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 60  
 62

11	Mr. Sairur Rehman	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
12	Mr. Abdul Maleen Khan	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
13	Muhammad Khurshid	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
14	Mr. Ejaz Ali	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
15	Mr. Abdul Hadi	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
16	Mr. Attaullah Khan	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
17	Mr. Sair Ajab Khan	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
18	Mr. Saddiqur Rehman	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
19	Mr. Wali Dad Khan	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
20	Mr. Shaheedur Rehman	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
21	Mr. Abdul Nazar	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
22	Mr. Hakim Said	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
23	Mr. Muhammad Bilal	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
24	Mr. Qaiser Khan	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
25	Mr. Qayyum Nawaz	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
26	Mr. Muhammad Aslam	PET	BA/SDPE	Differed from promotion as DPE for wants of ACR for the period from 1971 to 1993
27	Mr. Hukam Zad	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
28	Mr. Muhammad Alam	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
29	Mr. Abdur. Rauf	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
30	Mr. Muhammad Shahid Ullah	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
31	Mr. Noorul Amin	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
32	Mr. Muhammad Khalil	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.

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**BETTER COPY OF THE PAGE NO. 61**

33	Mr. Noor Muhammad Shah	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect
34	Mr. Qadar Khan	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect
35	Mr. Fakhar Zaman	CT	BA/SDPE	Considered suitable for promotion as DPE with immediate effect
36	Mr. Waliur Rehman	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect
37	Mr. Murad Ali	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect
38	Mr. Muhammad Ghani	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect

**Item No. 4 PROMOTION OF PET/CT AND PTC ETC HAVING SDPE QUALIFICATION TO THE POST OF DPE/ADO SPORTS (FEMALE) BPS-16 REGULAR**

According to the Working Paper submitted by Schools & Literacy N.W.F.P Peshawar there are 53 sanctioned posts of DPE/ADO (Sports) BPS-16 (Female) out of which 21 posts fall to the share of Direct Recruitment and 32 to the share of promotion. The detail of promotion vis-à-vis Direct Recruitment are given below:

1.	Total No. of posts in BPS-16	=	53
2.	Share of Direct Recruitment @ 40%	=	21
3.	Share of Promotion @ 60%	=	32
4.	Total No. of existing promotes	=	17
5.	Net to be promoted	=	45

The committee considered the case of the following in service teachers (Female) for promotion DPE and recommended as under:

S.No.	Name of Teaches	Designation	Qualification	Remarks
1	Miss Nigar Akhtar	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect
2	Miss Rehana Kahtoon	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect
3	Miss Naheed Gohar	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect
4	Miss Mufida Begum	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect
5	Miss Sadia Sufi	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect
6	Miss Farhana ishaq	IC/ADO	BA/SDPE	Considered suitable for promotion as DPE with immediate effect
7	Miss Shameena Akhtar	PTC	BA/SDPE	Considered suitable for promotion as DPE with immediate effect
8	Miss Yahya Begum	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect

33	Mr Noor Muhammad Shah	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
34	Mr Qadar Khan	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
35	Mr Fakhar Zaman	CT	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
36	Mr Waliur Rehman	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
37	Mr Murad Ali	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
38	Mr Muhammad Ghani	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.

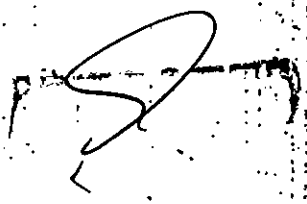
**Item No. 4: PROMOTION OF PET/CT AND PTC etc HAVING SDPE QUALIFICATION TO THE POST OF DPE/ADO SPORTS (FEMALE) BPS-16 REGULAR.**

According to the Working Paper submitted by Schools & Literacy, N.W.F.P. Peshawar there are 53 sanctioned posts of DPE/ADO (Sports) BPS-16 (Female), out of which 21 posts fall to the share of Direct Recruitment and 32 to the share of promotion. The detail of promotion vis-a-vis Direct Recruitment are given below:

Total No. of posts in BPS-16	=	53
Share of Direct Recruitment @ 40%	=	21
Share of Promotion @ 60%	=	32
Total No. of existing promotes	=	17
Net to be promoted	=	15

The committee considered the case of the following in-service teachers (Female) for promotion as DPE and recommended as under: -

S.No.	Name of Teachers	Designation	Qualification	Remarks
1	Miss Nigar Akhtar	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
2	Miss Rehana Khatoon	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
3	Miss Naheed Gohar	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
4	Miss Mufida Begum	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
5	Miss Sajida Sufi	PET	BA/SDPE	Differed from promotion as DPE for wants of ACR for the year 2001.
6	Miss Farhana Ishaq	ICI/ADO	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
7	Miss Shameena Akhter	PTC	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.
8	Miss Yahya Begum	PET	BA/SDPE	Considered suitable for promotion as DPE with immediate effect.



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9	Miss Shabnam Raza Malik	PET	BAVSDPE	Considered suitable for promotion as DPE with immediate effect.
10	Miss Asma Qureshi	PET	BAVSDPE	Considered suitable for promotion as DPE with immediate effect.
11	Miss Munaza Jabeen	PET	BAVSDPE	Considered suitable for promotion as DPE with immediate effect.
12	Miss Azra Naz	TT	BAVSDPE	Considered suitable for promotion as DPE with immediate effect.
13	Miss Ghazala Naeem	PET	BAVSDPE	Considered suitable for promotion as DPE with immediate effect.
14	Miss Shujaat Begum	PET	BAVSDPE	Considered suitable for promotion as DPE with immediate effect.
15	Miss Adeeba Naheed	DM	BAVSDPE	Considered suitable for promotion as DPE with immediate effect.

**Item No.5:- PROMOTION OF BPS-16 OFFICERS TO BPS-17 IN SCHOOLS & LITERACY DEPARTMENT (WORKING AS I/C.SS).**

The committee discussed the cases in details and differed the promotion case due to in complete working paper.

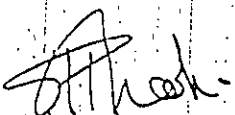
**Item No.6:- PROMOTION OF SETs OF SCHOOLS CADRE (MEN'S SECTION) AS HEAD MASTER FROM BPS-16 TO BPS-17 (REGULAR).**

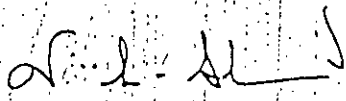
The committee after detail deliberation decided to recommend 195 SETs to the post of Head Master BPS-17 (Regular). The case was however differed <sup>due to</sup> non availability of final Seniority List of SETs and according to the disparity between the penal and the seniority list.

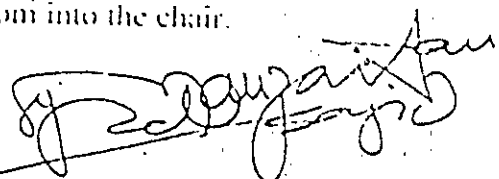
**Item No.7:- REGULARIZATION OF SERVICES OF SUBJECT SPECIALIST WITH BENEFIT OF SENIORITY.**

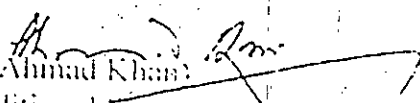
The committee discussed the case in detail and decided that the regularization of the Subject Specialist in pursuance of the service tribunal/ Supreme Court of Pakistan does not fall in the purview of DPC. The regularization may therefore, be considered by the department in light of Provincial Govt policy and the verdict of the courts.


The meeting ended with a vote of thanks from into the chair.

  
(Hussam Shah)  
Deputy Secretary (Regulation)  
Establishment Department.

  
(Nayyar Laiq Ahmad)  
Section Officer (R.II)  
Finance Department.

  
(S. Manzar Jan Sajjid)  
Deputy Director (Estab.)  
Schools & Literacy N.W.F.P.

  
(Ahmad Khan)  
Additional Secretary  
Schools & Literacy Department

  
(AMJAD SHAHID AFRIDI)  
SECRETARY TO GOVT. N.W.F.P.  
SCHOOLS & LITERACY DEPT.

جناب اکرم خان دورانی صاحب وزیر اعلیٰ صوبہ سرحد

The Hon. has directed to offer comments on the application of S.S. to this Sect. Urgently.

عنوان: ریگولرائزیشن انسپارٹی ایس ایس  
جناب عالی! گزارشات حسب ذیل ہیں۔

1988ء میں محکمہ تعلیم میں کچھ سکولوں کو اپ گریڈ کر کے ہائیر سیکنڈری کا درجہ دیا گیا تھا۔ اور ماہر مضمون کی اسبامیاں منظور کی گئیں تھیں۔ جن کے لئے مطلوبہ تعلیمی و تدریسی قابلیت اُس وقت ایم اے/بی ایڈ/5 سالہ تجربہ بطور SET رکھا گیا تھا۔

2- یہ کہ 1986ء سے 1987ء کے آخر تک ڈیپارٹمنٹ اپلک سروس کمیشن کو 4 بندوں کے علاوہ مذکورہ مطلوبہ قابلیت کا اہل بندہ نہ مل سکا۔

3- 3 ستمبر 1987ء میں ڈپٹی ڈائریکٹر سکولز نے SS کی اسامیوں کے لئے ایڈک پر بھرتی کے لئے اشتہار دیا۔ کو ایلیفیکشن وہی تھی۔ جو اوپر بیان کی گئی۔ یہی وجہ ہے کہ اس دفعہ بھی کوئی تقرری عمل میں نہیں آئی۔ کیوں کہ وہی کو ایلیفیکشن کا مسئلہ درپیش آیا۔

4- اسی دوران ایک محکمانہ کمیٹی بنی۔ جس نے اور مسائل کے علاوہ ماہرین مضامین کی اسامیوں کے قواعد و ضوابط کو بھی زیر غور لایا۔ اور سفارش کی۔ کہ فی الوقت S.S کی اسامیوں پر سادہ ایم اے لئے جائیں۔ اور ان سے کہا جائے کہ بی ایڈ 5/3 سالوں میں کریں۔ اس کے بعد ان لوگوں کو مستقل کیا جائے۔ 5 سالہ تجربہ ان سفارشات میں ختم کیا گیا۔ بعد میں اہلیت کے سلسلے میں نرمی کا باضابطہ نوٹیفکیشن جاری کیا گیا۔ ریفرنس کے لئے دیکھیں صفحہ نمبر (4) ہم نے بھی سادہ ماسٹر ڈگری ہولڈر ہونے سے متعلقہ مضامین میں تقرری کے لئے درخواستیں دی۔ 1988ء سے لیکر 1990ء تک مختلف تاریخوں میں ہماری تقرریاں عمل میں لائیں گئی۔ لیکن ہمیں گریڈ 17 کے بجائے 15 میں فکس کیا گیا۔

5- چونکہ ایڈ ہاک بل 1988ء کے پاس ہونے کے بعد حکومت کو صرف کنٹریکٹ پر بھرتی کی اجازت دی گئی تھی۔ اس لئے ہماری سروسز کنٹریکٹ تھی۔ جو کہ بعد میں کنٹریکٹ بل 1989ء اور امینڈمنٹ بل 1990ء کے پاس ہونے کے بعد مستقل کر دی گئی تھیں۔ لیکن ہمیں مستقل نہیں کیا گیا اور ہمیں یہ بتایا گیا کہ چونکہ آپ بی ایڈ نہیں تھے اس لئے آپ کی سروسز کو مستقل نہیں کیا جاسکتا تھا۔ حالانکہ اس وقت بھی ہمارے کچھ ساتھی بی ایڈ تھے۔ اور بعض نے بعد میں بی ایڈ کر لیا تھا۔ جبکہ تجربے میں نرمی کے بعد سے پبلک سروس کمیشن بھی سادہ ایم اے پر ماہرین مضامین کی تقرریاں عمل میں لا رہا ہے۔ اور منتخب شدہ افراد سے کہا جاتا ہے۔ کہ وہ 3 سال کے اندر اندر بی ایڈ کریں ریفرنس کے لئے دیکھیں صفحہ نمبر (7), (6), (5) اس نا انصافی کے خلاف جب ہم نے عدالت کا دروازہ کھٹکھٹایا۔ تو عدالت نے ہمیں سروس مراعات دیکر ریگولرائزیشن کا مسئلہ ڈیپارٹمنٹ پر رکھا۔ ہمارے خلاف ڈیپارٹمنٹ اپیل پر سپریم کورٹ گیا۔ جہاں پر فیصلہ ہمارے حق میں بحال رکھا گیا۔ (ریفرنس کے لئے دیکھیں فیصلہ سروس ٹریبونل صفحہ (9), (8) فیصلہ سپریم کورٹ صفحہ نمبر (15) تا (19)

ATTACHED

(6)۔ اسی دوران ہمارے ایک ساتھی محمد ریاض جو کہ ہماری ہی طرح بھرتی کیا گیا تھا۔ اور جس کا فیصلہ سروس ٹریبونل نے ہمارے ہی حرج کیا تھا۔ کو نہ صرف ڈیپارٹمنٹ نے ریگولر کیا۔ بلکہ وہ اب اپنی سناریائی کی وجہ سے بطور پرنسپل گریڈ 18 مانسہرہ میں اپنے فرائض منصبی سرانجام دے رہا ہے۔ حوالہ کے لئے دیکھیں صفحہ نمبر (20) سپریم کورٹ کے فیصلے کے باوجود ہمیں سروس ٹریبونل جانے پر مجبور کیا گیا۔ جہاں سے عدالت نے ایک بار پھر یہ کیس محکمہ تعلیم کوریمینڈ بیک کیا ہے۔ اور ہدایت گئی ہے۔ کہ اس لمبے عرصے تک چلنے والے کیس کو حل کریں۔

(7)۔ ڈھائی سال گزرنے کے بعد اب ہمیں پتہ چلا ہے کہ ڈیپارٹمنٹ ہمیں 18, 19 سال سروس کرنے کے بعد Terminate کرنے جا رہا ہے۔ جو کہ سراسر نا انصافی ہے۔ اور Discrimination of Law ہے۔ کیونکہ (1)۔ ہمارے ساتھی کورگولرائزیشن / سناریائی دینا اور ہمیں اس سے محروم کر کے ٹرمینٹ کرنا سراسر نا انصافی ہوگی۔ ریفرنس کے لئے دیکھیں نوٹیفیکیشن صفحہ نمبر (21) اور صفحہ نمبر (2)

(22)۔ ڈیپارٹمنٹ ہمارے بارے میں کہتا ہے کہ گریڈ 17 کی تنخواہ اور بقایا جات انکو سپریم کورٹ نے دیئے ہیں۔ اس لئے ان کو اب مزید سروس کرنے کا حق نہیں ہے۔ حالانکہ سپریم کورٹ نے اپنے فیصلے اپیل نمبر 128/1995 جو کہ گورنمنٹ کی طرف سے سروس ٹریبونل کے فیصلے کے خلاف دائر کی گئی تھی۔ حکم کیا۔

" The learned council for the appellants in civil appeal No. 128 of 1995 contended that the Respondent was not entitled to draw the salary against the post of subject specialist which was a post in BPS-17 as he did not possess the required qualification namely B.Ed or M.Ed. this contention of the appellants in civil appeal No. 128 of 1995 was rejected by the tribunal and rightly so in view of the decision in the case of Islamic Republic of Pakistan VS Abdul Karim (1978 SCMR) and Federation VS Sahibzada Shah Pur Jan (1986 SCMR 991) we accordingly find no substance in the contention of the appellants in civil appeal No. 128 of 1995 which is accordingly dismissed."


(3)۔ ڈیپارٹمنٹ کا کہنا ہے کہ مطلوبہ تقرریاں illegal اور irregular ہوئی ہیں۔ حالانکہ سپریم کورٹ کی جمنٹ کیس نمبر 413 SCMR 1996 سیکرٹری زکوٰۃ اور سوشل ویلفیئر VS صلاح الدین خان جس میں کہا گیا ہے۔ کہ ایک گورنمنٹ سرونٹ کو محض اس بات پر ٹرمینٹ نہیں کیا جاسکتا ہے۔ کہ وہ illegal اور irregular تعینات ہوا ہے۔ ڈیپارٹمنٹ نے چونکہ اسکی تقرری کی ہوئی ہے۔ اس لئے ڈیپارٹمنٹ کو اس بات کی اجازت نہیں دی جاسکتی ہے۔ کہ وہ ملازم کو سروس سے برخاست کرے۔

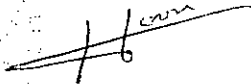
اس کے علاوہ ہماری سروس تقریباً 9 سالوں کے ریگولرائزیشن / سناریائی دینے کے بجائے ہمیں Terminate کرنا سراسر


نا انصافی ہوگی۔ اور سپریم کورٹ کے اس حکم کے خلاف ہوگا جس میں کہا گیا ہے۔ اگر کوئی ملازم بغیر کسی گیپ کے دس سال سروس کرے تو ہم پنشن کا حق دار ہوگا۔ چہ جائیکہ 19 سال بہترین نتائج دکھانے کے بعد ہمیں Terminate کیا جائے۔ جناب عالی! حال ہی میں سپریم کورٹ نے سول پٹیشن نمبر 326 تا 342، 485، 486، 513، 519 تا 586، 622 تا 2005 میں بھی ان SET's جن کو انچارج S.S پوسٹ پرائڈ جسٹ کیا گیا تھا۔ اس پوسٹ پر تقرری کے وقت سے سناریٹی دے دی ہے۔ جبکہ ہم ان S.S سے بھی تقریباً 15 سال سینئر ہیں۔ لیکن ہمیں ہمارے حق سے محروم رکھا جا رہا ہے۔

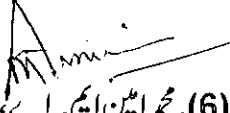
جناب عالی! ڈیپارٹمنٹ کے فیصلے پر عمل درآمد سے 13 خاندان فاقہ کشی پر مجبور ہو جائیں گے۔ لہذا مندرجہ بالا حقوق کو لیکر آپ کے حضور میں درمندانہ اپیل لیکر آئیں ہیں۔ کہ ڈیپارٹمنٹ کو اپنے فیصلہ Termination پر عمل درآمد سے روکا جائے۔ ہمارے کیس پر ہمدردانہ غور فرما کر ہمیں ہماری تاریخ تقرری سے Approval دیکر غریب پروری کا ثبوت دیں۔ ہم اور ہمارے بچے تاحیات آپ کو دعا دیتے رہیں گے۔

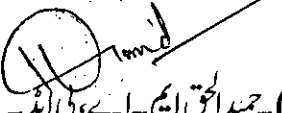
### العارض

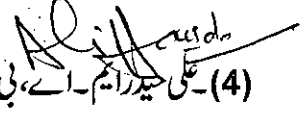
  
(3) محمد تھانی خان ایم ایس سی، بی ایڈ  
GHSS اوج دیر پائین۔


  
(2) ہمایون خان ایم ایس سی، بی ایڈ  
GHSS طوطہ کان مالا کنڈا بجنسی۔

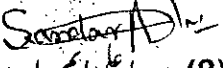
  
(1) عبدالحمید ایم۔ اے، بی ایڈ۔  
GHSS نمبر 1 پشاور سٹی۔

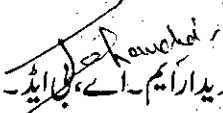
  
(6) محمد امین ایم۔ اے، ایم ایڈ۔  
GHSS بلوگرام سوات۔

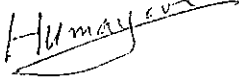
  
(5) حمید الحق ایم۔ اے، بی ایڈ۔  
GHSS کبل سوات۔

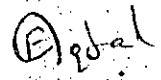
  
(4) علی حمید ایم۔ اے، بی ایڈ۔  
GHSS کبل سوات۔

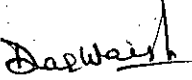
  
(9) برادر خان ایم۔ اے، بی ایڈ۔  
GHSS واڑی ضلع دیر بالا۔

  
(8) سردار علی ایم۔ اے، بی ایڈ۔  
GHSS خوازہ حیلہ سوات۔


  
(7) جہان نیدا ایم۔ اے، بی ایڈ۔  
GHSS سندوی ضلع شانگلہ۔

  
(12) ہمایون ایم۔ اے، بی ایڈ۔  
GHSS مدین سوات۔

  
(11) فضل اقبال ایم۔ اے، بی ایڈ۔  
GHSS شمر بانغ دیر پائین۔

  
(10) درویش خان ایم۔ اے، بی ایڈ۔  
GHSS زیارت تالاش دیر پائین۔

مکھورہ 03/02/07

  
(13) حسین علی ایم۔ اے، بی ایڈ۔  
GHSS بری کوٹ سوات۔

ATTENDED

66

X

13-6-06

JR

خلاصہ برائے وزیر اعلیٰ صاحب سرحد۔

اتحادی دوران ملازمت برائے ماہر مضامین کے تمام ہر اجازت و مندرجہ ذیل

قاعدگی دولت ماہر مضامین کی بھرتی کیلئے مندرجہ ذیل قابلیت اور طریقہ کار متعین ہے (نمبر الف):

Master's Degree in the relevant subject with B.Ed or M.Ed or Master or Education (Industrial Arts or Business Education) or M.A Education from a recognized university.

تمام ذریعہ ذیل ڈائریکٹر ملائکہ ڈویژن نے نمائندگی کے پیش نظر مندرجہ ذیل افراد کو سکیل 15 (نمبر اضافہ کے) بطور ماہر مضامین بھرتی کے (نمبر ب):

سری نمبر	نام	سری نمبر	نام	سری نمبر	نام	سری نمبر	نام
1	محمد علی	2	محمد علی	3	محمد علی	4	محمد علی
5	محمد علی	6	محمد علی	7	محمد علی	8	محمد علی
9	محمد علی	10	محمد علی	11	محمد علی	12	محمد علی
13	محمد علی	14	محمد علی	15	محمد علی	16	محمد علی

بھرتی کے وقت مندرجہ بالا اساتذہ صرف اپنے مضمون میں ماسٹر ڈگری کے حامل تھے تاہم بعد میں سائیکالوجی اور ایچ ای کے شعبوں میں ڈگری کی باقاعدگی کے بارے میں درخواست کی گئی تھی مگر یہ ڈگری باقاعدگی کے ذریعے میں شامل نہیں کی گئی۔

ان افراد میں سے باقاعدگی ملازمت کے لئے معزز مدرس ٹریننگ میں قبول کی جہاں سے 31-05-1994 کو ایسٹبلشمنٹ میں ملازمت کے لئے (نمبر ب) میں ان کو سکیل 17 کی ترقی دینے کیلئے حکم دیا گیا۔ مدرس ٹریننگ کے ایسٹبلشمنٹ کے لئے مندرجہ ذیل ہے:

There is no dispute with respect to the legal position that a person who is working against the post is entitled to the pay thereon and thus the appellant is also entitled to the pay of the post as Subject Specialist from the date when he was adjusted as such. But the period for which he would be entitled to the pay of the Subject Specialist would be reckoned up to three years back from the date when writ petition was preferred by him in High Court Peshawar and the claim beyond that would be time barred. As regards the prayer for regularization of services it is for the department to process the case of selection of appellant as Subject Specialist.

ATTACHED

مدرس ٹریننگ کے فیصلے کے خلاف مذکورہ اساتذہ اور حکومت دونوں نے سپریم کورٹ سے رجوع کیا دونوں اپیلوں پر سپریم کورٹ کے فیصلے کے مطابق مندرجہ ذیل ہے (نمبر ب):

In so far the claim of appellants in the above appeals with regard to their regularization against the post of Subject Specialist B-17 is concerned, the learned Tribunal rightly declined to grant the same as in the first instance. The question of regularization of appellants against the post of Subject Specialist is to be considered by the dept. Therefore, no exception can be taken to the judgment of the Tribunal in so far it left the question of regularization of appellants against the post of Subject Specialist B-17 to be decided by the department. The appeals stand disposed of accordingly, with no order as to costs.



تہم چیرا گراف نمبر 2 میں مذکور ماہر مضامین ایک بار پھر سرسری ٹریڈل چلے گئے۔ سرسری ٹریڈل نے اپنے لیے  
26-2-1997 میں نکلے تعلیم کو یہ ہدایات جاری کر دی کہ اس درجہ مسئلہ کو قواعد و ضوابط کے مطابق حل کریں (ضمیمہ - 8)۔

اس سلسلے میں انسانی مستند مدارس و خواندگی کی سربراہی میں ایک کمیٹی تشکیل دی گئی جنہوں نے ریکارڈز اور تمام حقائق کا انور  
ایکٹ کر کے یہ فیصلہ کیا کہ چیرا گراف نمبر 2 میں مذکور ماہر کی تعیناتی قواعد و ضوابط کے مطابق ہوگی۔ اس لئے ان اساتذہ میں سے جو ماہر  
انسانی تعلیم کے دوسرے کم عہدوں سے بھرتی کئے گئے تھے ان کو اپنی عہدوں پر واپس کیا جائے اور جو ماہر مضامین باہر سے بھرتی کئے گئے تھے  
ان کا تاریخ کئے جائیں (ضمیمہ - 8)۔ تاہم روز تعلیم سو پے سرحد کی سربراہی اور سینیٹر گل نصیب خان کی موجودگی میں ایک اعلیٰ سطحی اجلاس میں یہ  
فیصلہ لیا گیا کہ چونکہ یہ ایک 1992-93 سے اپنی عہدوں پر نکلے تعلیم میں تعینات ہیں۔ ان دنوں کا صلہ دیا جائے اور مذکورہ بالا فیصلے پر نظر  
ثابت کی جائے۔

ابھی اس سلسلے میں دور 2001-02-03 کو انسانی مستند نکلے مدارس و خواندگی سو پے سرحد کی سربراہی میں ایک اجلاس منعقد  
ہوا جس میں نائب مستند نکلے مدارس و خواندگی سو پے سرحد ایڈیشنل ڈائریکٹر روڈی ڈائریکٹر نکلے مدارس و خواندگی سو پے سرحد بطور اراکین موجود  
تھے اس پر اس معاملے کا از سر نو جائزہ لیا گیا۔ کمیٹی نے اپنے فیصلے پر عمل کو برقرار رکھا اور یہ محسوس کیا کہ اگرچہ قواعد و ضوابط کی رو سے ان میں نظر  
ثابتی کوئی نیابت نہیں ہے تاہم انسانی عہد روڈی کی بنا پر اور سالہا سال خدمات انجام دینے کے پیش نظر اس میں درج ماہر مضامین کو  
نکلے نکلے بطور ماہر مضامین کیا پایا جائے اور ان کو نیابتی لسٹ کے آخر میں رکھا جائے تاکہ دوسروں کا حق منہاجر نہ ہو اس طرح ان کو پچھلے نیابتی  
پوزیشن کا حقد اور قصور نہ کیا جائے (ضمیمہ - 8)۔

نائب ڈیر برائٹی سو پے سرحد کی خدمت میں گزارش ہے کہ چیرا گراف نمبر 2 میں  
ذیلی منظوری مرحمت فرمائیں۔

13/11/2006  
(احمد شاہد آفریدی)

مستند نکلے مدارس و خواندگی سو پے سرحد۔

20/6/06  
Minister for Education  
Archive & Librarian  
K. W. F. P.

ڈیر برائٹی سو پے سرحد  
ڈیر برائٹی سو پے سرحد  
ڈیر برائٹی سو پے سرحد

ATTESTED

54  
1

حکومت سوبہ سرحد  
نکارہ ٹیلا

نشان: اقامہ کی دورانہ مازست برائے ماہر مضامین، تمام مراعات و سہولتیں۔

9. نگرہ مدارس ذوالاندکی سوبہ سرحد کے خاندانہ برائے ذرا اعلیٰ سوبہ سرحد کا جائزہ لیا گیا۔ جن ماہرین مضامین کی بھرتی نگرہ مدارس ذوالاندکی نے کی تھی انھیں اتالیقی کے رشتہ دار بنیادی تعلیمی قابلیت کے حامل نہیں تھے اور قواعد و ضوابط کے خلاف درزی کر کے ان کی تقرری کی گئی۔ سول سروس ایکٹ 1953ء کا سیکشن نمبر 23 ان اجود میں لاگو ہوتا ہے جہاں کسی ایک سرکاری ملازم کو شکایت درپیش ہوں۔ سب ذورہ گیس میں بھرتی ہوگا۔ قواعد کے خلاف ہوتی ہے اسلئے ان ملازمین کو سول سروس ترقی دیا جاسکتا ہے اور ان کی ملازمتوں کو باقاعدہ بنایا جاسکتا ہے البتہ ان کے علاوہ خاندانہ کے حیرانگراں نمبر 2 میں دی گئی توجہ برائے اتفاق نہیں کرتا۔ یہ انتظامی نگرہ کی ذمہ داری بنتی ہے کہ وہ ان آسامیوں پر تعلقہ قواعد کے تحت حقدار لوگوں کی بھرتی کو یقینی بنائے۔

مسلمہ صاحبہ  
(سیاں صاحبہ جان)  
مسلمہ ٹیلا  
۱۲ جولائی، ۲۰۰۰ء

مسلمہ صاحبہ سوبہ سرحد

ATTACHED

Alisat  
by

(ورقا اٹالیقی)

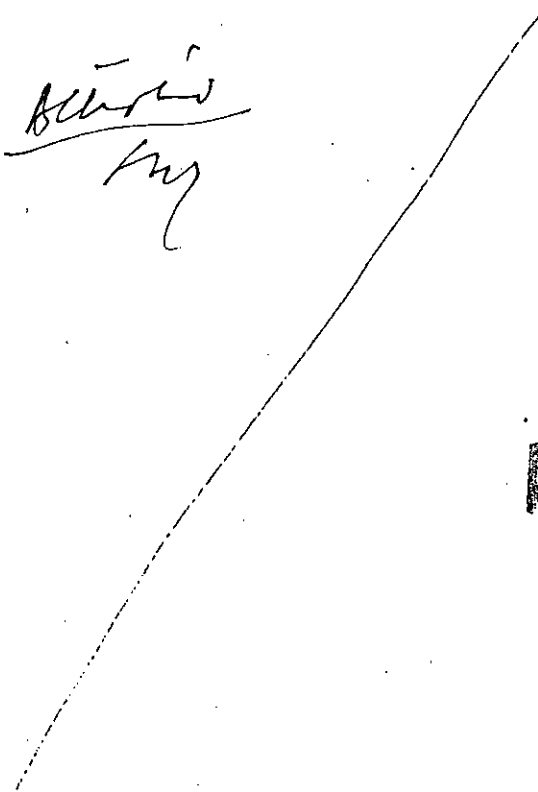
~~53~~

۱۰۔ پیرا۔ ۷ اور ۹ کی گذارشات سے یہ امر واضح ہے کہ سول سرفٹ ایکٹ 1973 اس کے تحت بنائے گئے قوانین کسی طور ان اہکاران کی بطور Subject Specialist تعین کی اجازت نہیں دیتے۔ یہی صورت حال سپریم کورٹ اور سروس ٹریبونل کے فیصلوں میں عیاں ہے اگر اس طور انسانی ہمدردی کی بنیاد پر ایک کیس کیا گیا تو قواعد سے مبرا بھرتی کے تمام کیسوں کے لئے precedent بن جائے گا۔ چونکہ بی۔ ایس۔ ۷ کی بھرتی کے لئے مجاز اتھارٹی مستند ہے۔ اس لئے موجودہ کیس کی منڈاوری نہیں دی جاسکتی۔ دذیراعلیٰ سیکرٹریٹ نے اس سلسلے میں کوئی رپورٹ بھی نہیں مانگی۔ اس لئے مزید کارروائی کی ضرورت نہیں۔

۱۸/۶  
 (اعجاز احمد قریشی)  
 CHIEF SECRETARY  
 سول سروس

منظور ہے

*Signature*  
 My



**ATTESTED**

5/5

15-7-07

خلاصہ برائے وزیر اعلیٰ صوبہ سرحد

تعمیراتی اور اندرونی امور کے نام پر مندرجہ ذیل تمام مراعات: ہسٹری

۱۱۔ نامہ کے پیرا گراف نمبر 7 اور 7 میں اس کیس کے بارے میں تمام حقائق پر روشنی ڈالنے ہوئے ضروری تجاویز جناب وزیر اعلیٰ صوبہ سرحد کی منظوری کیلئے پیش کی گئیں تھیں۔ مگر محکمہ صوبہ سرحد نے اس خلاصے پر ضروری کارروائی کرتے ہوئے چند مسائل اور نکات کی نشاندہی کی ہے جو کہ نامہ کے پیرا نمبر 9 میں درج کیا گیا ہے۔ اور منجملہ مدارس و خزانگی کی تجاویز سے اتفاق نہیں کیا اور پھر جناب مستد اعلیٰ صوبہ سرحد جو کہ BPS-17 کے برائی کے لیے ہوا معاوضہ ہے۔ مستند نامہ کی گزارشات کی روشنی میں نامہ کے پیرا نمبر 10 کی ذمہ داریاں تجاویز کو منظور کرتے ہوئے اس کیس کو مزید کارروائی کے لیے واپس بھیج دیا۔

۱۲۔ چونکہ جناب وزیر اعلیٰ صوبہ سرحد نے جناب مسین احمد کاخو، وزیر سائنس، ٹیکنالوجی اور انفارمیشن ٹیکنالوجی حکومت صوبہ سرحد کے ایک واسطے ذریعہ 28 فروری 2007ء جس میں ایسوان ایلا ماہرین مضامین کو درخواست کرنے کے مسئلے کا ذکر کیا گیا ہے ایک تفصیلی رپورٹ مانگی ہے (ضمیمہ) جس کی روشنی میں محکمہ مدارس و خزانگی نامہ کو بار بار دو بار ذیل تجاویز کے ساتھ پیش کر چکی جسارت کرتا ہے۔

