

Date of decision... 26.09.2018

Mohammad Salahuddin S/o Malik Sher Mohammad,  
PTC Teacher, GPS Shinali Banda,  
R/o Kohat City.

... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and  
Secondary Education Civil Secretariat Peshawar and two others.  
... (Respondents)

Mr. Ahmed Shah Afridi,  
Advocate

... For appellant.

Mr. Ziaullah,  
Deputy District Attorney

... For respondents.

MR. AHMAD HASSAN,  
MR. MUHAMMAD AMIN KHAN KUNDI,

... MEMBER  
... MEMBER

JUDGMENT

AHMAD HASSAN, MEMBER: - Our this judgment shall also dispose of  
instant appeal as well as service appeal no. 1367/2017 titled Sajjad Ali and Service  
appeal no. 11/2018 titled Muhammad Shakir as common question of law and facts  
are involved in both the appeals.

2. Arguments of the learned counsel for the parties heard and record perused.

### FACTS

3. Brief facts of the case are that the appellant was appointed as PTC (BPS-07) on adhoc basis vide order dated 15.09.1988. That after obtaining PTC certificate in 1997 he was entitled for seniority from the date of his initial appointed. He filed departmental appeal which was not responded within the stipulated period, hence, the instant service appeal.

### ARGUMENTS

4. The learned counsel for the appellant argued that though he was appointed as PTC (BPS-07) on adhoc basis vide order dated 15.09.1988 but after obtaining PTC certificate in 1997, he was entitled for seniority from the date of his initial appointment. To further strengthen his arguments he invited attention of this Tribunal to a judgment of Supreme Court of Pakistan dated 19.03.2016 wherein seniority and consequential benefits to the concerned petitioners were granted from the date of regularization/attaining required qualification. The appellant and others also submitted a representation to respondent no.3 on 17.07.2017 for treating at par with the aforementioned petitioners but to no avail. Denial of seniority to the appellant is arbitrary, unlawful and unwarranted. Reliance was placed on case law reported as 2014 SCMR 1289.

5. On the other hand, the learned Deputy District Attorney, while controverting the arguments of the learned counsel for the appellant informed that the present appeal was not in accordance with the spirit of Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, hence, not maintainable. The appellant had not challenged any original or final order passed by the respondents through the instant service appeal. So far as the judgment of Supreme Court of Pakistan dated 19.03.2016 was concerned only pay/increments were allowed to the petitioner, while the issue of seniority was not touched. He asserted that seniority is assigned according to Sub-rule-(1)(b) of Rule-17 of

Appointment, Promotion and Transfer Rules-1989. Reliance was also placed on a judgment of this Tribunal dated 17.01.2017 passed in service appeal no. 115/2016 in which similar question was decided.

### CONCLUSION.

6. Primarily the present appeal is not maintainable being not in line with Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. No original or appellate adverse order passed against the appellant by the respondents has been impugned in the present service appeal. Learned counsel for the appellant was time and again given opportunity to clarify this point but no avail. This issue has also been decided in service appeal no. 115/16 void judgment dated 17.01.2017. After having gone through the memorandum of appeal and arguments advanced by the learned counsel for the appellant we were amazed that he failed to quote anything relevant from Civil Servant Act, 1973 and Appointment, Promotion and Transfer Rules 1989 for grant of seniority in support of the appellant. Issue of seniority has been elaborated in Section-8 of Civil Servants Act 1973 read with Rule-17 of Appointment, Promotion and Transfer Rules 1989. Sub-Rule-1(b) of Rule-17 of APT Rules 1989, *ibid*, is attracted in this case. Resultantly seniority could not be considered from date of appointment as untrained teacher. Seniority is always granted from the date of regular appointment or from the date of passing the prescribed qualification in case of untrained appointment.

07. As a sequel to above discussion, the appeal is dismissed. Parties are left to bear their own cost. File be consigned to the record room.

  
(MUHAMMAD AMIN KHAN KUNDI)  
Member

  
(AHMAD HASSAN)  
Member

ANNOUNCED  
26.09.2018

22.05.2018


Counsel for the appellant and Addl: AG alongwith Mr. Waheed Gul, ADEO for the respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for rejoinder and arguments on 02.08.2018 before D.B.



(Muhammad Amin Khan Kundi)  
Member

02.08.2018

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 26.09.2018 before D.B.



(Ahmad Hassan)  
Member



(Muhammad Hamid Mughal)  
Member

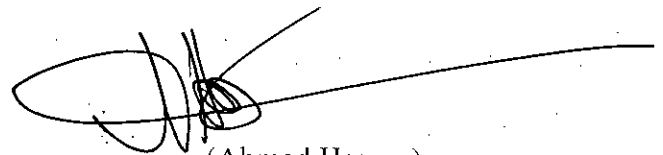
Order

26.09.2018

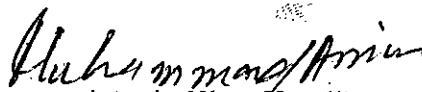
Appellant with counsel present. Mr. Ziaullah, Deputy District Attorney for respondents present. Arguments heard and record perused.

Vide detailed judgment of today of this Tribunal placed on file, the appeal is dismissed. In the circumstances, parties are left to bear their own costs. File be consigned to the record room.

Announced:  
26.09.2018




(Ahmad Hassan)  
Member



(Muhammad Amin Khan Kundi)  
Member


**05.03.2018**

Clerk of the counsel for appellant and Assistant AG for the respondent present. Written reply not submitted. Learned Assistant AG requested for further time adjournment. Request accepted. To come up for written reply/comments on 20.03.2018 before S.B.

  
(Gul Zeb Khan)  
Member

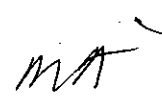
**20.03.2018**

None present on behalf of appellant and his counsel. Mr. Kabir Ullah Khattak Additional AG present. Representative of the respondent department is absent. Therefore fresh notice be issued to the appellant and his counsel as well as respondent department for attendance. To come up for written reply and comments on 19.04.2018 before S.B.

  
Member

**19.04.2018**

Counsel for the appellant and Addl: AG alongwith Mr. Wahid Gul, ADO (Lit) for the respondents present. Written reply submitted. Counsel for the appellant stated that the similar nature case is also fixed on 22.05.2018. The instant appeal may be fixed on 22.05.2018. Request accepted. To come up for rejoinder and arguments on 22.05.2018 before D.B alongwith connected appeal bearing No. 11/2018.

  
Member

Service Appeal No. 1366/2017

17.01.2018

Counsel for the appellant present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was appointed as untrained teacher vide order dated 15.09.1988. It was further contended that later on the appellant passed PTC exam and the department has also issued certificate to the appellant. It was further contended that after passing the PTC examination the appellant was regularized by the department. It was further contended that the respondent-department was required to regularize his untrained period of service and issue seniority list from the date of his appointment in the light of judgments of the Supreme Court of Pakistan but the respondent-department reluctant to issue seniority of the appellant from the date of his appointment therefore, the appellant filed department appeal but the same was also not responded hence, the present service appeal. It was further contended that since there is a judgment of apex court that the untrained service will be counted towards seniority therefore, the respondent-department is duly bound to count the untrained service period of the appellant toward seniority.

The contentions raised by learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 05.03.2018 before S.B.




Appellant Deposited  
Security & Process Fee

  
(Muhammad Amin Khan Kundi)  
Member

## FORM OF ORDERSHEET

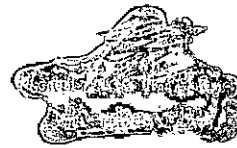
Court of \_\_\_\_\_

Case No. 1366/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	11/12/2017	<p>The appeal of Mr. Muhammad Salahuddin presented today by Mr. Ahmad Shah Afridi 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 11/12/17</p>
2-	15/12/17.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>01/01/18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Appellant in person present and seeks adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. to come up for preliminary hearing on 17.01.2018 before S.B.</p> <p style="text-align: right;"> (Gul Zeb Khan) Member (E)</p>



Appellant in person present and seeks adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. to come up for preliminary hearing on 17.01.2018 before S.B.





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


Appeal No. 1366/2017

**Mohammed Salahuddin V/s Govt. of Khyber Pakhtunkhwa and Others**


**INDEX**

S. No.	Description of Documents	Annexures	Pages
01-	Departmental Appeal	-	1-4
02-	Affidavit	-	5
03-	Memo of Addresses	-	6
04-	Appellant appointment Letter, qualification and other documents	"A"	7-29
05-	Application to DEO, dt.17.07.2017	"B"	30
06-	Application to Director (E&SE), dt.17.07.2017	"C"	31
07-	Letter dt. 07.09.2017	"D"	32
08-	Court Fee	-	
09-	Wakalatnama	-	

07/12/2017

  
**Appellant**

Through:

  
**Ahmed Shah Afridi**  
Advocate, Peshawar

1

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

Appeal No. 1366 /2017

Khyber Pakhtukhwa  
Service Tribunal

Diary No. 1400

Dated 11-12-2017

**Mohammed Salahuddin S/o Malik Sher Mohammad**  
PTC Teacher, GPS Shinali Banda  
R/o Kohat City

.....(Appellant)

*Versus*

1. **Government of Khyber Pakhtunkhwa**  
Through Secretary, Elementary and Secondary Education  
Civil Secretariat, Peshawar
2. **Director of Elementary and Secondary Education**  
Directorate of Elementary and Secondary Education
3. **District Education Officer (Male), Kohat**  
Office of DEO (Male), Kohat

.....(Respondents)

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, FOR  
SENIORITY AND PAYMENT OF ANNUAL INCREMENTS/PAY  
FROM DATE OF FIRST APPOINTMENT AND ANY OTHER  
BENEFITS WITHOUT DISTINCTION BETWEEN TRAINED AND  
UNTRAINED TEACHERS IN VIEW OF THE JUDGEMENT OF  
THE SUPREME COURT OF PAKISTAN

Filed to-day

Registrar

11/12/17

**Prayer in Appeal:**

On acceptance of this appeal, the appellant be allowed seniority and receive graded pay, effective from the date of first appointment, rather than date of qualification, without making distinction between trained and untrained PST

2

Teachers in accordance with the judgement of the Honourable Supreme and any other back benefits that is due under the relevant laws and rules.

*Respectfully Sheweth;*

1. **That** the appellant belong to a respectable family of his locality and have carried out exemplary service for decades at the post of PTC Teacher, since the date first of appointment, carrying out his duties with diligence, due care, efficiency, devotion and to the great satisfaction of his superiors, with no adverse remarks towards ACR's and imparting quality education upon his students.
2. **That** Appellant No.1 was hired vide Appointment Letter No.12500-547/A-1/PTC/Supdt dated 15.09.1988 for the post of PTC Teacher (BPS-7), that over the course of his employment, the appellant pursued further education/qualification and received his Primary Teaching Certificate on 13.05.1997 after passing the requisite exams in 1996.

*(True copy of Appointment Letter, Certificate and other documents are attached as Annexure-A)*

3. **That** the appellant along with other PST Teaches filed an application with Respondent No.3 on 17.07.2017, requesting that in light of the Judgement of the Honourable Supreme Court of Pakistan, dated 19.03.2016, the appellants be offered seniority and all due financial benefits for period of service from the date of appointment till the date of regularization/qualification attained.