۱۳۔ مستند مدارس و خزانگی نے مورخہ 19 اپریل 2007ء کو ایک اجلاس بلا یا جس میں محکمہ مدارس و خزانگی صوبہ سرحد کے انسانی مستند نامہ کے متعلق اور نکاحات مدارس و خزانگی صوبہ سرحد کے نامہ کے نامہ کے نامہ نے شرکت کی۔ اس اجلاس میں مستند نامہ کی طرف سے اٹھائے گئے نکات اور جناب مستد اعلیٰ صوبہ سرحد کے مشاہدات کا پریزنت اور توجہ دیا گیا۔ اور منجملہ امور پر درج ذیل گزارشات جاری کی گئیں۔

- ۱۔ یہ سچ ہے کہ تمام امور اور خزانگی کی طرف سے روٹی کرتے ہوئے ماہرین مضامین کی جو کہ بنیادی تقابلی قابلیت کے حامل نہیں تھے ہجرت کی تقابلی نہیں۔ جس کی وجہ سے ان کو کوئی سرورٹ ایکٹ 1973 کے تحت ان کو باقاعدہ اور پرسوں سرورٹ قرار نہیں دیا جا سکتا۔
- ۲۔ یہ سچ ہے کہ اس کیس کی منظوری دینے سے ایک نامہ اختیار قائم ہو جائیگی جو کہ بعد میں سرکاری حکومت کیلئے ایک سٹاپ بن جائیگا۔
- ۳۔ مذکورہ بالا تمام حقائق کے باوجود نامہ کے پیرا نمبر 2 میں دیے گئے ماہرین مضامین جو کہ 1980 اور 1989 کے عشرت میں ہجرتی گئے تھے تقریباً 16 سال سے ہجرت کر چکے ہیں تاکہ کوئی توجہ نہیں کی گئی اس وقت کے ڈیوٹی ہل اور ڈیوٹی ہل اور ڈیوٹی ہل کے لیے کسی کو سے پیش نظر تمام امور اور خزانگی کے خالق تھے کہ ایک نامہ اختیار کیا گیا۔ جس کی سزا ان ماہرین مضامین کو پانچ سو روپے کی سزا دی اور انسانی روٹی کیلئے 18 سال کا عملی کر رہے تھے کہ بعد ان کو ملازمت سے برخواست کرنے سے یہ تمام ملازمین اپنے بچوں اور گھریلو کثافات نہیں کرنا اور مسائل کا حل دیا جائیگا۔ لہذا کوئی ایسا راستہ نکالنا اور کامیاب سے ایسے حالات پیدا نہ دلائیں۔

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۱۴۔ مذکورہ بالا حقائق کی روشنی میں منجملہ امور پر یہ فیصلہ کیا گیا کہ نامہ کے پیرا گراف نمبر 7 میں دی گئی تجاویز جناب وزیر اعلیٰ صوبہ سرحد کی منظوری کیلئے دوبارہ پیش کی جاتی ہیں۔

محمد شفیع اللہ خان (شیخ اللہ خان)

15(5) مستند مدارس و خزانگی صوبہ سرحد

کراچی

وزیر اعلیٰ صوبہ سرحد  
مستد اعلیٰ صوبہ سرحد  
وزیر اعلیٰ صوبہ سرحد

(77)

~~5/5~~

۱۵۔ منگمہ مدارس و خواندگی صوبہ سرحد کے خلاصہ برائے وزیر اعلیٰ صوبہ سرحد سے  
پیراگراف نمبر۔ (iii) 13 میں دی گئی تجویز کا جائزہ لیا گیا۔ منگمہ عملہ خلاصہ کے پیراگراف نمبر۔ ۹  
پر موجود اپنی رائے کا اعادہ کرتا ہے اور تجویز کرتا ہے کہ جن انسران کی غفلت کی وجہ سے ماہر  
مشائین کی قواعد و ضوابط کے خلاف بھرتیاں ہوئی ہیں ان کے خلاف تادیبی کارروائی عمل میں  
لائی جائے۔

۱۶۔ منگمہ عملہ خلاصہ کے پیراگراف نمبر۔ ۷ میں دی گئی تجویز سے اتفاق کرنے سے  
معذرت کرتا ہے اور تجویز کیا جاتا ہے کہ منگمہ مدارس و خواندگی مندرجہ بالا ہدایات پر عمل درآمد  
کرنے کے معتمد اعلیٰ صوبہ سرحد کی خدمت میں رپورٹ پیش کرے۔

محمد رضا خان  
معتمد عملہ

۳۱ مئی، ۲۰۰۷

~~ATTACHED~~

معتمد اعلیٰ صوبہ سرحد

۱۷۔ مجاز افسار نے یہی کہہ کا۔ فیصلہ کیا سدا سے زبرگراف (۱۰)

*[Handwritten Signature]*

31/5/07  
N.V.C.F.P

وزیر اعلیٰ سرحد  
گورنر سرحد

محمد رضا خان  
۳۱ مئی، ۲۰۰۷

*[Handwritten Signature]*  
Attested  
*[Handwritten Signature]*

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19-3-08

GOVERNMENT OF NWFP  
SCHOOLS & LITERACY DEPARTMENT  
Dated Peshawar the 19.03.2008

NOTIFICATION:-

SOS/S&L/1-4/05-Reguarization RC: the service of the following person who were appointed as Subject Specialist (BPS-17) on purely Temporary basis by the Defunct director of Education Malakand Division Saïdu Sharif Swat without observing the required criteria of qualification method of recruitment and other codal formalities for filling up the posts of subject specialists are hereby terminated with immediate effect.

S#	Name	Name of Schools	Date of Appointment
→ 1.	Abdul.Hameed	GHSS No. 1 Peshawar City	05.03.1988
2.	Mr. Fazal Iqbal	GHSS Samar Bagh Dir Lower	12.08.1988
3.	Mr. Hamayu Khan	GHSS Malyan Swat	25.05.1988
4.	Mr. Sardar Ali	GHSS Khwaza Khela Swat	11.12.1989
5.	Mr. Muhammad Amin	GHSS Kabal Swat	25.07.1990
6.	Mr. Mujtaba Khan	GHSS Ouch Dir Lower	24.03.1990
7.	Mr. Blradar Khan	GHSS Warai Dir upper	29.03.1990
8.	Mr. Hassan Ali	GHSS Barikot Swat	07.03.1988
9.	Mr. Darwaih Khan	GHSS Talash Dir Lower	07.03.1988
10.	Mr. Jehan Didar Khan	GHSS Sandori Shangla	14.12.1989
11.	Mr. Ali Haider	GHSS Kabal Swat	21.03.1990
12.	Mr. Hameedul Haq	GHSS Kabal Swat	13.02.1990
13.	Mr. Hamayun Khan	GHSS Tolakat Malakand	03.03.1988

This issues with the approval of the /appointment authority:

ATTESTED  
Addressed  
by

SECRETARY  
SCHOOLS & LITERACY DEPARTMENT

ANNEXURE "A"

GOVERNMENT OF NWFP  
SCHOOLS & LITERACY DEPARTMENT

Dated Peshawar the 19-03-2008

NOTIFICATION:

SOS/S&L/1-4/05-Regularization KC: The services of the following persons who were appointed as Subject Specialists (BPS-17) on purely temporary basis by the Defunct-Director of Education Malakand division Saidul Sharif Swat without observing the required criteria of qualification /method of recruitment and other codal formalities for filling up the posts of Subject Specialists are hereby terminated with immediate effect.

S.#	Name	Name of the Schools	Date of Appointment
1.	Abdul Hameed	GHSS No.1 Peshwar City	05-03-1988
2.	Mr. Fazal Iqbal	GHSS Samar Bagh Dir Lower	17-08-1988
3.	Mr. Hamayun Khan	GHSS Madyan Swat	25-05-1988
4.	Mr. Sardar Ali	GHSS Khwaza K.ela Swat	11-12-1989
5.	Mr. Muhammad Amin	GHSS Kabal Swat	25-07-1990
6.	Mr. Mujtaba Khan	GHSS Ouch Dir Lower	24-03-1990
7.	Mr. Biradar Khan	GHSS Warai Dir Upper	29-03-1990
8.	Mr. Hassan Ali	GHSS Barikot Swat	07-12-1989
9.	Mr. Darwaish Khan	GHSS Talash Dir Lower	03-03-1988
10.	Mr. Jehan Didar Khan	GHSS Sandovi Shangla	14-12-1989
11.	Mr. Ali Haider	GHSS Kabal Swat	21-03-1990
12.	Mr. Hameedul Haq	GHSS Kabal Swat	13-02-1990
13.	Mr. Hamayun Khan	GHSS Totakan Malakand	03-03-1988

This issues with the approval of the competent / appointing authority.

SECRETARY  
SCHOOLS & LITERACY DEPARTMENT

Findst of even No. & Date

Copy is forwarded to:

1. Secretary to Govt of NWFP Establishment Department Peshawar.
2. Secretary to Govt of NWFP Law Department Peshawar.
3. Secretary to Govt of NWFP Finance Department Peshawar.
4. Director Schools & Literacy Department Peshawar.
5. Accountant General NWFP Peshawar.
6. Director Curriculum and Teacher Education NWFP Abbottabad.
7. PSO to Chief Minister NWFP Peshawar.
8. PSO to Chief Secretary NWFP.
9. All Executive District Officers in NWFP.
10. All District/Agency Account Officers in NWFP.
11. PS to Secretary Schools & Literacy Department.
12. PS to Special Secretary Schools & Literacy Department.
13. PS to Additional Schools & Literacy Department.
14. Officers concerned.

Received this  
order on 27/3/08

*Nasrullah Khan*  
(NASRULLAH KHAN)

SECTION OFFICER (SCHOOLS)

Principal  
G.H.S. No. 1, Peshawar

The

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The Honorable Chief Minister,  
NWFP, Peshawar.

**SUBJECT: - APPEAL AGAINST TERMINATION FROM SERVICES OF 12  
SUBJECT SPECIALIST.**

Dear Sir,

With reference to the Chief Minister Secretariat, NWFP letter No. SO-I/CMS/NWFP/3-1/2008/3683-84 dated 26.04.2008 on the subject noted above, in which approval had been accorded to our appeal of re-instatement in service with all back benefits regularization/seniority from the dates of our respective appointments by the Honorable Chief Minister, NWFP and department was directed to take necessary action in the light of the approval of the Chief Minister, NWFP as well as order of honorable Peshawar High Court, passed on 10.04.2008. The date of which expires on 10.05.2008 but nothing has been intimated to us so far, in this regard.

2. We therefore request your honour per appeal and subject cited above that the department may kindly be directed once again to take necessary action in this regard please.

Yours faithfully

All Subject Specialists



Through Abdul Hameed, S.S.  
G.H.S.S No.1, Peshawar City.

Dated 09.05.2008

ATTESTED



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To

The Chief Minister,  
N-WFP, Peshawar. (Appellate authority)

Through: Proper channel.

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE  
NOTIFICATION NO.SOS/S&L/1-4/05  
REGULARIZATION DATED 19.03.1988.

Respectfully sheweth,

With great veneration, I submit on the subject cited above as under:-

- i. That I was appointed as SUBJECT SPECIALIST *in Political Science* by the Departmental Selection Committee in Education Department on 5-3-1988 at the time, when some High Schools of NWFP were upgraded to Higher Secondary level and post of subject specialist were created with qualification! M.A/B.Ed with five years experience as SET in any Govt. High School, but due to the rigidity of terms and condition no candidate of such qualification was available to the department and during 1986-87 only four candidates were selected by the Public Service Commission, to overcome the acute shortage of S.S in GHSS, it was decided that the candidates having master degree in relevant subject be appointed against S.S. post irrespective of professional qualification and these appointees should acquire professional qualification within 3/5 years. These recommendations were also forwarded to higher authorities for relaxation of professional qualification in service rules, which were approved and notified. Through Notification No.SO(S)6-2/87/II dated 21.11.1991, in this way I was appointed by the Departmental Selection Committee on 05-03-1988 as S.S *CPOL. Science*. Since then I am continuously serving on this post.
- ii. That meanwhile, Provincial Assembly of NWFP, regularized all employees of the province, who were appointed by the departments during 1988 to 1990, but I was not given this right.
- iii. That I filed an appeal before NWFP Service Tribunal against this injustice and my appeal was accepted granting me pay with increments and arrears for three proceeding years.
- iv. The department as well as I myself went in appeal before the Honourable Supreme Court of Pakistan, where ~~depart~~mental appeal was dismissed and for me the order

ATTACHED

- of Service Tribunal was modified and consequent upon the decision of the Supreme Court of Pakistan. I was allowed BS-17 with increments and arrears from the date of my appointment i.e 05.03.1988 by the department through notification No.SO(S)7-15/93/S.S (copy enclosed), but left my regularization.
- v. That regularization/seniority was also given to another S.S (one of our colleague) Muhammad Riaz through notification No.SO(S)7-15/95 M.Riaz, but I was denied the same by the department (copy attached).
- vi. That for regularization/seniority, we again approached to the N-WFP Services Tribunal in 1997, were in 17.08.2004 our case was remanded back to the department, directing the department that the long standing issue of regularization should be settled as per rules within a reasonable span of time.
- vii. That meanwhile, on 27.10.2001, I was allowed move over from BS-17 to BS-18 by the Departmental Promotion Committee w.e.from 01.12.2000 (copy attached).
- viii. That we with this decision came to the department on 22.10.2004, working paper was made by the department for the Departmental Promotion Committee, in DPC meeting, it was decided that the matter of regularization/seniority may be considered by the department. A new working paper was made by the department, but suddenly, that atmosphere changed, as the departmental committee was not ready to give us regularization/seniority. Though the department recommended us for regularization/ seniority from the dates of our appointments. The case was delayed for more than four years. At last, we made an appeal to the Chief Minister, NWFP, who directed the department to put up the summary of regularization of 13 Subject Specialists.
- ix. In this way, the department prepared the summary for the Chief Minister, NWFP, which was returned by the Chief Secretary's Office with the advice to terminate their services. We again approached the Chief Minister, NWFP, who again reminded to put up the summary of 13 Subject Specialists. In this time, summary was sent to Chief Minister, NWFP, who was pleased to approve the proposal of the Education Department in September, 2007. The case was again discussed between Chief Secretary and Secretary Education in the same month and approval was taken.
- x. After the lapse of six months, the Schools and Literacy Department has sent a draft notification to the

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submitted a revise summary for Chief Minister, in which they have again proposed for my regularization on humanitarian grounds, but the Establishment Department returned the summary and ordered to terminate my services. Therefore, the department has terminated my services w.e. from 19.03.2008 (copy attached).

x. That I have rendered 20 years continuous service with good results and left no stone unturned to satisfy my superiors. Besides, I have huge family and school going children and there is no other source of income to maintain my livelihood.

2. Now, it is, therefore, requested to your honour that the notification of the department may kindly be set aside and I may kindly be re-instated in service with all back benefits i.e regularization/ seniority etc. from 05-03-88 and my family may kindly be saved from starvation.

Thanking you an anticipation.

Yours faithfully,

*Abdul Hamid Buni*

SUBJECT SPECIALIST

GHSS NO. 1 Pesh Cily

ATTACHED

BEFORE THE NWFP. SERVICE TRIBUNAL PESHAWAR.

Appeal No. 970/2008

Date of institution – 03.07.2008

Date of decision - 21.10.2008

Fazal Iqbal Ex-Subject Specialist Government Higher Secondary School Samar Bagh  
Dir Lower R/O Kambat Samar Bagh Dir Lower.....(Appellant)

VERSUS

1. Government of NWFP through Chief Secretary NWFP Peshawar.
  2. Secretary Establishment NWFP Civil Secretariat Peshawar.
  3. Secretary Elementary and Secondary Education NWFP Peshawar
- .....(Respondents)

Appeal under Section 4 of the NWFP Service Tribunal Act, 1974 against the Notification No. SOS/S&L 1-4/05-Regularization KC dated 19.3.2008 whereby the appellant was terminated from service with immediate effect against which the Departmental appeal dated 26.3.2008 has not been replied despite the lapse of 90 days

Mr. Ijaz Anwar, Advocate.....For appellant.  
Mr. Ghulam Mustafa A.G.P.....For respondents.

MR. NOOR-UL-HAQ.....MEMBER.  
SYED MANZOOR ALI SHAH.....MEMBER.

JUDGMENT.

NOOR-UL-HAQ, MEMBER :- This appeal has been filed by the appellant against the Notification dated 19.3.2008, whereby he was terminated from service with immediate effect against which the departmental appeal dated 26.3.2008 has not been replied despite the lapse of 90 days. He has prayed that on acceptance of this appeal the impugned Notification may be set aside, and he be declared as regular employee for all intents and purposes with effect from the date of his appointment, and he may also be reinstated in service with full back wages and benefits of service.

2. Brief facts of the case are that the Government of NWFP Education Department had vide an advertisement published in Daily News paper dated 3.9.1987, invited applications from the desirous candidates for appointment against the post of Subject

Specialist BPS-17 with the qualification of M.A in the relevant subjects with M.Ed or B-Ed. The appellant having the qualification of M.A in the relevant subject, also applied for the same. As required number of candidates having M.A with B.Ed or M.Ed were not available, hence the Departmental Selection Committee considered the case of the appellant and recommended him for appointment against the post of Subject Specialist. However, it was directed that he be allowed BPS-15 and the appellant was issued appointment order dated 17.2.1988.

3. It is pertinent to point out here that at the relevant time eligible candidates having the additional qualification of B.Ed & M.Ed were not available, while there was dire need of appointment of Subject Specialists in the upgraded Higher Secondary Schools, hence keeping in view the above requirements, the Government of NWFP vide Notification dated 21.11.1991 amended the recruitment rules for the post of Subject Specialist (BPS-17) as follows:-

“Second Class Master Degree in the relevant subject, or in the case of English Subject, Third Class Master degree in English with B.Ed./M.Ed/M.A Education in Second Division respectively from a recognized University or Institute. Provided that candidates not possessing B.Ed, M.Ed or M.A Education Degree shall be eligible for appointment subject to the condition that they shall acquire the professional qualification as aforesaid within 3 years from the date of taking over as Subject Specialist, failing which their services were liable to termination.”

The appellant in accordance with the amended rules, improved and acquired the requisite qualification of B-Ed within the target period.

4. The Provincial Government promulgated various Regularization Acts for the regularization of Adhoc & Contract Appointees i.e NWFP Civil Servants (Regularization of Service) Act, 1988, NWFP Employees on Contract Basis (Regularization of Service) Act, 1989 & NWFP Employees on Contract Basis (Regularization of Services) (Amendment) Act, 1990. The appellant was considering himself as regularized by virtue of the above regularization laws, however, it came to light that the respondent department have sent the post held by the appellant with requisition to the Public Service Commission for fresh appointments, hence, the appellant alongwith other similarly placed employees filed Writ Petition No. 667/1992 in the Peshawar High Court Peshawar with a prayer of his regularization in terms of the Regularization Acts. During the pendency of the Writ Petition it was objected on behalf of the Government that the appellant and others have not filed appeal to the Chief Secretary NWFP as required under Section 4 of the Regularization Act, hence the Writ Petition was dismissed as withdrawn with permission to file a fresh petition in case he does not get redress from the said forum. Although the appellant was working against the post of Subject Specialist (BPS-17) and was perfectly eligible and having the prescribed qualification, but was paid the salary as BPS-15, hence, he filed a petition

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 EXAMINER  
 PESHAWAR CIVIL SERVICE TRIBUNAL

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appeal in the Service Tribunal for the grant of pay of BPS-17 with arrear with effect from the date of his appointment and for the regularization of his services. This Tribunal allowed the relief of pay, however, arrears of pay were allowed for 3 years back from the date the Writ Petition was filed, regarding the prayer for regularization it was directed that the matter of regularization is left for the department to process the case of selection of the appellant as Subject Specialist. The Government filed appeal in the Supreme Court of Pakistan against the decision of this Tribunal. The August Supreme Court of Pakistan in Civil Appeal No. 18, 128 and 539 to 551 of 1995, dismissed the appeal of the Government and maintained the judgment of this Tribunal on the point of regularization, however, allowed and granted the claim for payment of minimum salary against the post of Subject Specialist from the date of his initial appointment. One Muhammad Riaz Subject Specialist a similarly placed employee had also filed Appeal No.92/1995 in this Tribunal. The same was allowed vide judgment and order dated 16.7.1996, however while implementing the judgment the respondent department, allowed him graded pay in BPS-17 alongwith increments against the post of Subject Specialist from 23.5.1988. He was allowed seniority against the post of Subject Specialist with effect from the date of his acquiring the prescribed qualification of the post. The said Muhammad Riaz again filed service appeal No. 649/2000, and sought seniority w.e.f 24.5.1988, however the order dated 15.2.1999 was maintained and he was held entitled to the grant of seniority from the date of his acquiring the qualification i.e 17.2.1992. Accordingly vide notification (Annexure-G) the said Muhammad Raiz was allowed seniority w.e.f 17.10.1992. On the other hand the appellant was allowed the pay with arrears of the post of Subject Specialist BPS-17 with effect from his initial appointment pursuant to the judgment of the august Supreme Court of Pakistan vide notification dated 28.5.1997. However, quite illegally attached a rider/condition that he will not claim any seniority against the post of Subject Specialist. The appellant was also granted Move-over BPS-17 to BPS-18 by the respondent department vide Notification dated 27.10.2001 w.e.f. 1.12.2000 on the recommendation of the Departmental Promotion Committee. The appellant had challenged the Notification dated 28.5.1997, wherein he was denied the claim of seniority, referred in Para 2 of the notification in Service appeal No. 2175/1997. This Tribunal vide its judgment and order dated 17.8.2004 again did not decide the matter of regularization of the appellant and directed the respondent department to settle the long standing issue of regularization of service of the appellant as per rules within a reasonable span of time, and remanded back the case to the department for necessary action. The case of the appellant with other Subject Specialists was referred to the Departmental Promotion Committee by the respondent department for regularization. Working paper was prepared to this effect by the Department. The Departmental Promotion Committee discussed the case of regularization of the appellant and held that it did not fall within

the purview of the DPC. It further held that the regularization may therefore, be considered by the department in light of Provincial Government policy and verdict of the courts. Again a Departmental Promotion Committee was constituted to determine/decide the regularization of the appellant and other employees. However, instead of regularization of the appellant, he was recommended for the termination from service and other employees mainly on the ground, that being an old case the record is not available. The appellant and other employees submitted a representation to the Chief Minister for the regularization of their cases and against the recommendations for termination. In accordance with the direction of the Chief Minister a summary was prepared. The Chief Minister was pleased to approve the Para 7 of the summary to the effect that the appellant and other employees be regularized with immediate effect and be placed at the bottom of the Seniority list of Subject Specialist. Instead of complying with the directions of the Chief Minister, the respondent department vide notification dated 19.3.2008 terminated the services of the appellant with immediate effect. The appellant preferred his departmental appeal to the respondents, however no action was taken thereon. The appellant had filed a Writ Petition in the Peshawar High Court against the termination order, however the Honourable High Court vide its judgment directed the department to decide the representation within 30 days. Hence, the instant appeal.

5. The respondents were summoned. They appeared through their representatives, submitted written reply, contested the appeal and denied the claim of the appellant.

6. Arguments heard and record perused.

7. The learned counsel for the appellant argued that the appellant has not been dealt with in accordance with law, he has put in about 20 years service, but was dealt within a slipshod manner, thus the order impugned is not tenable. The Notification dated 19.3.2008 is in violation of the provisions of NWFP Removal from Service (Special Powers) Ordinance, 2000. The appellant is fit and eligible to the post of subject specialist. He has at his credit the qualification prescribed for the post, even he was moved over to BPS-18 by the DPC, he remained on the post for about two decades without any complaint whatsoever, regarding his performance, thus valuable rights have been created in his favour that cannot be snatched or taken away from him illegally. The order of his appointment cannot be rescinded, varied or withdrawn in accordance with the principles of locus pointentiae as laid down in Section 21 of the General Clauses Act, 1897. The action of the respondents is in violation of the reported judgments i.e PLD 1969 SC page 407, 1962 SCMR page 1420, 1981 SCMR 523, PLD 1964 SC 503, 1992 SCMR page 1652, 1997 SCMR page 15. The Acts of NWFP Provincial Assembly

ADMITTED  
 NWFP SERVICES TRIBUNAL  
 Peshawar

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promulgated for the regularization of Adhoc & Contract Appointees i.e NWFP Adhoc Civil Servants (Regularization Service) Act, 1988, NWFP Employees on Contract Basis (Regularization of Service) Act 1989 & NWFP Employees on Contract Basis (Regularization of Services) (Amendment) Act, 1990, were fully attracted to the case of the appellant. He by virtue of those legislations attained the status of regular employee, however, due to the inaction of the respondents, he was denied formal regularization order. Before termination of the appellant's service, no right of hearing was provided to him. He was not issued any show cause notice for explanation and thus the appellant has been condemned unheard. The appellant had in accordance with the amended rules of 1991 improved and acquired the prescribed qualification of B.Ed within the target period and considering his eligibility for the post he was allowed the pay and scale of Subject Specialist by the August Supreme Court of Pakistan. Thus he shall be considered as a regular employee for all intent and purposes. The notification whereby the appellant was terminated from service is in violation of the judgment of the Supreme Court of Pakistan reported in PLC 2005 (Civil Service) page 1165, NLR 2004 Service page 12, 2004 SCMR page 49, 1996 page 413 and 1996 SCMR page 1350, because there is no allegations of lacking of the requisite qualification, or complaint regarding his performance in duties. Hence, the notification impugned is liable to be set aside. The appellant has been discriminated against, because similarly placed employees have already been regularized and allowed seniority and are still in service while the appellant has been terminated from service, thus, the order impugned is not tenable on this score alone. He prayed that the impugned Notification dated 19.3.2008 may please be set aside, and the appellant may please be declared as regular employee for all intents and purposes w.e.f the date of his appointment, and he be reinstated in service with full back wages and benefits of service.

8. The learned A.G.P argued that an advertisement was floated through open media on 03-09-1987 for filling the posts of Subject Specialist BPS-17 on temporary basis. The appellant was appointed purely on temporary basis as a stop gap arrangement in BPS-15 (on fixed pay), as per conditions mentioned in his appointment order. Due to shortage of required candidates for the appointment, the condition of B.Ed/M.Ed/M.A(Education) was relaxed, vide amendment dated 21.11.1991, subject to the condition that they shall acquire the same professional qualification within three years. The appellant was appointed on temporary basis as a stop gap arrangement on fixed pay but he could not be regularized as:

- i) He was appointed on fixed pay on temporary basis.
- ii) He did not possess the professional qualifications and experience prescribed for the post at the time of his appointment. as he was simply M.A.



Accordingly he did not fall under the purview of the Act of contract appointees, therefore, he could not be regularized. It is correct, that pay and scale of the post was given to the appellant in light of the court decision but his services were not regularized. The case of Muhammad Riaz is quite different by virtue of law points, as he was appointed against the post of SET (BPS-15) and was directed to work as Subject Specialist, therefore, could not be resembled with the case in hand. It was the matter of salary/pay and not of seniority which is crystal clear from the judgment of the Honourable Apex Court. As regard the seniority, it was concerned with regularization of the appointment as Subject Specialist, while appointment was not in accordance to the recruitment rules, therefore, he could not be considered accordingly.

9. Move-over, is neither promotion nor concerned with seniority but merely relates with the running status of salary/pay. The Tribunal rightly declined to decide the matter of regularization as the same is prerogative of the Administrative Department with the approval of competent authority. The case of appellant was referred to the DPC, but after thorough scrutiny and examination of the case, it was returned back being not a fit a case for regularization for lacking the requirements/coddle formalities as per service recruitment rules, as the Divisional Director was not competent for appointment against BPS-17 posts. The true fact is that the appellant's case was time and again processed for regularization, however after thorough examination and scrutiny the competent authority declined to regularize the same as the appointment of appellant was made in violation of merit and relevant recruitment rules, on pick and choose basis. The department being a transiting/routing media, some recommendations were made to the competent authority, while Establishment Department and Law Department treated the same as illegal and rejected the proposal of Administrative Department because the recruitments were made in violation of law and relevant Act and Rules ab-initio, accordingly the Chief Secretary being a competent authority also agreed with opinion of Establishment and Law Departments. All the proceedings have been taken per law and rules with the concurrence of competent authority. The appellant was appointed on temporary basis as a stop gap arrangement on fixed pay, hence, its case do not fall under the scope of contract/adhoc employees regularization Act, while he was not possessing the prescribed professional qualification as required under the rules. He prayed that the appeal may be dismissed.

10. The respondent department has asserted that the appointment of Muhammad Riaz, who was granted regular status was different one, however, the departmental representative present in the court, was confronted with the letter of appointment of the

**ATTESTED**

in their letter of appointments. A comparison of Muhammad Riaz and that of the appellant showed that the appellant's case and that of Muhammad Riaz were identical in all respects and the assertion is absolutely baseless. The respondent department has discriminated the appellant for no good reason and utter disregard of the norms of equity and justice. It is a glaring violations of the appellant's fundamental rights.

11. The learned A.G.P stressed that the appointment of the appellant was irregular and could not be regularized on account of non-observation of the recruitment rules and procedures. When he was asked who violated the rules and prescribed procedure, he had no satisfactory answer. Only a pretext which has been malafidely made the basis of an illegal action, the omission complained of was on the part of the respondent department and they cannot be allowed to benefit out of their own wrong. In any case not after 20 years. As has been held by the august Supreme Court of Pakistan in the case reported as "Secretary Government of NWFP Vs. Saadullah Khan (1996-SCMR-413). Having himself appointed the civil servants the respondents cannot take the benefits of their own lapses, if any, after considerable long time when valuable rights have been created in favour of the employees.

12. Judging the case on the touch stone of the above authorities, the respondents cannot be allowed to term the appointment of the appellant as illegal after 20 years of his service, coupled with the facts that there is no allegation of his ineligibility, incapability to perform his duties. Interestingly, in the instant case the appellant was allowed move-over from BPS-17 to BPS-18, vide order dated 27.10.2001 w.e.f. 1.12.2000 (Annexure-J with the appeal). The Hon'ble Supreme Court of Pakistan had also approved the induction as well as entitlement to B-17 graded pay.

13. The learned AGP tried to argue that the appointment of the appellant was on stop gap arrangements, however, when he was confronted with the appointment letter (Annexure-B with the appeal); it only referred to the appointment as temporary. The learned counsel for the appellant pointed out that it is an appointment for indefinite period and regular one in view of an earlier reported case "Abdul Majid Sheikh Vs. M. Ahmad, Section Officer & another (PLD-1965-SC-208). The learned counsel for the appellant has placed on file, the pay roll of the appellant which also refers to the appointment of appellant as temporary. Moreover, in the column of qualifying service, the period of his service has been given as 21 years and 11 months. The fate of a person who has put in 18 to 22 years service could not be determined just with a stroke of pen without application of mind to the material facts involved in the case, therefore, the arguments put forth by the learned AGP that the appointment was on stop gap arrangements. holds no ground. In another aspect of the case under the NWFP Civil

EXAMINER  
NWFP CIVIL SERVICE (TIDIBDI)  
Peshawar  
ATTESSED

ATTESSED

[Signature]

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Servants Removal from Service Special Powers Ordinance 2000, if there is any allegation that the appointment was made on extraneously consideration, in violation of law and relevant appointment rules, then the procedure prescribed u/s 5 of the said Ordinance is to be followed. The termination order of the appellant clearly refers to the appointment of the appellant as in violation of the recruitment rules, therefore, Section 3 sub clause of the RSO 2000 was applicable and while dealing with the case of the appellant, show cause notice, constitution of the departmental inquiry was required which has not been done in this case. Therefore, the order of termination from service of the appellant is also not sustainable at this stage.

14. The upshot of the above discussion is that we accept the appeal as prayed for and set aside the impugned order of termination of the appellant dated 19.3.2008. The respondent department is directed to re-instate the appellant in service with all back benefits of service.

15. This judgment will also dispose of the other connected appeals bearing Nos. 912/2008 Abdul Hamid Butt, 913/2008 Darvesh Khan, 914/2008 Hamidul Haq, 915/2008 Ali haidar, 916/2008 Jehan Didar, 917/2008 Muhammad Amin, 918/2008 Mujtaba Khan, 919/2008 Biradar Khan, 920/2008 Sardar Ali, 921/2008 Humayun Khan, 922/2008 Humayun, Versus Chief Secretary NWFP etc, involving common question of law, in the same manner.

No order as to costs. File be consigned to the record.

ANNOUNCED.

21.10.2008.

(SYED MANZOOR ALI SHAH)  
MEMBER.

(NGORUL HAQ)  
MEMBER.

**ATTACHED**

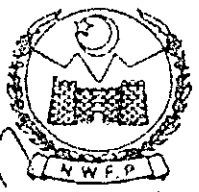
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Copying charges	20
Stamp charges	19.11.08
Date of completion	19.11.08
Name of officer	19.11.08

Handwritten signature and stamp

85

2726

20-12-08



ADVOCATE-GENERAL, N.W.F.P, PESHAWAR.

No. 7975 /AG Dated 18-12 /2008

Address: High Court Building, Peshawar Exchange No 9213833

Tele: No.091-9210119  
Fax No.091-9210270

10677  
19/12

not fit

No.

The Secretary,  
Government of NWFP,  
Law Department,  
Peshawar.

SUBJECT: PROPOSED CPLA IN THE SUPREME COURT OF PAKISTAN  
AGAINST THE JUDGMENT OF NWFP SERVICE TRIBUNAL  
PESHAWAR PASSED IN APPEAL NO. 970/2008 TITLED FAZAL  
IOBAL S.S VERUS GOVT. OF NWFP ETC.

Dear Sir,

Reference your letter No.Lit/LD/1-9(180)E&SED/2008/11331-33, dated  
27.11.2008 on the subject noted above.

The learned Advocate General, NWFP agrees with the opinion of the  
learned Advocate on Record to the effect that it is not a fit case for filing petition in the  
Supreme Court of Pakistan. (Copy enclosed).

*[Signature]*  
For Advocate General, NWFP,  
Peshawar.

No. \_\_\_\_\_ /AG

Copy to:

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

*[Signature]*  
19/12

So (lit)  
AG 20/12/08

SP  
For Advocate General, NWFP,  
Peshawar.

ATTESTED

*[Signature]*

LEGAL OPINION OF CASE APPEAL NO. 970/2008 FILED BY FAZAL IQBAL SUBJECT SPECIALIST.

The peculiar history of this service case is that on 03.09.1987 Education Department published a News inviting applications from the candidates for appointment of Subject Specialist BPS-17 with the qualification of M.A in the relevant subjects with M.Ed or B.Ed. The appellant being M.A applied in response to the said advertisement, however the required number of candidates were not available, hence the Departmental Selection Committee considered case of the appellant on the qualification of M.A and it was decided that he be allowed BPS-15 in his appointment letter. It is pointed out during those days the candidates with the qualification of B.Ed and M.Ed. were not found and the department was in dire need of appointment of teacher for children to teach, in Higher Secondary Schools, which could not be kept out of site due to non-availability of the required candidates and the Fazal Iqbal was selected. Later-on the Provincial Govt. issued the notification dated 21.11.1991 amending the rules for qualification of the Subject Specialist BPS-17. The appellant according to the changed rules improved his qualification of B.Ed. within the required period. It may be pointed out that in the meantime the Provincial Govt. promulgated Regularization Acts for regularization of Adhoc & Contract Appointees in the year 1988 and another Acts of Employees on Contract basis Regularization of Service Act, 1989. Moreso another Act 1990. The appellant did not <sup>take</sup> ~~took~~ pain to get him regularize<sup>d</sup> under the above newly promulgated Act. The department issued requisition to the Public Service Commission for the fresh appointment against posts which appellant filed a Writ Petition in the Peshawar High Court, Peshawar and prayed for regularization in terms of the above existing Acts, his appeal was not competent before the High Court being hit under Article 212 of Constitution of Pakistan and it was withdrawn with the permission to file fresh petition in the competent forum. The appellant approached the Service Tribunal and also demanded the arrear of pay for B.P.S.17. The learned Service Tribunal accepted the prayer of pay for the preceding three years from the date when he filed the Writ Petition, however his prayer for regularization in service was refused and it was left to the discretion of the department to process the regularization of the Subject Specialist. Provincial Govt. then filed an appeal before the apex court against the decision of the Service Tribunal. The apex court dismissed the appeal of the Provincial Govt. with regard to the regularization, however his salary was ordered to be paid from inception.

Interestingly Muhammad Riaz is a Subject Specialist similar employee filed appeal No. 92/1995 in Service Tribunal which was however allowed by the Tribunal and order stood implemented by the department allowing of grading pay of B.P.S-17 from 23.05.1988 he was also allowed seniority from the date of acquiring qualification. The said Muhammad Riaz also

**ATTESTED**

*receded*

filed another appeal No. 649/2000 seniority from the date of 1988 which was not exceeded to, however according to notification he was allowed seniority w.e.f. 17.10.1992. The appellant relying on the said dictum of the Service Tribunal of Mr. Riaz approached the concerned quater the appeal was accepted for to moveover B.P.S-17 from B.P.S-15 vide notification dated 27.01.2001 from 01.12.2000 which was duly recommended by the Departmental Promotion Committee against the said appellant.

The present appellant had challenged the Notification dated 28.05.1997 for refusal of his claim of seniority vide Service Appeal No. 2175/1997. The Tribunal in his order dated 27.08.2004 again dismissed the appeal for regularization of the appellant and directed the respondent Department to settle this old standing matter of regularization of service within reasonable time. Later-on his case was placed before the Departmental Promotion Committee to consider his case, Departmental Promotion Committee held that his case can only be considered by the Provincial Govt. as per Policy in vague. Moreso again Departmental Promotion Committee was constituted to consider the request of the employees. Strange enough, the Departmental Promotion Committee instead of considering the request for regularization on the basis of record recommended for termination from service of the appellant. It transpires from the record that the appellant approached through a representation to the Hon'ble Chief Minster for considering his case that instead of regularization he was awarded punishment of termination of service. The Chief Minister accepted the appeal of regularization of the petitioner with others appellants with immediate effect and under said order he was placed as lowest in the seniority list of Subject Specialist. It is surprising to note that the order of the Chief Executive was not complied with and the department on 19.03.2008 terminated the service of the appellant with immediate effect. Again an appeal was filed before the appellate authority which remained unattended, a writ petition was filed in the Peshawar High Court, Peshawar. The Hon'ble Judges of the Peshawar High Court directed the department to decide the case of the appellant within 30 days.

In view of the above facts and stale history of the case the appellant approached the Service Tribunal. Vide Service Appeal No. 270/08 which was decided on 21.08.2008 and considering the above detailed facts of the case and relying on bulk of the judgment of Supreme Court of Pakistan incorporated of the body of the judgment allowed the appeal and set aside the order of termination of the appellant with the direction to reinstate him in service with all back benefits.

The judgment of the learned Service Tribunal is well founded and is based on not attending appropriate grievance of the petitioner and that the of the Chief Minister of the NWFP who being the head of the Province. Difference to the view of the Chief Minister

**ATTESTED**

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seem to not support to any principle of law. He being the Chief Executive a policy maker and decides a matter which binds the entire subordinates. The request of the law department vide letter dated 27.11.2008 for submission of the CPLA before the Supreme Court of Pakistan is answered negatively as the case is absolutely not fit on all its four for Supreme Court.

*Copy*

Ld. Advocate General.

(Tasleem Hussain)  
Advocate on Record.  
04.12.2008

**ATTESTED**

(89)

IMMEDIATE

Government of N.W.F.P.  
Elementary & Secondary Education Department  
No.SO(S)1-4/05/Regularization  
Dated: 12-02-2009

To  
The Secretary to Govt. of NWFP  
Law Department Peshawar

*17/2* *one*

Subject: APPOINTMENT OF SUBJECT SPECIALISTS IN DIFFERENT EDUCATIONAL INSTITUTIONS BY THE DEFUNCT DIVISIONAL DIRECTORS MALAKAND DIVISION IN THE YEARS 1988-90.

The following were appointed as Senior English Teachers (SETs)/Subject Specialists (S.S) by defunct Directorate of Education Malakand Division in different educational institutions irrespective of Government Policy/Procedure in the years 1988-90 (Annex-I):-

S.#	Name	Post/Grade	Remarks
1.	Mr. Abdul Hameed S/O M. Asadullah	SET (BS-15)	Temporary till arrival of selectee of the PSC and adjusted against the post of Subject Specialist.
2.	Mr. Fazal Iqbal S/O Badshah Khan	Subject Specialist (BS-15)	Fixed pay/temporary
3.	Mr. Humayun Khan CT GHS Dheri Julagram Malakand	Subject Specialist/SET (BS-15)	Fixed pay/temporary till arrival of selectee of the PSC.
4.	Mr. Sardar Ali S/O Bakht Afsar	Subject Specialist (BS-15)	Fixed pay/temporary
5.	Mr. Muhammad Amin S/O Muhammad Akram	Subject Specialist (BS-15)	Fixed pay/temporary
6.	Mr. Muhammad Mujtaba Khan S/O Muhammad Mustafa	Subject Specialist (BS-15)	Fixed pay/temporary
7.	Mr. Ali Haidar CT GHSS Mingora Swat	Subject Specialist (BS-15)	Fixed pay/temporary
8.	Mr. Biradar Khan S/O Sher Zamin	Subject Specialist (BS-15)	Fixed pay/temporary
9.	Mr. Darwaish Khan S/O Gul Ahmad Khan	SET (BS-15)	Adjusted against S.S on temporary/fixed pay
10.	Mr. Humayun S/O Jan Mian	SET (BS-15)	Adjusted against S.S on temporary/fixed pay
11.	Mr. Jehan Didar CT GHS Kabal Swat	Subject Specialist (BS-15)	Fixed pay/temporary
12.	Mr. Hameedul Haq S/O Muhammad Anwarul Haq	Subject Specialist (BS-15)	Fixed pay/temporary

2. In the year 1993, Mr. Abdul Hameed at S.# 1 above filed an appeal in the NWFP Service Tribunal Peshawar to allow pay of the post of Subject Specialist (BS-17) and to regularize his services from the date of appointment i.e. 05.03.1988.



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"There is no dispute with respect to the legal position that a person who is working against the post is entitled to the pay thereon and thus the appellant is also entitled to the pay of the post as Subject Specialist from the date when he was adjusted as such. But the period for which he would be entitled to the pay of Subject Specialist would be reckoned upto 3 years back from the date when a writ petition was preferred in the High Court and the claim beyond that would be time barred. As regards the prayer for regularization of service, it is for the Department to process the case of selection of the appellants as Subject Specialist. The appeal is accepted in the above terms".

3. Mr. Abdul Hameed alongwith 6 others submitted appeal in the Supreme Court of Pakistan in the year 1995 against the above decision of the Services Tribunal. The Supreme Court of Pakistan after detailed discussion, made the following decision in the case (Annex-III):-

"In so far the claim of appellants in the above appeals with regard to their regularization against the post of Subject Specialists (BS-17) is concerned, the learned Tribunal rightly declined to grant the same as in the first instance the question of regularization of appellants against the post of Subject Specialist is to be considered by the Department. Therefore, no exception can be taken to the judgment of the Tribunal in so far it left the question of regularization of appellants against the post of Subject Specialist (BS-17) to be decided by the Department. The appeals stand disposed off accordingly, with no order as to costs".

4. Consequent upon the above decision of the Supreme Court of Pakistan, the department allowed these Subject Specialists the minimum pay in BPS-17 alongwith increments from the date of their initial appointments vide notification No.SO(S) 7-15/93/S.S dated 28-05-1997 (Annex-IV).

5. The case was considered at different levels in the Department and remained under correspondence between this Department & Establishment Department for quite a long time of about two years vide summary (Annex-V). Ultimately, the competent authority/Chief Secretary NWFP terminated the services of the above irregular appointees vide Para-30 of the summary. Accordingly, the services of the above Subject Specialists were terminated vide this Department Notification No. SO(S)S&L/1-4/05-Regulation KC dated 19.03.2008 (Annex-VI).

6. Mr. Fazal Iqbal, one of the above Subject Specialist (at S.# 2) again submitted an appeal in the NWFP Service Tribunal Peshawar in the year 2008 against his termination from service with the request that the impugned notification may be set aside, he may be declared as regular employee for all intents and purposes with effect from the date of his appointment.

ATTESTED

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back wages and benefits of service. The Tribunal after discussing their earlier judgment, judgment of the Supreme Court of Pakistan, process and decision of the Department, gave the following decision in the case (Annex-VII):-

"The up-shot on the above discussion is that we accept the appeal as prayed for and set aside the impugned order of termination of the appellant dated 19.03.2008. The respondent Department is directed to re-instate the appellant in service with all back benefits of service.

This judgment will also dispose of the other connected appeals bearing Nos. 912/2008 Abdul Hamid Butt, 913/2008 Darvesh Khan, 914/2008 Hamidul Haq, 915/2008 Ali Haidar, 916/2008 Jehan Didar, 917/2008 Muhammad Amin, 918/2008 Mujtaba Khan, 919/2008 Biradar Khan, 920/2008 Sardar Ali, 921/2008 Humayun Khan, 922/2008 Humayun, Versus Chief Secretary NWFP etc, involving common question of law, in the same manner"

7. Law Department vide letter No.Lit/LD/1-9(180)E&S.E/2008/12054 dated 23.12.2008 has also advised this Department that the case is not fit for filing appeal/CPLA in the Supreme Court of Pakistan (Annex-VIII).

8. Keeping in view the above details of the case, the Law Department is requested to advise this Department on the following:-

i. Whether a writ petition can be filed in any Court of Law against the last judgment of the Services Tribunal?

OR

ii. In case of otherwise, further course of action in the matter.

Yours faithfully

(Syed Ahmad Khan)  
Section Officer (Schools)

Copy for information to:

✓ The Director Elementary & Secondary Education NWFP Peshawar

17/12/09

ATTESTED

Section Officer (Schools)

92

GOVERNMENT OF NWFP  
LAW, PARLIAMENTARY AFFAIRS &  
HUMAN RIGHTS DEPARTMENT

No.Lit/LD/1-9(180)E&SE/2008/1629  
Dated Peshawar the 25/2/2009.

To

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

SUBJECT:-

PROPOSED CPLA IN THE SUPREME COURT OF PAKISTAN AGAINST THE  
JUDGMENT DATED 21-10-2008 IN APPEAL NO. 970/2008 TITLED FAZAL IQBAL  
EX-SUBJECT SPECIALIST AND OTHERS R/O DIR LOWER VERSUS EDUCATION  
DEPARTMENT.

Dear Sir,

I am directed to refer to your letter No.SO(S)1-4/05/Regularization, dated 12-02-2009 and Advocate General, NWFP Peshawar letter No. 7975/AG dated 18-12-2008 (Copy attached herewith) on the subject noted above and to advise you to implement the judgment of the NWFP Service Tribunal, Peshawar dated 21-10-2008, in letter & spirit as opined by the Advocate General, NWFP.

Yours faithfully,

SECTION OFFICER (LIT)

Endst: of even No. & Date.

Copy forwarded to the P.S to Secretary Law

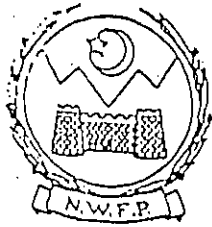
SECTION OFFICER (LIT)

Elementary & Secondary Education  
NWFP  
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26/2/09

ATTESTED

(93)



GOVERNMENT OF NWFP  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

SUMMARY FOR CHIEF SECRETARY, NWFP.

SUBJECT: - APPOINTMENT OF SUBJECT SPECIALISTS IN DIFFERENT EDUCATIONAL INSTITUTIONS BY THE DEFUNCT DIVISIONAL DIRECTOR MALAKAND DIVISION IN THE YEARS 1988-90.

The following persons were appointed as Senior English Teachers (SETs) Subject Specialists (S.S) by the defunct Directorate of Education Malakand Division in different educational institutions in violation of the Government Policy/Procedure in the years 1988-90 (F/A): -

S.#	Name	Post/Grade	Date of Initial appointment	Remarks
1	2	3	4	5
1	Mr. Abdul Hamced S/O M. Asadullah	SET (BS-15)	5-3-1988	Temporary till arrival of selectee of the PSC and adjusted against the post of Subject Specialist.
2	Mr. Fazal Iqbal S/O Badshah Khan	Subject Specialist (BS-15)	17-8-1988	Fixed pay/temporary
3	Mr. Humayun Khan CT GHS Dheri Julagram Malakand	Subject Specialist (BS-15)/ SET (BS-15)	25-5-1988	Fixed pay/temporary till arrival of selectee of the PSC
4	Mr. Sardar Ali S/O Bakht Afsar	Subject Specialist (BS-15)	11-12-1988	Fixed pay/temporary
5	Mr. Muhammad Amin S/O Muhammad Akram	Subject Specialist (BS-15)	25-7-1990	Fixed pay/temporary
6	Mr. Muhammad Mujtaba Khan S/O Muhamad Mustafa	Subject Specialist (BS-15)	24-3-1990	Fixed pay/temporary
7	Mr. Ali Haidar CT GHSS Mingora Swat	Subject Specialist (BS-15)	21-3-1990	Fixed pay/temporary
8	Mr. Biradar Khan S/O Sher Zamin	Subject Specialist (BS-15)	21-3-1990	Fixed pay/temporary
9	Mr. Darwaish Khan S/O Gul Ahmad Khan	SET (BS-15)	3-3-1988	Adjusted against S.S on temporary/fixed pay
10	Mr. Humayun S/O Jan Main	SET (BS-15)	3-3-1988	Adjusted against S.S on temporary/fixed pay
11	Mr. Jehan Didar CT GHS Kabal Swat	Subject Specialist (BS-15)	14-12-1989	Fixed pay/temporary
12	Mr. Hamcedul Haq S/O Muhammad Anwarul Haq	Subject Specialist (BS-15)	13-2-1990	Fixed pay/temporary

TESTED

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2. In the year 1993, Mr. Abdul Hamced at S.# 1 above filed an appeal in the NWFP Service Tribunal Peshawar to allow him pay of the post of Subject Specialist (BS-17) and to regularize his services from the date of appointment i.e 05-03-1988. The NWFP Service Tribunal decided his appeal in his favour as far as pay of the post was concerned. The court however, passed no orders for regularization of his services. The operating part of the above judgment is as under (F/B): -

"There is no dispute with respect to the legal position that a person who is working against the post is entitled to the pay thereon and thus the appellant is also entitled to the pay of the post as Subject Specialist from the date when he was adjusted as such. But the period for which he would be entitled to the pay of Subject Specialist would be reckoned upto 3 years back from the date when a writ petition was preferred in the High Court and the claim beyond that would be time barred. As regards the prayer for regularization of service, it is for the Department to process the case of selection of the appellants as Subject Specialist. The appeal is accepted in the above terms".

3. Mr. Abdul Hamced alongwith 6 others submitted appeal in the Supreme Court of Pakistan in the year 1995 against the above decision of the Service Tribunal. The Supreme Court of Pakistan after detailed discussion, made the following decision in the case (F/C): -

"In so far the claim of appellants in the above appeals with regard to their regularization against the post of Subject Specialists (BS-17) is concerned, the learned Tribunal rightly declined to grant the same as in the first instance the question of regularization of appellants against the post of Subject Specialist is to be considered by the Department. Therefore, no exception can be taken to the judgment of the Tribunal in so far it left the question of regularization of appellants against the post of Subject Specialist (BS-17) to be decided by the Department. The appeals stand disposed off accordingly, with no order as to costs".

4. Consequent upon the above decision of the Supreme Court of Pakistan, the Department allowed these Subject Specialists the minimum pay in BPS-17 alongwith increments from the date of their initial appointment vide notification No. So (S) 7-15/93/S.S dated 28-5-1997 (F/D).

5. The case was considered at different levels in the Department and remained under correspondence between this Department & Establishment Department for quite a long time of about two years. Ultimately, the competent authority/Chief Secretary NWFP decided to terminate the services of the above appointees vide Para-30 of the summary (F/E). Accordingly, the services of the above Subject Specialists were terminated vide this Department Notification No. SO (S) S&L /1-4/05- Regulation KC dated 19-3-2008 (F/F).

6. Mr. Fazal Iqbal, one of the above Subject Specialist (at S.# 2) again submitted an appeal in the NWFP Service Tribunal Peshawar in the year 2008 against his termination from service with the request that the impugned notification may be set aside and he may be declared as regular employee for all intents and purposes with effect from the date of his appointment and he may also be re-instated with full back wages and benefits of service. The Tribunal after considering its earlier judgment as well as

ATTESTED

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judgment of the Supreme Court of Pakistan and other related documents, decided the case as under (F/G) :-

"The up-short on the above discussion is that we accept the appeal as prayed for and set aside the impugned order of termination of the appellant dated 19-3-2008. The respondent Department is directed to re-instate the appellant in service with all back benefits of service.

This judgment will also dispose of the other connected appeals bearing Nos 912/2008 Abdul Hamid Butt, 913/2008 Darvesh Khan, 914/2008 Hamidul Haq, 915/2008 Ali Haidar, 916/2008 Jehan Didar, 917/2008 Muhammad Amin, 918/2008 Mujtaba Khan, 919/2008 Biradar Khan, 920/2008 Sardar Ali, 921/2008 Humayun Khan, 922/2008 Humayun versus Chief Secretary NWFP etc, involving common-question of law, in the same manner".

7. Law Department vide letter No. Li/LD/1-9 (180)E&SE/2008/12054 dated 23.12.2008 has also advised this Department that the case is not fit for filing appeal/CPLA in the Supreme Court of Pakistan (F/H). The Law Department was again requested to advise this Department on the following points:-

- i. Whether a writ petition can be filed in any Court of Law against the last judgment of the Service Tribunal?
- OR
- ii. In case of otherwise, further course of action in the matter.

8. The Law Department again repeated its earlier contention vide No. Li/LD/1-9(180)E&SE/2008/1629 dated 25-2-2009 (F/I) to implement the judgment of the NWFP Service Tribunal Peshawar dated 21-10-2008 in letter and spirit as opined by the Advocate General, NWFP.

9. In view of the above, it is proposed that :-
- (i) All the above twelve Subject Specialists be re-instated in service with all back benefits of service from the date of their termination of service i.e 19.03.2008.
  - (ii) The service be regularized as Subject Specialist with effect from the date of their initial appointment/officiating as Subject Specialist as per column 4 of Para-1 above.

10. The Chief Secretary NWFP/Competent Authority is requested to approve the proposal contained in Para-9 above.

**ATTESTED**

(MUHAMMAD ARIFEEN)  
Secretary to Govt. of NWFP  
Elementary & SE Department.

Chief Secretary NWFP

11. *Vicarious please*

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12. Summary of Elementary & Secondary Education Department regarding the appointment of Subject Specialists in different Educational Institutions by the defunct Divisional Directorate Malakand Division in the years 1988-90 has been examined. The Service Tribunal NWFP has decided the case in favour of the appellants (F/G) and the Law Department/ Advocate General have also advised that the case is not fit for filing appeal / CPLA in the Supreme Court of Pakistan (F/H).

13. In view of the foregoing, there is no other option except to implement the judgment of the Service Tribunal dated 21-10-2008 (F/G). Proposal contained in para-9 of the summary regarding re-instatement and regularization of the appellants is therefore, endorsed.

14. The Chief Secretary NWFP being, the competent authority may kindly approve the proposal contained in para-9 of the summary.

(Mian Sahib Jan)  
Secretary Establishment  
April 6 2009.

Chief Secretary, NWFP.

para 9

Secy E & S.E

Attested by

04. 4. 2009

ATTESTED

97

IN THE PESHAWAR HIGH COURT PESHAWAR

W No 381 /2009

1. Fazaal Iqbal Ex- Subject Specialist Government Higher Secondary School Samar Bagh Dir Lower.
2. Abdul Hameed Butt Ex- Subject Specialist Government Higher Secondary School No. 1 Peshawar City.
3. Darwaish Khan Ex- Subject Specialist Government Higher Secondary School Ziarat, Talash Dir Lower.
4. Hamid ul Haq Ex- Subject Specialist Government Higher Secondary School Kabal District Swat.
5. Ali Haider Ex- Subject Specialist Government Higher Secondary School Kabal District Swat.
6. Irfan Didar Ex- Subject Specialist Government Higher Secondary School Sandoc Shangla.
7. Muhammad Amin Ex- Subject Specialist Government Higher Secondary School Balogram District Swat.
8. Muhammad Mujtaba Khan Ex- Subject Specialist Government Higher Secondary School Ouch Dir Lower.
9. Biraadar Khan Ex- Subject Specialist Government Higher Secondary School Warai Dir Upper.
10. Sardar Ali Ex- Subject Specialist Government Higher Secondary School Khwaza Khela Swat.
11. Humayun Khan Ex- Subject Specialist Government Higher Secondary School Totakan Malakand Agency.
12. Humayun Ex- Subject Specialist Government Higher Secondary School Madyan District Swat.

(Petitioners)

Versus

1. Government of NWFP through Chief Secretary NWFP Peshawar.
2. Secretary Establishment NWFP Civil Secretariat Peshawar.
3. Secretary Elementary and Secondary Education NWFP Peshawar.

(Respondents)

FILED TODAY

21 FEB 2009

ATTESTED

ATTESTED



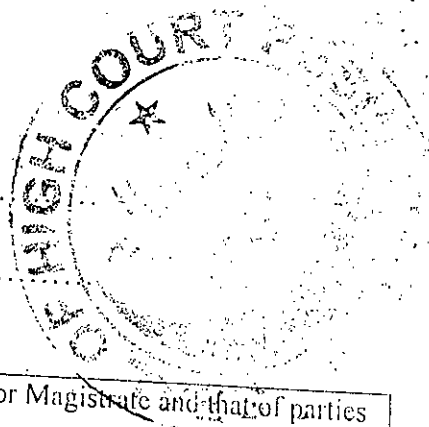
98

FORM 'A'

FORM OF ORDER SHEET

Court of .....

Case No. .... of .....



Date of Order or Proceedings... Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.

16.4.2009.

W.P.No.381/2009.

Present: One of the petitioners in person.

Mr. Muhammad Yousaf Qadri,  
Section Officer (Litigation),  
Education Department, Peshawar.

**EJAZ AFZAL KHAN, J.-** The latter states that order of reinstatement of the petitioner is ready and would thus be out in a couple of days. There is no hesitancy on the part of the department to implement the order of the Service Tribunal. When this is state of things, this petition is disposed of with the direction to the respondents to do the needful accordingly.

Announced  
16.4.2009.

*Handwritten signatures: Ejaz Afzal Khan, Saad Ahmad Khan*

*Handwritten notes: 17/4*

ISSUE COPY

Peshawar Peshawar  
Authorized Under Section 75 Act of 1973

*Handwritten signature and date: 02/09/09*

*Handwritten notes: 935/2009, 20/4, and a large signature*

*Handwritten notes: 2009/04/16*  
Date of Presentation of Application  
No of Pages  
Copying Fee  
Stamp Fee  
Total  
Date of Preparation Copy  
Date of Delivery of Copy



99

**GOVERNMENT OF NWFP  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT**

Dated the Peshawar April 18, 2009

NOTIFICATION

No. SO (S)/ S&L/1-4/05- Regularization KC. In pursuance of NWFP, Service Tribunal, Peshawar judgment dated 21-10-2008 in Appeals No. 912/2008, 913/2008, 914/2008, 915/2008, 916/2008, 917/2008, 918/2008, 919/2008, 920/2008, 921/2008, 922/2008 & 970/2008, the competent authority is pleased to re-instate the following Subject Specialists (BS-17), on the terms & conditions mentioned below:-

S.#	Name	Date of Initial appointment
1	Mr. Abdul Hameed S/O M. Asadullah	5-3-1988
2	Mr. Fazal Iqbal S/O Badshah Khan	17-2-1988
3	Mr. Humayun Khan CT GHS Dheri Julagram Malakand	25-5-1988
4	Mr. Sardar Ali S/O Bakht Afsar	11-12-1988
5	Mr. Muhammad Amin S/O Muhammad Akram	25-7-1990
6	Mr. Muhammad Mujtaba Khan S/O Muhamad Mustafa	24-3-1990
7	Mr. Ali Haidar CT GHSS Mingora Swat	21-3-1990
8	Mr. Biradar Khan S/O Sher Zamin	21-3-1990
9	Mr. Darwaish Khan S/O Gul Ahmad Khan	3-3-1988
10	Mr. Humayun S/O Jan Main	3-3-1988
11	Mr. Jehan Didar CT GHS Kabal Swat	14-12-1989
12	Mr. Hameedul Haq S/O Muhammad Anwarul Haq	13-2-1990

2 Terms & Conditions for re-instatement

- i) All the above twelve Subject Specialists are re-instated in service with all back benefits of service from the date of their termination of service i.e 19-3-2008.
- (ii) Their services are regularized as Subject Specialist with effect from the date of their initial appointment/officiating as Subject Specialist as per column 3 of para-1 above.

3 The competent authority is further pleased to adjust/post the officers after re-instatement in the service as per following: -

S.#	Name of officer/Designation	Place of adjustment	Remarks
1	Mr. Abdul Hameed , SS (H/C) (BS-17)	SS (H/C) (BS-17) GHSS No.1, Peshawar City	A. V. P.
2	Mr. Fazal Iqbal, SS (H/C) (BS-17)	SS (H/C) (BS-17) GHSS Jandool Mayhar, Dir Lower	A. V. P.
3	Mr. Humayun, SS (Eng) (BS-17)	SS (Eng) (BS-17) GHSS No.1 Haripur	A. V. P.
4	Mr. Sardar Ali, SS (Eng) (BS-17)	SS (Eng) (BS-17) GHSS Jalozai, Nowshera	A. V. P.
5	Mr. Muhammad Amin, SS (Eng) (BS-17)	SS (Eng) (BS-17) GHSS Chowga, Shangla	A. V. P.
6	Mr. Muhammad Mujtaba Khan, SS (Stat) (BS-17)	SS (Stat) (BS-17) GHSS Wari. Dir Upper	A. V. P.

7	Mr. Ali-Haidar, SS (Eco) (BS-17)	SS (Eco) (BS-17) GHSS Pali, Malakand	A. V. P.
8	Mr. Biradar Khan, SS (Eco) (BS-17)	SS (Eco) (BS-17) GHSS Wari, Dir Upper	A. V. P.
9	Mr. Darwaish Khan, SS (Isl) (BS-17)	SS (Isl) (BS-17) GHSS Bagh Maidan, Dir Lower	A. V. P.
10	Mr. Humayun Khan, SS (Stta) (BS-17)	SS (Stat) (BS-17) GHSS Kot, Malakand	A. V. P.
11	Mr. Jehan Didar, SS (Eco) (BS-17)	SS (Eco) (BS-17) GHSS Sandoy, Shangla	A. V. P.
12	Mr. Hameedul Haq, SS (H/C) (BS-17)	SS (H/C) (BS-17) GHSS Sandoy, Shangla	A. V. P.

4 No TA/DA is allowed.

Chief Secretary, NWFP

Endst: No. & Date Even.

Copy of the above is forwarded to: -

- 1 Secretary to Govt: of NWFP Establishment Department, Peshawar.
- 2 Secretary to Govt: of NWFP Law Department, Peshawar.
- 3 Secretary to Govt: of NWFP Finance Department, Peshawar.
- 4 Director, Elementary & Secondary Education, Peshawar.
- 5 Accountant General N.W.F.P. Peshawar.
- 6 P.S.O to Chief Minister, NWFP Peshawar.
- 7 PSO to Chief Secretary, NWFP.
- 8 Executive District Officer (E&SE) concerned.
- 9 Registrar, NWFP Service Tribunal Peshawar.
- 10 District Account's Officers concerned.
- 11 PS to Secretary, E&SE Department.
- 12 PS to Special Secretary, E&SE Department.
- 13 PS to Additional Secretary, E&SE Department.
- 14 Officers concerned.
- 15 Office order file.

  
(SYED AHMED KHAN)  
SECTION OFFICER (SCHOOLS)

R-100

To,

Secretary to Government of NWFP  
Elementary & Secondary Education,  
Peshawar.

**Subject: - Fixation of Seniority**

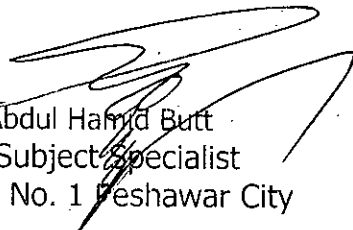
**Respected Sir:-**

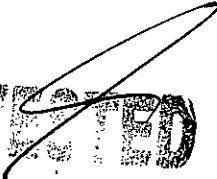
With reference to the notification No. SO(S)/S&L/1-4/05 Regularization, dated 18<sup>th</sup> April 2009 (Copy enclosed for ready reference). I beg to submit that I have been re-instated in service and my service is regularized w.e.f. the date of my initial appointment i.e 5/3/1988 on the terms and conditions mentioned in the said notification.

It is therefore very humbly requested that my seniority may kindly be fixed according to the law and rules regulating the service.

Dated: 12/05/2009

**Yours Obediently**

  
Abdul Hamid Butt  
Subject Specialist  
GHSS No. 1 Peshawar City

  
**ATTESTED**

IMMEDIATE



GOVERNMENT OF NWFP  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

NO. SO(S) E&SED/  
Dated April 13, 2010

To ✓  
The Director,  
Elementary & Secondary Education, Peshawar

Attention: Deputy Director Establishment

Subject: - FINAL SENIORITY LIST OF HEADMASTERS/SUBJECT SPECIALISTS  
MALE BS-17

Kindly refer to the correspondence resting with your letter No. 3366/A88 88/SL/BS-17 M dated 10-4-2010 and the discussion of the undersigned with Deputy Director Establishment this morning on the subject cited above and to state that I have never asked any one of the Directorate to award seniority to any one from their date of incharge posting as HM/SS instead of their regular appointment or promotion on these posts. It is concocted statement of the directorate itself.