*(True copy of application dt.17.07.2017 is attached as Annexure-B)*

4. **That** the appellant along with other PST Teachers furthermore submitted an application with Respondent No.2 on 17.07.2017, requesting to be granted seniority and all due financial back benefits from the date of first appointment in light of the Judgement of the Honourable Supreme Court of Pakistan, dated 19.03.2016.

*(True copy of application dt.17.07.2017 is attached as Annexure-C)*

5. **That** the Office of the District Education Officer (Male), Kohat, sent Letter No.10290, dated 07.09.2017, to Respondent No.2 on the subject matter of the application submitted by the appellant requesting seniority and back benefits from the date of first appointment.

(True copy of the Letter dt. 07.09.2017 is attached as Annexure-D)

6. That feeling aggrieved by the inaction and lethargic behaviour of the concerned authorities, the appellant seek to invoke the jurisdiction of this Honourable Tribunal, *inter-alia*, on the following grounds:

**GROUND**

- A. **Because** the actions or the lack of as well as the lacklustre, sluggish and slothful behaviour of the respondents is illegal, patently wrong, unlawful, arbitrary, capricious, unwarranted, malafide and against the relevant provisions of the law and rules and thus the appellant is liable to be granted relief.
- B. **Because** the behaviour and inaction of the Respondents is against settled precedence set down by the Honourable Supreme Court of Pakistan in numerous judgement including judgement dated 19.03.2016.
- C. **Because** the appellant rights are enshrined and protected under the Constitution of the Islamic Republic of Pakistan, such as under **Article 25**, which is being blatantly violated by the respondents. Therefore, the appellant deserves to be treated at par with their peers, in accordance to the Constitution and thus, should be given due seniority.
- D. **Because** the appellant has carried out his service in exemplary manner for decades without any complaints from his superiors and that the inability of the respondents to provide relief as well as the failure to accord seniority to the appellant is harsh and demonstrates a lack of concern from the respondents towards the honest hard work and years of service of the appellant.

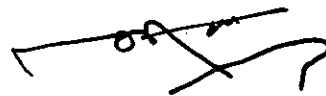
4

- E. **Because** the appellant belongs to a poor but respectable family of his locality, who deserves to have his service recognized by the relevant authorities (Respondents), have his service acknowledged and be granted due seniority from the date of his first appointment (untrained period).
- F. **Because** the appellant seeks permission of this honourable Tribunal, to rely upon additional grounds and seek any other relief at the time of hearing of the appeal.

**It is, therefore,** humbly prayed that upon acceptance of this appeal, appellant be accorded seniority and be granted all due financial benefits from the date of first appointment.

**Any** other relief this honourable Tribunal deems fit in the circumstances of the case may also be granted

Dated: 07.12.2017



Appellant

Through:



Ahmed Shah Afridi  
Advocate, Peshawar

5

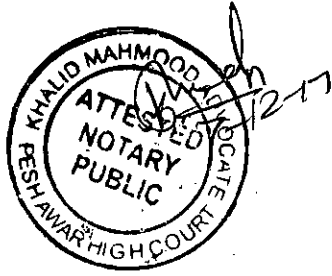
**BEFORE THE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR**

Appeal No. \_\_\_\_\_/2017

**Mohammed Salahuddin V/s Govt. of Khyber Pakhtunkhwa and Others**

**AFFIDAVIT**

I, **Mohammad Salahuddin** S/o Malik Sher Mohammad, R/o Kohat City, affirm and declare that the contents of the accompanied Departmental Appeal are true and correct and nothing material has been concealed therein from this honourable Tribunal.



**Deponent**

6

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

Appeal No. \_\_\_\_\_/2017

**Mohammed Salahuddin V/s Govt. of Khyber Pakhtunkhwa and Others**

**MEMO OF ADDRESSES**

**Mohammed Salahuddin S/o Malik Sher Mohammad**  
PTC Teacher, GPS Shinali Banda  
R/o Kohat City

*.....(Appellant)*

*Versus*

1. **Government of Khyber Pakhtunkhwa**  
Through Secretary, Elementary and Secondary Education  
Civil Secretariat, Peshawar
2. **Director of Elementary and Secondary Education**  
Directorate of Elementary and Secondary Education
3. **District Education Officer (Male), Kohat**  
Office of DEO (Male), Kohat

*.....(Respondents)*

# EDUCATION DEPARTMENT, N.-W.F.P., PESHAWAR.



## PRIMARY TEACHING CERTIFICATE.

ROLL NO. 6198 Marks obtained 735/1200  
 Division First  
 Certified that Mohammad Salahud Din  
 born on 24-3-1970 Twenty Fourth March Nineteen hundred and Seventy  
 Son/Daughter of Malik Sher Mohammad  
 resident of xxx Tehsil xxx District Nowshera  
 having passed the P.T.C. Examination held in 19<sup>96</sup>, is qualified to teach in Primary and Middle School  
 except English.  
 Trained at the Government Training School, .....

Session 19 xx - 19 xx

Prepared by [Signature]

Checked by [Signature]

Dated Peshawar,

the 13-5-1997

Departmental Examinations,  
Education Department, Peshawar

*Attested*  
Asstt. Sub District Officer

ATTESTED  
To Be True Copy  
Advocate

ANNEX "A"

(7)



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE), KOHAT.

APPOINTMENT.

8

Appointment of the following candidates are hereby ordered against the vacant posts of P.T.C. Teachers on temporary and Adhoc bases (in BPS-7) @ Rs. 750/- per month fixed plus usual allowances in the interest of public service with effect from the date of their taking over charge:-

S. No.	Name and Addressed of Candidate.	(ON OPEN MERIT) Posted at	Remarks.
1.	Hafiz Mohammad Yousaf S/O Gul Salam R/O Naryab(Hangu). (Matric)	GPS, Chapri Naryab.	Vice Mohammad Iqbal transferred.
2.	Sabir Mohammad Shah S/O Wahid Shah R/O Togh Bala (Kohat) (B.Sc.)	GPS, Tora Wari.	Vice Jawad-Hussain. Transferred.
3.	Mohboob Anwar S/O Abdus Salam R/O Kohat City (F.A.)	GPS, Kahi.	Vice Mohammad Ashraf transferred.
4.	Rehman Khan S/O Mohammad Gul R/O Tappi Kohat (F.A.)	GPS, Shaheed Abad	Vice Mohammad Zubair transferred.
5.	Sajjad Ahmad S/O Maqsood Ahmad R/O Mohallah Niazi Kohat (F.A.)	GPS, Tora Ghundi.	Vice Arshad Mehmood transferred.
6.	Irshad Ahmad S/O Ijaz Ahmad R/O Kohat City. (F.A.)	GPS, Dallan No.2.	N.C.P.
7.	Mirajuddin S/O Jallal Ud Din, R/O Garhi Mawaz Khan (B.AI)	-----do-----	-----do-----
8.	Mohammad Hussain S/O Mohammad Anwar R/O Chorlaki (F.A.)	GPS, Shahoo Wam.	Vice Khalil Hussain transferred.
9.	Misar Ali Shah S/O Said Jalal Shah R/O Gada Khel (Kohat). (F.A.)	GPS, Sahibzadgan.	N.C.P.
10.	Arshad Naeem S/O Allah Bakhsh R/O Kohat City (F.A.).	GPS, Maroofi Banda.	Vice Aminullah transferred.
11.	Nafees Er Rehman S/O Abdul Manar R/O Kohat City. (F.Sc.)	GPS, Bakaro Banda.	Vice Khalid Naqas transferred.
12.	Irshad S/O Khial Gul R/O Miri(Kohat) (F.Sc.)	GPS, Kat Garh.	Vice Mohammad Arif selected for P.T.C.Trgr ✓
13.	Sultan Badshah S/O Gul Bad R/O Jangal Khel Kohat(F.A.).	GPS, Mahmood Banda.	Vice Noor Jalil transferred.
14.	Shah Jee Khan S/O Nadir Khan R/O Naryab (F.A.).	GPS, Ghalo China.	Vice Mohammad Nazam Ramzan, trfd
15.	Abdul Khaliq S/O Ruknuddin R/O Bori Sghari(Shakardarra). (F.A.)	GPS, Karbogha.	Vice Saeed ud Din selctd: for C.T. ✓
16.	Ajuz Farooq S/O Nawab Noor R/O Kohat City (F.Sc.)	GPS, Adam Banda.	Against vacant post.
17.	Mohammad Sallahuddin S/O Sher Mohammad Khan R/O Kohat City(F.A.)	GPS, Shinali Banda.	Vice Ihsan Ali trfd:
18.	Abdul Qadoos S/O Lal Mir R/O Shakardarra (F.Sc.)	GPS, Thali No.1.	Vice Mohammad Idr: trfd:
19.	Miqdad Raza S/O Mohammad Raza R/O Landi Kachai. (F.A.).	GPS, Chakar Kot Bala	Vice Javed Ali Resigned.
20.	Mohammad Shoaib S/O Mirzaka Mohammad Rafiq R/O Bawal Nagar(Kohat) (F.A.)	GPS, Darsamand No.2.	Vice Litab Gul trfd:
21.	Ibni Ali S/O Mirzada (F.A.) R/O Ibrahimzai, (Hangu).	GPS, Chapri Hangu.	Vice Altaf Hussain resigned.
22.	Yousaf Hussain S/O Fazal Hussain R/O Sher Kot. (F.A.).	GPS, Darshai.	Vice Tahir Shah transferred.
23.	Rafique Hussain S/O Shandi Gul R/O Uch...	GPS, Shamsuddin	Vice Umar Hayat trfd:

*[Handwritten Signature]*  
10 30

S. No.	Name and address of Candidate.	Posted at	Remarks
24.	Rehmat Jan S/O Mohammad R/O Mandoori (Matric).	GPS, Mandoori	N.C.P.
25.	Sayyed Shabirul Hassan S/O Mohammad Hussain R/O Ibrahimzai (Matric).	GPS, Navi Dhand	Vice Torab Ali trfd:
26.	Mohammad Afzal S/O Mohammad Abass R/O Shakardarra (Matric).	GPS, Pungi Banda.	Vice Mohammad Shoab trfd:
27.	Zulfiqar Ali S/O Sardar Ali (R.A.) R/O Usterzai Payan.	GPS, Darabo Kach.	Vice Umar Badshah slctd: for PTC.
28.	Ali Ahmad S/O Mohammad (Matric) R/O Ghurzai Bayan(Kohat).	GPS, Navi Dhand.	Vice Taj Mohammad trfd:
29.	Sarmast Khan S/O Sagal Khan(Matric) R/O Sarwar Mela (Hangu).	GPS, Baddo Talab/	Vice Ismail trfd:
30.	Khalid Khan S/O Mohammad Sharif R/O Jangal Khel(Kohat) (Matric).	GPS, Shinki Banda.	Vice Gulzar Ahmad resigned.
31.	Mujahiddin S/O Hisamuddin R/O Togh Bala (Matric)	GPS, -do-	Vice Mohammad Sulaiman trfd:
32.	Javed Iqbal S/O Quwat Shah R/O Bahader Garhi(Hangu) (Matric).	MPS, Saifoor Shah Killa.	Vice Gulzar Hussain trfd:
33.	Pazal Mohammad S/O Bahader Sher R/O Mohammad Khawaja. (Matric).	MPS, Mandra Khel	Vice Khalid Khan trfd:
34.	Aurangzeb S/O Sahib Shah (B.Sc) R/O Jangal Khel(Kohat).	GMS, Chamba Gul	Vice Alaf Jehanbadehan sltd for PTC.
35.	Mohammad Arif S/O Rahim Shah(B.Sc) R/O Billitang. (Teacher Son)	GMS, Mianji Khel No. 1.	N.C.P.
36.	Said Gul Said S/O S. Shahjehan Hassan R/O Khadizai (Teacher Son)	GPS, Chapri Waziran No. 1.	N.C.P.
37.	Zahid Mustafa S/O Ghulam Mustafa R/O Kohat City. (Teacher Son)	GPS, Khader Khel.	-do-
38.	Mehboob ur Rehman S/O Malik Saif or Rehman R/O Darasmand (Hangu) (Teacher Son)	GPS, Ragi Madi Khel.	Vice Ajmal Khan trfd:
39.	Nazir Ahmad S/O Gul Ahmad (U.E.I) R/O Shakardarra. (Ex-Servicemen)	GPS, Saifmalau Kandau	Vice Sajjad Ahmad trfd:
40.	Adin Shah S/O Ghairat Shah (U.E.I) R/O Ghurzai Payan. (Ex-serviceman)	GPS, Darabo Kach.	Vice Mohammad Ali slctd: for P.T.C.
41.	Noor Khadim S/O Talal Khan(Matric) R/O Behzadi Chakarkot. (Kohat). (Ex-serviceman)	GPS, Sarki Payala.	Vice Munir Khan trfd:
42.	Umar Habib S/O Khan Habib (Matric) R/O Kaghazai. (Ex-serviceman)	GPS, Mahboob Banda.	Vice Abdur Rehman sltd for PTC.
43.	Mohammad Farooq S/O Janan Gul(U.E.I) R/O Barh. (Ex-serviceman)	GPS, Chapri Waziran No. 2.	Vice Saniullah trfd:
44.	Aqwan Ali S/O Ruqban Ali R/O Musa Khel Kachai(Kohat). (Crippled)	GPS, Chamba Gul.	Vice Abdul Ghaffar sltd: for PTC.
45.	Sabir Hussain S/O Zar Malook R/O Kerosan (Kohat). (Crippled)	MPS, Regi Zarif Khan	Vice Qudrat Shah trfd:
46.	S. Ghafoor Shah S/O Mubarik Shah (B.A.) R/O Togh Bala(Kohat). (Open Merit)	MPS, Kot Masool Khan.	Vice Jehanzeb trfd:

**TERMS AND CONDITIONS:**

1. Charge Reports should be submitted to all concerned in duplicate.
2. No. TA/DA is allowed being fress appointees.
3. The appointment of candidates is purely an temporary and liable to termination at any time without assigning any reasons.

**AFFECTED**  
To Be True  
Advocate

10

(3)

4. The candidates should produced his/their Health and age Certificate from the M.S. concerned.
5. They should not be allowed to take over charge of their post if their age exceeds 25 five years or below 18 years.
6. In case of resignation they will have to submit one month prior notice or they shall forfeite one month pay to the Govt:
7. His/their appointments is/are subject for ~~xxxx~~ the conditions that they/He is/are domiciled of N.W.F.P. (Distt: Kohat).
8. If they fail to takeover charge of the post within ten days of the receipt of this order the offer of appointment shall stand cancelled.

( HAJI ABDUR RAZIQ KHAN )  
 DISTRICT EDUCATION OFFICER,  
 (MALE) KOHAT.

Endst: No. 12500-547 /A-1/PTC/Supdt: Dated Kohat, the 15-09-1988.

Copy of the above is forwarded for information and necessary action to the:

- 1-2. Sub Divisional Education Officers(Male) Kohat and Hangu.
- 3-48. Candidates concerned.

*[Signature]*  
 Dy: D.E.O. (M),  
 for/District Education Officer,  
 (Male) Kohat.  
 15/9/88

AHSAN/...

*Attested*  
 Asstt. Sub District Officer  
 Ele. Secy. Edn. Deptt  
 Kohat

1-10-1988  
 42-12-1  
 88-10-1  
 4-2-0  
 42-12-1

*[Signature]*  
**ATTESTED**  
 To Be True Copy  
 Advocate

- 1. Name (نام).....
- 2. Nationality and Religion .....  
(قومیت اور مذہب)
- 3. Residence (مستقل رہائش).....
- 4. Father's name and residence.....  
(والد کا نام اور رہت)
- 5. Date of birth by Christian era as  
nearly as can be ascertained.....  
(تاریخ پیدائش مطابق بین عیسوی)
- 6. Exact height by measurement.....  
(قد و قامت)
- 7. Personal mark for identification.....  
(نشان شناخت)

MOHAMMAD SALAHUDDIN  
 Pakistani & Islam  
 Kohat city  
 Malik Sher Mohammad  
 (24.3.1970)  
 Twenty fourth March N.H. & Seventy  
 1.70 M.  
 I.C. No 143 - 88 - 014744

8. Left hand/right hand thumb and finger-impressions of (Non-gazetted) officer

(مرد کی صورت میں بائیں اور عورت کی صورت میں دائیں ہاتھ کی انگلیوں کے نشانات)

Little Finger (چھٹکیا)      Ring Finger (چھٹکیا کے ساتھ کی انگلی)      Middle Finger (انگشت میاں)

Fore Finger (انگشت شہادت)      Thumb (انگوٹھا)

Signature of Government servant.....

M. Salahuddin کے دستخط کے دستخط اور مہر

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

(تصدیق کنندہ انسر کے دستخط اور مہر)

*[Signature]*  
 S.D.O. (M) Kohat  
 29/11  
 20/11  
 5-10

S.D.O.  
 Kohat  
 A

9.—The entries in this page should be renewed or re-attested at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need not be taken after every 5 years under this rule.

اس صفحہ کے مندرجات کم از کم ہر پانچ سال بعد تصدیق ہونا ضروری ہیں اور تیس سال کے اندر اس صفحہ کے دستخطوں کے لیجے تازہ ہونی چاہئے۔ انگلیوں کے نشانات کے لئے ہر پانچ سال کے بعد تصدیق کی ضرورت نہیں۔

*[Signature]*  
 Asstt. Sub District Officer  
 Elg. Secy. Edu. Dept.

*[Signature]*  
 Copy

1	2	3	4		5		6	7	8	9
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 rule 3-20 of C.S.R. (Pb.) Volume II	Pay in substantive position		Additional pay for officiating		Other emoluments falling under the term "pay"	Date of appointment	Signature of Government servant	Signature of Designat
درجہ ملازمت	عارضی مستقل یا قائم مقام	اگر عارضی ہے تو کیا وہ رول کے مطابق پنشن کا مستحق ہے؟	Rs.	Ps.	Rs.	Ps.	ماحولیاتی تنخواہ دیگر الاؤنس	تاریخ تقرری	دستخط سرکاری ملازم	سر آفیس آف اٹارنی
G.P.S. Shaukat Bakh	11/1/1988				750/-			18/9/88	M. Salahi	
S.P.S. Ali Jan					750/-			1/10/88	M. Salahi	
G.P.S. Ali Jan	20				750/-			1/12/88	M. Salahi	
M.P.S. Shukha										
					750/-			1/9/90	M. Salahi	
M.P.S. Arab Masjid M-2	-DB-				RS-1085/-			1/6/91	M. Salahi	
					RS-1085/-			1/12/91	M. Salahi	
M.P.S. Arab Masjid M-2					RS 1095/-			1/12/92	M. Salahi	
M.P.S. Masjid Saith Saifullah					RS 1095/-			1/12/93	M. Salahi	

BBED. (M) Kohat  
Revision of P.S. - 7 (1095-60-1985)

AT TO BA  
Co-ate

9	10	11	12	13		14	15
Signature and Designation of the Head of the office or other Attesting officer in attestation of columns 1 to 8.	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal etc)	Signature of the Head of the office of other Attesting Officer	LEAVE		Signature of the head of the office or other Attesting officer	Reference to any recorded punishment or censure or reward or praise of the Government servant
				Allocation of periods of leave on average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debited to another Government	Nature and duration of leave taken		
				Period	Govt. to which debited		
Signature of the Head of the office or other Attesting officer in attestation of columns 1 to 8.	تاریخ انقطاع ملازمت	وجوہات انقطاع ملازمت ترقی، تبادلاً یا برطرفی	دستخط انسپرجنرل	رخصت کی نوعیت و معیار	حار ماہ تک کی رخصت کر کے اوسط تنخواہ کا تعین	دستخط انسپرجنرل	سزا یا جزا یا عتاب یا نوازش یا کارکردگی کا ریکارڈ
D.E.O. Kohat	30/9/88	Transfer	S.D.E.O. Kohat			Approved	
D.E.O. Kohat	30/11/88	No Inc.	S.D.E.O. Kohat			vide D.E.O. Kohat	
D.E.O. Kohat	20/11/90	No Inc.	S.D.E.O. Kohat			No. 13-3-39-40 dated 12.5.87	
D.E.O. Kohat	31/5/91	No Inc. Reversal				Passd S.S.C. Exam 1985 (A) under Rule No. 1157/2 obtaining 541 marks from P.R.S.E. Pakistan	
D.E.O. Kohat	30/11/91	No Inc.	S.D.E.O. Kohat			Passd Intermediate Exam in 1987 under Rule No. 206/9 obtaining 558 marks from P.R.S.E. Pakistan	
D.E.O. Kohat	30/11/93	No Inc.	S.D.E.O. Kohat			Passd Intermediate Exam in 1987 under Rule No. 206/9 obtaining 558 marks from P.R.S.E. Pakistan	
D.E.O. Kohat	31/9/94	Scale revised	S.D.E.O. Kohat			Hangu	

Signature of the Head of the office or other Attesting officer in attestation of columns 1 to 8.