2. I am therefore directed to request that the seniority list may be re-checked and prepared strictly in accordance with the rules keeping in view the following:-

- (i) All the HMs/SS may be given seniority position in the seniority list strictly from their date of regular promotion or regular appointment as SS/HM in BS-17 instead of their date of taking over incharge as HM/Subject Specialist.
- (ii) Those HM/SS who filed appeals/writ petitions in the court for regularization of their promotion/appointment from their date of taking over charge as HM/SS, the court decided their appeals in their favour awarding regularization from their incharge posting and the Department also notified this award after approval of the competent authority may be given seniority from the date of their regularization on the basis of court decision as well as approval/notification issued by the Administrative Department.
- (iii) The list so prepared strictly in accordance with the rules and keeping in view the above, may be initialed on each page and signed on the last page by the Deputy Director Establishment E&Se before re-submission to the Administrative Department with in a week positively.

(SYED AHMED KHAN)  
SECTION OFFICER (SCHOOLS)

Endst. of even No. & Date  
Copy to the: -

PS to Secretary/PAs to AS/DS (Admn) E&SE Department.

**ATTESTED**

SECTION OFFICER (SCHOOLS)

102

# **FINAL SENIORITY LIST**

OF

**OFFICERS B - 17 (MALE) REGULAR**

**HEAD MASTERS & SUBJECT SPECIALISTS**

*AS IT STOOD ON*

*15 October 2010*

APPROVED

*[Signature]*



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

103

Dated Peshawar the November 10, 2010

NOTIFICATION

NO. SO(S) E&SE/4-24/2010/FSL/Male: In exercise of powers conferred under Sub Section (1) of Section-8 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 No. XVIII of 1973, the Final Seniority List of Headmasters/Subject Specialists Male (BPS-17) of Elementary & Secondary Education Department as it stood on 15.10.2010, is hereby notified for information of all concerned.

CHIEF SECRETARY  
Khyber Pakhtunkhwa

Endst: of even No. & Date

Copy forwarded to the:

1. Director, E&SE Khyber Pakhtunkhwa, Peshawar, with the request to circulate the Seniority List to all concerned.
2. Director of Education (FATA), Khyber Pakhtunkhwa Peshawar.
3. Director Curriculum & Teachers Education Khyber Pakhtunkhwa Abbottabad.
4. Director (PITE) Khyber Pakhtunkhwa.
5. All EDO's (E&SE) in Khyber Pakhtunkhwa.
6. PS to Secretary, Govt. of Khyber Pakhtunkhwa, E&S Education Peshawar.

(SYED AHMAD KHAN)  
SECTION OFFICER (SCHOOLS/FEMALE)

ATTACHED

Attested  
Assistant Directors (Estab.)  
Directorate of (E&SE)  
NWFP, Peshawar.

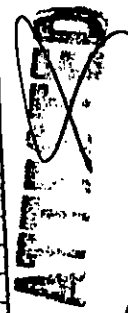
FINAL SENIORITY LIST OF HEADMASTER/SUB SPECIALIST MALE (B-17) OF Elementary & Secondary Education DEPARTMENT AS IT STOOD ON 15.10.2010.

S.No	Name of Officers with Quilification	D/O Birth	Domicile	Date of 1st; Entry in Edu; Deptt;	Regular applonment / Promtion to the present post			Designation/Place of Posting	Remarks
					Date	BPS	Method of Recriutment		
1	Fazal Iqbal M.A. B.Ed	1/1/1960	DIR	17-02-1988	17-02-1988	17	Direct	SS GHSS MAYAR DIR LOWER	so(s)/S&L1-4/05 Reg. KC dt 18/4/09
2	Darwesh Khan M.A. B.Ed	1/5/1958	DIR	18-04-1979	3/3/1988	17	do	SS GHSS Bagh Maidan Dir Lower	do
3	Humayoun M.A. B.Ed	17-5-1961	Swat	3/3/1988	3/3/1988	17	do	SS GHSS No.1 Hari Pure	do
4	Abdul Hamid M.A. B.Ed	12/7/1962	Swat	5/3/1988	5/3/1988	17	do	SS GHSS No.1 Peshawar City	do
5	Humayoon Khan MSc / MEd	27-3-1957	Malakand	27-04-1985	25-5-1985	17	do	SS GHSS Kot Malakand Agency	do
6	Sardar Ali M.A. B Ed	12/1/1964	Swat	11/12/1989	11/12/1989	17	do	SS GHSS Nawagi Bunir	do
7	Jehan Didar M.A. B.Ed	15-7-1960	shangla	1/11/1987	14-12-1989	17	do	SS GHSS Sandiovi Shangla	do
8	Hamid Ul Haq M.A. B.Ed	19-1-1960	Swat	21-9-1989	14-2-1990	17	do	SS GHSS Sandovi Shangla	do
9	Ali Haidar M.A. B.Ed	15-5-1951	Swat	16-08-1980	21-3-1990	17	do	SS GHSS Palai Malakand	do
10	Biradar Khan M.A. B.Ed	4/4/1960	DIR	21-3-1990	21-3-1990	17	do	SS GHSS Wari Dir Upper	do
11	Muhammad Mujtaba Khan M.Sc, B.Ed	2/3/1964	DIR	24-03-1990	24-03-1990	17	do	SS GHSS Wari Dir Upper	do
12	Muhammad Amin M.A. B.Ed	15-3-1961	Swat	25-7-1990	25-07-1990	17	do	SS GHSS Chowga Shangla	do
13	Habib Ullah Khan M.A. B.Ed	20-03-1962	Ork. Agency	5/3/1990	8/5/1994	17	do	SS GHSS Spin Dand K.Agency	SO(S) E&SE/3-2/2009/Habibullah
14	Shad Muhammad Afridi M.A. B.Ed	15.05.1952	FR Pesh.	13.10.1974	8/11/1995	17	By Promotion	HM GHS Sara Dargai	sen.aw.vd so(s)1-5/2007 dt 30-10-08
15	Noor Rehman M.A. B.Ed	15.08.1951	Bajour Agy	15.03.1970	8/11/1995	17	By Promotion	HM GHS Zoor Bandar Bajour	sen.aw.vd so(s)1-5/2007 dt 30-10-08
16	Mr Dil Muhammad B.A B.Ed	05.07.1954	NWA	5/10/1975	3/9/1996	17	do	HM GHS, Pindi Lalma K. Agency	SO(S) E&SE/4-16/2010/Dil Muhammad
17	Hussain Ali M.A. B.Ed	10.04.1959	Swat	28.08.1996	28.08.1996	17	D/selection	SS GHSS Barikot Swat	
18	Khan Afsar M.A. B Ed	04.05.1957	Abbottabad	26.08.1996	26.08.1996	17	do	SS GHSS Nawan Sheher Abbottabad	
19	Muhammad Mustafa M.A. B.Ed	26.01.1968	karak	28.08.1996	28.08.1996	17	do	SS GHSS Usterzai Kohat	
20	Hidayat Ullah Khan M.A. B Ed	15.02.1966	Bannu	28.08.1996	28.08.1996	17	do	SS GHSS Palo Dheri Mardan	
21	Hanif Ullah S/o Muhad Iqbal M.A. B.Ed	06.03.1968	FR,Bannu	28.08.1996	28.08.1996	17	do	SS GHSS Hazar Khawani Peshawar	
22	Riaz Ali S/O Mohd Jamil M.A. B.Ed	03.11.1962	Mardan	28.08.1996	28.08.1996	17	do	SS GHSS Akbarpura NSR	
23	Muhammad Haroon M.A. B.Ed	15.03.1958	Mansehra	05.03.1983	1/8/1996	17	do	SS GHSS Battal Mansehra	
24	Khair-Ur-Rahman M.A. B.Ed	15.03.1966	Baj. Agency	26.08.1996	26.08.1996	17	do	SS GHSS Sherpao Charsadda	
25	Muhammad Anwar Khan M.A.	05.11.1969	Bannu	11.07.1996	11.07.1996	17	do	SS GHSS Lora Abbottabad	
26	Hayat Muhammad Khan M.A. B.Ed	15.04.1968	Malakand	11.07.1996	11.07.1996	17	do	SS GHSS Ghani Dheri Malakand	
27	Abdul Ali M.A. B.Ed	11.08.1964	Moh Agy	11.07.1996	11.07.1996	17	do	SS GHSS No 4 Mardan	
28	Khaista Rahman M.A.	06.04.1969	Baj. Agency	11.07.1996	11.07.1996	17	do	SS GHSS Gardia Bajour Agency	
29	Muhammad Zaveel M.A.	05.11.1969	SW.Agency	11.07.1996	11.07.1996	17	do	SS GHSS Eidak NWA	
30	Zia Shahid M.A.	14.12.1964	Abbottabad	11.07.1996	11.07.1996	17	do	SS GHSS Nawan Sheher Abbottabad	
31	Abdul Jabar Khan M.A. B.Ed	15.08.1965	SWA	12.11.1996	17.11.1996	17	do	SS GHSS Usterzai Payan Kohat	
32	Khizar Hayat. M.A. B.Ed	24.04.1963	Haripur	23.05.1997	23.05.1997	17	do	SS GHSS Hari Pur	
33	Sultan Mehmood.M.A. B.Ed	10.04.1968	Haripur	23.05.1997	23.05.1997	17	do	SS GHSS Beer, Hari Pur	
34	Abdul Aziz Khan.M.A. B.Ed	06.01.1968	Dir	23.05.1997	23.05.1997	17	do	SS GHSS Nathia Gali A/Abad	
35	Farakh Jalees M.A. B.Ed	01.03.1968	DIKhan	23.05.1997	23.05.1997	17	do	SS GHSS Beer Hari Pur	
36	Sajjad Ahmed. M.A. B.Ed	15.04.1967	Bannu	23.05.1997	23.05.1997	17	do	SS GHSS S.K.Bala Bannu	
37	Kamram Sarfar Baig M.A B.Ed	06.03.1968	Swat	12.11.1997	12.11.1997	17	do	SS GHSS Samar Bagh Dir L	
38	Aman Ullah M.A. B.Ed	15.03.1968	Ch. da	23.05.1997	23.05.1997	17	do	SS GHSS Jalozai Nowshetra	



FINAL SENIORITY LIST OF HEADMASTER/SUB SPECIALIST MALE (B-17) OF Elementary & Secondary Education DEPARTMENT AS IT STOOD ON 15.10.2010.

S.No	Name of Officers with Quilification	D/O Birth	Domicile	Date of 1st; Entry in Edu; Deptt;	Regular appionment / Promtion to the present post			Designation/Place of Posting	Remarks
					Date	BPS	Method of Recruitment		
								so(s)/S&L1-4/05 Reg. KC dt 18/4/09	
1	Fazal Iqbal M.A, B.Ed	1/1/1960	DIR	17-02-1988	17-02-1988	17	Direct	SS GHSS MAYAR DIR LOWER	do
2	Darwesh Khan M.A, B.Ed	1/5/1958	DIR	18-04-1979	3/3/1988	17	do	SS GHSS Bagh Maidan Dir Lower	do
3	Humayoun M.A, B.Ed	17-5-1961	Swat	3/3/1988	3/3/1988	17	do	SS GHSS No.1 Hari Pure	do
4	Abdul Hamid M.A, B.Ed	12/7/1962	Swat	5/3/1988	5/3/1988	17	do	SS GHSS No.1 Peshawar City	do
5	Humayoon Khan MSc / MEd	27-3-1957	Malakand	27-04-1985	25-5-1988	17	do	SS GHSS Kot Malakand Agency	do
6	Sardar Ali M.A, B.Ed	12/1/1964	Swat	11/12/1989	11/12/1989	17	do	SS GHSS Nawagi Bunir	do
7	Jehan Didar M.A, B.Ed	15-7-1960	shangla	1/11/1987	14-12-1989	17	do	SS GHSS Sandovi Shangla	do
8	Hamid Ul Haq M.A, B.Ed	19-1-1960	Swat	21-9-1989	14-2-1990	17	do	SS GHSS Sandovi Shangla	do
9	Ali Haidar M.A, B.Ed	15-5-1951	Swat	16-08-1980	21-3-1990	17	do	SS GHSS Palai Malakand	do
10	Biradar Khan M.A, B.Ed	4/4/1960	DIR	21-3-1990	21-3-1990	17	do	SS GHSS Wan Dir Upper	do
11	Muhammad Mujtaba Khan M.Sc, B.Ed	2/3/1964	DIR	24-03-1990	24-03-1990	17	do	SS GHSS Wan Dir Upper	do
12	Muhammad Amin M.A, B.Ed	15-3-1961	Swat	25-7-1990	25-07-1990	17	do	SS GHSS Chowqa Shangla	do
13	Habib Ullah Khan M.A, B.Ed	20-03-1962	Ork. Agency	5/3/1990	8/5/1994	17	do	SS GHSS Scin Dand K.Agency	SO(S) E&SE/3-2/2009/Habibullah
14	Shad Muhammad Afridi M.A, B.Ed	15.05.1952	FR Pesh.	13.10.1974	8/11/1995	17	By Promotion	HM GHS Sara Dargai	sen.aw.vd so(s)1-5/2007 dt 30-10-08
15	Noor Rehman M.A, B.Ed	15.08.1951	Bajour Agy	15.03.1970	8/11/1995	17	By Promotion	HM GHS Zozr Bandar Bajour	sen.aw.vd so(s)1-5/2007 dt 30-10-08
16	Mr Dil Muhammad B.A B.Ed	05.07.1954	NWA	5/10/1975	3/9/1996	17	do	HM GHS, Pradi Lalma K. Agency	SO(S) E&SE/4-16/2010/Dil Muhammad
17	Hussain Ali M.A, B.Ed	10.04.1959	Swat	28.08.1996	28.08.1996	17	Direct Select	SS GHSS Barkot Swat	
18	Khan Afsar M.A, B.Ed	04.05.1957	Abbottabad	26.08.1996	26.08.1996	17	do	SS GHSS Nawan Shaheer Abbottabad	
19	Muhammad Mustafa M.A, B.Ed	26.01.1968	karak	28.08.1996	28.08.1996	17	do	SS GHSS Usterzai Kohat	
20	Hidayat Ullah Khan M.A, B.Ed	15.02.1966	Bannu	28.08.1996	28.08.1996	17	do	SS GHSS Pa'o Dheri Mardan	
21	Hanif Ullah S/O Muhad Iqbal M.A, B.Ed	06.03.1968	FR.Bannu	28.08.1996	28.08.1996	17	do	SS GHSS Hazar Khawani Peshawar	
22	Riaz Ali S/O Mohd Jamil M.A, B.Ed	03.11.1962	Mardan	28.08.1996	28.08.1996	17	do	SS GHSS Akbarpura NSR	
23	Muhammad Haroon M.A, B.Ed	15.03.1958	Mansehra	05.03.1983	1/8/1996	17	do	SS GHSS Dattal Mansehra	
24	Khair-Ur-Rahman M.A, B.Ed	15.03.1966	Baj. Agency	26.08.1996	26.08.1996	17	do	SS GHSS Sherpao Charsadda	
25	Muhammad Anwar Khan M.A	05.11.1969	Bannu	11.07.1996	11.07.1996	17	do	SS GHSS Lora Abbottabad	
26	Hayat Muhammad Khan M.A, B.Ed	15.04.1968	Malakand	11.07.1996	11.07.1996	17	do	SS GHSS Ghani Dheri Malakand	
27	Abdul Ali M.A, B.Ed	11.08.1964	Moh Agy	11.07.1996	11.07.1996	17	do	SS GHSS No 4 Mardan	
28	Khaista Rahman M.A	06.04.1969	Baj. Agency	11.07.1996	11.07.1996	17	do	SS GHSS Gardia Bajour Agency	
29	Muhammad Zaveel M.A	05.11.1969	SW Agency	11.07.1996	11.07.1996	17	do	SS GHSS Erjak NWA	
30	Zia Shahid M.A	14.12.1964	Abbottabad	11.07.1996	11.07.1996	17	do	SS GHSS Nawan Sheher Abbottabad	
31	Abdul Jabar Khan M.A, B.Ed	15.08.1965	SWA	12.11.1996	17.11.1996	17	do	SS GHSS Usterzai Payan Kohat	
32	Khizar Hayat. M.A, B.Ed	24.04.1963	Haripur	23.05.1997	23.05.1997	17	do	SS GHSS Hari Pur	
33	Sultan Mehmood.M.A, B.Ed	10.04.1968	Haripur	23.05.1997	23.05.1997	17	do	SS GHSS Beer. Hari Pur	
34	Abdul Aziz Khan.M.A, B.Ed	06.01.1968	Dir	23.05.1997	23.05.1997	17	do	SS GHSS Nathia Gali A/Abad	
35	Farakh Jalees M.A, B.Ed	01.03.1968	DIKhan	23.05.1997	23.05.1997	17	do	SS GHSS Beer Hari Pur	
36	Sajjad Ahmed. M.A, B.Ed	15.04.1967	Bannu	23.05.1997	23.05.1997	17	do	SS GHSS S K.Bala Bannu	
37	Kamran Sarfar Baig M.A B.Ed	06.03.1968	Swat	12.11.1997	12.11.1997	17	do	SS GHSS Samar Bagh Dir L	
38	Aman Ullah M.A, B.Ed	15.03.1968	Charsadda	23.05.1997	23.05.1997	17	do	SS GHSS Janzai-Nowshehra	

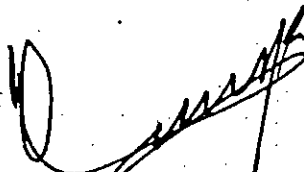


Attached  
 Director's (E&SE)  
 Directorate of (E&SE)  
 Peshawar.

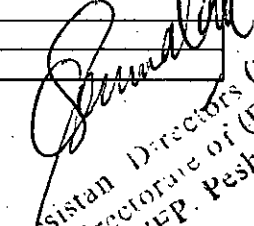
105

Sl No	Name of Officers with Qualification	D/O Birth	Domicile	Date of 1st Entry in Edu; Deptt;	Regular appionment / Promtion to the present post			Designation/Place of Posting	Remarks
					Date	BPS	Method of Recriutment		
1351	Multan Khan s/o Akbar Shah B A B Ed	28-12-1906	FR-Peshawar	15-11-1994	24-09-2007	17	do	HM GHS C/O FATA	
1352	Liaq Khan s/o Amir Shah B A B Ed	19-07-1970	KHY Agncy	28-03-1996	24-09-2007	17	do	HM GHS C/O FATA	
1353	Muhammad Ullah Jan s/o Ghulab Jan B A B Ed	1/3/1972	Orzk Agncy	21-09-1998	24-09-2007	17	do	HM GHS C/O FATA	
1354	Fazali Kabir Afridi s/o Fatah Khan B A B Ed	25-02-1962	KHY Agncy	2/2/1981	24-09-2007	17	do	HM GHS C/O FATA	
1355	Saif Ullah Khan s/o Gul Muhammad B A B Ed	3/6/1964	FR-Bannu	12/9/1989	24-09-2007	17	do	HM GHS C/O FATA	
1356	Muhammad Ilyas Khan s/o Usman Khan B A B Ed	15-01-1969	M-Agncy	1/12/1994	24-09-2007	17	do	HM GHS C/O FATA	
1357	Afzal Hussain s/o Taza Gul B A B Ed	3/6/1969	Orzk Agncy	20-09-1998	24-09-2007	17	do	HM GHS C/O FATA	
1358	Falak Naz s/o Habib Gul B A B Ed	1/1/1973	M-Agncy	24-09-2007	24-09-2007	17	do	HM GHS Sikandri Mardan	
1359	Sanobar Khan s/o Hazrat Khan B A B Ed	12/4/1973	FR-Bannu	24-09-07	24-09-2007	17	do	HM GHS C/O FATA	
1360	Anwar Shah s/o Shah Zaman B A B Ed	20-12-1965	M-Agncy	1/2/2002	24-09-2007	17	do	HM GHS C/O FATA	

It is certified that the Seniority List is Final and undisputed.

  
Deputy Director (Estt.)  
Elementary & Secy: Education  
Khyber Pakhtunkhwa Peshawar

**ATTACHED**

  
Assistant Director (Estab.)  
Directorate of (E&SE)  
NWFP, Peshawar.

S-107

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

Dated Peshawar the April 12, 2011

**NOTIFICATION**

**NO. SO(S/M) E&SED/1-3/2011/Promotion BS-17 to BS-18 (Male):** The Competent Authority on the recommendations of the Provincial Selection Board is pleased to promote/appoint the following One Hundred & Thirty Two (132) Officers of Teaching Cadre of Elementary and Secondary Education Department from BS-17 to BS-18 on regular/acting charge basis with immediate effect as under:-

S. #	Name of officers	From	To	Remarks
1.	Fazal Iqbal	BS-17	BS-18	Against Vacant Post on regular basis
2.	Darwesh Khan	BS-17	BS-18	-do-
3.	Humayoun	BS-17	BS-18	-do-
4.	Abdul Hamid	BS-17	BS-18	-do-
5.	Humayoon Khan	BS-17	BS-18	-do-
6.	Sardar Ali	BS-17	BS-18	-do-
7.	Jehan Didar	BS-17	BS-18	-do-
8.	Hamid Ul Haq	BS-17	BS-18	-do-
9.	Ali Haidar	BS-17	BS-18	-do-
10.	Biradar Khan	BS-17	BS-18	-do-
11.	Muhammad Mujtaba	BS-17	BS-18	-do-
12.	Muhammad Amin	BS-17	BS-18	-do-
13.	Habib Ullah Khan	BS-17	BS-18	-do-
14.	Saad Muhammad Afridi	BS-17	BS-18	-do-
15.	Noor Rehman	BS-17	BS-18	-do-
16.	Mr. Dil Muhammad	BS-17	BS-18	-do-
17.	Hussain Ali	BS-17	BS-18	-do-
18.	Khan Afsar	BS-17	BS-18	-do-
19.	Hidayat Ullah	BS-17	BS-18	-do-
20.	Hamid Ullah	BS-17	BS-18	-do-
21.	Muhammad Haroon	BS-17	BS-18	-do-
22.	Khair-Ur-Rahman	BS-17	BS-18	-do-
23.	Muhammad Anwar Khan	BS-17	BS-18	-do-
24.	Hayat Muhammad Khan	BS-17	BS-18	-do-
25.	Abdul Ali	BS-17	BS-18	-do-
26.	Khair-Ur-Rahman	BS-17	BS-18	-do-
27.	Muhammad Zaveel	BS-17	BS-18	-do-
28.	Zia Shahid	BS-17	BS-18	-do-
29.	Abdul Jabbar Khan	BS-17	BS-18	-do-
30.	Khizar Hayat	BS-17	BS-18	-do-
31.	Abdul Aziz Khan	BS-17	BS-18	-do-
32.	Sajjad Ahmed	BS-17	BS-18	-do-
33.	Saeed Ur Rehman	BS-17	BS-18	-do-
34.	Abdus Salam	BS-17	BS-18	-do-
35.	Ali Sher	BS-17	BS-18	-do-
36.	Nadir Ali	BS-17	BS-18	-do-
37.	Qaisar Anwar	BS-17	BS-18	-do-
38.	Muhammad Wasim	BS-17	BS-18	-do-
39.	Abdul Sattar	BS-17	BS-18	-do-
40.	Muhammad Rasool	BS-17	BS-18	-do-
41.	Ali Akbar	BS-17	BS-18	-do-

**ATTACHED**

S. #	Name of officers & Present Stations	Proposed place of posting	Remarks
116.	Tashrif Ullah, HM BS-17 GHS Mani Khela Charsadda	Principal BS-18 GHS Ibrahim Zai Charsadda.	Against Vacant Post on acting charge basis.
117.	Noor Khan HM BS-17 GHS Dalu Khel Lakki Marwat.	Principal BS-18 GHS Havelian Abbottabad.	-do-
118.	Zait Ullah HM BS-17 GHS Kota Abu Khan NWA	Service placed at the disposal of DE (FATA).	-do-
119.	Ali Nawaz HM BS-17 GHS Moorat Maira Mansehra	Principal BS-18 GHS No.2 Mansehra.	-do-
120.	Umar Zaman HM BS-17 GHS Piran Mansehra	Principal BS-18 GHS Shawal Mazullah Mansehra.	-do-
121.	Muhammad Aslam Khan, HM BS-17 GHS M/Mandra Khel Lakki.	Principal BS-18 GHSS Khadezai Kohat	-do-
122.	Akaf Elahi, HM BS-17 GHS Bandi Shungli Mansehra.	Principal BS-18 GHS Shamdra Mansehra.	-do-
123.	Rambail Khan, HM BS-17 GHS Syed Tughal Khel Bannu.	Principal BS-18 GHS Nari Panoos Karak.	-do-
124.	Muhammad Hamid, HM BS-17 GHS No.2 Rajjar Charsadda.	Principal BS-18 GHS Tarnab Charsadda.	-do-
125.	Ahmad Rashid, HM BS-17/Assistant Secretary BISE Malakand	Principal BS-18 GHS No.2 Tangi Charsadda.	-do-
126.	Abdur Rashid, HM BS-17/Assistant Secretary BISE Abbottabad.	Principal BS-18 GHS Chamhad Abbottabad	-do-
127.	Nazir Ahmad, HM BS-17 GHS Namli Maira Abbottabad.	Principal BS-18 GHS Damtour Abbottabad.	-do-
128.	Masaud Khan, HM BS-17 GHS Bost Khel FR Kohat.	Service placed at the disposal of DE (FATA).	-do-
129.	Hazrat Rehman, HM BS-17/IC Principal GHS Nawan Killi Swat.	Principal BS-18 GHS Nawan Killi Swat.	-do-
130.	Iftikhar Ahmad, HM BS-17 /DDO (M) Kohat.	Principal BS-18 GHS Dhoda Kohat.	-do-
131.	Syed Wahab, HM BS-17 GHS Gabasani (Gadoon) Swabi.	Principal BS-18 GHS Tarakai Swabi.	-do-
132.	Muhammad Rehman, HM BS-17 GHS Suni Khel FR Kohat.	Service placed at the disposal of DE (FATA).	-do-

2. No TA/DA will be allowed to the appointees for joining their duty.

SECRETARY

Endst: of even No. & Date:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Principal Staff Officer to Chief Minister Khyber Pakhtunkhwa.
3. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
4. Director, Curriculum & Teacher Education Abbottabad.
5. Director, Information Khyber Pakhtunkhwa.
6. Director, Education FATA, FATA Secretariat, Wasrsak Road Peshawar.
7. District Accounts Officers concerned.
8. Executive District Officer concerned.
9. PS to Chief Secretary Khyber Pakhtunkhwa.
10. PS to Minister E&SE, Khyber Pakhtunkhwa.
11. Incharge EMISE E&SE Department.
12. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
13. PS to Additional Secretary E&SE Department, Khyber Pakhtunkhwa.
14. Officers concerned.
15. Office order file.

**ATTACHED**

(MUJEEB-UR-REHMAN)  
SECTION OFFICER (SCHOOLS/MALE)

(108)

WORKING PAPER FOR PROVINCIAL SELECTION BOARD  
Department of Elementary & Secondary Education, Government of Khyber Pakhtunkhwa

PSB-I

1.	Nomenclature of the post/Basic Scale	Principal GHS/GHSS/Comp. High School/RITE & other equivalent posts in the teaching Cadre (BPS-18)
2.	Service/Group/Cadre	Provincial Education Service Group B-17 Officers of Teaching *Cadre (Men Section)
3.	Sanctioned Strength of the Cadre	Total sanctioned posts in BS-18 are 551 out of which 29 posts are reserved for Management Cadre. Hence 522 posts are available for Teaching cadre.

4.				
i.	Percentage of Share	Direct	Promotion	Transfer
ii.	No. of posts allocated to each category	20%	80%	
iii.	Present occupancy position	104	418	
iv.	No. of Vacancies in each category	10	345 (Regular Basis)	
		94 Out of which requisition of 27 vacancies have been placed with PSC		

*73 posts (on regular basis)  
59 posts (on acting charge basis)*

Total 60 regular officers of BS-18 have been promoted to BS-19 on acting charge basis, out of which 48 posts falls in promotion quota, and 11 officers are posted on deputation/excadre as per details given at column 4(iii-iv), against which 59 officers to BS-18 on acting charges basis are proposed for promotion.

v.	How did the vacancy (ies) under promotion quota occurred and since when?	Posts became vacant due to retirement/death promotion/newly creation/up gradation of schools
		I. No. of retired officers in BPS-18 II. No. of newly created/upgraded posts = 40 (Annexure - A1-40) III. No. of officers promoted from B-18-B19 on acting charge basis = 33 (Annexure-B1-33) IV. No. of Officers on deputation/Ex-Cadre = 48 (Annexure-C) = 11 (Annexure - D1-12)

vi. Recruitment Rules:

Notification SO (G) S&LD (1- 28/2003/Vol-II, dated April 9,2004 (Annexure-E). Eighty percent (80%) by promotion on the basis of seniority cum fitness from amongst Headmasters Government High Schools/Subject Specialists/Government Comprehensive High School /Government Higher Secondary Schools and others equivalent Posts in B-17 with five years service as such and twenty percent (20%) by initial recruitment.

vii. Required length of Service  
viii. Whether to be promoted on regular Basis or appointment on acting charge Basis ?

Five Years in BPS-17.  
i. On regular basis = 73  
ii. On acting charge basis = 59  
Total= 132

ix. Mandatory training, if any

No mandatory training is required

x. Minimum required score on EI

50

Note:- The officers at S/1 to 12 of the seniority list/panel or regularized and awarded all service benefits from the dates of their initial appointments by the court/department vide para-1&2 of the Notification dated 18.4.2003 (annexure-F)-Mr. Habibullah, subject specialist (Seniority number 13) and Mr. Dil Muhammad Khan (Seniority number 16) have also been awarded service regularization by the court/department vide Notification dated 13.02.2010 (annexure-G) and 29.7.2010 (annexure-H) with effect from 8.5.1994 and 3.9.1996. Hence they all will retain their inter-se seniority from the date where their erstwhile juniors have been promoted to B-18 vide No. (SOS) 1-2/1998(B-18), dated 14.3.1998 (annexure-I), in the light of para-7 of the Establishment department circular letter No. SOR-1(S&GAD) 1-29/75, dated 13.4.1987 (Annexure-J).

DEPUTY DIRECTOR (Estt)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa  
Deputy Director (Estt)  
Elementary & Secy Education  
Khyber Pakhtunkhwa Peshawar

Secretary  
Government of  
Elementary & Secondary Education Department  
Secretary to Govt: of  
Khyber Pakhtunkhwa  
Elementary & Secondary Education Department

ATTESTED

(MUJEEB-UR-REHMAN)  
SECTION OFFICER (SCHOOLS/MALE)

(X) - (1)

(1)

(112)

To

The Secretary to Government of Khyber Pakhtunkhwa,  
Elementary & Secondary Education Department,  
Peshawar.

Through: PROPER CHANNEL

SUBJECT: REGAINING OF SENIORITY IN BS 18 and PROMOTION TO BS 19.

Sir,

Respectfully it is submitted that we were appointed by the E&SE Department as Subject Specialists during 1988 to 1990 on the dates as per detail given in column 4 of Para 3 below. Elementary & Secondary Education Department vide Notification No. SO (S)/S&L/1-4/05/ Regularization KC dated 19/03/2008 terminated our services with effect from 19/3/2008 (Flag A). We filed an appeal in Service Tribunal, Khyber Pakhtunkhwa Peshawar against the said termination orders. On the direction/judgment of Service Tribunal, dated 21/10/2008 the E&SE Department vide Notification No. SO(S)S&L/1-4/05-Regulation dated 18/4/2009 (Flag-B) re-instated the undersigned officers with all back benefits as per following terms & conditions i.e.

- i) All the above twelve subject specialists are re-instated in service with all back benefits of service from the date of their termination of service i.e. 19/3/2008.
- ii) Their Services are regularized as subject specialist w.e.f. the date of their initial appointment / officiating as subject specialist as per column 3 of Para-1 above.

2) According to the said notification our names were placed on the top of the seniority list of B-17-/2010 (i.e. from S.No.1 to 12), and we have been promoted to BS-18, vide E&SE Department Notification No. SO(M) E&SED/1-3/2011, promotion from BS17 to BS-18 (Male) dated April 12, 2011 (Flag C).

3) But according to our appointment dates as per column 4 below & Establishment Department instructions vide Para V (d) of Letter No. SOE-III/E&AD 1-3/2008 dated 28/01/2009; our names might stand at Seniority No's <sup>B-17</sup> as given in column 3 below in the seniority list <sup>B-17</sup> of 1991 (Flag D).

*Handwritten notes:*  
O. G. G. G.  
Ad. Dir. (F)  
Please  
initiate  
process  
5/5/11/5/11

*Handwritten:* DDE (M)

*Handwritten:* 2011  
**ATTACHED**

*Handwritten:* 73  
12/5

*Handwritten:* 556  
16/5/11

P. A. to Director E & S E  
Khyber Pakhtunkhwa, Peshawar.  
D. No. 472  
Dated 12/5

S#	NAME	SENIORITY NO.	DATE OF APPOINTMENT / REGULARIZATION
1	FAZAL IQBAL	788 (A)	17-02-1988
2	DARWASH KHAN	788 (B)	03-03-1988
3	HUMAYUN	788 (C)	03-03-1988
4	ABDUL HAMID BUTT	788 (D)	05-03-1988
5	HUMAYUN KHAN	790 (A)	25-03-1988
6	SARDAR ALI	842 (A)	11-12-1989
7	JEHAN DIDAR	842 (B)	14-12-1989
8	HAMID UL HAQ	842 (C)	13-02-1990
9	ALI HAIDER	842 (D)	21-03-1990
10	BIRADAR KHAN	842 (E)	21-03-1990
11	MUHAMMAD MUJTABA KHAN	842 (F)	24-03-1990
12	MUHAMMAD AMIN	842 (G)	25-07-1990

4) In the said seniority list, 219 officers Junior to us have already been promoted to BS18 vide E&SE Department Notification No.SO(S) 1-2/98 (B-18) dated 14<sup>th</sup> March 1998 (Flage E). Moreover again these officers have been promoted to BS-19 vide Notification No.SO(S) 1-2/2004 / B-18 to B-19 dated 9-2-2004 (Flag F).