Signature of the Head of the office or other Attesting Officer

S.D.E.O. Kohat

1	2	3	4	5	6	7	8	9
Name of post	Whether substantive or officiating, and whether permanent or temporary	If officiating, state (i) substantive appointment or (ii) whether service count for pension under rules 3.20 of C.S.R. (Ph.) volum II	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term "pay"	Date of appointment	Signature of the Government service	Signature of the officiating officer
درجہ ملازمت	عارضی، مستقل یا قائم مقام	اگر عارضی ہے تو کیا وہ رول کے مطابق پیشن کاستی ہے	تنخواہ بطور عارضی ملازمت	زائد تنخواہ بطور قائم مقام	زائد تنخواہ دیگر الاؤٹس	تاریخ تقرری	مظہر کاری ملازم	مظہر کاری ملازم
			RS. R	PS. P				
<p>Office of the Assistant General N. W. F. P. Peshawar</p> <p>Pay fixed in the revised Pay Scales 1991 of Rs. 1480/- (B-7)</p> <p>M. W. E. P. 15-1991</p> <p>Accounts Officer N. W. F. P. Peshawar</p> <p>Entries in G.P.S. - 7 1480-91 - 2695</p> <p>M.P.S. Masid Saikh Saifullah P/Temp 1480/- 1/6/95</p> <p>Do D 1480/- 12/9/95</p> <p>Adjusted at G.P.S. Scale level No 2. Vide DEO Pm. Pay. Govt. Sd. No 2270-75. dated 13.6.95.</p> <p>G.P.S. Saifullah No 2 P/Temp Rs 1480/- 14/6/95</p> <p>M.P.S. Masid Saikh Saifullah</p> <p>TESTED TRUE COPY</p>								

15

8	9	10	11	12	13	14	15	
Signature of the Head of the Office or other Attesting officer in columns 8 to 11.	Signature and designation of the Head of the Office or other Attesting officer in columns 8 to 11.	Date of termination or appointment	Reason of termination (such as promotion, transfer dismissal etc)	Signature of the Head of the office of other Attesting Officer	LEAVE		Signature of the head of the office or other Attesting officer	Reference to any recorded punishment or reward or praise of the Government servant
					Allocation of periods of leave on average, pay up to four months (or leave not exceeding 120 days) to which leave salary is debited to another Government.			
					Nature and duration of leave taken	Govt. to which debited		
					Period	Govt. to which debited		
					Reason	Govt. to which debited		
						Service Verified From 30-11-88		1.10.88
						to 29-11-91		A/Roll
						Service Verified From 30-11-92		A/Roll
						to 29-11-93		A/Roll
						Service Verified From 30-11-94		A/Roll
						to 29-11-95		A/Roll
						Service Verified From 30-11-96		A/Roll
						to 29-11-97		A/Roll
						Service Verified From 30-11-98		A/Roll
						to 29-11-99		A/Roll
						Service Verified From 30-11-00		A/Roll
						to 29-11-01		A/Roll
						Service Verified From 30-11-02		A/Roll
						to 29-11-03		A/Roll
						Service Verified From 30-11-04		A/Roll
						to 29-11-05		A/Roll
						Service Verified From 30-11-06		A/Roll
						to 29-11-07		A/Roll
						Service Verified From 30-11-08		A/Roll
						to 29-11-09		A/Roll
						Service Verified From 30-11-10		A/Roll
						to 29-11-11		A/Roll
						Service Verified From 30-11-12		A/Roll
						to 29-11-13		A/Roll
						Service Verified From 30-11-14		A/Roll
						to 29-11-15		A/Roll
						Service Verified From 30-11-16		A/Roll
						to 29-11-17		A/Roll
						Service Verified From 30-11-18		A/Roll
						to 29-11-19		A/Roll
						Service Verified From 30-11-20		A/Roll
						to 29-11-21		A/Roll
						Service Verified From 30-11-22		A/Roll
						to 29-11-23		A/Roll
						Service Verified From 30-11-24		A/Roll
						to 29-11-25		A/Roll
						Service Verified From 30-11-26		A/Roll
						to 29-11-27		A/Roll
						Service Verified From 30-11-28		A/Roll
						to 29-11-29		A/Roll
						Service Verified From 30-11-30		A/Roll

Sanction accorded to the grant of  
(i) Earned leave w.e. from 2.9.94 to 24.10.94 = 53 days on full pay  
(ii) Extra ordinary leave w.e. from 25.10.1994 to 30.5.96 = 583 days without pay vide DEO (M) Pory Kohat Endlet No 2693-94/  
F. No 85/M+A/I-86 dated 9/11/94

Attested  
Asst. Sub District Officer  
Etc. Secy. Edu. Deptt  
Kohat

Moro Zoi

SDEO (M) Kohat



1	2	3	4	5	6	7	
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, (i) substantive appointment or (ii) whether service count for pension under rules 3.20 of C.S.R. (Pb.) volume II	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term "pay"	Date of appointment	Signature and Designation of the Head of the office or other Attesting officer in attestation column to 8
درجہ ملازمت	عارضی، مستقل یا قائم مقام	اگر عارضی ہے تو کیا وہ رد کے مطابق پیش کش کا مستحق ہے	نرخہ بلور عارضی ملازمت	زائد تنخواہ بلور قائم مقام	باسوائے نرخہ بلور اور	تاریخ تقرری	ستھان سرکاری
			RS, R	PS, P			
PTC Post	off / Temp		Rs 1480/-	- PM (Fixed)		25/9	D. E. KOHAI
Y.P.S. Noor	off / Temp		Rs 1480/-	- PM (Fixed)		1-12-95	D. E. KOHAI
Mesopal			Rs 1480/-	- PM (Fixed)		1-12-95	D. E. KOHAI
W.P.S. Gail	off / Temp		Rs 1480/-	- PM (Fixed)		1-12-95	D. E. KOHAI
Gauheilak	off / Temp		Rs 1480/-	- PM (Fixed)		1-12-95	D. E. KOHAI
						12/95	
						12/96	
						13/97	

Witnessed  
To Be Attested  
Advocate

(M) Kohai

9	10	11	12	13	14	15	
Signature and Designation of the Head of the office or other Attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer dismissal etc)	Signature of the Head of the office of other Attesting Officer	LEAVE		Signature of the head of the office or other Attesting officer	Reference to any recorded punishment or censure or reward or praised of the Government servant
				Nature and duration of leave taken	Allocation of periods of leave on average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debited to another Government		
					Period		
Handwritten signature	30/11/95	No. 95	Handwritten signature	Handwritten notes in Urdu	Service from 1.12.93 to 24.7.94	Handwritten notes	Handwritten notes
S.D.E.O. KOHAT	30/11/95	No. 95	S.D.E.O. (M) KOHAT	Handwritten notes	Service from 1.12.93 to 24.7.94	Handwritten notes	Handwritten notes
Handwritten signature	11/2/95	Transfer	S.D.E.O. (M) KOHAT	Handwritten notes	Service from 1.12.93 to 24.7.94	Handwritten notes	Handwritten notes
S.D.E.O. KOHAT	11/2/95	Transfer	S.D.E.O. (M) KOHAT	Handwritten notes	Service from 1.12.93 to 24.7.94	Handwritten notes	Handwritten notes
Handwritten signature	30/11/95	No. 95	S.D.E.O. (M) KOHAT	Handwritten notes	Service from 1.12.93 to 24.7.94	Handwritten notes	Handwritten notes
S.D.E.O. KOHAT	30/11/95	No. 95	S.D.E.O. (M) KOHAT	Handwritten notes	Service from 1.12.93 to 24.7.94	Handwritten notes	Handwritten notes
Handwritten signature	30/11/95	No. 95	S.D.E.O. (M) KOHAT	Handwritten notes	Service from 1.12.93 to 24.7.94	Handwritten notes	Handwritten notes
S.D.E.O. KOHAT	30/11/95	No. 95	S.D.E.O. (M) KOHAT	Handwritten notes	Service from 1.12.93 to 24.7.94	Handwritten notes	Handwritten notes
Handwritten signature	12/5/97	Personal	S.D.E.O. (M) KOHAT	Handwritten notes	Service from 1.12.93 to 24.7.94	Handwritten notes	Handwritten notes
S.D.E.O. (M) KOHAT	12/5/97	Personal	S.D.E.O. (M) KOHAT	Handwritten notes	Service from 1.12.93 to 24.7.94	Handwritten notes	Handwritten notes
Handwritten signature	30/11/95	No. 95	S.D.E.O. (M) KOHAT	Handwritten notes	Service from 1.12.93 to 24.7.94	Handwritten notes	Handwritten notes
S.D.E.O. (M) KOHAT	30/11/95	No. 95	S.D.E.O. (M) KOHAT	Handwritten notes	Service from 1.12.93 to 24.7.94	Handwritten notes	Handwritten notes

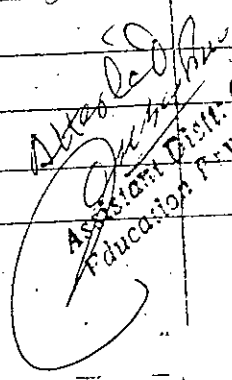
Attested  
To Be True Copy  
S.D.E.O. (M) Kohat

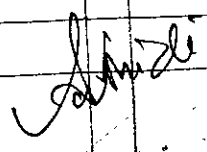
Attested  
Sub District Officer  
S.D.E.O. (M) Kohat



9	10	11	12	LEAVE		14	15
Signature and Designation of the Head of the Office or other Attesting officer in attestation of columns 1 to 8.	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal etc)	Signature of the Head of the office of other Attesting Officer	Nature and duration of leave taken	Allocation of periods of leave on average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debited to another Government	Signature of the head of the office or other Attesting Officer	Reference to any recorded punishment or censure or reward or praised of the Government servant
					Govt. to which debited:		
					Period		
<p>دستخط امیر مجاز</p>	<p>تاریخ انقطاع ملازمت</p>	<p>وجوہات انقطاع ملازمت ترقی، تبادلہ یا برطرفی</p>	<p>دستخط امیر مجاز</p>	<p>رخصت کی نوعیت و مدت</p>	<p>چار ماہ تک کی رخصت کے لئے اوسط تنخواہ کا تین سو فیصد</p>	<p>دستخط امیر مجاز</p>	<p>سر ایاز ایمنیاب کارکردگی کا ریکارڈ</p>
<p>Sub Dival Edu. Officer (Male), Kohat</p>			<p>P. B. 20. (M) KOHAT</p>		<p>Period: 13-5-97 to 31-5-97</p>	<p>Sub Dival Edu. Officer (Male), Kohat</p>	<p>13-5-97</p>
<p>Sub Dival Edu. Officer (Male), Kohat</p>		<p>Obtained (81/97) due to family of P.T.C. member with 13-5-97 to 31-5-97 through confid. fm 6/97</p>	<p>P. B. 20. (M) KOHAT</p>		<p>Period: 13-5-97 to 31-5-97</p>	<p>Sub Dival Edu. Officer (Male), Kohat</p>	<p>22/5/97</p>
<p>Sub Dival Edu. Officer (Male), Kohat</p>			<p>Sub District Officer (M) KOHAT</p>		<p>Service ver. on 1-12-95</p>	<p>Sub District Officer (M) KOHAT</p>	<p>23-5-97</p>

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 count for pension under rules 3.20 of C.S.R. (Pb.) volum II	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term "pay"	Date of appointment	Signature Government servant
درجہ ملازمت	عارضی، مستقل یا قائم مقام	اگر عارضی ہے تو کیا وہ رول کے مطابق پنشن کا مستحق ہے	تنخواہ بطور عارضی ملازمت	زائد تنخواہ بطور قائم مقام	باسوائے تنخواہ دیگر الاؤنس	تاریخ تقرری	امیرکاری نام
			RS. P	PS. P			
DTC ac			Rs	1789/-		12/1988	
ME Area No 1	do		Rs	1896/-		12/1988	
do	do		Rs	1993/-		12/2000	
do	do		Rs	2090/-		31/12/2001	
do	do		Rs	2187/-		12/2001	
BPS 9	2	Revised BPS-9		3280/-		12/2001	
2410-195-6760				3425/-		12/2002	

  
 Assistant District Officer  
 Education Deptt.