5) The following explanation as per Para 3 and 4 was given in the working paper by E&SE Department discussed in PSB meeting held on 28<sup>th</sup> February 2011 for promotion of officers from BS-17 to BS-18 i.e.

“The Officers at S# 1 to 12 of the seniority list / penal are regularized & awarded all service benefits from the dates of their initial appointments by the Court / Department vide para 1 & 2 of the Notification dated 18-04-2009. Hence they all will retain their inter-se-seniority from the dates where their crstwhile Juniors have been promoted to BS-18 vide No.(SOS)1-2/1998 (B-18), dated 14/03/1998”.

6) In view of the position explained above, it is submitted that in terms of para 7 of Establishment Department letter No. SOR-1 (S&GAD) 1-29/75 dated 13/4/1985 (Flag G) and para V(d) of Establishment letter No. SOE-III / E&)AD 1-3 / 2008 dated 28/1/2009, (Flag H) we shall be deemed to have been cleared for

**ATTACHED**

promotion along with officers Junior to us who were considered in earlier meetings of Provincial Selection Board. We are therefore entitle for Seniority in BS - 18 with effect from 14<sup>th</sup> March, 1998 and promotion to BS-19 with effect from 9/2/2004.

7) It is, therefore, requested that our names may be placed at a right place in the seniority with our batch fellows in BS-18 w.e.f. 14/02/1998 as per above instructions / policy of the Government. Moreover working Paper for our promotion to BS-19 with effect from 9-2-2004 may also be submitted to Establishment Department for consideration of Provincial Selection Board at the earliest please.

Yours faithfully

S#	NAME	DESIGNATION & ADDRESS	SIGNATURES
1	FAZAL IQBAL	Principal GHS Khazana Dir Lower	<i>Fazal Iqbal</i>
2	DARWASH KHAN	Principal GHSS Saddu Dir Lower	<i>Darwash Khan</i>
3	HUMAYUN	Principal GHS Chail Swat	<i>Humayun</i>
4	ABDUL HAMID BUTT	V.Principal GHSS No. 1 Pesh Cantt	<i>Abdul Hamid Butt</i>
5	HUMAYUN KHAN	Principal GHS No. 2 Thana Malakand	<i>Humayun Khan</i>
6	SARDAR ALI	Principal GHS Dhari Swat	<i>Sardar Ali</i>
7	JEHAN DIDAR	Principal GHS Chakasar Shangala	<i>Jehan Didar</i>
8	HAMID UL HAQ	Principal GHS Sherpalam Swat	<i>Hamid Ul Haq</i>
9	ALI HAIDER	Principal GHS Tootano Bandi Swat	<i>Ali Haider</i>
10	BIRADAR KHAN	Principle GHSS Barawal Bandai Dir	<i>Biradar Khan</i>
11	MUHAMMAD MUJTABA KHAN	Principal GHS Sarai Bala Dir Lower	<i>Muhammad Mujtaba Khan</i>
12	MUHAMMAD AMIN	Principal GHS Qambar Swat	<i>Muhammad Amin</i>

Dated: 11/05/2011.

**ATTACHED**



114



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

No. SO(S/M)E&SED/1-2/2011/Seniority of BS-18 to 19  
Dated Peshawar the 28<sup>th</sup> June, 2011

To

The Secretary to Govt: of Khyber Pakhtunkhwa,  
Establishment Department.

Subject :- REGAINING OF SENIORITY IN BS-18 & PROMOTION TO BS-19  
Dear Sir,

I am directed to state that the Directress E&SE has forwarded the case of 12 Ex-Subject Specialists now Principals of various Schools regarding regaining of seniority in BS-18 and promotion to BS-19.

It is pertinent to note that Mr. Fazal Iqbal and 11 others were appointed as Subject Specialists during 1988 to 1990 subsequently their services were terminated with the approval of competent authority vide Notification No. SOS/S&L/1-4/05-Regularization KC dated 19-03-2008 (Annex-I).

They filed appeals in the Service Tribunal against the orders of their termination. Service Tribunal vide its Judgment dated 21-10-2008 (Annex-II) directed that they may be re-instated in service with effect from their date of appointment on regular basis as Subject Specialists with all back benefits of service.

Judgment of the Service Tribunal was referred to Law Deptt: which advised that it was not a fit case for appeal in the Supreme Court and may be implemented (Annex-III).

They were accordingly reinstated in service as per directions of Service Tribunal vide Notification dated 18-04-2009 (Annex-IV).

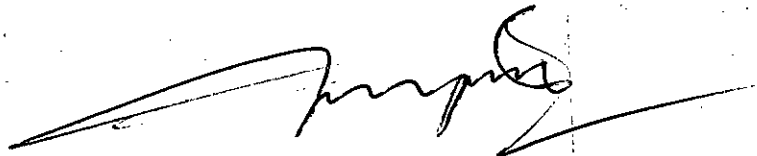
The PSB in its meeting held on 28-02-2011 recommended them for promotion to BS-18 on regular basis. Recommendation of the board were approved by the competent authority and Notification of their promotion was issued on 12-04-2011 (Annex-V). They have been placed at the top of the seniority list of BPS-17, however, the officer junior to them have been promoted to BS-18 on 14<sup>th</sup> March 1998 on regular basis (Annex-VI) and subsequently promoted to BS-19 also (Annex-VII).

ATTESTED

In terms of Para-7 of Establishment Department letter No. SOR-I (S&GAD)1-29/75 dated 13-04-1987 (Annex-VIII) and promotion policy 2009 (Annex-IX) they are entitled to regain seniority with their Batch which might have been in between S.No. 788 to 842 in the final seniority list of 1991 (Annex-X). Their Batch fellows have been promoted to BS-18 on 14<sup>th</sup> March 1998,

In view of the above, Establishment Department is requested as to whether in light of the above quoted letter / promotion policy of Provincial Govt: they can be allowed to regain seniority in B-18 with effect from 14<sup>th</sup> March 1998 with benefits of increments as per FR 26 (c) without arrears or otherwise.

Yours faithfully,



( MUJEEB-UR-RAHMAN )  
SECTION OFFICER (SCHOOLS/MALE)

~~ATTESTED~~



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar, the September 06, 2011

NOTIFICATION

NO.SO(S/M)/E&SED/1-2/2011/Seniority of BS-18 to BS-19: As per advice conveyed by the Government of Khyber Pakhtunkhwa Establishment & Administration Department letter No. SOR-I(E&AD)3-79/95/Vol-II dated 2<sup>nd</sup> August 2011, the Competent Authority is pleased to allow the following twelve (12) Ex-Subject Specialists to regain their seniority in BPS-18 w.e.f. 14-03-1998 with benefits of increments as per FR-26(c) without arrears:-

1. Mr. Fazal Iqbal, EX-SS Now Principal GHSS Khazana Distt: Dir Lower.
2. Mr. Darwesh Khan, Ex-SS Now Principal GHSS Sadu Dir Lower.
3. Mr. Hamayun, Ex-SS Now Pricipal GHS Chail Distt: Swat.
- ✓ 4. Mr. Abdul Hamid Butt, Vice Principal GHSS No. 1, Peshawar Cantt.
5. Mr. Mumayun Khan, Ex-SS, Now Prinicipal, GHS No. 2, Thana Malakand.
6. Mr. Sardar Ali, Ex-SS Now Principal GHS Dhari Swat.
7. Mr. Jehandidar Ex-SS Now Principal GHS Chakasar Shangla.
8. Mr. Hamidul Haq, Ex-SS Now Principal GHS Sher Palam Swat.
9. Mr. Ali Haider Ex-SS Now Principal GHS Tootanobandi Swat.
10. Mr. Biradar Khan, Ex-SS Now Principal GHSS Barawalbanda, Dir.
11. Mr. Mujtaba Khan, Ex-SS Now Principal GHS Sarai Bala Dir Lower.
12. Mr. Muhammad Amin, Ex-SS Now Principal GHS Qambar Swat.

Secretary to Govt. of Khyber Pakhtunkhwa  
Elementary & Secondary Education  
Department

Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
- ✓ 2. Directress, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Accounts Officers concerned.
4. Executive District Officer E&SE concerned.
5. Section Officer (R-I), Govt. of Khyber Pakhtunkhwa, E&A Deptt. w/r his letter referred to above.
6. Incharge EMISE E&SE Department.
7. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
8. Principals concerned.
9. Office order file.

P. A. to Director E & S E  
Khyber Pakhtunkhwa Peshawar,

D. No. 793

Dated 8/9/11

1783  
9/8  
DDB (MA)  
100  
8/9/2011

(MUJEEB-UR-REHMAN)  
SECTION OFFICER (SCHOOLS/MALE)

Secretary D. No 1334  
Dated 24/4/12

PS/C.S Khyber Pakhtunkhwa  
Diary No. 5198  
Date 24-4-12

The Chief Secretary  
Government of Khyber Pakhtoonkhwa  
Peshawar

Through: Proper Channel

Subject: Circulation of final seniority list of BPS 18 Education officers of E & SE Department

Sir,

We have the honour to refer to establishment department notification No. SOR-1 (E & AD)3-15/88 (Vol.I) dated 9<sup>th</sup> May, 2002 (Annexure 1), where as the government has decided to circulate seniority list of all civil servants of all grades in the month of January at the latest.

In pursuance of Government procedure and establishment department instructions contained in the above referred notification, E & SE department circulated Tentative Seniority list of BPS-18 Education Officers on 31/01/2012 vide Secretary E & SE circular letter no SO (S/M) E& SED/4-24/2012/S. List of BS-18 Officers dated 31 January 2012 (Annexure II).

But some Junior Officers as compared to the applicants have tried and are still trying to delay circulation of final seniority list of grade 18 Education Officers for the last three months (Feb 2012 to April 2012) with malafide intentions to get their promotion from BPS 18 TO BS 19 ignoring their seniors/applicants. Some Juniors as compared to the applicants also succeeded to submit working papers for promotion of BS 18 to BS-19 and virtually 92 Junior Officers to the applicants have been promoted to BS-19 and again many cases are under process.

In view of the above it is requested that the department may be directed as per following:

- I. to circulate final seniority list of BS 18 education officers strictly in accordance with the government procedure/instructions without further lost of time.
- II. to stop further processing of promotion cases of BS-18 to BS-19 till the circulation of final seniority list in order to avoid court litigation and hardship of the department as well as a large number of senior education officers of BS-18 in the Province.

Yours faithfully,

Sr.#	Names	Signature
1	Fazal Iqbal (Principal GHSS Khazana, Dir).	F. Iqbal
2	Darwesh Khan (Principal GHSS Sadu, Dir Lower).	Darwesh
3	Hamayoon (Principal GHS Chail, Swat).	Hamayoon
4	Abdul Hamid (V.P) GHSS No 1, Peshawar Cantt).	Abdul Hamid
5	Hamayoon Khan (Principal GHS No. 2, Thana Malakand).	Hamayoon Khan
6	Sardar Ali (Principal GHS Dhari, Swat).	Sardar Ali
7	Jehandidar (Principal GHS Chakasar, Shangla).	Jehandidar
8	Hamid Ul Haq (Principal GHS Sherpalam, Swat).	Hamid Ul Haq
9	Biraddar Khan (Principal GHSS, Barawalbanda, Dir).	Biraddar Khan
10	Mujtaba Khan (Principal GHS, Sariabala, Dir).	Mujtaba Khan
11	Muhammad Amin (Principal GHS, Qambar, Swat).	Muhammad Amin

Copy in advanced to:

1. PS to Chief Secretary Government of Khyber Pakhtoonkhwa, Peshawar.

ATTESTED

Dated 24/4/2012

Ps / Secy (E) E & AD

Diary No. 4392

Dated 30-4-12

118

The Secretary Establishment  
Government of Khyberpakhtunkhwa,  
Peshawar

**Subject: Request for Non-Consideration of PSB BS-18 to BS-19 Officers of Elementary & Secondary Education Deptt.**

Sir,

We have the honor to refer our application to Chief Secretary through Proper Channel Diary No. 1334 dated: 24/04/2012, and advance copy to PS/CS Khyberpakhtunkhwa Diary No. 5198 dated: 24/04/2012 on the subject "Circulation of Final Seniority List of BS-18 Education Officers of E & SE Deptt." (Annexure I), in which we referred to establishment department notification no SOR-1 (E & AD) 3-15/88 (Vol. I) dated 9<sup>th</sup> May, 2002 (Annexure II), where as the government has decided to circulate seniority list of all civil servants of all grades in the month of January at the latest.

In pursuance of Government procedure and establishment department instructions contained in the above referred notification, E & SE department circulated Tentative Seniority list of BPS-18 Education Officers on 31/01/2012 vide Secretary E & SE circular letter no SO (S/M) E& SED/4-24/2012/S. List of BS-18 Officers dated 31 January 2012 (Annexure III), in which we the undersigned have been placed on the top of the seniority list. i.e. from Serial No. 2 to Serial No. 12. According to their Notification No. SO(S/M)E & SED/1-2/2011/Seniority of BS-18 to BS-19 dated: Sept 06, 2011, issued by the competent authority for our seniority (Annexure IV). Thus on circulation of Tentative Seniority List the final seniority List of BS-18 officers of 2011 became expired and no promotion case was to be processed till the issuance of final seniority list of 2012.

Meanwhile some Junior Officers as compared to the applicants have tried and are still trying to delay circulation of final seniority list for the last three months ( Feb 2012 to April 2012) with malafide intention to get their undue promotions from BPS 18 to BS 19 ignoring their seniors/applicants. Using their sources they succeeded to submit working paper for their promotion to Provincial Selection Board, and virtually 92 Officers junior to the undersigned/applicants were promoted to BS-19, and now once again other juniors have also been succeeded in their malafide intention and they have submitted working paper of 28 Officers who are junior to the undersigned/applicants.

In view of the above fact we (applicants) humbly request that the current promotion case of some junior officers from BS-18 to BS-19. Which is under process in Establishment Deptt. for the placement before the Provincial Selection Board for consideration, may not be considered till the finalization of the Tentative Seniority List which is already been circulated vide (Annexure III) above.

Your's faithfully

Sr.#	Names	Signature
1	Fazal Iqbal (Principal GHSS Khazana, Dir).	
2	Darwesh Khan (Principal GHSS Sadu, Dir Lower).	
3	Hamayoon (Principal GHS Chail, Swat).	
4	Abdul Hamid (V.P) GHSS No. 1, Peshawar Cantt).	
5	Hamayoon Khan (Principal GHS No. 2, Thana Malakand).	
6	Sardar Ali (Principal GHS Dhari, Swat).	
7	Jehandidar (Principal GHS Chakasar, Shangla).	
8	Hamid Ul Haq (Principal GHS Sherpalam, Swat).	
9	Biraddar Khan (Principal GHSS, Barawalbanda, Dir).	
10	Mujtaba Khan (Principal GHS, Sariabala, Dir).	
11	Muhammad Amin (Principal GHS, Qambar, Swat).	

Copy forward in advanced to:  
1. SSR Establishment Deptt.  
2. Additional Secretary Establishment Deptt.

ATTESTED

119

Placed in file to  
MSE 18

To,

The Secretary Elementary & Secondary Education,  
Khyber Pakhtoonkhawa,  
Peshawar.

Sub:- SENIORITY LIST OF OFFICERS (BS-18) MALE

Respectfully it is stated that in pursuance to the judgment of Khyber Pakhtoonkhwa Service Tribunal we the following principals were re-instated in service by the Competent Authority and regularized through notification No. SOS/S&L/1-4/05-REGULARIZATION. KC dated 18.04.2009 on the terms and conditions mentioned in the above notification (Annexure I), later on we were promoted to BS-18 on 12.04.2011 through PSB, but as our erse while juniors have been promoted to BS 18 on 14.03.1998, the Competent Authority as per rules mentioned in the Para 7 of the Establishment deptt: letter No. SOR-I(S&GAD)1-29/75 dated, 13.04.1987 (Annexure II) accordingly Competent authority issued notification No. SO(S)/M/E&SED/1-2/2011/seniority BS -18to BS-19 dated 6<sup>th</sup> September, 2011 awarding us seniority with our erstwhile juniors from 14.03.1998. **(Annexure III)**

Directorate submitted tentative seniority list of BS-18 which was circulated vide Sec. E&SE circular letter no. (SIM)E&SED/4-24/2012/seniority list of BS-18 officers dated 31.01.2012, in which we were placed on the top of the list, but some junior officers in directorate became the party. Appeals were made against the said Tentative Seniority List, Directorate made committee consisting of the junior officers who were not competent to decide the matter. Resultantly a biased decision was made against us by keeping us at the bottom of the list.

In this way the present seniority list in which the seniors/applicants are kept in the bottom as submitted by the Directorate to this Secretariat is totally against the norms of law. In this connection we met Director E&SED, but the said meeting was fruitless.

In view of the above facts we applicants humbly request that in the light of the notification (Annexure - I) & notification (Annexure II) above, we may kindly be kept on the proper place of the final seniority list of officers BS-18 (Male) in order to restore justice and to avoid unnecessary Litigation.

dated 14/6/2012

Your's Faithfully,

Sr.#	Names	Signature
1	Fazal Iqbal (Principal GHSS Khazana, Dir).	<i>[Signature]</i>
2	Darwesh Khan (Principal GHSS Sadu, Dir Lower).	<i>[Signature]</i>
3	Hamayoon (Principal GHS Chail, Swat).	<i>[Signature]</i>
4	Abdul Hamid (V.P) GHSS No 1, Peshawar Cantt).	<i>[Signature]</i>
5	Hamayoon Khan (Principal GHS No. 2, Thana Malakand).	<i>[Signature]</i>
6	Sardar Ali (Principal GHS Dhari, Swat).	<i>[Signature]</i>
7	Jehandidar (Principal GHS Chakasar, Shangla).	<i>[Signature]</i>
8	Hamid Ul Haq (Principal GHS Sherpalam. Swat).	<i>[Signature]</i>
9	Biraddar Khan (Principal GHSS. Barawalbanda, Dir).	<i>[Signature]</i>
10	Mujtaba Khan (Principal GHS, Sariabala. Dir).	<i>[Signature]</i>
11	Muhammad Amin (Principal GHS, Qambar, Swat).	<i>[Signature]</i>

**ATTESTED**

120



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

No. SO(S/M)E&SED/4-24/2012/FSL of BS-18 Officers  
Dated Peshawar the July 11, 2012

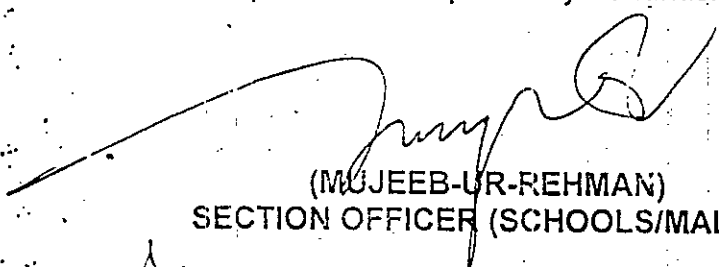
To  
The Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

Subject: - DRAFT FINAL SENIORITY LIST OF OFFICERS BS-18 (MALE)

I am directed to refer to your letter No. 1112 dated 08-06-2012 on the subject noted above and to enclose herewith a copy of complaint of Mr. Fazal Iqbal and others alongwith relevant documents and to state that the case of Final Seniority List of Education Officers (BS-18) Male may be examined thoroughly in the light of Court decision and decision/ approval of the Competent Authority vide Notification dated 18-04-2009 and Notification dated 06-09-2011.

It is therefore requested that the recommendations of the enquiry committee may be reviewed and decide the case by placing the aggrieved persons on proper place of Final Seniority List of Education Officers (BS-18) Male and Final Seniority List of the above mentioned officers complete in all respect may be furnished to this Department immediately.


Encl: As Above:

  
(MUJEEB-UR-REHMAN)  
SECTION OFFICER (SCHOOLS/MALE)

Endst: of even number & date:

Copy of the above is forwarded to PS to Secretary Elementary & Secondary Education Department, Peshawar.

SECTION OFFICER (SCHOOLS/MALE)

  
**ATTESTED**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

121

No. SO(S/M)E&SED/1-2/2012/Promotion from BS-18 to BS-19  
Dated Peshawar the July 18, 2012

To

The Director,  
Elementary & Secondary Education,  
Peshawar.

Subject: - WORKING PAPER FOR PROMOTION OF EDUCATION OFFICERS  
(MALE) FROM BPS-18 TO BPS-19 ON REGULAR BASIS.

I am directed to refer to your letter No. 2226 dated 20-06-2012 on the subject noted above and to return herewith nine (09) sets of working paper alongwith relevant documents and to state that tentative seniority list of Education Officers (BS-18) Male has already been approved by the Secretary E&SE which may please be finalized and submit final seniority list of Education Officers (BS-18) Male to this Department for approval of the Competent Authority where after working paper for promotion from BS-18 to BS-19 of Education Officers (Male) may be furnished for placing before the Provincial Selection Board as the seniority list 2010 provided with the working paper in the instant case is no more operative. The final seniority list should be updated and undisputed.

(MUJEEB-UR-REHMAN)  
SECTION OFFICER (SCHOOLS/MALE)

Endst: of even number & date:

Copy of the above is forwarded to PS to Secretary E&SE Department, Khyber Pakhtunkhwa.

  
SECTION OFFICER (SCHOOLS/MALE)

**ATTESTED**



IMMEDIATE/ MEETING

122



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

No. SO(S/M) E&SEID/4-24/2012/ Meeting of Final Seniority List  
Dated Peshawar the July 24, 2012

To

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Establishment Department, Peshawar.

Subject: - MEETING ON SENIORITY OF EDUCATION OFFICERS BS-18 (MALE)  
E&SE DEPARTMENT.

Dear Sir,

I am directed to refer to the subject noted above and to state that a meeting is scheduled to be held on 26-07-2012 at 11:00 A.M under the Chairmanship of Additional Secretary in the Committee Room of this Department in order to discuss and decide the seniority of education officers BS-18 (Male) (working paper is attached).

It is therefore requested that a well conversant representative of your Department may be deputed to attend the meeting on the above mentioned date, time and venue.

Yours faithfully,


Encl: As Above:

(MUJEEB-UR-REHMAN)  
SECTION OFFICER (SCHOOLS/MALE)

Endst: of even number & date:

Copy of the above is forwarded to the following officers to attend the above mentioned meeting on the date and time given above:-

- i. Mr. Muhammad Rafiq Khattak, Director E&SE, Khyber Pakhtunkhwa, Peshawar.
- ii. Mr. Ghulam Mustafa Jadoon, Deputy Director (Estab.), Directorate of E&SE.
- iii. Mr. Sharif Gul, Deputy Director (Finance/ Planning), Directorate of E&SE.
- iv. Mr. Abdul Hameed Butt, Vice Principal GHSS No. 1 Peshawar Cantt.

  
SECTION OFFICER (SCHOOLS/MALE)

**ATTENDED**

(1)

123

1697  
15/8/2012

*[Signature]*  
15/8

The Secretary to Government of Khyber Pakhtunkhwa,  
Elementary & Secondary Education Department,  
Peshawar.

**SUBJECT:** SOS

Sir,

Reference to the Meeting dated 26/7/2012 chaired by Additional Secretary (E&SE) Department. I am advised to make it clear how we were allowed seniority in BPS 18 from 14.3.1998. Though the full record of this case is with Department. However, it is most humbly submitted that this case remained with Department under process from the date of our appointments i.e. from 1988-90 till 2008, and during this period Provincial Government passed two Acts in 1989 and amendment Act of 1990, regularizing all Government employees appointed during 1988 to 1990, but unfortunately we were not regularized we made an appeal first in Peshawar High Court and then before Khyber Pakhtunkhwa Service Tribunal, our prayer was accepted but Government as well as our Colleagues went to honorable Supreme Court of Pakistan against this decision, the appeal of the Government was dismissed.

The decision was modified in our favour granting us pay of the post with increments and full arrears from the date of our initial appointment and the matter of regularization was left for the department to process the case of the applicants as subject specialist. (Annex-I)

Consequent upon the decision of Supreme Court of Pakistan, E&SE Department allowed us minimum pay of Subject Specialist posts BS-17 with increments from the date of our initial appointments vide notification No. SO(S) 7-15/93/SS.....dated 28-05-1997, (Annex-II), and later on some of our colleagues were given move over from BPS - 17 to BPS - 18, vide Notification No. SO(S) /2-3 /2001 dated 27-10-2001 with effect from 1-12- 2000. (Annex-III) but the case of regularization remained under process with the Department till 18-03-2008. Unfortunately instead of regularization our services were terminated by the department on 19-3-2008 vide Notification NO. SOS /S&L/1-4 / 05 - Regularization KC. (Annex-IV)

Against this impugned order we made an appeal in Khyber Pakhtunkhwa Service Tribunal praying that the impugned Notification dated 19-3-2008 may please be set aside and we may please be declared as regular employee for all intents and purposes with effect from the dates of our appointments and we be reinstated in service with full back wages and benefits of service. Our appeal was accepted as prayed for (Annexure-V).

Consequent upon the decision of Khyber Pakhtunkhwa Service Tribunal and twice advice sought by the (E&SE) Department from the Law department (Annex-VI), competent authority vide Notification NO. SOS /S&L/1-4 /05- Regularization KC dated 18-4-2009, reinstated us in service and our services were regularized from the date of our initial appointments vide Para 1 and Para -2 of the above notification. (Annex-VII)

According to the said notification our names were placed on the top of the seniority list of BS-17 (i.e. from S.No.1 to 12), which stood on 15-10-2010, and we have been promoted to BS-18; vide (E&SE) Department Notification No. SO (S/M) E&SEC/1-3/2011/ promotion from BS-17 to BS-18 (Male) dated April 12, 2011. (Annex-VIII)

But as our juniors have been promoted to BS-18 on 14-3-1998, so the Directorate submitted our case bearing number 1090 /File .19/1-88/Seniority BS-19 dated 11-6-2011 to Secretary (E&SE) for consideration. Subsequently Secretary (E&SE) submitted this case to Government of Khyber Pakhtunkhwa Establishment Department for seeking advice whether these officers can be allowed to regain their inter se seniority from 14-3-1998 as their erst while juniors have been promoted to BS-18 on the same date. (Annex-IX)

**ATTACHED**

Accordingly on 2-8-2011 vide letter NO.SOR /1(E&AD) 3-79/95 /VOL -II Establishment Department with the consent of the competent authority advised the Secretary (E&SE) Department that according to the terms of para -7 of Establishment Department letter NO.SOR-1(S&GAD)1-29 dated 13-4-1985 and para V (D) of Establishment Department letter NO.SOE-III E&AD1-3/2008 dated 28-1-2009,,,,,(Annex-X),they are entitle to regain their seniority from the date where their erst while juniors have been promoted to BS-18 i.e. on 14-3-1998.

In pursuance of the court judgment and advice sought from the Government, Department issued notification No. SO.(S/M)/E&SED/ 1-2/ 2011 Seniority of BS-18 to BS -19 dated 6-9-2011 entitling us to regain our Seniority from 14-3-1998,,,,,, (Annex-XI),in the light of the above notification we were placed at serial 2 to 12 in the tentative seniority list of BS -18 officers by the directorate and same was submitted to Secretary (E&SED) for approval which was approved by the Secretary and was circulated vide Secretary (E&SE) circular letter NO. SO. (S/M) E&SED/4-24/2012/Seniority list of BS-18 officers dated 31-1-2012,,,,,,(Annex-XII)

Now some junior officers of BS-18 have hanged this list in the Directorate to deprive us from our legal right, they want to keep us in the bottom of the seniority, when they failed to do so they submitted their promotion case from BS -18 to BS -19 with the final Seniority list of 2010, though the tentative seniority list have been issued and final seniority list of 2010 remained no more operative. In this regard we made an appeal to Chief Secretary and their case was returned back with cited observation.

In reaction a committee was made in the Directorate consisting of junior officers who with out application of mind just with a stroke of a pen decided and kept us in the bottom of the draft final seniority list, The draft final seniority list as well as the case of promotion of these junior officers was again submitted by the Director to Secretary (E&SE).

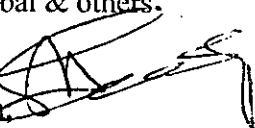
Again vide letter NO .SO(S/M)E&SED/4-24/2012/FSL of BS-18 officers dated 11-7-2012(Annex-XIII) draft seniority list was returned back to the Director with the remarks that the decision of the committee be reviewed and draft seniority list may be examined thoroughly in the light of the court decision and the approval of the competent authority in favor of Mr. Fazal Iqbal & others vide Notification dated 18-4-2009 and Notification dated 6-9-2011. And working paper for promotion of these junior officers was also again returned back to the Director vide letter NO. SO(S/M) E&SED/1-2 /2012 promotion from BS-18 to BS -19 dated 18-7-2012 with the remarks that the seniority list of 2010 provided with the working paper is no more operative ,therefore the tentative seniority list which has already been approved by the Secretary (E&SE) may please be finalized and submitted for the approval of competent authority where after working paper for promotion from BS -18 to BS -19 of education officers male may be furnished for placing before the provincial Selection Board .

Keeping in view the above malafide intention of the junior officers our legal rights may kindly be protected as they are trying their best for depriving us through illegal means and by applying various sources i.e. by hook & crook they want to get promotion from BS-18 to BS-19 ignoring there seniors/applicants.

**ATTACHED**

Yours faithfully

Fazal Iqbal & others.

Through   
Abdul Hameed Butt  
Vice Principal GHSS NO.1  
Peshawar cantt.

IMMEDIATE

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

125

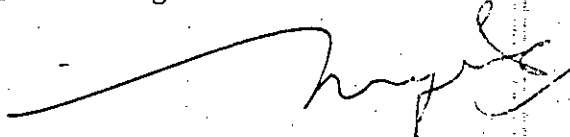
No. SO (S/M)E&SED/4-24/2012/S. List of BS-18 Officers  
dated Peshawar the September 20, 2012

To

The Director,  
Elementary & Secondary Education,  
Peshawar.

Subject: - TENTATIVE SENIORITY LIST OF OFFICERS (BS-18) MALE

I am directed to state that this Department's letter of even number dated 18-09-2012 is hereby withdrawn forthwith as the tentative seniority list of officers (BS-18) Male has already been approved by the Competent Authority which is communicated to your office. However, name of those officers may be deleted from the final seniority list who have already been promoted to BS-19 on regular basis.



(MUJEEB-UR-REHMAN)  
SECTION OFFICER (SCHOOLS/MALE)

ATTESTED

To:  
The Chief Secretary  
Govt of Khyber Pakhtunkhwa  
Peshawar.

Subject: **PLACEMENT OF SENIORS ON THEIR PROPER PLACE IN THE UNDER PROCESS DRAFT FINAL SENIORITY LIST OF BS-18 EDUCATION OFFICERS (M) E&SE DEPARTMENT**

Through: **Secretary Elementary and Secondary Education**  
Sir,

I have the honour to refer our Joint previous application to Chief Secretary, Dairy No. 5198 dated 24.04.2012 and application to Secretary E&SE department dated 14.06.2012 on the subject cited above. (Annexure I & II) , and to state that the case of regularization of the undersigned remained with department under process from 1988-90 to 2008 and instead of regularization I was terminated from my service in 2008 (Annexure-III), In 2009 my service was re-instated and I was regularized by the competent authority in pursuance to the Court Judgment (Annexure-IV), and Competent authority Notification No. SOS/S&L/1-4 /05 - regularization KC. Dated 18.04.2009 (Annexure V), according to this notification I was given promotion to BS-18 on 12.04.2011 (Annexure VI) and later on I was allowed to regain seniority in BS-18 from 14.03.1998 (Annexure VII) as my erst while juniors have already been promoted to BS-18 on above mentioned date.

Accordingly my name was placed at S.No: 05 in the tentative seniority list of BS-18 education officers (M)2012 which was approved by the Secretary E&SE and circulated vide secretary circular letter No. (S/M)E&SED/4-247/2012/S. list of BS-18 officers dated 31.01.2012 (Annexure VIII), some junior officers in directorate with malafide intension made appeals against the tentative seniority list, However they knew that the case of the officers from 02 to 12 in Tentative Seniority List was under process with department, and according to the court judgment / competent authority notification they have been, awarded seniority, meanwhile a committee was made by Directorate consisting of junior officers who gave biased decision by keeping me in the bottom of the draft Final Seniority List.