  
 Signature

10	11	12	13	14	15
<p>Signature of Head of the office or other Attesting Officer</p> <p>تاریخ انقطاع ملازمت</p>	<p>Reason of termination (such as promotion, transfer, dismissal, etc)</p> <p>وجوہات انقطاع ملازمت ترقی یا برطرفی</p>	<p>Signature of the Head of the office or other Attesting Officer</p> <p>دستخط افسر مجاز</p>	<p>Allocation of periods of leave on average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debited to another Government</p> <p>طراز ماہ تک کی رخصت کے لئے اوسط تنخواہ کا لینا</p> <p>Nature and duration of leave taken</p> <p>رخصت کی نوعیت و مدت</p>	<p>Signature of the head of the office or other Attesting officer</p> <p>دستخط افسر مجاز</p>	<p>Reference to any recorded punishment or censure or reward or praise of the Government servant</p> <p>سزا یا اجر یا عتاب یا کارکردگی کا ریکارڈ</p>
<p>30-11-97</p>	<p>30-11-97</p>	<p>30-11-97</p>	<p>Govt. to which debited</p> <p>گورنمنٹ جسے رقم ادا ہوگی</p>	<p>30-11-97</p>	<p>30-11-97</p>
<p>30-11-97</p>	<p>30-11-97</p>	<p>30-11-97</p>	<p>Govt. to which debited</p> <p>گورنمنٹ جسے رقم ادا ہوگی</p>	<p>30-11-97</p>	<p>30-11-97</p>
<p>30-11-97</p>	<p>30-11-97</p>	<p>30-11-97</p>	<p>Govt. to which debited</p> <p>گورنمنٹ جسے رقم ادا ہوگی</p>	<p>30-11-97</p>	<p>30-11-97</p>
<p>30-11-97</p>	<p>30-11-97</p>	<p>30-11-97</p>	<p>Govt. to which debited</p> <p>گورنمنٹ جسے رقم ادا ہوگی</p>	<p>30-11-97</p>	<p>30-11-97</p>
<p>30-11-97</p>	<p>30-11-97</p>	<p>30-11-97</p>	<p>Govt. to which debited</p> <p>گورنمنٹ جسے رقم ادا ہوگی</p>	<p>30-11-97</p>	<p>30-11-97</p>
<p>30-11-97</p>	<p>30-11-97</p>	<p>30-11-97</p>	<p>Govt. to which debited</p> <p>گورنمنٹ جسے رقم ادا ہوگی</p>	<p>30-11-97</p>	<p>30-11-97</p>
<p>30-11-97</p>	<p>30-11-97</p>	<p>30-11-97</p>	<p>Govt. to which debited</p> <p>گورنمنٹ جسے رقم ادا ہوگی</p>	<p>30-11-97</p>	<p>30-11-97</p>
<p>30-11-97</p>	<p>30-11-97</p>	<p>30-11-97</p>	<p>Govt. to which debited</p> <p>گورنمنٹ جسے رقم ادا ہوگی</p>	<p>30-11-97</p>	<p>30-11-97</p>
<p>30-11-97</p>	<p>30-11-97</p>	<p>30-11-97</p>	<p>Govt. to which debited</p> <p>گورنمنٹ جسے رقم ادا ہوگی</p>	<p>30-11-97</p>	<p>30-11-97</p>
<p>30-11-97</p>	<p>30-11-97</p>	<p>30-11-97</p>	<p>Govt. to which debited</p> <p>گورنمنٹ جسے رقم ادا ہوگی</p>	<p>30-11-97</p>	<p>30-11-97</p>
<p>30-11-97</p>	<p>30-11-97</p>	<p>30-11-97</p>	<p>Govt. to which debited</p> <p>گورنمنٹ جسے رقم ادا ہوگی</p>	<p>30-11-97</p>	<p>30-11-97</p>

Distt. Officer  
Kohat

Sub District  
Kohat



9	10	11	12	13		14	15	
Date of appointment	Signature and Designation of the Head of the Office or other Attesting officer in attestation of columns 10 to 12	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal etc)	Signature of the Head of the office or other Attesting Officer	LEAVE Allocation of periods of leave on average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debited to another Government		Signature of the head of the office or other Attesting officer	Reference to any recorded punishment or censure or reward or praised of the Government servant
					Nature and duration of leave taken	Govt. to which debited		
					Period			
12/11/2002	Dy. D.O. Edu. (M) Kohat	30/11/2004	انقطاع ملازمت	[Signature]	چار ماہ تک کی رخصت کے لئے اوسط تنخواہ کا تعین	کوئٹہ	[Signature]	سزاوار جزا و نواہی کارکردگی کا ریکارڈ
10/05/2002	Dy. D.O. Edu. (M) Kohat	30/05/2005	سپرنسڈ	[Signature]	The Roll No. T 8837817 obtained marks 55% and has been placed in grade "B" session Autumn 2002 REP Semester. Result declared on 31.07.2002 and verified in the said University No. F-1-5/2001-2002-1/Part 20/63 S.No 075390 dated 5/11/2001	کوئٹہ	[Signature]	
10/06/2002	Dy. D.O. Edu. (M) Kohat	30/06/2006	سپرنسڈ	[Signature]	Drawn by 45/16 as diff of page CA due to grant of order in respect of CT exam up to 30/11/2001	کوئٹہ	[Signature]	
	Dy. D.O. Edu. (M) Kohat			Asstt. Sub District Officer (M) Primary Kohat				
	Dy. D.O. Edu. (M) Kohat				Services verified w e f. 30/11/01			





9	10	11	12	13 LEAVE تخصیص		14	15
Signature and Designation of the Head of the office or other Attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer dismissal etc)	Signature of the Head of the office of other Attesting Officer	Nature and duration of leave taken	Allocation of periods of leave on average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debited to another Government	Signature of the head of the office or other Attesting officer	Reference to any recorded punishment or censure or reward or praised of the Government servant
					Govt. to which debited		
					Period		
<p>Signature of Deputy District Officer (M) Primary Kohat</p>	<p>30/11/2002</p>	<p>30/11/2002</p>	<p>Signature of Deputy District Officer (M) Kohat</p>	<p>30/11/2002</p>	<p>Govt. to which debited</p>	<p>Signature of Deputy District Officer (M) Kohat</p>	<p>Service verified from 1/12/2001 to 30/11/2002 from A/Rol &amp; other Office Record.</p>
<p>Signature of Deputy District Officer (M) Kohat</p>	<p>30/11/2002</p>	<p>30/11/2002</p>	<p>Signature of Deputy District Officer (M) Kohat</p>	<p>30/11/2002</p>	<p>Govt. to which debited</p>	<p>Signature of Deputy District Officer (M) Kohat</p>	<p>Service Verified from 1/12/2002 to 30/11/2003 from Office records and Acq; Roll office</p>
<p>Accounts Officer Pay: Fixation Party N.W.F.P. Peshawar</p>	<p>30/07/2007</p>	<p>30/07/2007</p>	<p>Signature of Accounts Officer</p>	<p>30/07/2007</p>	<p>Govt. to which debited</p>	<p>Signature of Accounts Officer</p>	<p>Service Verified from 1/12/2002 to 30/07/2007 from Office records and Acq; Roll office</p>
<p>Signature of Assistant District Officer Education P.F. Kohat</p>	<p>30/07/2007</p>	<p>30/07/2007</p>	<p>Signature of Assistant District Officer Education P.F. Kohat</p>	<p>30/07/2007</p>	<p>Govt. to which debited</p>	<p>Signature of Assistant District Officer Education P.F. Kohat</p>	<p>Service Verified from 1/12/2002 to 30/07/2007 from Office records and Acq; Roll office</p>

2001  
ACCOUNTANT GENERAL  
OFFICE OF W.F.P. PESHAWAR  
PAY FIXATION IN THE REVISED BASIC PAY SCALES 2001  
OF RS. 22,850-19,000-20,850  
AT RS. 22,250  
with Next Increment from 1-07-2007 to 1-12-2007

Headed pay for the period as mentioned below duly approved by DCO Kohat & sanctioned vide G.O. Kohat dated No 8002-3 dt. 10-6-04 issued by PMS P from 12-5-1997 as incumbent of 30-7-2001

Assistant Distt. Officer Education P.F. Kohat

Asst. Sub District Officer Secy P.F. Kohat

Service Verified from 1/12/2002 to 30/07/2007  
Signature of Assistant District Officer Education P.F. Kohat

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 count for pension under rules 3.29 of C.S.R. (P.S.) volum II	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term "pay"	Date of appointment	Signature Government service	
درجہ ملازمت	عارضی، مستقل یا قائم مقام	اگر عارضی ہے تو کیا وہ رول کے مطابق پلین کا مستحق ہے	تختخواہ بلوچ عارضی ملازمت	زائد تختخواہ بلوچ قائم مقام	سبوائے تختخواہ بلوچ الائنس	تاریخ تقرری	محمد سعید کارملازم	
			RS. P	RS. P				
			RS 6605/-			1/12/07		
			5405/-					
			Revised Entries due to joining Awarded BPS-12 w.e.f 2-12-2007					
			BPS-12 (3630 - 260 - 11430)					
			RS 5710/-			2/12/2007		
			Scale revised w.e.f 1-7-2008					
			BPS 12 (4365 - 310 - 13665)					
			6835					
			RS (6845)/-			2/2008		
			Verified					
			Signature					
			RS 7145/-			01/12/2008		

9	10	11	12	13		14	15
Signature and Designation of the Head of the office or other Attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer dismissal, etc)	Signature of the Head of the office of other Attesting Officer	LEAVE Allocation of periods of leave on average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debited to another Government Nature and duration of leave taken Govt. to which debited Period		Signature of the head of the office or other Attesting officer	Reference to any recorded punishment or censure or reward or praised of the Government servant
دستخط افسر مجاز	تاریخ انقطاع ملازمت	وجوہات انقطاع ملازمت رتی، تبادلہ یا برطرفی	دستخط افسر مجاز	رضعت کی نوعیت و معیاد	ہزار ماہ تک کی رضعت کے لئے اوسط تنخواہ کا تعین گورنمنٹ جسے رقم ادا ہونی	دستخط افسر مجاز	سزا یا جزا یا عتاب کارکردگی کا ریکارڈ
<del>Signature</del>	<del>Date</del>	30/11/04	<del>Signature</del>			Service Verified from 1/12-04 to 30/11-05 from A/Roll & other office, Kohat.	
<del>Signature</del>	<del>Date</del>	Awarded RPS-12 21/07	<del>Signature</del>			Deputy District Officer (IA) Kohat	
<del>Signature</del>	<del>Date</del>	Scale revised 30/08/05	<del>Signature</del>			Deputy District Officer (IA) Kohat	Passed BA Exam from AIO-U, Islamabad under Roll No. N496084 Registrar No 99-NK T0369 in 2005 & obtained 603/900 & placed in grade 'B' Result Dec: on 1-3-2005
<del>Signature</del>	<del>Date</del>		<del>Signature</del>			Deputy District Officer (IA) Kohat	Passed Bedl Exam 781 DY's Controller of Exam Ad-Khan University A.T.K. Under Roll 14375 and obtained 611/1100. Result dec: on 22-12-2006, duly verified with letter No. A112 6/268(14) Exam/2006-2035 dated 5-5-2007
<del>Signature</del>	<del>Date</del>		<del>Signature</del>			Deputy District Officer (IA) Kohat	
<del>Signature</del>	<del>Date</del>		<del>Signature</del>			Deputy District Officer (IA) Kohat	
<del>Signature</del>	<del>Date</del>		<del>Signature</del>			Deputy District Officer (IA) Kohat	
<del>Signature</del>	<del>Date</del>		<del>Signature</del>			Deputy District Officer (IA) Kohat	
<del>Signature</del>	<del>Date</del>		<del>Signature</del>			Deputy District Officer (IA) Kohat	
<del>Signature</del>	<del>Date</del>		<del>Signature</del>			Deputy District Officer (IA) Kohat	
<del>Signature</del>	<del>Date</del>		<del>Signature</del>			Deputy District Officer (IA) Kohat	

Signature Government service

دستخط سرکاری ملازم

Assistant Distt. Officer Education Prg: Kohat.

Attached.

(Mr. Kohat)





محفوظ حناٹ ڈسٹرکٹ ایجوکیشن آفیسر (عمدانہ) کوپاٹ

لومبارٹ حناٹ SDE رجسٹرڈ ریگولائزیشن بر حوالہ سے ڈسٹرکٹ ایجوکیشن آفیسر کوپاٹ

عنوان

حس کی رو سے سائلان کو تاریخ تقرری کے مطابق فیصلہ سپریم کورٹ آف پاکستان  
حوالہ 19-03-16 کے تحت سناری کی بنیاد پر متعلقہ سرعات فراہم کی جائیں

۱۱۱۱

۱۱۱۱

حناٹ عالی

سائلان ذیل عرض دسائیں

۱۱۱۱

۱۔ یہ کہ سائلان کہ تعلیم میں بطور PST اساتذہ تعینات ہیں۔ جو ریکارڈ سے صادر ہوا

اور ثابت شدہ ہے۔

۲۔ یہ کہ سائلان تقریباً ۳۴ یا ۳۵ سال سے اب فریف منصفی بطور PST ہیں

۳۔ یہ کہ مطابق فیصلہ عدالت عظمیٰ اسلام آباد مورخہ 19-03-16 سے سائلان کو سناری

تاریخ تقرری سے فراہم کی جائے نہ کہ تاریخ Passing PTC سے۔ چونکہ سائلان

تقریباً ۳۴ سالوں سے ایسی خدمات سر انجام دے رہے ہیں۔ تاہم سائلان کو

حق ملنی نہ ہو۔ یہاں وجہ مطابق سپریم کورٹ آف پاکستان کے فیصلہ کی رو سے

سرعات کے حقدار ہیں۔ جو اس سے قبل صورت پنجاب میں فیصلہ سپریم کورٹ

کے مطابق عملدرآمد نہیں بنایا جا سکا ہے۔

لہذا استدعا ہے کہ منظوری درخواست فورا مناسبت احکامات صادر فرمائیں۔

یہاں میں یہ امر بھی قابل ذکر ہے کہ سائلان کی سناری کو PTC Untrained کے

پیریڈ سے دی جائے۔ پوسٹ فیکٹو Sanction کی منظوری بھی حاصل کی جائے

ضرورت پڑے۔ یا دیگر داد رہی کو بھی لقمی بنایا جائے

۱۱۱۱

۱۱۱۱

۱۱۱۱

۱۱۱۱

تاریخ ۱۳ جولائی ۲۰۱۷ء

Attested

Sub District Officer  
Secy Edu: Deptt  
Kohat

SPST جی بی ایس ۱ MC1 کوپاٹ

PST جی بی ایس تحصیل لیرک کوپاٹ

PST جی بی ایس تحصیل لیرک کوپاٹ

PST جی بی ایس تحصیل لیرک کوپاٹ

PST جی بی ایس تحصیل لیرک کوپاٹ

PST جی بی ایس تحصیل لیرک کوپاٹ

ATTESTED

17/7/17

محضور جناب ڈائریکٹر صاحب ایلیمنٹری اینڈ سیکنڈری ایجوکیشن KPK پشاور

- (۱) محمد صلاح الدین SPST جی پی ایس MC1 کوہاٹ -  
(۲) محمد شاکر PST جی پی ایس تحصیل گلیٹ کوہاٹ -  
(۳) سجاد PSI جی پی ایس تحصیل گلیٹ کوہاٹ -

عنوان :- درخواست بمراد SST کیلئے بنائی گئی DPC میں شمولیت

جناب عالی! سائلان ذیل عرض رساں ہیں:

۱۔ یہ کہ سائلان حکمہ تعلیم میں بطور PST اساتذہ تعینات ہیں۔ جو کہ ریکارڈ سے صاف ظاہر اور ثابت شدہ ہے۔

۲۔ یہ کہ تقریباً ۲۷ یا ۳۰ سالوں سے اپنے فرائض منصبی بطور PST پیکرز

کے طور پر سرانجام دیتے چلے آ رہے ہیں۔

۳۔ یہ کہ بمطابق فیصلہ سپریم کورٹ آف پاکستان مورخہ 19-03-2016 سے سائلان

کو سنیارٹی تاریخ تقرری Date of first appointment بشمول Untrained

پیریڈ سے فراہم کی جائے نہ کہ تاریخ Passing PTC سے نیز سائلان کو

10-07-2017 میں SST کے لیے ہونے والی DPC میں بھی شامل کیا جائے کیونکہ

سائلان کی SST پوسٹ کے لیے تعینی و پیشہ وارانہ قابلیت بھی پوری ہے۔

لہذا استدعا ہے کہ بمطابق فیصلہ سپریم کورٹ آف پاکستان سائلان کی دائرہ فرمائے

ہوئے ان کا حق دینے کے احکامات صادر فرمائے جائیں

(متعلقہ فیصلہ سپریم کورٹ آف پاکستان لف ہذا ہے)

مورخہ 17-07-2017

محمد شاکر

(۲) محمد شاکر PST

Attached

Asst. Sub District Officer  
Elec. Socy. Educ. Deptt.

عرض سے

محمد صلاح الدین SPST

سجاد

(۳) سجاد PST

ATTESTED



ANNEX D

32

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHAT

No. 10290 dated 7/9/2017

To

The Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

Subject: - APPLICATION FOR REGULARIZATION IN THE LIGHT OF ORDER PASSED BY THE SUPREME COURT OF PAKISTAN

Memo:-

I am directed to enclosed herewith the application along with above cited judgment is submitted for your kind perusal and with the request that the PST teachers demanding the Seniority from the date of 1<sup>st</sup> appointment (Untrained period) whether they are entitled for the seniority from the date of 1<sup>st</sup> appointment or otherwise.

Hence in this regard this office may kindly be guided please.

*[Signature]* 06/9/17  
DY DISTRICT EDUCATION OFFICER  
(MALE) KOHAT

Endst. No.

Copy to the:-

- 1. SDEO (M) Kohat
- 2. Teachers concerned

*[Signature]* 06/9/17  
DY DISTRICT EDUCATION OFFICER  
(MALE) KOHAT

*Attested*

Asst. Sub District Officer  
E/o Secy. Edu. Deptt  
Kohat

*[Signature]*  
**ATTESTED**

**IN THE COURT OF JUDGE PROVINCIAL SERVICES**  
**TRIBUNAL, PESHAWAR**

*Appeal No. 1366/17* **Wakalatnama**

**Muhammad Salahuddin V/s Gov. of Khyber Pakhtunkhwa & Others**

I, **Muhammad Salahuddin S/o Malik Sher Muhammad, R/o Kohat City**, do hereby appoint **Advocate Ahmed Shah Afridi**, Advocate in the above mentioned case, to do all or any of the following acts, deeds and things:-

- 1- To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard, and any other proceedings arising out of or connected therewith.
- 2- To sign and verify and file, petitions, appeals, affidavits and applications as may be deemed necessary or advisable by them for the conduct, prosecution or defense of the said case at all its stages.
- 3- To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of the proceedings.
- 4- To do any act necessary or ancillary to the above acts, deeds and things.
- 5- To employ any other legal practitioner authorizing him to exercise the power and authorities hereby conferred on the advocate whenever he may think fit to do so.

AND I/We hereby agree to ratify whatever the advocates or their substitute shall do in the premises.

AND I/We hereby agree that in the event of the whole or any part of the fee agreed by us to be paid to the advocates remaining unpaid they shall be entitled to withdraw from the prosecution of the said until the same is paid.

In witness whereof I have signed this Wakalatnama hereunder, the contents of which have been read/explained to me and fully understood by me on 1<sup>st</sup> day of December 2017.

  
\_\_\_\_\_  
**Signature of Executant**

Attested & Accepted by:



\_\_\_\_\_  
**Ahmed Shah Afridi**  
Advocate, District Peshawar

**OFFICE: 60-C, 2<sup>nd</sup> Street, Defence Officers Colony, Khyber Road, Peshawar**

BEFORE HONOURABLE KP SERVICE  
TRIBUNAL

Muhammad Salahuddin  
V/S

Govt. of KP and Others

Adjournment Application

Respectfully sheweth;

- 1) That the above titled case is placed before you for ~~ad~~ adjudication
- 2) That due to unforeseeable circumstances, the counsel is unable to present this case today.

It is therefore, most humbly prayed that the above titled case be placed for adjudication before this honourable Tribunal on any other date.

Appellant

Through

Counsel

Advocate Ahmed Shah Afridi

Afridi

29/12/2017



**BEFORE THE HONOURABLE SERVICE TRIBUNAL**  
**PESHAWAR**  
**SERVICE APPEAL NO. 1366/2017**

MUHAMMAD SALAH UD DIN..... APPELLANT

V/S

DISTT EDUCATION OFFICER (MALE) KOHAT & OTHER..... RESPONDENTS

Parawise comments on behalf of Respondent No: 1 to 3

Respectfully Sheweth

**Preliminary objections:**

1. That the appellant has got no cause of action/focus standi.
2. That the instant Service appeal is badly time barred.
3. That the appellant has concealed material facts from the Hon'able 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 Hon'able Tribunal with clean hands.
6. That the instant appeal is liable to be dismissed for mis-joinder & 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 instant service appeal is not maintainable in the present form & circumstances of the case.
9. That the Hon'able Tribunal has no jurisdiction to adjudicate the matter.

**FACTS**

1. No comments pertain to record.
2. Correct to the extent that appellant was appointed as PST post in the respondent department as untrained PST post vide appointment order dated 09.11.1990 on his own application/request for the appointment against the said post.
3. Incorrect, Appx Supreme Court of Pakistan vide order dated 19.03.2016 granted Annual Increment to the untrained teachers and ancillary privileges of pay which cannot be linked with seniority, while Govt of Khyber Pakhtunkhwa Finance Department letter No FD/PRC issued on 05.02.2002 & dated 30.10.2009, wherein annual increments on running pay to the untrained teachers has been allowed but without arrear & with immediate effect. So far as Seniority of Untrained teachers is concerned it is submitted that under the provision of Section 8 (4) chapter II of

the NWFP now Khyber Pakhtunkhwa Civil Servant act 1973 (NWFP) (now KPK) act No: XVIII of 1973 the seniority can not be considered from the date of appointment as untrained rather it would be reckoned from the regular appointment to the post, from the date of passing the prescribed qualification in case of untrained appointment to a post, further similar nature appeal has been dismissed by this Tribunal. (Copy of the relevant rules is attached as Annex A and Copy of judgment is B)

4. Incorrect, the judgment of Appx Supreme Court of Pakistan has already been implemented and extended benefit of Annual increments to all untrained teachers and seniority is always commenced from the date of regular appointment or from the date of passing the professional qualification.
5. Incorrect/ misleading , on the persistent request of appellant his application was submitted to respondent No: 2 merely for seeking guidance which can not be turned as Departmental appeal further since his appointment so many seniority list have been issued by the Department but non has been challenged by the appellant.
6. Incorrect on going through above stated para, the appeal in hand is libel to be strict down on the following grounds inter alia.