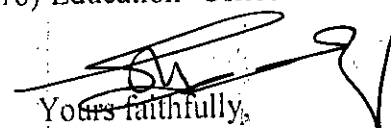
When I came to know about this injustice of the directorate I made a Joint appeal to secretary E&SE department and requested him as in annexure I above, that our legal right may kindly be protected from these juniors, In this way draft final Seniority list was returned back to Director E&SE vide letter no SO (S/M)E &SED /04-24/2012/FSL of BS-18 Officers dated 11-07-2012, (Annexure IX) with the remarks that the recommendations of the enquiry committee may be reviewed and decide the case by placing the aggrieved persons on proper place in the final seniority list in the light of Court Decision and approval of the competent authority vide notifications dated 18.04.2009 and 06.09.2011 in annexure V and VII above

But junior officers including Deputy Director (Establishment) hanged the list intentionally because they wanted to deprive me from my legal rights. On September 20,2012 vide letter No. SO(S/M) E&SED/4-24/2012/S. list of BS-18 officers (Annexure X) they were given directions, that names of those officers may be deleted from the final seniority list who have already been promoted to BS-19 on regular basis .

Instead of revising the Final draft Seniority List and placing us on the proper place, the names of officers promoted to BS-19 on regular bases were deleted from the previous list which was returned back to Directorate with letter dated July 11, 2011, and same list in which we have been placed on bottom of the list, has been submitted for the approval of competent authority, and deputy director (Estab.) has intentionally given the certificate that the list is undisputed.

In view of the above fact I humbly request that my legal rights may kindly be protected and I may be placed on my right place in the final draft seniority list of BS (18) Education Officers first, and then it may be approved Please

**ATTACHED**

  
Yours faithfully,  
Abdul Hamid  
V Principal GHSS  
NO.1 Pesh Cantt

To:

The Chief Secretary/Chairman PSB,  
Government of Khyber Pakhtunkhwa.

End No. 2595

127

Through:

Secretary Elementary & Secondary Education Deptt.

Subject:

**(I) PROPER PLACEMENT OF THE APPLICANTS IN UNDER PROCESS FINAL SENIORITY OF BS-18 OFFICERS OF E&SE DEPARTMENT AND ITS CIRCULATION ACCORDING TO COURT JUDGMENT/ COMPETENT AUTHORITY NOTIFICATIONS DATED 18.04.2009 & 06.09.2011.**

**(II) PROMOTION TO BS-19 ACCORDING TO MY/OUR LEGAL SENIORITY.**

Dear Sir,

Most respectfully we want to refer our joint applications addressed to chief Secretary Khyber Pakhtunkhwa NO-5198 dated 24/04/2012 and dated 10/10/12. To secretary Establishment No-4539 dated 30/04/2012 and 16/10/12 & application to Secretary Elementary and Secondary Education Department No. 1334 dated 24/04/2012 and dated 14/06/12 on the subject cited above,

We most humbly state that we the undersigned were terminated from service by competent authority on 15<sup>th</sup> March 2008, against that impugned notification we wet on appeal to Khyber Pakhtunkhwa service tribunal, where our appeal was accepted as prayed for, Deptt. After consultation with Law Deptt: twice, issued a notification reinstating us in service with all back benefit of service, our names were placed top of the seniority list of BS-17. We were given promotion to BS-18 on 12/04/2011, but as our erstwhile juniors have been promoted to BS-18 on 14/04/1998, Deptt. In consultation with Establishment Deptt. Issued notification No. SO(S/M)/E&SED/1-2/2011/Seniority of BS-18 to BS-19 dated: 06 Sep, 2011 (all Notifications are attached). Thus we were placed from serial No. 02 to 12 in the tentative seniority list of BS-18 & the same was circulated by the Deptt. Vide Secretary circular letter No. SO/(S/M) E&SED/4-24/2012/S. List of BS-18 officers dated: 31 Jan 2012, but against the rules a case of promotion was also submitted by the Department to PSB which was later on considered by Provincial Selection Board.

We the undersigned from very beginning repeatedly appealed as mentioned above, that first of all final seniority list of BS-18 officers of E&SED may be finalized and circulated then the cases of promotion be submitted to PSB for consideration but one year passed no attention has been given to our appeal, we have deprived financially tortured mentally deprived from promotion to BS-19 though directions were given by the secretary

**ATTESTED**

to the Director about the subject cited above vide letter No. SO(S/M)E&SED/4-24/2012/FSL of BS-18 Officers dated 11 July, 2012 and 18 July, 2012 that the case be finalized according to the Notifications of the competent authority, but Directorate has become a party they intentionally did not want to solve the problem, they have hanged final seniority list from one year and is still hanging there.

It is there for humbly requested that concerned authorities may kindly be directed to place us on our right place in final seniority list as directed which is from S.NO. 02 to S.NO.12 and our legal right may be protected in order to restore justice and to avoid unnecessary litigation. And the same may be submitted for approval of competent authority without further delay & loss of time

It is further requested that no promotion case from BS-18 to BS-19 be considered till the circulation of correct Final Seniority List.

Dated: 19/02/2013

Yours Faithfully

S.No	Names	Signature
1	Fazal Iqbal (Principal GHSS Khazana Dir)	<i>Fazal</i>
2	Darwesh Khan (Principal GHSS Sadu Dir-L)	<i>Darwesh Khan</i>
3	Humayoon (Principal GHS Chail, Swat)	<i>Humayoon</i>
4	Abdul Hamid (V.P)( GHSS No1 Pesh Cantt;)	<i>Abdul Hamid</i>
5	Humayoon Khan (Principal GHS No2 Thana, Malakand	<i>Humayoon Khan</i>
6	Sardar Ali (Principal GHS Dhari Swat)	<i>Sardar Ali</i>
7	Jahandidar (Principal GHS Chakeser Shangla)	<i>Jahandidar</i>
8	Hamid ul Haq (Principal GHS Sherpalam Swat )	<i>Hamid ul Haq</i>
9	Biradar Khan (Principal GHSS Barawala Banda Dir U)	<i>Biradar Khan</i>
10	Mujtaba Khan (Principal GHS, Saraie Bala, Dir)	<i>Mujtaba Khan</i>
11	Muhammad Amin (Principal GHS Qambar Swat)	<i>Muhammad Amin</i>

Copy to:-

The Secretary Establishment, Khyber Pakhtunkhwa.

**ATTESTED**

To,

The Chief Secretary  
Govt: of Khyber Pakhtoon Khwa  
Peshawar.

PS/C.S Khyber Pakhtunkhwa  
Diary No. 13989  
Date. 27-12-13

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Subject: WORKING PAPER OF THE OFFICERS OF E&SE DEPTT: FROM BPS-18 TO BPS-19.

Sir,

We have the honor to state that we were included in the working paper of 48 officers of the E&SE Department, which was cleared by the regulation wing of Establishment Department and was kept on the Agenda of the PSB, but suddenly it was withdrawn by the department and fresh one has been submitted in which we are also on the top i.e. from s.no. 1 to 11, the case is on the agenda of the PSB.

Some junior officers for their personal interests and personal designs do not want us to be given our right of promotion and seniority, to fulfill their malafied designs they intentionally use different facts, first these juniors managed and forwarded their regular promotion case to BPS-19 at the time when tentative seniority list of officers of BPS-18 was approved and circulated by the Secretary Education Vide his circular letter No SO/(S/M) E&SED/1-4/2012/S. list of BPS 18 dated 31-1-2012. These Officers with malafied intention hanged the tentative seniority list in Deptt: for one year to deprive us from our due rights of seniority and promotion.

We have brought this into the notice of honourable Chief -Secretary Vide his dairy No. 5198 dt: 24-4-2012 and 10-10-2012 Secretary Estab: No-4539 dated 30-04-2012 and 16.10.2012 Sec: E&SE Deptt: dt.14.06.2012. When these juniors failed to justify why they have hanged the seniority list, they them selves requested to the Deptt: to forward correct seniority list which was later on approved by the competent authority.

Now on the, same seniority list in which we are on the top i.e. from S.No:1 to 11, working paper for promotion from BPS 18 to BPS-19 was forwarded by the department to PSB, these people again, came in action made an application to your honour requesting for not to consider the promotion case of officers from S# 01 to 11 in the meeting of PSB. So for their request is concerned it is without any lawful authority, misleading the deptt: as well as provincial selection board, this is only a try to pressurize both the departments to keep us away from our right of promotion. Therefore against norms of law & justice because they know whenever we were promoted to BPS-19 we will become senior to them as our erstwhile juniors have already been promoted to BPS-19 vide No. SO(S) 1-2/2004/B18 to B-19 dated 9-2-2004 and as per terms of Para no 7 of Estab: Deptt: letter No SOR -1(S&GAD) 1-29 /75 dated 13-4-1985 and Para V (d) of Estab: Deptt: letter No SOE-III / E&GAD 1-3 /2008, dated 28-01-2009. We are entitled to be given seniority with our erstwhile juniors.

It is therefore requested that if the law & rules of the govt: are for all citizens, the orders passed for us by the courts, and the notifications made by competent authority which has been implemented by the Deptt: should be honoured and our case may kindly be considered, for promotion to BPS-19. The case has already been cleared by the regulation and is placed on the agenda of the Provincial Selection Board for consideration.

It is further requested that these people should be strictly barred not to do such illegal activates in future.

Dated: /12/2013

Yours Faithfully

S.No	Names	Signature
1	Fazal Iqbal (Principal GHSS Khazana Dir)	F. Iqbal
2	Darwesh Khan (Principal GHSS Sadu Dir-L)	Darwesh Khan
3	Humayoon (Principal GHS Chail, Swat)	H. Humayoon
4	Abdul Hamid (V:P) (GHSS No1 Pesh Cantt;)	Abdul Hamid
5	Humayoon Khan (Principal GHS No2 Thana, Malakand)	Humayoon Khan
6	Sardar Ali (Principal GHS Dhari Swat)	Sardar Ali
7	Jahandidar (Principal GHS Chakeser Shangla)	Jahandidar
8	Hamid ul Haq (Principal GHS Sherpalam Swat )	H. ul Haq
9	Biradar Khan (Principal GHSS Barawala Banda Dir U)	Biradar Khan

ATTACHED



Suy: EST 6:

13989

27-12-13



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

No. SO(S/M)E&SED/4-24/2012/FSL of BS-18 Officers  
Dated Peshawar the July 11, 2012

To

The Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

Subject: - **DRAFT FINAL SENIORITY LIST OF OFFICERS BS-18 (MALE)**

I am directed to refer to your letter No. 1112 dated 08-06-2012 on the subject noted above and to enclose herewith a copy of complaint of Mr. Fazal Iqbal and others alongwith relevant documents and to state that the case of Final Seniority List of Education Officers (BS-18) Male may be examined thoroughly in the light of Court decision and decision/ approval of the Competent Authority vide Notification dated 18-04-2009 and Notification dated 06-09-2011.

It is therefore requested that the recommendations of the enquiry committee may be reviewed and decide the case by placing the aggrieved persons on proper place of Final Seniority List of Education Officers (BS-18) Male and Final Seniority List of the above mentioned officers complete in all respect may be furnished to this Department immediately.

**Encl: As Above:**

  
(MUJEEB-UR-REHMAN)  
SECTION OFFICER (SCHOOLS/MALE)

**Endst: of even number & date:**

Copy of the above is forwarded to PS to Secretary Elementary & Secondary Education Department, Peshawar.

SECTION OFFICER (SCHOOLS/MALE)

**ATTESTED**

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FINAL SENIORITY LIST OF OFFICERS BPS-18

(MALE) STOOD ON 01.01.2014

ATTACHED

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GOVERNMENT OF KHYBER  
ELEMENTARY & SECONDARY  
EDUCATION  
DEPARTMENT

KHYBER PAKHTUNKHWA  
EDUCATION

Dated Peshawar the March 25, 2014

**NOTIFICATION**

NO.SO(S/M)E&SED/4-24/2014/FSL (M)/ BS-18: In exercise of powers conferred under Sub Section (I) of Section-8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No.XVIII of 1973) the Final Seniority List of Male Education Officers (BS-18) of Elementary & Secondary Education Department as it stood on 01-01-2014 is hereby notified for information of all concerned

Chief Secretary  
Khyber Pakhtunkhwa

Endst: of even No. & Date:

Copy forwarded to the:

1. Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. Director, Curriculum & Teachers Education Khyber Pakhtunkhwa, Abbottabad.
3. Director, Education (FATA) Khyber Pakhtunkhwa, Peshawar.
4. Director, PITE Khyber Pakhtunkhwa, Peshawar.
5. All District Education Officers (Male) in Khyber Pakhtunkhwa.
6. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
7. PS to Special Secretary E&SE Department, Khyber Pakhtunkhwa.
8. Incharge EMISE E&SE Department.
9. Officer concerned.
10. Office order file

(MUJEEB-UR-REHMAN)  
SECTION OFFICER (SCHOOLS/MALE)

ATTESTED

FINAL SENIORITY LIST OF OFFICERS BPS-18 MALE OF ELEMENTARY & SECONDARY EDUCATION DEPARTMENT KHYBER PAKHTUNKHWA AS IT STOOD ON 01-01-2014

S.No	Name of Officers with Quilification	D/O Birth	Domicile	Date of 1st; Entry in Edu; Dept;	Regular appionment / Promtion to the present post			Designation/Place of Posting	Remarks
					Date	BPS	Method of Recruitment		
1	Fazal Iqbal M.A, B.Ed ✓	01.01.1960	DIR	17.02.1988	12.04.2011	18	By Promotion	Principal GHS Khazana Distt; Dir Lower	Vide No.SO(S/MyE&SED/1-3/2011/Promotion BS-17 to BS-18 (M) dated 12.04.2011 & vide No SO(S/MyE&SED/1-2/2011/Seniority of BS-15 to BS-19 dt 06.11.2011 wherein allowed seniority wef 14.03.1998
2	Darwesh Khan M.A, B.Ed ✓	01.05.1958	DIR	18.04.1979	12.04.2011	18	do	Principal GHSS Sadu Distt; Dir Lower	do
3	Humayoun M.A, B.Ed ✓	17.05.1961	Swat	03.03.1988	12.04.2011	18	do	Principal GHS Chail Distt; Swat	do
4	Abdul Hamid M.A, B.Ed ✓	12.07.1962	Swat	03.05.1988	12.04.2011	18	do	V.Principal GHSS No.1 Peshawar Cantt.	do
5	Humayoun Khan M.A, B.Ed ✓	27.03.1957	Malakand	27.04.1985	12.04.2011	18	do	Principal GHS NO.2 Thana Malakand	do
6	Sarda Af M.A, B.Ed ✓	12.01.1964	Swat	11.12.1989	12.04.2011	18	do	Principal GHS Dhari Distt; Swat	do
7	Jehan Dicar M.A, B.Ed ✓	15.07.1960	shangla	01.11.1987	12.04.2011	18	do	Principal GHS Chakesar Shangla	do
8	Hamid Ul Haq M.A, B.Ed ✓	19.01.1960	Swat	21.09.1989	12.04.2011	18	do	Principal GHS Sherpa am Distt; Swat	do
9	Biradar Khan M.A, B.Ed ✓	04.04.1960	DIR	21.03.1990	12.04.2011	18	do	Principal GHSS Barawal Bandai Dir Upper	do
10	Muhammad Mujtaba Khan M.A, B.Ed ✓	02.03.1964	DIR	24.03.1990	12.04.2011	18	do	Principal GHS Sarai Bala Dir Lower	do
11	Muhammad Amin M.A, M.Ed ✓	15.03.1961	Swat	25.07.1990	12.04.2011	18	do	Principal GHS Qambar Distt; Swat	do
12	Hassnat Gul M.Sc M.Ed ✓	02.04.1962	Nowshera	21.11.1987	17-9-2002	18	do	Principal GHS Pabbi Nowshera	
13	Imtiaz ul Haq M.Sc M.Ed ✓	02.01.1958	Kohat	22.10.1991	09.02.2004	18	do	D.O. (E&SE) Kohat.	
14	Bakhtullah Shah M.Sc B.Ed.	01.06.1960	Bannu	29.09.1985	09.02.2004	18	do	Principal GHS Tajori Lakki	
15	Saraf Ali M.Sc. B.Ed. ✓	25.05.1962	Bannu	27.09.1989	09.02.2004	18	do	Instructor RITE, Kohat.	
16	Muhammad Dilbar Shah M.Sc.M.Ed. ✓	29.05.1960	Bannu	30.05.1992	09.02.2004	18	do	Instructor RITE Bannu	
17	Wahid Hussain M.Sc.M.Ed. ✓	04.02.1964	Peshawar	26.09.1992	09.02.2004	18	do	Instructor RITE Peshawar	
18	Muhammad Hanif M.Sc.B.Ed ✓	21.10.1966	DIKhan	26.09.1992	09.02.2004	18	do	Instructor RITE DIKhan	
19	Hamid Usah Jan M.Phil. M.Ed. ✓	12.10.1964	Bannu	17.03.1993	09.02.2004	18	do	Dy. Director(Estt), Directorate (E&SE) KPK	
20	Bakht Zada M.A B.ED ✓	11.09.1962	Swat	28.09.1992	09.02.2004	18	do	D.O. (E&SE) Batagram	
21	Saeed usah Jan M.Sc.B.Ed. ✓	25.04.1967	B.Agency	26.09.1992	09.02.2004	18	do	V.Principal GHSS Samar Bagh Dir Lower	
22	Bakhtiar Ahmad M.Sc.M.Ed. ✓	13.04.1967	Mardan	26.09.1992	09.02.2004	18	do	Instructor RITE Peshawar	
23	Muhammad Umar M.A, B.Ed ✓	07.09.1965	Lakki	25.01.1993	09.02.2004	18	do	DO (E&SE) Lakki	
24	Said Jamil M.A, B.Ed ✓	09.01.1963	Mardan	18.02.1993	09.02.2004	18	do	V.Principal GHSS Katlang Mardan	
25	Fazal Subhan M.A, B.Ed ✓	14.11.1965	Charsadda	26.09.1992	09.02.2004	18	do	Principal GHSS Gulbahar Peshawar	
26	Amanullah M.A, B.ED ✓	01.12.1965	Bannu	30.09.1992	09.02.2004	18	do	DO (E&SE) Bannu	
27	Kifayat Ullah M.Sc. M.Ed ✓	05.07.1966	Bannu	26.09.1992	09.02.2004	18	do	Instructor RITE Bannu	
28	Amjad Ali M.Sc.M.Ed. ✓	05.04.1966	Manshera	17.03.1993	09.02.2004	18	do	V.Principal GHSS Nawar sher Abbottabad	
29	Zakir Husain M.Sc.B.Ed. ✓	13.11.1968	Bannu	29.09.1992	09.02.2004	18	do	Principal GHSS Sheikhhan Peshawar	
30	Muhammad Majid Sabir M.Sc B Ed ✓	13.09.1966	Peshawar	30.09.1992	09.02.2004	18	do	Dy. Director(P&D), Directorate (E&SE) KPK	
31	Amir Nawaz M.Sc.M.Ed. ✓	15.08.1968	Karak	26.09.1992	09.02.2004	18	do	V.Principal GHS No.2 Hangu	
32	Muhammad Aslam M.A, B.ED ✓	18.04.1954	Haripur	11.10.1972	09.02.2004	18	do	Principal GHSS Hattar Haripur	
33	Muhammad Ayub M.A M.Ed ✓	03.02.1958	Lakki	24.01.1981	09.02.2004	18	do	Principal GHSS Abdul Khel Lakki	
34	Khushid Ali M.A B.ED ✓	03.04.1956	Swat	20.03.1993	09.02.2004	18	do	Principal GHS Sam Kot Dir Upper.	
35	Muhammad Nasir M.A M.Ed ✓	04.04.1965	Nowshera	31.08.1991	09.02.2004	18	do	Principal GHS Rashakai Nowshera	
36	Shahid Gul M.Sc.M.Ed. ✓	29.08.1965	Nowshera	14.04.1993	09.02.2004	18	do	Dy Director (F&A) Directorate (E&SE)KPK	
37	Iftikhar Ahmad M.Sc. M.Ed ✓	14.08.1964	Peshawar	29.09.1992	09.02.2004	18	do	Principal GHS Aza Khel Bala Nowshera	

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S.No	Name of Officers with Qualification	D/O Birth	Domicile	Date of 1st; Entry in Edu; Deptt;	Regular appoinment / Promtion to the present post			Designation/Place of Posting	Remarks
					Date	BPS	Method of Recruitment		
330	Muhammad Javeed, B.A B.Ed	21.03.1961	Mardan	06.11.1986	28.11.2012	18	By Promotion	Pri: GHS Shamshad Abad Mardan	do
331	Iftikhar Ali B.A B.Ed	15.04.1963	Mardan	04.02.1982	28.11.2012	18	do	Pri: GHSS Ayub Khan Killi Swabi	do
332	Ihsanul Haq, B.A B.Ed	16.03.1964	Chitral	16.04.1987	28.11.2012	18	do	Pri: GHSS Darosh Chitral	do
333	Abdu Hadi, B.A B.Ed	15.09.1959	Bannu	22.11.1982	28.11.2012	18	do	Pri: GHS Bazar Ahmad Khan Bannu	do
334	Qazi Tajamal Hussain, B.A B.Ed	28.11.1967	Haripur	09.03.1991	28.11.2012	18	do	Pri: GHS Hattar Haripur	do
335	Janas Khan, B.A B.Ed	10.03.1965	Peshawar	21.12.1985	28.11.2012	18	do	Pri: GHS Dabgar Gate Peshawar	do
336	Muhammad Farooq B.A B.Ed	27.07.1960	Haripur	07.10.1984	28.11.2012	18	do	Pri: GHS Kahal Haripur	do
337	Gul Nawaz Khan, B.A B.Ed	01.04.1958	Dir	28.4.1985	28.11.2012	18	do	Pri: GHS Gamseer Dir (U)	do
338	Mumtaz Hussain, B.A B.Ed	01.05.1965	Kohat	11.10.1990	28.11.2012	18	do	Pri: GHS Muhammad Zai Kohat	do
339	Misa! Khan B.A B.Ed	03.04.1961	Peshawar	02.05.1988	28.11.2012	18	do	Pri: GHSS Sheikhan Peshawar	do
340	Obaid Ullah, Abid, B.A B.Ed	01.01.1963	SW Agency	16.09.1989	28.11.2012	18	do	At the disposal of FATA	do
341	Muhibullah B.A B.Ed	09.02.1966	Dir Lower	19.02.1991	28.11.2012	18	do	Pri: GHS Pir Abad Mardan	do
342	Ijaz Ahmad, B.A B.Ed	22.05.1955	Haripur	12.01.1999	28.11.2012	18	do	Pri: GHSS Kakotri Haripur	do
343	Rehman Ullah, B.A B.Ed	18.05.1957	Buner	01.10.1975	28.11.2012	18	do	Pri: GHSS Totali Buner	do
344	Tashrif Ullah, B.A B.Ed	05.08.1959	Charsadda	23.09.1982	28.11.2012	18	do	Pri: GHS No.1 Charsadda	do
345	Noor Khan, B.A B.Ed	01.09.1961	Lakki	01.12.1988	28.11.2012	18	do	Pri: GHS Mohri Bad Bhen Abbottabad	do
346	Ziat Ullah B.A B.Ed	14.03.1962	FR.Bannu	21.09.1983	28.11.2012	18	do	At the disposal of FATA	do
347	Ali Nawaz Khan B.A B.Ed	17.03.1960	Mansehra	21.11.1984	28.11.2012	18	do	Pri: GHS No.2 Mansehra	do
348	Umar Zaman B.A B.Ed	23.11.1964	Mansehra	04.12.1986	28.11.2012	18	do	Pri: GHS Muslim Abad Abbottabad	do
349	Muhammad Aslam Khan B.A B.Ed	13.11.1965	Lakki	18.11.1986	28.11.2012	18	do	Pri: GHSS Aba Knel Lakki	do
350	Altaf Eliahi B.A B.Ed	06.06.1955	Mansehra	01.01.1984	28.11.2012	18	do	Pri: GHS Sham Dara Mansehra	do
351	Rambail Khan B.A B.Ed	27.09.1961	Bannu	12.01.1987	28.11.2012	18	do	Pri: GHS Nor Shakirullah Bannu	do
352	Muhammad Hamid B.A B.Ed	27.33.1963	Charsadda	01.10.1984	28.11.2012	18	do	Pri: GHS Babara Charsadda	do
353	Ahmad Rashid B.A B.Ed	01.06.1960	Charsadda	25.11.1981	28.11.2012	18	do	Pri: GHS No.2 Tangi	do
354	Abdur Rashid, B.A B.Ed	10.01.1960	Abbottabad	14.10.1982	28.11.2012	18	do	Pri: GHS No.3 Abbottabad	do
355	Nazir Ahmad	27.06.1960	Abbottabad	14.10.1982	28.11.2012	18	do	Pri: GHS Namli Maira Abbottabad	do
356	Maseud Khan, B.A B.Ed	12.06.1962	FR. Kohat	10.02.1981	28.11.2012	18	do	At the disposal of FATA	do
357	Hazrat Rehman, B.A B.Ed	21.05.1965	Swat	05.12.1989	28.11.2012	18	do	Pri: GHSS Mingora Swat	do
358	Iftikhar Ahmad, B.A B.Ed	04.09.1966	Kohat	01.10.1986	28.11.2012	18	do	Pri: GHS Khadi Zai Kohat	do
359	Syed Wahab, B.A B.Ed	26.07.1957	Swabi	14.01.1991	28.11.2012	18	do	Pri: GHS Taraki Swabi	do
360	Muhammad Ismail, B.A B.Ed	01.09.1960	Swal	15.10.1987	28.11.2012	18	do	Pri: GHS Manyar Swat	do
361	Muhammad Rehman, B.A B.Ed	15.02.1961	Kohat	20.03.1983	28.11.2012	18	do	At the disposal of FATA	do
362	Sahibur Rehman, B.A B.Ed	12.04.1963	Chitral	01.10.1986	28.11.2012	18	do	Pri: GHS Booni Chitral	do
363	Saeed Ur Rehman, B.A B.Ed	01.06.1963	Haripur	10.09.1981	28.11.2012	18	do	Pri: GHS Mang Haripur	do
364	Saeed Gul, B.A B.Ed	12.03.1965	Baj Agency	17.09.1986	28.11.2012	18	do	At the disposal of FATA	do
365	Inayatullah Khan, B.A B.Ed	05.01.1958	FR Bannu	20.03.1981	28.11.2012	18	do	At the disposal of FATA	do
366	Taimoor Khan, B.A B.Ed	10.10.1959	Haripur	16.10.1986	28.11.2012	18	do	Pri: GHS Nurpur Haripur	do
367	Nisar Ahmad, B.A B.Ed	29.04.1961	Abbottabad	10.10.1984	28.11.2012	18	do	Pri: GHS Tarriva! Abbottabad	do
368	Syed Hussain Afridi, B.A B.Ed	01.12.1968	FR Kohat	12.06.1990	28.11.2012	18	do	At the disposal of FATA	do
369	Aftab Alam, B.A B.Ed	12.10.1961	Dir	28.09.1985	28.11.2012	18	do	Pri: GHS Shamshi Khan Dir (L)	do
370	Tariq Munir, B.A B.Ed	07.12.1963	Abbottabad	20.05.1982	28.11.2012	18	do	Pri: GHS Pind Karoo Khan Abbottabad	do

CERTIFICATE:-

It is certified that the Seniority List is final and undisputed.

Deputy Director (Estt.)  
Elementary & Sec: Education

APPROVED

IN THE PESHAWAR HIGH COURT

PESHAWAR



Writ petition No. 2447/2013

1. Nisar Mohammad son of Siraj Mohammad  
EDO (M), R/O Sardar Ahmad Jan Colony, Peshawar City
2. Sher Zada son of Sadar  
Principal, GHSS, Madain District Swat
3. Islam-ud-Din Khan, principal  
Government High School No.2 Peshawar city
4. Mian Shah Said, Principal.  
Government High School, Kokari, District Swat
5. Taj Ali Khan, EDO, Lakki Marwat
6. Nisar ul Haq, Principal.  
GHSS, Guli Bagh District Swat
7. Sharif Gul, Principal.  
GHS, Zaryab Colony Peshawar City
8. Shjaulah son of Bawar Khan, Principal,  
GHSS, Fateh pur, District Swat
9. Dilawar Khan, Principal,  
GHS, No. 1 Mingora, District Swat

FILED TODAY

DEPUTY REGISTRAR

24 JUL 2013

VERSUS

.....Petitioners

1. Government of Khyber Pakhunkhwa, through Chie Secretary,  
Civil Secretariat Peshawar

**ATTESTED**

EXAMINER  
Peshawar High Court,

24 MAR 2014

**ATTESTED**

- 2. Secretary Elementary & Secondary Education department,  
Government of Khyber Pakhunkhwa, Civil Secretariat Peshawar
- 3. Secretary Establishment department,  
Government of Khyber Pakhunkhwa, Civil Secretariat Peshawar
- 4. Abdul Hamid, Vice principal  
Government Higher Secondary School No.1 Peshawar city
- 5. Fazal Iqbal, principal  
Government Higher Secondary School Khazana, Lower Dir
- 6. Darwesh Khan, principal  
Government Higher Secondary School Sadu, Lower Dir
- 7. Humayoun, principal  
Government High School Chail, District Swat
- 8. Sardar Ali, principal  
Government High School, Dhari, District Swat
- 9. Jehan Didar, principal  
Government High School Chakesar Shangla
- 10. Hamid ul Haq, principal  
Government High School Sherpaam Swat
- 11. Biradar Khan, principal  
Government Higher Secondary School Barawal Bandai, Dir Upper
- 12. Muhammad Mujtaba Khan, principal  
Government High School Sarai Bala District Dir Lower
- 13. Muhammad Amin, principal  
Government High School Qambar District Swat
- 14. Humayoun Khan, principal  
Government High School No.2 Thana Malakand

*(Handwritten mark)*

*(Handwritten mark)*

FILED TODAY  
 Deputy Registrar  
 24 JUL 2013

.....Respondents

ATTESTED  
 EXAMINER  
 Peshawar High Court,  
 24 MAR 2014

*(Handwritten signature)*  
 ATTESTED

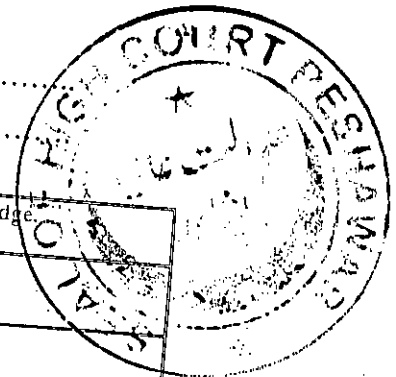


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# PESHAWAR HIGH COURT, PESHAWAR

## FORM OF ORDER SHEET

Court of.....  
Case No.....of.....



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge
2	3
5.3.2014	<p><u>W.P. No. 2064-P/2013</u></p> <p><u>Present:</u> Mr. Shah Nawaz Khan, advocate, for the petitioners.</p> <p>_____</p> <p><u>NISAR HUSSAIN KHAN, J.-</u> Petitioners herein through the instant petition have asked for the issuance of a writ of quo-warranto to respondent No.4 to 14 as to under what authority of law, they are holding the posts and why their services should not be terminated being appointed/adjusted illegally in violation of rules/law.</p> <p>2. Learned counsel for the petitioners argued that once the respondent/Department had declined their adjustment/regularization, they could not have been regularized; that their appointment was temporary, so they could not have been adjusted and regularized, hence they are not entitled to hold the posts which they are occupying.</p>

ATTESTED  
EXAMINER  
PESHAWAR HIGH COURT.  
24 MAR 2014

ATTESTED

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3. We have heard the learned counsel for the petitioners at length and have also gone through the record and the law on the subject with his valuable assistance.

4. The description of the parties, mentioned in the petition, indicates that both the parties are serving in the Education department and are holding almost identical posts of Principals in their respective Government Schools and in this way it can safely be concluded that petitioners are interested party in matter of their service, particularly their respective inter-se seniority and consequential prospective promotions.

5. It would be appropriate to re-capitulate the precise facts of the case. According to petitioners, respondents No.4 to 14 alongwith 5 others were appointed as SET Teachers and they were re-adjusted as Subject Specialists in 1988 through Additional Director Education Malakand. However, it is not disclosed by the petitioners as to when they were initially appointed nor their appointment orders have been annexed with the

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EXAMINER  
Peshawar High Court

24 MAR 2014

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petition. As per available record, Abdul Hamid respondent No.4 filed appeal No.169/1993 before the Khyber Pakhtunkhwa, then N.W.F.P., Service Tribunal for his regularization against the said post since 5.3.1988. It was concluded by the Service Tribunal, vide judgment dated 31.5.1994: " There is no dispute with respect to the legal position that a person who is working against the post is entitled to the pay thereon and thus the appellant is also entitled to the pay of the post as Subject Specialist from the date when he was adjusted as such. But the period for which he would be entitled to the pay of Subject Specialist would be reckoned upto 3 years back from the date when a writ petition was preferred in the High Court and the claim beyond that would be time barred. As regards the prayer for regularization of service, it is for the Department to process the case of selection of the appellant as Subject Specialist. The appeal is accepted in the above terms." It appears from the record that other respondents also filed their appeal before the Service Tribunal and same order was passed which was challenged by them before the august

EXAMINER  
High Court  
24 MAR 2014

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Supreme Court and it was maintained by the august Supreme Court on 26.2.1997. It appears that the respondents again filed appeals before the Service Tribunal seeking minimum pay in BPS-17 alongwith increments against the posts of Subject Specialists from the date of their appointment and denial of seniority of Subject Specialists. This appeal was decided by the Tribunal on 17.8.2004 with reference to its earlier judgment dated 31.8.1994 and again directed the respondent/Department to settle the long outstanding issue of regularization of the appellants as per Rules in a reasonable span of time. It appears that in the meanwhile, respondents were terminated vide Notification dated 29.3.2008 which was challenged by the respondents before the Service Tribunal in Appeal No. 970/2008. The appeals were accepted, vide judgment of the Service Tribunal dated 21.10.2008 and impugned termination order was set aside and the respondent/Department was directed to re-instate the appellant with all back benefits. In view of this latest judgment of the Service Tribunal, a summary was

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EXAMINER  
Feshawar High Co

24 MAR 2014

ATTESTED

moved to the Chief Secretary for their regularization wherein it was recommended that their services be regularized as Subject specialists with effect from the date of their initial appointments. The summary was accordingly approved and the respondents were reinstated as Subject Specialists (BPS-17) from the date of their termination with all back benefits by the Secretary, Elementary and Secondary Education, Government of NWFP, Peshawar, vide Notification No.SO(S)/S&I/1-4/05-Regularization KC, dated 18<sup>th</sup> April, 2009 and accordingly, the services of the respondents were regularized from the date of their initial appointment/officiating as Subject Specialist. This was followed by another Notification No. SO(S/M)/E&SED/1-2/2011/Seniority of BS-18 to BS-19, dated 6<sup>th</sup> September, 2011, vide which all the 12 respondents were allowed to regain their seniority in BPS-18 with effect from 14.3.1998 with benefit of increments as per FR-26(c) without arrears, by the competent authority.