#### GROUNDS

- A. Incorrect and denied. The appellant has been treated strictly in accordance with law & rules/ regulations and the act of the respondent departments is within the legal sphere, having no question of illegality, exceed of jurisdiction and un lawful authority. Hence, libel to be maintained.
- B. Incorrect and denied. The appellant is not entitled for the grant of Seniority for his untrained period without possessing/ acquiring the prescribed professional qualification at the time of his induction in the respondent department as PST.
- C. Incorrect. There is a no rules and regulation for the grant of seniority for untrained period in respondent of any teaching cadre post therefore the act of the respondents department regarding non grant of the seniority for the untrained period to the appellant is within legal sphere. The appellant has been treated on the principle “ sauce for the goose is the sauce for the gender” and

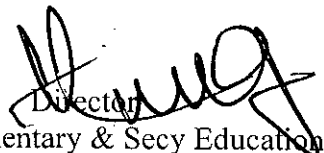
the rule in question is unanimously implement on each and every one, and question of article 25 of the constitution of Pakistan does not attract in the instant case.

D. Incorrect. The respondent department can not have any malafide against any one as there is a crystal clear rules without the shadow of any doubt as enumerated above under which the respondent department has been treated the appellant.

E. No comments. It pertains to personal open of the appellant however the appellant is not entitled for the seniority for untrained period according to rules.

In view of the above made submission, it is most humbly prayed that this Hon'able, Tribunal may very graciously be pleased to dismissed the instant service appeal with cost in favour of respondent department.

  
District Education Officer  
(Male) Kohat

  
Director  
Elementary & Secy Education  
Khyber Pakhtunkhwa Peshawar

  
Secretary

Government of Khyber Pakhtunkhwa  
Elementary & Secy Education Department

**BEFORE THE HONOURABLE SERVICE TRIBUNAL**  
**PESHAWAR**  
**SERVICE APPEAL NO. 1366/2017**

MUHAMMAD SALAH UD DIN ..... APPELLANT

**V/S**

DISTT EDUCATION OFFICER (MALE) KOHAT & OTHER..... RESPONDENTS

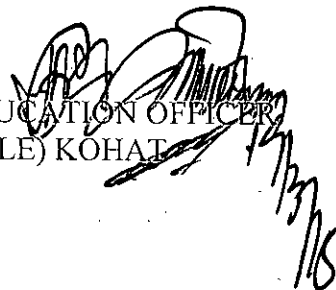
Parawise comments on behalf of Respondent No: 1 to 3

**Affidavit**

I, District Education Officer (Male) Kohat do hereby solemnly affirm and declare on oath that the contents of the accompanying Parawise comments are true and correct to the best of my knowledge and belief and nothing has been concealed withheld from this Honourable court.

Deponent

DISTRICT EDUCATION OFFICER  
(MALE) KOHAT





law, in the whole or part of the North-West Frontier province now Khyber Pakhtunkhwa, shall be amended in the manner as appeared hereinafter, namely:

- (a) In the Acts and Ordinances:-
- (i) for the words and hyphen "North West Frontier Province" and for the letters, dots and hyphen "N.-W.F.P." appearing before the words "AN ACT" or "AN ORDINANCE", as the case may be, the words "Khyber Pakhtunkhwa" shall be substituted.
  - (ii) in the long title and preamble, for the words and hyphen "North-West Frontier Province", "Sarhad", "Frontier" and for letters, dots and hyphen, "N.-W.F.P.", as the case may be, wherever occurring, the words, "Khyber Pakhtunkhwa", shall be Substituted.
  - (iii) in section 1, in sub-section (1) and in sub-section (2), for the words and hyphen, "North-West Frontier Province", "Sarhad", "Frontier" and for letters, dots and hyphen, "N.-W.F.P.", wherever occurring, the words "Khyber Pakhtunkhwa" or the words "Province of the Khyber Pakhtunkhwa", as the case may be, shall be substituted; and
  - (iv) in any other section, for the words and hyphen, "North-West Frontier Province", "Sarhad", "Frontier" and for letters, dots and hyphen, "N.-W.F.P.", as the case may be, wherever occurring, the words, "Khyber Pakhtunkhwa", shall be substituted; and
- (b) In the rules, regulations, notifications, orders, bye-laws, issued or framed under the provinces of any Act or Ordinance or any other legal instrument of the works and hyphen, "North-West Frontier Province", "Sarhad", "Frontier" and for letters, dots and hyphen, "N.-W.F.P.", as the case may be, where ever occurring, the words "Khyber Pakhtunkhwa", shall be substituted.

## Khyber Pakhtunkhwa Civil Servants Acts, 1973

(Khyber Pakhtunkhwa Act No. XVIII of 1973)

An Act to regulate the appointment of persons to, and the terms and conditions of service of persons in, the service of the Khyber Pakhtunkhwa

[Gazette of Khyber Pakhtunkhwa, Extraordinary, Page No. 287N-287L, 12<sup>th</sup> November, 1973]

**Preamble.**---WHEREAS it is expedient to regulate by law, the appointment of persons to, and the terms and conditions of service of persons in, the service of the Khyber Pakhtunkhwa, and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:--

1. **Short title, application and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Civil Servants Act, 1973.
- (2) This section and section 25, shall apply to persons employed on contract, or on work charged basis, or who are paid from contingencies, and the remaining provisions of this Act including this section, shall apply to all civil servants wherever they may be.
- (3) It shall come into force at once.

### CHAPTER-I PRELIMINARY

2. **Definitions.**---(1) In this Act, unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them, that is to say--

- (a) "ad hoc appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending recruitment in accordance with such method,
- (b) "civil servant" means a person who is a member of a civil service of the Province, or who holds a civil post in connection with the affairs of the Province, but does not include--
  - (i) a person who is on deputation to the Province from the Federation or any other Province or other authority;
  - (ii) a person who is employed on contract, or on work charged basis, or who is paid from contingencies; or
  - (iii) a person who is a "worker" or "workman" as defined in the Factories Act, 1934 (Act XXV of 1934), or the Workmen's Compensation Act, 1923 (Act VIII of 1923);
- (c) "Government" means the Government of the Khyber Pakhtunkhwa.
- (d) "initial appointment" means appointment made otherwise than by promotion or transfer;
- (e) "pay" means the amount drawn monthly by a civil servant as pay, and includes special pay, personal pay and any other emoluments declared by the prescribed authority to be paid;
- (f) "permanent post" means a post sanctioned without limit of times;

Civil Servants Acts, 1973

- (g) "prescribed" means prescribed by rules;
- (h) "Province" means the Khyber Pakhtunkhwa;
- (i) "rules" means rules made or deemed to have been made under this Act;
- (j) "selection authority" means the Khyber Pakhtunkhwa Public Service Commission, a departmental selection board, departmental selection committee or other authority or body on the recommendations of, or in consultation with which any appointment or promotion, as may be prescribed, is made;
- (k) "temporary post" means a post other than a permanent post.

(2) For the purpose of this Act, an appointment, whether by promotion or otherwise, shall be deemed to have been made on regular basis if it is made in the prescribed manner.

**CHAPTER-II**

**TERMS AND CONDITIONS OF SERVICE OF CIVIL SERVANTS**

3. **Terms and Conditions.**---The terms and conditions of service of a civil servant shall be as provided in this Act and the rules.

4. **Tenure of office of civil servants.**---Every civil servant shall hold office during the pleasure of the Governor.

5. **Appointment.**---Appointment to a civil service of the Province or to a civil post in connection with the affairs of the Province shall be made in the prescribed manner by the Governor or by a person authorised by the Governor in that behalf.

6. **Probation.**---(1) An initial appointment to a service or post referred to in section 5, not being an adhoc appointment, shall be on probation as may be prescribed.

(2) Any appointment of a civil servant by promotion or transfer to a service or post may also be made on probation as may be prescribed.

(3) Where, in respect of any service or post, the satisfactory completion of probation includes the passing of a prescribed examination, test or course or successful completion of any training, a person appointed on probation to such service or post who, before the expiry of the original or extended period of his probation, has failed to pass such examination or test or to successfully complete course or the training shall, except as may be prescribed otherwise---

- (a) if he was appointed to such service or post by initial recruitment, be discharged; or

Civil Servants Acts, 1973

5

- (b) if he was appointed to such service or post by promotion or transfer, be reverted to the service or post from which he was promoted or transferred and against which he holds a lien or, if there be no such service or post, be discharged;

Provided that in the case of initial appointment to a service or post, a civil servant shall not be deemed to have completed his period of probation satisfactorily until his character and antecedents have been verified as satisfactory in the opinion of the appointing authority.

7. **Confirmation.**---(1) A person appointed on probation shall, on satisfactory completion of his probation, be eligible for confirmation in a service or, as the case may be, a post as may be prescribed.

(2) A civil servant promoted to a post <sup>1</sup>[...] on regular basis shall be eligible for confirmation after rendering satisfactory service for the period prescribed for confirmation therein.

(3) There shall be no confirmation against any temporary post.

(4) A civil servant who, during the period of his service, was eligible to be confirmed in any service or against any post retires from service before being confirmed shall not, merely by reason of such retirement, be refused confirmation in such service or post or any benefits accruing therefrom.

(5) Confirmation of a civil servant in a service or post shall take effect from the date of occurrence of permanent vacancy in that service or post or from the date of continuous officiation, in such service or post, whichever is later.

8. **Seniority.**---(1) For proper administration of a service, cadre or <sup>2</sup>[post], the appointing authority shall cause a seniority list of the members for the time being of such service, cadre or <sup>3</sup>[post] to be prepared, but nothing herein contained shall be construed to confer any vested right to a particular seniority in such service, cadre or <sup>4</sup>[post] as the case may be.

(2) Subject to the provisions of sub-section (1), the seniority of a civil servant shall be reckoned in relation to other civil servants belonging to the same service or <sup>5</sup>[cadre], whether serving in the same department or office or not, as may be prescribed.

(3) Seniority on initial appointment to a service, <sup>6</sup>[cadre] or post shall be determined as may be prescribed.

<sup>1</sup>((4) Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post:

1. The words "or grade" omitted by Khyber Pakhtunkhwa Ordinance No. IV of 1955.
2. Subs. for the word "grade" by Khyber Pakhtunkhwa Ordinance No. IV of 1955.
3. Subs. for the word "grade" by Khyber Pakhtunkhwa Ordinance No. IV of 1955.
4. Subs. for the word "grade" by Khyber Pakhtunkhwa Ordinance No. IV of 1955.
5. Substituted for the word "grade" by Khyber Pakhtunkhwa Ordinance No. IV of 1955.
6. Substituted for the word "grade" by Khyber Pakhtunkhwa Ordinance No. IV of 1955.

Provided that civil servants who are selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter-se seniority as in the lower post.]

<sup>2</sup>[(5) The seniority lists prepared under sub-section (1), shall be revised and notified in the official Gazette at least once in a calendar year, preferably in the month of January].

9. **Promotion.**---(1) A civil servant possessing such minimum qualifications as may be prescribed shall be eligible for promotion to a <sup>3</sup>[higher] post for the time being reserved under the rule for departmental promotion in <sup>4</sup>[...] the service or cadre to which he belongs.

(2) A post referred to in sub-section (1) may either be a selection post or a non selection post to which promotion shall be made as may be prescribed--

- (a) in the case of a selection post, on the basis of selection on merit; and
- (b) in the case of non-selection post, on the basis of seniority-cum-fitness.

10. **Posting and Transfer.**---Every civil servant shall be liable to serve anywhere within or outside the province, in any post under the Federal Government, or any Provincial Government or Local authority, or a corporation or body set up or established by any such Government:

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region;

Provided further that, where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

11. **Termination of service.**---(1) The service of a civil servant may be terminated without notice--

- (i) during the initial or extended period of his probation:

Provided that, where such civil servant is appointed by promotion on probation or, as the case may be, is transferred from one <sup>5</sup>[service], cadre or post to another <sup>6</sup>[service], cadre or post, his

1. Sub-section (4) substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.
2. Sub-section (5) added by Khyber Pakhtunkhwa Act No. I of 1985.
3. The word "higher" inserted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.
4. The words "the higher grade of" omitted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.
5. The word "grade" substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.
6. The word "grade" substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

service shall not be so terminated so long as he holds a lien against his former post in such <sup>1</sup>[service] or cadre, but he shall be reverted to his former <sup>2</sup>[service], cadre or post, as the case may be;

- (ii) on the expiry of the initial or extended period of his employment; or
- (iii) if the appointment is made adhoc terminable on the appointment of a person on the recommendation of the selection authority, on the appointment of such person.

(2) Where, on the abolition of a post or reduction in the number of post in a cadre or grade, the services of a civil servant are required to be terminated, the person whose services are terminated shall ordinarily be the one who is the most junior in such cadre or grade.

(3) Notwithstanding the provisions of sub-section (1), but subject to the provisions of sub section (2), the service of a civil servant in temporary employment or appointed adhoc shall be liable to termination on fourteen days notice or pay in lieu thereof.

<sup>3</sup>[11A. **Absorption of civil servants rendered surplus.**--- Notwithstanding anything contained in this Act, the rules made thereunder, any agreement, contract or the terms and conditions of service, a civil servant who is rendered surplus as a result of re-organisation or abolition of a department, office or abolition of a post in pursuance of any Government decision may be appointed to a post, carrying basic pay scale equal to the post held by him before such appointment, if he possesses the qualifications and fulfils other conditions applicable to that post:

Provided that where no equivalent post is available, he may offered a lower post in such manner and subject to such conditions as may be prescribed, and where such civil servant is appointed to a lower post, the pay being drawn by him in the higher post immediately preceding his appointment to a lower post shall remain protected.]

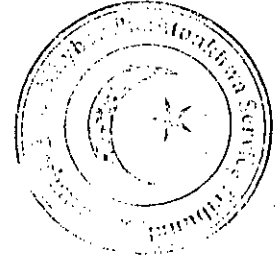
12. **Reversion to a lower <sup>4</sup>[post].**--- A civil servant appointed to a higher post or <sup>5</sup>[before the commencement of the Khyber Pakhtunkhwa Civil Servants (amendment) Ordinance, 1985 to a higher] grade adhoc or on temporary or officiating basis shall be liable to reversion to his lower post <sup>6</sup>[...] without notice.

1. The word "grade" substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.
2. The word "grade" substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.
3. Inserted by Khyber Pakhtunkhwa Ordinance No. VI of 2001 dated 04-06-2001.
4. The words "grade or service" substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.
5. Inserted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.
6. The words "or grade" omitted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

SERVICE APPEAL NO. 115/2016

Date of institution ... 30.11.2015  
Date of judgment ... 17.01.2017



Abid Ali Shaukat S/o Shaukat Ali  
SPST, GPS Nundrale, Nowshera.

(Appellant)

VERSUS

1. Secretary Education, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. Director of Education, Khyber Pakhtunkhwa, Dabgari Garden Peshawar.
3. District Education Officer, Nowshera.
4. M. Asad Khan, PSHT GPS No.2, ZKKS presently at G.P.S Tarkhel Bala District Nowshera and 36 other private respondents.

(Respondents)

APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT, 1974  
AGAINST THE IMPUGNED SENIORITY LIST DATED 07.02.2015 OF  
RESPONDENT NO. 3 AND IMPUGNED NOTIFICATION NO. 3641/46  
DATED 27.07.2015 OF RESPONDENT NO. 3 AND AGAINST THE IN  
ACTION OF RESPONDENT NO. 3 IN RESPONSE TO DEPARTMENTAL  
APPEAL WHEREBY PROMOTION/UP-GRADATION OF THE  
PETITIONER TO BPS-15 AS PSHT/SPST HAS BEEN REFUSED.

*17.01.17*

Mr. Abdul Ghaffar Khan, Advocate.  
Mr. Ziaullah, Government Pleader

For appellant.  
For official respondents No. 1 to 3.

MR. ASHFAQUE TAJ  
MR. AHMAD HASSAN

MEMBER (JUDICIAL)  
MEMBER (EXECUTIVE)

JUDGMENT

ASHFAQUE TAL MEMBER:- Abid Ali Shaukat hereinafter called appellant has moved instant service appeal under section-4 of Service Tribunal Act, 1974 against impugned seniority list dated 07.02.2015 and impugned notification dated 27.07.2015 issued by respondent No. 3. And against inaction of respondent No. 3

**ATTESTED**

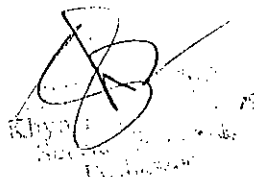
*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

against departmental appeal whereby promotion/up-gradation of appellant to BPS-15 was refused.

2. Facts in brief are that appellant joined Education Department as SPST on 04.09.1989. That initially the appellant was appointed in BPS-7 as untrained teacher but subsequently regularized against his post on completing the required training on his turn. That the appellant was ready for training from day first of his appointment but due to lack of institutions he could not do his training in time, so non-performance of training at earlier was not his fault. That in year 2015 seniority lists were prepared but the appellant was shown junior to many of his junior colleagues. Appellant objected to tentative seniority list for promotion to BPS-14/15 but the same was not considered. That on the basis of second seniority list notification No. 3641/46 was issued on 27.07.2015. The teachers junior to appellant were promoted. That appointment and retirement of the appellant are considered from the date of appointment as untrained teachers. That earlier appellant was granted promotion/up-gradation on the basis of same qualification length of service earlier to the respondents. The prayer of the appellant is that impugned notification and seniority list might be set-aside and that appellant be promoted from the date of his original appointment.

3. Learned counsel for appellant contended that in reply to letter dated 02.12.2008 Accountant General Office Peshawar gave opinion on up-gradation of various posts of teachers by submitting that temporary/officiating services followed by confirmation rendered on the relevant posts, which are reckonable towards pension can also be counted for the purpose of length of service required for up-gradation. He added that question was asked in above mentioned letter that whether 10 years services will be counted from date of initial recruitment as untrained teacher from the date of passing PTC exam. He was of the view that on this analogy when his service was counted from the date of initial appointment as untrained teacher, then his seniority also had to be determined from the date of initial appointment.

ATTESTED

  
Khyber Pakhtunkhwa  
Government

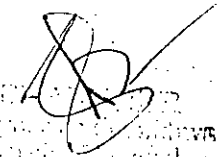
1008.10.71  
M. H. Khan

4. The learned Government Pleader for respondents controverted that it is a settled rule duly communicated to the Executive District Officer vide letter No. 2296/A-SS/KC/SET(M&F)SL/Inform dated 31.08.2012, regard to guidance for preparation of seniority list/promotion/up-gradation of various cadres of teaching staff. The seniority cannot be considered from the date of appointment as untrained teacher. The seniority is considered from the date of regular appointment or from the date of passing the prescribed qualification in case of untrained appointment. Further at serial No. 3 of letter it is recorded that the name of the untrained teachers could not be enlisted in the seniority list unless he passes the prescribed rules. So, the rule is clear on the matter and on the basis of said rule the seniority list was prepared in year 2013 first time and many deserving were promoted which was never challenged. He also pointed that the above mentioned rules were also challenged before this Tribunal in Service Appeal No:1343/2012 dated 31.05.2016 titled "Javed Iqbal PST-vs-Government of Khyber Pakhtunkhwa, through Elementary & Secondary Education, Peshavar" was dismissed, meaning thereby appellant was praying for the matter which had already been decided by this Tribunal.

FILED  
10.10.11

5. The Tribunal observed that appellant came up with prayer that since his service was counted from the date of initial appointment as untrained teacher for purpose of up-gradation, so on this analogy he is entitled to get seniority and further promotion. We are afraid that this matter has already been decided by this Tribunal vide judgment dated 31.05.2016 in Service Appeal No. 1343/2012. Over and above this, the Tribunal agrees with the arguments/stance of Additional Advocate General that rules on the subject were circulated vide letter dated 31.08.2012 inter-alia untrained teacher cannot be enlisted in the seniority list unless he passes the prescribed professional qualification are palpable and conspicuous reality. The appellant had not asserted that he had been not given due seniority after getting requisite professional training. At an end appellant

ATTESTED

  
 Additional Advocate General  
 Peshawar

had likewise failed to point out that he had applied for training but was refused or kept waiting and that fault was not on his part.

6. In view of above the appeal in hand stands dismissed. Parties are left to bear their own costs. File be consigned to the record room.

7. Vide our this detail judgment we would also like to dispose of identical Service Appeals No. 111/2016 titled "Zahid Ali-vs- Secretary Education, KPK, Civil Secretariat Peshawar" etc, 112/2016 titled "Murad Khan-vs- Secretary Education, KPK, Civil Secretariat Peshawar" etc, 113/2016 titled "Faraz Muhammad-vs-Secretary, Education, KPK, Civil Secretariat Peshawar" etc, 114/2016 titled "Amin-ur-Rehman-vs- Secretary Education, KPK, Civil Secretariat Peshawar" etc, and 116/2016 titled "Zia Ullah Shah-vs- Secretary Education, KPK, Civil Secretariat Peshawar" etc as similar question of law and facts are involved, all service appeals stands disposed of accordingly.

ANNOUNCED  
17.01.2017

Certificate of  
Secretary  
Peshawar

(AHMAD HASSAN)  
MEMBER

(ASHFAQUE TAJ)  
MEMBER

Date of Disposal	09-03-18
Number of Pages	1600
Copy Fee	10.00
Updation Fee	2.00
Tax	12.00
Name of Officer	<i>[Signature]</i>
Date of Disposal	09-03-18
Date of Disposal	09-03-18