6. Having undergone the agonies of hectic

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EXAMINER  
Peshawar High Col

24 MAR 2014

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exercise of protracted litigation, this petition has been filed against the respondents for issuance of a writ of quo-warranto. It is undisputed that in terms of Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, any subject of the State have a right to invoke the Constitutional jurisdiction of the High Court for issuance of writ of quo-warranto irrespective of the fact as to whether he is interested party or otherwise. However, the motive and bonafide of the petitioners is to be considered by the court before issuance of a writ asked for. Writ of quo-warranto is primarily issued to remedy the public wrong by asking a person holding a public office to show under what authority of law he has held or claimed to hold that office. It is equally important that the said constitutional arm cannot be used for ulterior motive to twist the arm of others with malafide intention. It is basic norm of natural justice that the party who seeks equity must do equity and should come to the court with clean hands. When the very foundation of the claim made in the petition seems to be tainted with malafide for extraneous considerations, just

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EXAMINER  
Peshawar High Ct

24 MAR 2014

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to malign the opponents or to settle the personal vendetta, one may not be allowed to perpetrate his malafide designs through court. In this regard guidance may be had from case titled Muhammad Liaqat Munir Rao Vs Shams ud Din and others ( 2004 P L C (C.S) - 1328. In the instant case, in view of the attending circumstances, bonafide of petitioners is not above board.

7. For the reasons discussed above, we are of the firm opinion that this petition has not been filed with bonafide intention, particularly in peculiar backdrop of the facts when the respondents had been able to get their right after protracted litigation spreading over a span of more than 20 years and they are yet again required to be dragged into another round of litigation through this petition by their colleagues who woke-up from deep slumber of more than twenty years.

8. As a corollary to the above discussion, this petition being without any substance is dismissed in limine.

*SP/1- Nisar Hussain Khan - 5*  
*SP- Syed Ameer Shah - 5*

Announced on  
5<sup>th</sup> Mar., 2014

CERTIFIED TO BE TRUE COPY  
 Examined by  
 Presiding Judge  
 The District Court  
 04 MAR 2014



**ATTESTED**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the April 21, 2014

NOTIFICATION

NO.SO(S/M) E&SED/1-2/2014/Promotion BS-18 to BS-19: The Competent Authority on the recommendations of the Provincial Selection Board is pleased to promote/appoint the following (227) Officers of Teaching Cadre of Elementary & Secondary Education Department from BS-18 to BS-19 on regular basis with immediate effect as under:-

Sr#	Name	Sr#	Name	Sr#	Name
1.	Mr. Fazal Iqbal	2.	Mr. Darwesh Khan	3.	Mr. Humayoun
4.	Mr. Abdul Hamid	5.	Mr. Humayoun Khan	6.	Mr. Sardar Ali
7.	Mr. Jehan Didar	8.	Mr. Hamid-ul-Haq	9.	Mr. Biradar Khan
10.	Mr. Muhammad Mujtaba Khan	11.	Mr. Muhammad Amin	12.	Mr. Imtiaz-ul-Haq
13.	Mr. Bakhtullah Shah	14.	Mr. Saraf Ali.	15.	Mr. Muhammad Dilbar Shah
16.	Mr. Muhammad Hanif	17.	Mr. Hamid Ullah Jan	18.	Mr. Bakht Zada
19.	Mr. Saeed Ullah Jan	20.	Mr. Bakhtiar Ahmad	21.	Mr. Muhammad Umar
22.	Mr. Said Jamil	23.	Mr. Fazal Subhan	24.	Mr. Aman Ullah
25.	Mr. Kifayat Ullah	26.	Mr. Amjid Ali	27.	Mr. Muhammad Majid Sabir
28.	Mr. Amir Nawaz	29.	Mr. Muhammad Aslam	30.	Mr. Khurshid Ali.
31.	Mr. Muhammad Nasir.	32.	Mr. Sharif Gul.	33.	Mr. Bahadar Ali Khan
34.	Mr. Farid Ullah Khan	35.	Mr. Saeed-ur-Rehman	36.	Mr. Muhammad Tariq
37.	Mr. Amin Ul Haq	38.	Mr. Jadoon Khan	39.	Mr. Abdul Haq
40.	Mr. Abdul Hamid	41.	Mr. Haider Hussain	42.	Mr. Shams-ur-Rehman
43.	Mr. Mujahid Shah	44.	Mr. Nisar Muhammad	45.	Mr. Ibrahim
46.	Mr. Alamgir	47.	Mr. Ijaz Ali Khan	48.	Mr. Fazlul Mustan.
49.	Mr. Sher Rehman	50.	Mr. Muhammad Iltaf	51.	Mr. Shah Hussain
52.	Mr. Abdul Hakeem Khan	53.	Mr. Muhammad Nadeem	54.	Mr. Abdus Salam
55.	Mr. Raja Shujah-ud-Din Amir.	56.	Mr. Anwarul Haq	57.	Mr. Muhammad Nagin
58.	Mr. Adbul Saeed	59.	Mr. Ahmad Shahab	60.	Mr. Abdul Haleem
61.	Mr. Muhammad Qasim Khan	62.	Mr. Farid Ahmad	63.	Mr. Muhammad Idrees

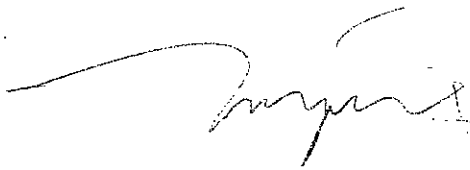
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Sr#	Name	Sr#	Name	Sr#	Name
160	Mr. Sultan Aziz	161	Mr. Mujhid Khan	162	Mr. Javed Khan
163	Mr. Anwar Habib	164	Mr. Said Muhammad	165	Mr. Muhammad Asghar
166	Mr. Muhammad Zubair	167	Mr. Ibrahim Sahib	168	Mr. Fazli Aleem
169	Mr. Shakir Ahmad	170	Mr. Ghulam Sarwar	171	Mr. Gohar Zada Khan
172	Mr. Lal Baz.	173	Mr. Nisarul Haq	174	Mr. Muhammad Athar
175	Mr. Arshid Ali	176	Mr. Muhammad Amin	177	Mr. Sartaj Khan
178	Mr. Ghulam Murtaza	179	Mr. M. Wasim-ud-Din	180	Mr. Israil Khan
181	Mr. Muhammad Sadique	182	Mr. Hafiz Zubair Ahmad	183	Mr. Muhammad Nawaz
184	Mr. Jamshed Khan	185	Mr. Mian Shah Said	186	Mr. Inayat Ullah
187	Mr. Abdul Jabbar	188	Mr. Islam Bahadar	189	Shazar Khan
190	Mr. Sana Ullah	191	Mr. Muhammad Riaz	192	Mr. Muhammad Nazir
193	Mr. Waris Khan.	194	Mr. Qamar-ur-Zaman	195	Mr. Muhammad Farooq
196	Mr. Shahzada M. Aslam	197	Mr. Gul Said Khan	198	Mr. Muhammad Ibrahim
199	Mr. Muhammad Tahir	200	Mr. Gohar Ali	201	Mr. Altaf Hussain
202	Muhammad Attaullah	203	Mr. Wajid Ali	204	Mr. Muhammad Tahir
205	Mr. Waris Ali	206	Mr. Raham Din	207	Mr. Ihsan Ullah
208	Mr. Sanaur Rehman	209	Mr. Habib Ullah Khan	210	Mr. Dil Muhammad
211	Mr. Hussain Ali	212	Mr. Khan Afsar	213	Mr. Hidayat Ullah
214	Mr. Hanif Ullah	215	Mr. Muhammad Haroon	216	Mr. Khair ur Rehman
217	Mr. Muhammad Anwar Khan	218	Mr. Hayat Muhammad Khan	219	Mr. Abdul Ali
220	Mr. Khaista Rahman	221	Mr. Muhammad Zaveel	222	Mr. Zia Shahid
223	Mr. Abdul Jabbar	224	M. Khizar Hayat	225	Mr. Abdul Aziz Khan
226	Mr. Sajjad Ahmad	227	Mr. Saeed-ur-Rehman		

2. In terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with rule-15(1) of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) rules, 1989 the above male officers of the Teaching Cadre on their promotion shall be on probation for a period of one year.



**ATTACHED**

V-148

To

The Secretary  
Elementary & Secondary Education Department  
Khyber Pakhtun Khwa

Subject:- Regaining of Seniority in BS-19 as per rules & promotion to BPS-20

Sir,

We have the honor to submit that the competent authority on the recommendation of provincial selection board has been pleased to promote the undersigned officers from BPS-18 to BPS-19 vide Notification No. SO(S/M) E&SED/1-2/2014/promotion BS-18 to BS-19 dated April 21, 2014. (Anex:A)

According to the court judgment dated 21-10-2008 (Anex:B) and the notification of the competent authority No. SOS /S&L/1-4/05-regularazation KC dated 18-04-2009 (Anex:C) We have been regularized from the date of our initial appointments as mentioned in column 3 of Para 1 in the above notification in (Anex:C).

On the basis of the above mentioned notification, we were placed on serial number 1 to 12 in the seniority list of BS-17 which stood on 15-10-2010 (Anex:D) later on we were promoted from BS-17 to BS-18 vide notification No. SO (S/M) E&SED/1-3/2011/promotion BS-17 to BS-18 (Male) dated April 12, 2011 (Anex"E) and as per Para 7 of the Establishment Department letter No SOR-1 (S&GAD) 1-29/75 dated 13<sup>th</sup> April 1987 (Anex:F) and North West Frontier Province civil servant promotion policy 2009 No. SOE-III (E&AD) 1-3/2008 dated 28-01-2009 (Anex:G). We were awarded seniority with our erstwhile juniors (Anex:H) who were promoted from BPS-17 to BPS-18 on 14-03-1998 vide E&SE Department notification No. SO(S) 1-2/93(B-18) dated 14 March 1998 (Anex:I). In this way we were placed on top of the seniority list of BPS-18, which stood on 27/05/2013 (Anex:J). On the basis of this Seniority list We were promoted from BPS-18 to BPS-19 vide notification No. SO(S/M) E&SED/1-2/2014/promotion BS-18 to BS-19 dated April 21, 2014 mentioned above.

But we want to bring in your kind notice that our erstwhile juniors have been promoted to BPS-19 on 06-04-2004, vide Notification No. SO(S) 1-2/2004/B-18 to B-19 dated 09-02-2004 (Anex:K) and also to BPS-20 vide Notification No. SO (E-1) E&AD/9-81 /2013 dated 18<sup>th</sup> April 2013. (Anex:L)

Govt. of Khyber Pakhtunkhwa  
Elementary & Secondary  
Education Department

ATTESTED  
2/5/14

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The delay in our promotion was due to our juniors, who made hurdles in our promotion and at last they went on an appeal to Peshawar High Court which was decided and dismissed vide No. 2064-P/2013 dated 24-03-2014.

It is therefore requested that as per Para 7 of the Establishment Department letter No. SOR-1 (S&GAD) 1-29/75 dated 13<sup>th</sup> April 1987 and North West Frontier Province civil servants promotion policy, 2009, No. SOE-III (E&AD) 1-3/2008 dated 28-01-2009. We may kindly be allowed seniority with our erstwhile juniors and also the working paper for BPS-20 may be submitted to Provincial Selection Board for consideration

Dated 2 May 2014

Yours Faithfully

Name	Designation/School	Signature
Fazal Iqbal	Principal GHS Combat Dir Lower	Fazal Iqbal
Darwash khan	Principal GHSS Sadu Dir Lower	Darwash Khan
Humayoon	Principal GHSS Mankial Distt;Swat	Humayoon
Abdul Hamid Butt	Principal GHS Bahrain Distt;Swat	Abdul Hamid Butt
Humayoon khan	Principal GHSS Khar Malakand	Humayoon Khan
Sardar Ali	Principal GHS Manglawar Distt;Swat	Sardar Ali
Jehan Didar	Principal GCMHS Chakiser Distt;Shangla	Jehan Didar
Hamidul Haq	Principal GHS Kanju Distt;Swat	Hamidul Haq
Muhammad Mujtaba khan	Principal GHSS Ouch Dir Lower	Muhammad Mujtaba Khan
Berather khan	Principal GHSS Darora Dir Uper	Berather Khan
Muhammmad Amin	Principal GHS Aman Kot Mingora Swat	Muhammad Amin

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMN: DEPARTMENT

148

**(REGULATION WING)**

No.SOR-I(E&AD)3-86/96  
Dated the 07<sup>th</sup> August, 2014.

To,

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Elementary & Secondary Education Department.

Subject: - RE-GAINING OF SENIORITY IN BS-19 AND PROMOTION TO BS-20.

Dear Sir,

I am directed to refer to the Elementary & Secondary Education Department letter No.SO(S/M)E&SED/4-24/2014/Regaining of seniority in BS-19, dated 03-07-2014 on the subject noted above and to state that Para-V (d) of the Promotion Policy 2009 is crystal clear that the officers selected for promotion to a higher post in one batch, are allowed to retain inter-se-seniority on their promotion to the higher post in the lower post. As far as their promotion to BS-20 is concerned, it is to clarify that as and when their probation period is completed, they will become eligible for further promotion.

Yours faithfully,

SECTION OFFICER(R-I)

*Handwritten notes:*  
J.P. Malik  
T.M.S.  
15/8/14

352  
11/8

59  
11/8

D/S/A  
11/8/14

Elementary & Secondary  
Education Department  
D.O. No. 1-8-2  
Dtd. 13-8-14

*Handwritten notes:*  
S/S/M  
12/8



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

149

No.SO(S/M) E&SED/4-24/2014/Re-gaining of Seniority BS-20  
Dated Peshawar the September 03, 2014

To

The Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

ADDE A  
9/9/14

Subject: - RE-GAINING OF SENIORITY IN BS-19 AS PER RUELS & PROMOTION TO BS-20

I am directed to state that the application of Mr. Fazal Iqbal and 10 others for re-gaining seniority in BS-19 and promotion to BS-20 was forwarded to the Establishment Department for advice as to whether:

- i. The above mentioned officers will re-gain their seniority in BS-19 automatically or otherwise.
- ii. They will be entitled for promotion to BS-20 or otherwise.

2. The Establishment Department Khyber Pakhtunkhwa has now quoted Para-V(d) of promotion policy 2009 vide letter No.SOR-I(E&AD)3-86/96 dated 07-08-2014 (Copy enclosed) which provides that the officer selected for promotion to a higher post in one batch on their promotion to the higher post are allowed to retain their inter-se-seniority in the lower post. As far as their promotion to BS-20 is concerned, they will become eligible for further promotion as and when their probation period is completed.

3. It is therefore requested that further action may be taken in the light of the above advice of the Establishment Department Khyber Pakhtunkhwa.

Encl: As Above:

Endst: Even No. & Date:

Copy of the above is forwarded to the:-

(MUJEEB-UR-REHMAN)  
SECTION OFFICER (SCHOOLS/MALE)

PS to Secretary E&SE Department Khyber Pakhtunkhwa.

IMMEDIATE

DDE(M)  
9/8/14

ATTESTED

SECTION OFFICER (SCHOOLS/MALE)



Attested by: [Signature]  
Date: 9/9/14

70

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**OFFICE OF THE DIRECTOR OF ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR**

No: 5941 /20/A-88/S.L/B-17 to 20(Male)

Dated Peshawar the 16/9 /2014

To

The Secretary to Govt: of Khyber  
Pakhtunkhwa Elementary & Secondary  
Education Department, Peshawar.

SUBJECT:- RE-GAINING OF SENIORITY IN BS-19 AS PER RULES & PROMOTION TO BS-20.

Memo:-

I am directed to refer to letter No:SO(S/M)E&SE/4-24/2014/Re-gaining of Seniority BS-20 dated 03-09-2014, on the subject noted above and regarding promotion to BPS-20 in respect of Fazal Iqbal SS and 10 others for regaining seniority in BPS-19 as they have been promoted in the present BPS-19 on 21-04-2014 and have not yet been included in the draft final seniority list BPS-19 (Male) being pre-engaged with the competent authority for its approval submitted vide this office No:1453 dated 20-08-14.

It is therefore, requested for guidance as to whether the said under process draft final seniority list of BPS-19 (Male) may be revised or a tentative seniority list (BPS-19) may be prepared for inclusion of their names on the specific place (which may kindly also be required to be determined clearly by the competent authority) in the light of their promotion / reinstatement orders with back benefits other than their promotion dates i.e 21-04-2014 to BPS-19 please.

Endst: No: 5941

Copy forwarded to the:-

1- PA to Director Education, Local Office.

15/9/14  
Deputy Director (Establ:)  
(E&SE) Khyber Pakhtunkhwa.

15/9/14  
Deputy Director (Establ:)  
(E&SE) Khyber Pakhtunkhwa.

Noor

**ATTESTED**



*Handwritten initials and a circled number '151'.*

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

No.SO(S/M)E&SED/4-24/Fazal Iqbal & others BS-19 Seniority  
Dated Peshawar the November 13, 2014

To

*Handwritten 'W-' and a circled '151'.*

The Director,  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar.

Subject: - RE-GAINING OF SENIORITY IN BS-19 AS PER RULES & PROMOTION TO BS-20.

I am directed to refer to your letter No.5940 dated 16-09-2014 on the subject noted above and to state that Mr. Fazal Iqbal Principal and 10 others may be placed at their right place in the tentative seniority list for regaining seniority in BS-19 which may be converted into final after display.

(MUJEEB-UR-REHMAN)  
SECTION OFFICER (SCHOOLS/MALE)

**ATTESTED**



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

No.SO(S/M) E&SED/1-1/2015/Tentative Seniority List of Male BS-19 (T.C)  
Dated Peshawar the November 16, 2015

To

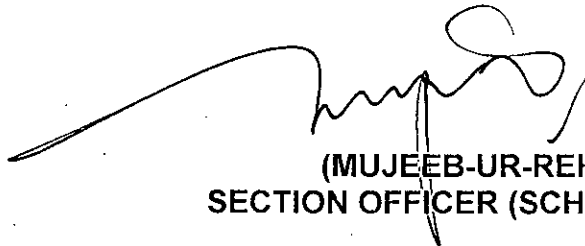
The all appellants against tentative seniority list BS-19,  
Teaching Cadre (list attached).

Subject: - **TENTATIVE SENIORITY OF OFFICERS BPS-19 (MALE).**

I am directed to refer to the subject cited above and to state that Mr. Fazal Iqbal and 11 others were allowed to regain their seniority from the date of their initial appointment/officiating as Subject Specialist on 18.04.2009 and were placed on top of the seniority of BPS-17 officers. They were promoted to BPS-18 on 12.04.2011 alongwith other officers. Since their erstwhile juniors were promoted to BPS-18 on 04.03.1998 on regular basis and subsequently to BPS-19 also, therefore, this department sought advice of Establishment Department regarding regaining their seniority in BPS-18 w.e.f. 4.3.1998 with benefits of increments as per FR-26 C without arrears. The Establishment Department vide its letter dated 2.8.2011 advised that the case of 12 Subject Specialists is covered under Section-8 of Civil Servant Act, 1973 and para-7 of Establishment Department letter No. SOR-I(S&GAD) 1-29/75, dated 13.04.1987 read with Promotion Policy 2009. Consequently this Department notified regaining their seniority in BPS-18 w.e.f. 14.03.1998 i.e. from the date, their erstwhile juniors had been promoted to BPS-18 on regular basis. Now they have been promoted to BS-19.

2. The above 12 Subject Specialist are entitled to be placed on Sr. No. 4 to 15 (except Sr. No. 09) of the seniority list by giving them seniority from the date their erstwhile juniors were promoted to BPS-19 under the Law/Rules/Instructions mentioned above.

3. Keeping in view the above, your appeals have been filed not covered under the Law/Rules & Policy.

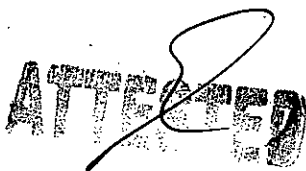
  
(MUJEEB-UR-REHMAN)  
SECTION OFFICER (SCHOOLS/MALE)

**Endst: Even No. & Date:**

Copy of the above is forwarded to the:-

1. Director, E&SE Khyber Pakhtunkhwa, Peshawar with the request to convey the regret letter to all appellants.

SECTION OFFICER (SCHOOLS/MALE)


  
ATTACHED



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**List of appellants against Tentative Seniority List of BS-19 Officers (Male).**

S.#	Name & BPS	Address
1	Mr. Misal Khan BS-19	Principal GHS Sawal Dher Mardan
2	Mr. Muhammad Riaz BS-19	Principal GHS Chitta Batta Mansehra
3	Mr. Rehmanullah BS-19	Principal GHSS Bhangi Khan Khujari Bannu.
4	Mr. Moeen-ud-Din BS-19	Principal GHS Qasmi Mardan
5	Mr. Nek Nawaz BS-19	Principal GHS Sufaid Dheri Peshawar
6	Mr. Riaz Ahmad Bahar BS-19	Principal GHS Civil Quarter Peshawar
7	Mr. Taj Ali Khan BS-19	Principal GHSS Tehkal Peshawar
8	Mr. Muhammad Iqbal BS-19	Principal GHS Shakar Dara Kohat
9	Mr. Saeed Khan BS-19	DEO (Male) Shangla.
10	Mr. Asmat Khan BS-19	AEO FR. Peshawar
11	Mr. Riaz Muhammad BS-19	Principal GHSS Khair Abad Nowshera
12	Mr. Humayun Khan BS-19	Principal GHS Shewa Dir Lower.
13	Mr. Hussain Ahmad BS-19	Principal GHS Balambat Dir Lower
14	Mr. Hanifullah BS-19	DEO (M) Mardan
15	Mr. Abdul Haq BS-19	Principal GHSS Bughdada Mardan
16	Mr. Inayat Ali BS-19	Principal GCMHS Boys Mardan
17	Mr. Misal Khan BS-19	Principal Sawal Dher Mardan
18	Mr. Iqbal Anwar BS-19	Principal GHS Lundkhawar Mardan
19	Mr. Ajmal BS-19	Principal GHSS Takkar Mardan.
20	Mr. Shujauallah BS-19	Principal GHSS Fateh Pur Swat
21	Mr. Waqar Ali, BS-19	Principal GHSS Dosehra Charsadda
22	Mr. Muhammad Bashir Ahmad BS-19	Principal GHS No.1, Rajjar Charsadda and 03 others.
23	Mr. Dilawar Khan BS-19	Principal GHS No.1, Mingora Swat.
24	Dr. Tariq Mehmood BS-19	Secretary BISE Malakand.
25	Mr. Abdul Qaddoos BS-19	Principal GHS KTS No.4, Haripur.
26	Muhammad Nasir BS-19	Principal GHS No.2, Nowshera Kallan.
27	Mr. Zaribat Khan BS-19	Principal GHSS Kakki Bannu.
28	Mr. Maqsood Ahmad BS-19	Principal GHSS Sher Pao Charsadda.
29	Mr. Muhammad Ashiq BS-19	Principal GHSS Shabqadar Fort Charsadda.
30	Mr. Hakeem Ullah BS-19	Ex-Secretary BISE Peshawar.
31	Mr. Nizam-ud-Din BS-19	Principal GHSS Darosh Chitral.
32	Mr. Gul Zaman BS-19	Principal GHS No.1, Havelian Abbottabad.
33	Mr. Fida Muhammad BS-19	Principal GHSS Dobyhan District Swabi
34	Mr. Muhammad Javed BS-19	Principal GHS Shewa Swabi.
35	Mr. Shah Afzal BS-19	Principal GHSS No.2, Yar Hussain Swabi.
36	Hafiz Gul Zamir BS-19	Principal GHSS Gandab Swabi.
37	Muhammad Bashir BS-19	Principal GHSS Kalo Shah Swabi.
38	Sikandar Sher BS-19	Principal GHSS Manari Swabi.
39	Mr. Miraj Muhammad BS-19	Principal GHSS Dagai Swabi.
40	Mr. Nisar Muhammad BS-19	DEO (Male) Swabi.
41	Mr. Taj Muhammad BS-19	Principal GHS Thandar No.1, Swabi.
42	Mr. Haidar Hussain BS-19	Principal GHSS Mansabdar Swabi.



**ATTENDED**

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43	Mr. Mateeullah BS-19	Principal GHS No.1, Shedo Nowshera.
44	Mr. Zaheer Ahmad BS-19	Principal GHSS Taro Jaba Nowshera.
45	Mr. Raj Muhammad BS-19	Secretary BISE Bannu.
46	Mr. Mir Dawood Khan BS-19	Principal GHSS Bannu.
47	Haji Fazli Khaliq BS-19	DEO (Male) Bannu.
48	Mian Shah Said BS-19	Principal GHSS Kokaria Swat.
49	Mr. Nisar-ul-Haq, BS-19	Principal GHSS Guli Bagh Swat.
50	Mr. sher Zada BS-19	Principal GHSS Madayan Swat.
51	Muhammad Sadiq BS-19	Principal GHSS Khan Pur Haripur.
52	Syed Mahboob Ahamd BS-19	Principal GHSS Kot Najeebullah Haripur.
53	Mr. Rooh Ullah BS-19	Principal GHSS No.3, Peshawar City .
54	Mr. Imtiaz-ul-Haq, BS-19	Principal GHSS Dhoda Kohat.
55	Mr. Asmat Khan BS-19	Agency Education Officer FR Peshawar.
56	Mr. Ali Shah BS-19	Additional Director, DE, FATA Peshawar.
57	Said Muhammad BS-19	Vice Principal GCET Male Jamrud
58	Mr. Abdul Haq BS-19	Principal GHSS Bughdada Mardan.
59	Muhammad Ajmal BS-19	Principal GHSS Takkar Mardan.
60	Mr. Iqbal Anwar. BS-19	Principal GHSS Iund Khawar Mardan.
61	Inayat Ali BS-19	Principal GCMHS Boys Mardan.
62	Muhammad Nasim Khan BS-19	Principal GHSS Behali Mansehra.
63	Mr. Riasat Khan BS-19	DEO (male) Kohistan.

~~ATTESTED~~

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**Final Seniority list of officers B-19 Male (Teaching Cadre) of Elementary & Secondary Education Deptt; Khyber Pakhtunkhwa  
as stood on 31-12-2015**

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S.No	Name of Officer with Designation	Qualification	D/O Birth	Domicile	Date of 1 <sup>st</sup> Entry In Edu; Deptt;	BPS	Method of Recruitment	Remarks
1	Mr. Younas Ali Shah, Prl: GHS Rajoya Abbottabad	M.A B.Ed	05.12.1958	Bannu	01.08.1990	17.01.2002	By Promotion	
2	Fazal Iqbal Prl: GHS Kambat Dir Lower	M.A B.Ed	01.01.1960	Dir	17.02.1988	21.04.2014	By Promotion	Gained Seniority vide No.SO(S/M)E&SE/4-24/Fazal Iqbal&othersBS-19Seniority dated 13.11.204
3	Darwash Khan Prl: GHSS Sado Dir (L)	M.A B.Ed	01.05.1958	Dir	18.04.1979	21.04.2014	By Promotion	Do
4	Humayoun Prl: GHSS Mankiyal Swat	M.A B.Ed	17.05.1961	Swat	03.03.1988	21.04.2014	By Promotion	Do
5	Abdul Hameed Prl: GHS Bahrain Swat	M.A B.Ed	12.07.1962	Swat	05.03.1988	21.04.2014	By Promotion	Do
6	Hamayoun Khan Prl: GHSS Khar Malakand	M.A B.Ed	27.03.1957	Malakand	27.04.1985	21.04.2014	By Promotion	Do
7	Sardar Ali Prl: GHS Manglawor Swat		12.01.1964	Swat	12.11.1989	21.04.2014	By Promotion	Do
8	Jahan Dedar Prl: GHS Chakaesar Shangla		15.07.1960	Shangla	11.01.1987	21.04.2014	By Promotion	Do
9	Hameed Ul Haq Prl: GHS kanjo Swat		19.01.1960	Swat	21.09.1989	21.04.2014	By Promotion	Do
10	Beradar Khan Prl: GHS Darora Dir (U)		04.04.1960	Dir	21.03.1990	21.04.2014	By Promotion	Do
11	Muhammad Mujtaba Khan Prl: GHSS Uch Dir (L)	M.Sc B.Ed	02.03.1964	Dir	24.03.1990	21.04.2014	By Promotion	Do
12	Muhammad Amin Prl: GHS Aman Kot Swat	M.A B.Ed	15.03.1960	Swat	25.07.1990	21.04.2014	By Promotion	Do
13	Hamid Ali Prl: GHSS Risalpur Nowshehra	M.A M.Ed	01.04.1960	Sawabi	13.12.1986	30.09.2006	By Promotion	Do
14	Said Muhammad V/Pr: GEC Khyber Agency	M.A M.Ed	01.06.1958	Bajaur Agency	17.05.1982	30.09.2006	By Promotion	Do
15	Hakim Ullah Prl: GSRSHSS Utmanzai Charsadda	M.A M.Ed	02.04.1960	Charsadda	21.04.1982	05.01.2009	By Promotion	Gained Seniority vide No SO(R-1)S&GAD dated: 13.04.87
16	Ali Shah Prl: GHSS Nisata Charsadda	M.A M.Ed	01.04.1961	SWA	27.09.1984	30.09.2006	By Promotion	
17	Jamil Akhter Prl: GHS No.2 Hari Pur	M.A M.Ed	15.12.1957	Haripur	14.04.1986	30.09.2006	By Promotion	
18	Muhammad Zeb Prl: GHS Deri Ala Qhand No.1 Malakand	MA M.Ed	10.05.1961	Malakand	16.04.1983	05.01.2009	By Promotion	Gained Seniority vide No SO(R-1)S&GAD dated: 13.04.87

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S.No	Name of Officer with Designation	Qualification	D/O Birth	Domicile	Date of 1 <sup>st</sup> Entry in Edu; Deptt;	BPS	Method of Recruitment	Remarks
358	Sher Muhammad Prt: GHS Gandhian Mansehra	M.A B.Ed	15.03.1965	Mansehra	12.11.1998	18.11.2015	By Promotion	
359	Munsif Khan Prt: GHS Bakot Abbotabad	M.A B.Ed	15.04.1961	Abbottabad	12.11.1988	18.11.2015	By Promotion	
360	Shirin Zada Prt: GHS Totalai Buner	M.A B.Ed	02.02.1965	Bunir	17.03.1984	18.11.2015	By Promotion	
361	Safi Ullah Prt: GHSS Khal Dir (L)	M.A B.Ed	05.01.1964	Dir	12.11.1998	18.11.2015	By Promotion	
362	Muhammad Kamin Prt: GHSS Charbagh swat	M.A B.Ed	25.12.1968	Swat	12.04.1990	18.11.2015	By Promotion	
363	Rafique Ahmad Prt: GHS Jamal Ghari Mardan	M.A B.Ed	12.09.1968	Mardan	12.11.1998	18.11.2015	By Promotion	
364	Sher Maluk Khan Prt: GHSS Salima Sikander Khel Bannu	M.A B.Ed	18.10.1960	Bannu	12.11.1998	18.11.2015	By Promotion	
365	Farid Ullah Shah Prt: GHSS Jandrai Karak	M.A B.Ed	07.01.1964	Karak	10.12.1988	18.11.2015	By Promotion	
366	Muhammad Shafiq Prt: GHS Bagnotar Abbotabad	M.A B.Ed	05.04.1965	Abbottabad	21.09.1985	18.11.2015	By Promotion	
367	Raham Maola Prt: GHSS Lal Qilla Dir (L)	M.A B.Ed	01.04.1960	Dir	01.04.1981	18.11.2015	By Promotion	
368	Mirza Ali Khan Prt: GHS Aza Khel Bala Nowshera	M.A B.Ed	04.01.1965	Karak	25.03.1997	18.11.2015	By Promotion	
369	Abdul Haq Prt: GHS Badraga Malakand	M.A B.Ed	01.03.1964	Malakand	02.09.1989	18.11.2015	By Promotion	
370	Gul Shad Prt: GHS Sardar Ghari Peshawar	M.A B.Ed	09.04.1968	Peshawar	28.03.1996	18.11.2015	By Promotion	

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*Handwritten signature/initials*

CERTIFICATE:

It is certified that the seniority list is final and undisputed.

DEPUTY DIRECTOR (Estt.)  
ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA, PESHAWAR

Deputy Director (Estt.)  
Elementary & Secondary Education  
Peshawar

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24-4-16



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

Dated Peshawar the April 26, 2016

**NOTIFICATION**

**NO.SO(S/M)E&SED/4-25/2016/FSL/BS-19 Male (TC):** In exercise of powers conferred under Sub Section (I) of Section-8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No.XVIII of 1973), the Final Seniority List of Male Officers of Teaching Cadre BS-19 of Elementary & Secondary Education Khyber Pakhtunkhwa as it stood on 31-12-2015 is hereby notified for information of all concerned.

Encl: As Above:

Chief Secretary  
Khyber Pakhtunkhwa

Endst: of even No. & Date:

Copy forwarded to the:

1. Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar. He is requested to circulate the final seniority list to all concerned.
2. Director, Curriculum & Teachers Education Khyber Pakhtunkhwa, Abbottabad.
3. Director, Education (FATA) Khyber Pakhtunkhwa, Peshawar.
4. Director, PITE Khyber Pakhtunkhwa, Peshawar.
5. All District Education Officers (Male) in Khyber Pakhtunkhwa.
6. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
7. Incharge EMISE: E&SE Department.
8. Officer concerned.
9. Office order file.

ADD (E) 3/29  
 1000 28  
 676  
 28/4/16

*(Signature)*  
 (MUJEEB-UR-REHMAN)  
 SECTION OFFICER (SCHOOLS/MALE)

DD(M)  
**ATTENDED**  
*(Signature)*  
 29/4

**Final Seniority list of officers B-19 Male (Teaching Cadre) of Elementary & Secondary Education Deptt; Khyber Pakhtunkhwa  
as stood on 31-12-2015**

S.No	Name of Officer with Designation	Qualification	D/O Birth	Domicile	Date of 1 <sup>st</sup> Entry in Edu; Deptt;	BPS	Method of Recruitment	Remarks
1	Mr. Younas Ali Shah, Prl: GHS Rajoja Abbottabad	M.A B.Ed	05.12.1958	Bannu	01.08.1980	17.01.2002	By Promotion	
2	Fazal Iqbal Prl: GHS Kambat Dir Lower	M.A B.Ed	01.01.1960	Dir	17.02.1988	21.04.2014	By Promotion	Gained Seniority vide No.SO(S/M)E&SE/4-24/Fazal Iqbal&othersBS-19Seniority dated 13.11.204
3	Darwash Khan Prl: GHSS Sado Dir (L)	M.A B.Ed	01.05.1958	Dir	18.04.1979	21.04.2014	By Promotion	Do
4	Humayoun Prl: GHSS Mankiyal Swat	M.A B.Ed	17.05.1961	Swat	03.03.1988	21.04.2014	By Promotion	Do
5	Abdul Hameed Prl: GHS Bahrain Swat	M.A B.Ed	12.07.1962	Swat	05.03.1988	21.04.2014	By Promotion	Do
6	Hamayoun Khan Prl: GHSS Khar Malakand	M.A B.Ed	27.03.1957	Malakand	27.04.1985	21.04.2014	By Promotion	Do
7	Sardar Ali Prl: GHS Manglawor Swat		12.01.1964	Swat	12.11.1989	21.04.2014	By Promotion	Do
8	Jahan Dedar Prl: GHS Chakaesar Shangla		15.07.1960	Shangla	11.01.1987	21.04.2014	By Promotion	Do
9	Hameed Ul Haq Prl: GHS kanjo Swat		19.01.1960	Swat	21.09.1989	21.04.2014	By Promotion	Do
10	Beradar Khan Prl: GHS Darora Dir (U)		04.04.1960	Dir	21.03.1990	21.04.2014	By Promotion	Do
11	Muhammad Mujtaba Khan Prl: GHSS Uch Dir (L)	M.Sc B.Ed	02.03.1964	Dir	24.03.1990	21.04.2014	By Promotion	Do
12	Muhammad Amin Prl: GHS Aman Kot Swat	M.A B.Ed	15.03.1960	Swat	25.07.1990	21.04.2014	By Promotion	Do
13	Hamid Ali Prl: GHSS Risalpur Nowshehra	M.A M.Ed	01.04.1960	Sawabi	13.12.1986	30.09.2006	By Promotion	Do
14	Said Muhammad V/Pr: GEC Khyber Agency	M.A M.Ed	01.06.1958	Bajaur Agency	17.05.1982	30.09.2006	By Promotion	Do
15	Hakim Ullah Prl: GSRSHSS Utmanzai Charsadda	M.A M.Ed	02.04.1960	Charsadda	21.04.1982	05.01.2009	By Promotion	Gained Seniority vide No SO(R-1)S&GAD dated: 13.04.87
16	Ali Shah Prl: GHSS Nisata Charsadda	M.A M.Ed	01.04.1961	SWA	27.09.1984	30.09.2006	By Promotion	
17	Jamil Akhter Prl: GHS No.2 Hari Pur	M.A M.Ed	15.12.1957	Haripur	14.04.1986	30.09.2006	By Promotion	
18	Muhammad Zeb Prl: GHS Deri Ala Dhand No.1 Malakand	MA M.Ed	10.05.1961	Malakand	16.04.1983	05.01.2009	By Promotion	Regained seniority vide Establishment Department letter No SOR-1(E&AD) 3-86/96 Dated: 29.10.2014

*(Signature)*  
 Director, Education, Khyber Pakhtunkhwa  
 P.O. Education, Peshawar

S.No	Name of Officer with Designation	Qualification	D/O Birth	Domicile	Date of 1 <sup>st</sup> Entry in Edu; Deptt;	BPS	Method of Recruitment	Remarks
19	Luqman Ali Khan Prl: GHSS Nagri Bala Abbotabad	MA M.ED	24.04.1959	Nowshera	04.03.1987	30.09.2006	By Promotion	
20	Muhammad Siddique Prl: GHS Khanpur Hari Pur	MA M.ED	14.04.1957	Haripur	01.10.1981	30.09.2006	By Promotion	
21	Rehman Ullah GHSS Bangi Khan Khujri Bannu	MA M.Ed	01.05.1962	Bannu	12.10.1985	30.09.2006	By Promotion	
22	Zahid Rashid GHSS Gumbat Kohat	MA M.Ed	15.09.1960	Kohat	08.01.1986	30.09.2006	By Promotion	
23	Muhammad Iqbal GHSS Rahmat Abad karak	MA M.Ed	12.08.1958	Karak	14.05.1981	30.09.2006	By Promotion	
24	Aziz ur Rahman AEO SWA	M.Sc M.Ed	09.12.1960	F.R Peshawar	31.03.1988	05.01.2009	By Promotion	
25	Asmat Khan AEO F.R Peshawar	M.A M.Ed	13.03.1958	F.R Peshawar	31.01.1988	05.01.2009	By Promotion	
26	Muhammad Bashir Ahmad Prl: GHS No.1 Rajjar Charsadda	M.A M.Ed	15.07.58	Charsadda	18.09.1982	05.01.2009	By Promotion	
27	Hamayun Khan Prl: GHS Shawa, Dir Lower	M.A M.Ed	03.02.1960	Dir Lower	09.10.1982	05.01.2009	By Promotion	
28	Saeed Khan DEO (M) Shangla	M.A M.Ed	07.08.1958	Dir Lower	29.06.1977	05.01.2009	By Promotion	
29	Abdul Haq Prl: GHSS Bughdada Mardan	M.A M.Ed	25.05.1960	Mardan	24.10.1981	05.01.2009	By Promotion	
30	Mati Ullah Prl: GHS Shaidu Nowshera	M.A M.Ed	11.03.1962	Swabi	01.11.1984	05.01.2009	By Promotion	
31	Hanif Ullah DEO (M) Chitral	M.A M.Ed	08.06.1964	Swabi	21.12.1986	05.01.2009	By Promotion	
32	Nadir Khan Prl: GHS Iabat Swat	M.A M.Ed	01.01.1963	Swat	06.02.1988	05.01.2009	By Promotion	
33	Syed Mehboob Ahmad Shah Prl; GHSS Kot Najeeb Ullajh Haripur	M.A M.Ed	01.01.1963	Kohat	30.09.1987	05.01.2009	By Promotion	
34	Abdu Latif Prl: GHS Mingora Swat	M.Sc M.Ed	12.04.1955	Swat	23.08.1978	05.01.2009	By Promotion	
35	Muhammad Qadeem Prl: GHS Matta Swat	M.A M.Ed	09.10.1958	Swat	26.11.1986	05.01.2009	By Promotion	
36	Mir Kalam Prl: GHS Mitta Khel Karak	M.A M.Ed	03.03.1960	Karak	07.12.1987	05.01.2009	By Promotion	

Section Officer (General) (1000)  
 ERB/1000/2009/1000  
 Govt. of F.K.A. Peshawar

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S.No	Name of Officer with Designation	Qualification	D/O Birth	Domicile	Date of 1 <sup>st</sup> Entry in Edu; Deptt;	BPS	Method of Recruitment	Remarks
358	Sher Muhammad Prl: GHS Gandhian Mansehra	M.A B.Ed	15.03.1965	Mansehra	12.11.1998	18.11.2015	By Promotion	
359	Munsif Khan Prl: GHS Bakot Abbotabad	M.A B.Ed	15.04.1961	Abbottabad	12.11.1988	18.11.2015	By Promotion	
360	Shirin Zada Prl: GHS Totalai Buner	M.A B.Ed	02.02.1965	Bunir	17.03.1984	18.11.2015	By Promotion	
361	Safi Ullah Prl: GHSS Khal Dir (L)	M.A B.Ed	05.01.1964	Dir	12.11.1998	18.11.2015	By Promotion	
362	Muhammad Kamin Prl: GHSS Charbagh swat	M.A B.Ed	25.12.1968	Swat	12.04.1990	18.11.2015	By Promotion	
363	Rafique Ahmad Prl: GHS Jamal Ghari Mardan	M.A B.Ed	12.09.1968	Mardan	12.11.1998	18.11.2015	By Promotion	
364	Sher Maluk Khan Prl: GHSS Salima Sikander Khel Bannu	M.A B.Ed	18.10.1960	Bannu	12.11.1998	18.11.2015	By Promotion	
365	Farid Ullah Shah Prl: GHSS Jandrai Karak	M.A B.Ed	07.01.1964	Karak	10.12.1988	18.11.2015	By Promotion	
366	Muhammad Shafiq Prl: GHS Bagnotar Abbotabad	M.A B.Ed	05.04.1965	Abbottabad	21.09.1985	18.11.2015	By Promotion	
367	Raham Maola Prl: GHSS Lal Qilla Dir (L)	M.A B.Ed	01.04.1960	Dir	01.04.1981	18.11.2015	By Promotion	
368	Mirza Ali Khan Prl: GHS Aza Khel Bala Nowshehra	M.A B.Ed	04.01.1965	Karak	25.03.1997	18.11.2015	By Promotion	
369	Abdul Haq Prl: GHS Badraga Malakand	M.A B.Ed	01.03.1964	Malakand	02.09.1989	18.11.2015	By Promotion	
370	Gul Shad Prl: GHS Sardar Ghari Peshawar	M.A B.Ed	09.04.1968	Peshawar	28.03.1996	18.11.2015	By Promotion	

**CERTIFICATE:**

It is certified that the seniority list is final and undisputed.

DEPUTY DIRECTOR (Estt.)  
ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA, PESHAWAR

Deputy Director (Estt.)  
Elementary Education  
Khyber Pakhtunkhwa Peshawar



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ITEM (9)

**ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

(Meeting of PSB held on 09.03.2017)

**SUBJECT :- PROMOTION OF EDUCATION OFFICER (MALE ) FROM BS-19 TO 20.**

Secretary E&SE apprised the Board that due to up gradation in FATA, retirement and left over posts in PSB Meeting held on 07.01.2014, twenty five (25) posts of teaching cadre officers BS-20 are laying vacant. He farther apprised the Board that the seniority of officers appearing at S.No:2 to 12 in the panel have been challenged in the service tribunal, hence eleven (11) posts out of twenty five (25) posts will be reserved for them.

2. According to service rules the post is required to be filled as under:-

- i. By selection on merit from amongst Principal High School / Higher Secondary school / Comprehensive high school / Regional institute of Teacher Education and other equivalent regular post in BS-19 and Teaching cadre with seventeen years service in BS-17 and above are twelve years service in BS -18 and above are five years' service BS -19 in the teaching cadre.
- ii- By transfer of in officer of the school management cadre .

3. The service record of the officers included in the penal was discussed as

follows:-

S.N o	NAME OF OFFICER	RECOMMENDATION OF THE BOARD
1.	Mr. Younas Ali Shah	His date of birth is 05.12.1958.He joined government service on 01.08.1980 and was appointed to BS-17 on 19.01.1988. He was promoted to Bs-19 on 17.01.2002.No enquiry is pending against him his service record up to 2015 is generally good.  The Board recommended the officer for promotion for BS-20 on regular basis he will be on probation for a period of one year.
2	Mr. Fazal Iqbal	Not consider as his seniority is pending in the Service Tribunal, Khayber pukhtunkhwa .
3	Mr. Darvesh Khan	Not consider as his seniority is pending in the Service Tribunal, Khayber pukhtunkhwa .
4	Mr. Humayoun	Not consider as his seniority is pending in the Service Tribunal, Khayber pukhtunkhwa .

**ATTENDED**

5.	Mr. Abdul Hameed	Not considered as his seniority is pending in the Service Tribunal, Khyber Pakhtunkhwa.
6	Mr. Hamayoun Khan	Not considered as his seniority is pending in the Service Tribunal, Khyber Pakhtunkhwa.
7	Mr. Sardar Ali	Not considered as his seniority is pending in the Service Tribunal, Khyber Pakhtunkhwa.
8	Mr. Jehan Deedar	Not considered as his seniority is pending in the Service Tribunal, Khyber Pakhtunkhwa.
9	Mr. Hameed ul Haq	Not considered as his seniority is pending in the Service Tribunal, Khyber Pakhtunkhwa.
10	Mr. Biradar Khan	Not considered as his seniority is pending in the Service Tribunal, Khyber Pakhtunkhwa.
11	Mr. Muhammad Mujtaba Khan	Not considered as his seniority is pending in the Service Tribunal, Khyber Pakhtunkhwa.
12	Mr. Muhammad Amin	Not considered as his seniority is pending in the Service Tribunal
13	Mr. Hamid Ali	<p>His date of birth is (sic). He joined government service on 13.12.1986 and was appointed to BS-17 on 01.01.1993. He was promoted to BPS-19 (sic) 09.2006. No enquiry is pending against him. His service record upto 2015 is generally good.</p> <p>The Board recommended the officer for promotion to BS-20 on regular basis. He will be on probation for a period of one year.</p>
14	Mr. Said Muhammad	<p>His date of birth is 01.06.1958. He joined government service on 17.05.1982 and was appointed to BS-17 on 01.01.1993. He was promoted to BPS-19 30.09.2006. No enquiry is pending against him. His service record upto 2015 is generally good.</p> <p>The Board recommended the officer for promotion to BS-20 on regular basis. He will be on probation for a period of one year</p>
15	Mr. Hakeem Ullah	<p>His date of birth is 02.(sic). He joined government service on 21.04.1982 and was appointed to BS-18 on 23.11.1998. He was promoted to BPS-19 .01.2009. No enquiry is pending against him. His service record upto 2015 is generally good.</p> <p>The Board recommended the officer for promotion to BS-20 on regular basis. He will be on probation for a period of one year.</p>

**ATTESTED**

16.	Mr. Ali Shah	<p>His date of birth is 01.04.1961. He joined government service on 27.09.1984 and was appointed to BS-17 on 02.11.1991. He was promoted to BPS-19 30.09.2006. No enquiry is pending against him. His service record upto 2015 is generally good.</p> <p>The Board recommended the officer for promotion to BS-20 on regular basis. He will be on probation for a period of one year</p>
17	Mr. Jamil Akhtar	<p>His date of birth is 15.(sic) He joined government service on 14.04.1986 and was appointed to BS-17 on 01.01.1994. He was promoted to BPS-19 30.09.2006. No enquiry is pending against him. His service record upto 2015 is generally good.</p> <p>The Board recommended the officer for promotion to BS-20 on regular basis. He will be on probation for a period of one year</p>
18	Mr. Muhammad Zeb	<p>His date of birth is 10.05.1961. He joined government service on 16.04.1983 and was appointed to BS-18 on 23.11.1998. He was promoted to BPS-19 05.01.2009. No enquiry is pending against him. His service record upto 2015 is generally good.</p> <p>The Board recommended the officer for promotion to BS-20 on regular basis. He will be on probation for a period of one year</p>
19	Mr. Luqman Ali Khan	<p>His date of birth is 24 (sic). He joined government service on 04.03.1987 and was appointed to BS-18 on 23.11.1998. He was promoted to BPS-19 09.2009. No enquiry is pending against him. His service record upto 2015 is generally good.</p> <p>The Board recommended the officer for promotion to BS-20 on regular basis. He will be on probation for a period of one year</p>
20	Mr. Muhammad Siddique	<p>His date of birth is 14.04.1957. He joined government service on 01.10.1987 and was appointed to BS-18 on 23.11.1998. He was promoted to BPS-19 30.09.2006. No enquiry is pending against him. His service record upto 2015 is generally good.</p> <p>The Board recommended the officer for promotion to BS-20 on regular basis. He will be on probation for a period of one year</p>
21	Mr. Rehman Ullah	<p>His date of birth is 01.05.1962. He joined government service on 12.10.1985 and was appointed to BS-17 on 01.01.1992. He was promoted to BPS-19 .09.2006. No enquiry is pending against him. His service record upto 2015 is generally good.</p> <p>The Board recommended the officer for promotion to BS-20 on</p>

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		regular basis. He will be on probation for a period of one year.
22.	Mr. Zahid Rasheed	<p>His date of birth is 15.09.1960. He joined government service on 08.01.1986 and was appointed to BS-18 on 23.11.1998. He was promoted to BPS-19 .2006. No enquiry is pending against him. His service record upto 2015 is generally good.</p> <p>The Board recommended the officer for promotion to BS-20 on regular basis. He will be on probation for a period of one year</p>
23	Mr. Muhammad Iqbal	<p>His date of birth is 12.08.1958. He joined government service on 14.05.1981. He was appointed to BS-18 on 18.05.2000. He was promoted to BPS-19 30.09.2006. No enquiry is pending against him. His service record upto 2015 is generally good.</p> <p>The Board recommended the officer for promotion to BS-20 on regular basis. He will be on probation for a period of one year</p>
24	Mr. Aziz ur Rehman	<p>His date of birth is 09.12.1960. He joined government service on 31.03.1988 and was appointed to BS-18 on 18.05.2000. He was promoted to BPS-19 .2009. No enquiry is pending against him. His service record upto 2015 is generally good.</p> <p>The Board recommended the officer for promotion to BS-20 on regular basis. He will be on probation for a period of one year</p>
25.	Mr. Asmat Khan	<p>His date of birth is 13.03.(sic). He joined government service on 31.01.1988 and was appointed to BS-18 on 18.05.2000. He was promoted to BPS-19 05.01.2009. No enquiry is pending against him. His service record upto 2015 is generally good.</p> <p>The Board recommended the officer for promotion to BS-20 on regular basis. He will be on probation for a period of one year</p>

ATTACHED

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. \_\_\_\_\_/2016

Mr. Hanifullah

Presently District Education Officer (Male) Chitral

(Teaching Cadre).....Appellant

Versus

1. The Govt. of Khyber Pakhtunkhwa  
through Chief Secretary,  
Civil Secretariat, Peshawar.
2. The Secretary  
to Govt. of Khyber Pakhtunkhwa  
Elementary & Secretary Education Department,  
Civil Secretariat, Peshawar.
3. The Secretary  
to Govt. of Khyber Pakhtunkhwa  
Establishment Department,  
Civil Secretariat, Peshawar.
4. Mr. Fazal Iqbal  
Principal, GHS Kambat, Dir Lower
5. Mr. Darwesh Khan  
Principal, GHSS Sado, Dir Lower.
6. Mr. Hamayun,  
Principal, GHSS Mankiyal, Swat.
7. Mr. Abdul Hameed,  
Principal, GHS Bahrain, Swat.
8. Mr. Hamayun Khan,  
Principal, GHSS Khar Malakand.
9. Mr. Sardar Ali,  
Principal, GHS Manglawar Swat.
10. Mr. Jahan Decdar,  
Principal, GHS Chakesar, Shangla.
11. Mr. Hameedul Haq,  
Principal, GHS Kanju, Swat.
12. Mr. Beradar Khan,  
Principal, GHS Darora, Dir Upper.
13. Mr. Mubammad Mujtaba Khan,  
Principal, GHSS Ouch Dir Lower.

ATTACHED

- 14. Mr. Muhammad Amin,  
Principal, GHS Aman kot,  
Swat.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED FINAL SENIORITY LIST (MALE) TEACHING CADRE BS-19 VIDE NOTIFICATION DATED 26.04.2016 WHEREBY RESPONDENTS NO.4 TO 14 WERE PLACED SENIOR TO THE APPELLANT AGAINST WHICH A DEPARTMENTAL REPRESENTATION WAS PREFERRED ON 07.05.2016 BUT THE SAME WAS NOT DISPOSED OF WITHIN THE STATUTORY PERIOD OF 90 DAYS.

PRAYER:

On acceptance of the instant appeal, the impugned final Seniority List (Male) Teaching Cadre BS-19 vide Notification dated 26.04.2016 may graciously be modified by placing the name of appellant above the names of Respondents No.4-14 in the seniority list with any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. That the appellant belongs to teaching cadre of the Elementary & Secondary Education Department and presently serving as District Education Officer (Male), Chitral. He was appointed as Principal (BPS-18) vide Notification dated 18.05.2000 (*Annex:-A*) on the recommendation of the Khyber Pakhtunkhwa Public Service Commission. Subsequently, he was promoted to BPS-19 on acting charge basis vide Notification dated 30.09.2006 (*Annex:-B*) and was then regularly promoted/regularized against the same post vide Notification dated 05.01.2009 (*Annex:-C*).

Service Chronology of Respondents No.4 to 14

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AS

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 803/2016

Date of Institution ... 10.08.2016

Date of Decision ... 11.09.2017



Hanifullah,

Presently District Education Officer (Male) Chitral, (Teaching Cadre).

... (Appellant)

VERSUS

1. The Govt. of Khyber Pakhtunkhwa through Chief Secretary,  
Civil Secretariat, and 3 others. ... (Respondents)

-----  
MR. SAADULLAH KHAN MARWAT,  
Advocate

MR. KHALED RAHMAN,  
Advocate

--- For appellants.

MR. Muhammad Adeel Butt,  
Additional Advocate General

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

Mr. Muhammad Asif Yousafzai,  
Advocate

... For private respondents No.4 to 14

MR. AHMAD HASSAN,  
MR. MUHAMMAD AMIN KHAN KUNDI

... MEMBER (Executive)  
... MEMBER (Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER.-

This judgment shall dispose of the instant service appeal as well as connected service appeals no. 935/2016 titled Hussain Ahmad and no. 962/2016 titled Saeed Khan and no. ~~939~~ 989/2016 titled M. Bashir Ahmad as similar question of law and facts are involved therein.

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

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FACTS

3. The brief facts are that the respondent no.4 to 14 were initially appointed on different dates in the year 1988, 1990 by the then Divisional Director Education, Malakand as SET (BPS-15) on fixed pay against the vacant posts of Subject Specialist (BPS-17) as a stop gap arrangement because they lacked the prescribed qualification vide orders dated 05.03.1988, 17.05.1988, 25.05.1988, 25.07.1988, 24.03.1990, 03.03.1988, 14.12.1988 and 13.12.1990. That the private respondents, later on approached this Tribunal for regularization of their services against the posts of Subject Specialist (BPS-17). The appeal was disposed of vide judgment dated 31.05.1994. The relevant part of the judgment is reproduced below:

*"There is no dispute with respect to the legal position that a person who is working against the post is entitled to the pay thereon and thus the appellant is also entitled to the pay of the post of Subject Specialist from the date when he was adjusted as such. But the period for which he would be entitled to the pay of Subject Specialist would be reckoned upto three years back from the date when a writ petition was preferred in the High Court and the claim beyond that would be time barred. As regards the prayer for regularization of the service it is for the Department to process the case of the appellant for appointment as Subject Specialist. The appeal is accepted in the above terms."*

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Service Tribunal,  
Peshawar

Above judgment of the Tribunal was implemented vide notification dated 17.01.1996 clearly specifying: **These orders, however, will not entitle them to claim their regularization/appointment as Subject Specialist on regular basis.**

Subsequent the private respondents challenged the aforementioned judgment in the Supreme Court of Pakistan through Civil Appeals which were decided vide judgment dated 26.02.1997. The private respondents were held entitled for the pay of the post with effect from the date of appointment, while their plea for regularization against the post of Subject Specialist was not accepted. The department through notification dated 28.05.1997 implemented the judgment of the Supreme Court. Order dated 28.05.1997, was then challenged by the private



respondents before this Tribunal and was decided vide Judgment dated 17.08.2004.

The operative part of the judgment is as under:-

*“ In view of the above discussion, the Tribunal is not inclined to become a party and contribute to validate or to perpetuate any irregular and illegal appointment made in utter violation of rules and merit and to make any intervention with regard to regularization of service and the consequential benefits including seniority to such irregular/illegal appointees at the cost of other qualified Subject Specialists appointed on regular basis to the service on merits so far. The Tribunal as per its earlier judgments dated 31.05.1994 and 24.07.1994 upheld by the Hon’ble Supreme Court of Pakistan vide its judgment dated 26.02.1997 again directs the respondent department to settle the longstanding issue of regularization of services of the appellants as per rules in a reasonable span of time. The case is, therefore, remanded back to the Department for necessary action. This appeal alongwith other 13 appeals mentioned in para-4 above are disposed of accordingly.”*

Subsequently, issue pertaining to implementation of the said judgment was referred to the Departmental Promotion Committee. The issue of regularization was discussed by Departmental Promotion Committee but held that it did not fall in its purview. It was also decided that regularization be considered by the department in light of the provincial government policy and judgments of the courts. Again a departmental committee was constituted to consider the issue of regularization of services of private respondents, but instead of regularization, it recommended termination of their services due to non-availability of old record. Then a Summary was moved to the Chief Minister for regularization of services of the private respondents. Despite opposition of the Establishment Department, the Chief Minister approved the summary but was not implemented by official respondents. Later on, services of the private respondents were terminated on 19.3.2008 on account of non-observance of the codal formalities and lack of prescribed qualification at the time of appointment. The private respondents filed writ petition

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 of Pakistan  
 the Tribunal  
 Rawalpindi

in Peshawar High Court, but the courts through judgment directed to dispose of their representation within thirty days. After filing departmental appeals and on expiry of statutory period, service appeals were filed in this Tribunal. The Tribunal vide judgment dated 21.10.2008 accepted the appeal with following directions:

**“The upshot of the above discussion is that we accept the appeals as prayed for and set aside the impugned order of termination of the appellant dated 19.03.2008. The respondent department is directed to reinstate the appellant in service with all back benefits of service”**

Through notification dated 18.04.2009, their services were regularized. Seniority list of Headmasters/ Subject Specialists (M) (BPS-17) was revised through notification dated 10.11.2010 by placing the private respondents at the top of the said list. They were promoted to BPS-18 with immediate effect on 12.04.2011. Afterwards vide notification dated 06.11.2011, BPS-18 seniority was granted to them w.e.f 14.03.1998. Finally they got promotion to BPS-19 with immediate effect vide notification dated 21.04.2014. Tentative seniority list of BPS-19 officers was circulated for objections. Objections were regretted on 16.11.2015. Thereafter impugned seniority list was notified on 26.04.2016, and representations were preferred on 07.05.2016 but were not responded within the statutory period, hence the instant service appeal.

### ARGUMENTS

4. Learned counsel for the appellant argued that respondent no. 4-14 (Private Respondents) were initially appointed as SET BPS-15(Fixed Pay) against the vacant posts of Subject Specialists (BPS-17) as a stop gap arrangement in 1998 and 1990 by the then Divisional Director Education Malakand. They approached the Service Tribunal for regularization of their services against the post of Subject Specialist (BPS-17) and vide judgment dated 31.5.1994 the Tribunal only allowed them salary of the post of Subject Specialist, while issue of regularization was left to the

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administrative department. This judgment was challenged by them in the Supreme Court of Pakistan through various Civil Appeals. The Supreme Court in its judgment date 26.2.1997 held that they were entitled for the pay of the post with effect from the date of appointment, while the remaining judgment of the tribunal was upheld. Vide order dated 28.5.1997 the above judgment was implemented by the administrative department. Order dated 28.5.1997 was again challenged by the Private Respondents in this tribunal and vide judgment dated 17.8.2004 remanded the case back to the respondent no. 2 to settle the issue of regularization in view of earlier judgments of services tribunal and supreme court. Thereafter services of private respondents were terminated vide notification 19.03.2008 which was again challenged in this tribunal. The Tribunal vide judgment dated 21.10.2008 gave the following directions:

*“The upshot of the above discussion is that we accept the appeal as prayed for and set aside the impugned order of termination of the appellant dated 19.3.2008. the respondent department is directed to reinstate the appellant in service with all back benefits of service.”*

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Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

After getting approval on the summary services of the appellant were regularized vide notification dated 18.4.2009, which is not only unprecedented but a serious departure from rules as no such direction was given by the tribunal in this regard. Vide notification dated 10.11.2010 final seniority list of Headmasters/Subject specialists (Male BPS-17) was notified by placing the private respondents at the top and wrongly shown as “**directly recruited**” in the relevant column. Subsequently they were promoted to BPS-18 on regular basis with immediate effect vide notification dated 12.4.2011. Similarly, through notification dated 6.11.2011 they were allowed seniority in BPS-18 with effect from 14.3.1998 illegally and against the legitimate rights of other stake holder including the appellant without any prior

notice. Finally, the private respondents were promoted to BPS-19 on regular basis with immediate effect on 21.4.2014. It may not be out of place to mention here that the tentative seniority list circulated by the respondent adversely affected the appellant but no prior notice was given. They brought their grievances to the notice of the concerned but same were rejected vide letter dated 16.11.2015. The plea taken by the respondent no. 2 was that the private respondents were granted seniority as their erstwhile juniors were promoted to BPS-18 on 4.3.1998 on regular basis in as much as the cases of the private respondents and those promoted on 4.3.1998 were altogether distinct and dissimilar; Those erstwhile juniors were appointed vide notification dated 5.12.1988 by the competent authority through a single order against the post of Subject Specialist BPS-17 and had the requisite qualification required for the above post. Private respondents were appointed as SET BPS-15 on Fixed Pay as a stop gap arrangement and they also lacked the prescribed qualification at the relevant time for BPS-17. Moreover, they were appointed by the then Divisional Director Education Malakand, who was not the competent authority for such appointments. The precedent quoted by the private respondents is not only irrelevant but also smacks of malafide on their part and to give undue advantage to the private respondents at the cost of other stakeholders. To further substantiate the claim of the appellant it is clarified that he was promoted to BPS-18 on 8.5.2000 while private respondent on 12.4.2011. Similarly, he got promotion to BPS-19 on 5.1.2009 and the private respondent was elevated to BPS-19 on 21.4.2014. Though promotion of private respondents to BPS-18 and 19 was made with immediate effect, hence, granting them seniority with retrospective effect is illegal and not sustainable in the eyes of law. Similarly, one Shams ul Hadi a colleague of private respondents was appointed on 5.3.1998 alongwith respondent no.7. Subsequently on the basis of recommendations of the Khyber Pakhtunkhwa

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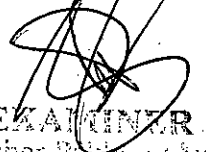


Public Service Commission, he was appointed as subject specialist BPS-17 on 26.9.1992. However, in the impugned seniority list the name of Shams ul Hadi is reflected at 197 while respondent no. 7 is at serial no. 5, despite the fact that he was initially appointed in BPS-15. Thus, an officer appointed in the prescribed manner has become junior most to a person who was appointed in violation of law/rules.

5. The private respondents were regularized from the date of initial recruitment though they improved the required qualification of B.Ed, as per amended service rules notified on 21.11.1991, but they acquired the prescribed qualification much after their initial appointment. There is hardly any past precedent in the department where seniority was given in such a slip shod manner. At the most seniority could be given to them from 17.10.1992 the date of acquiring the prescribed qualification. Reliance placed on the case of Muhammad Riaz Subject Specialist notified on 15.2.1999 is also irrelevant because he was given seniority with effect from the date of acquiring the prescribed qualification. It is also a well-established fact that ever since the start of litigation in 1994 this Tribunal as well as the supreme court of Pakistan did not allow seniority to the private respondents from the date of initial appointment and the same was also denied by respondent no. 2 except the last judgment of this tribunal where facts were twisted in their favor and seniority with retrospective effect was granted in violation of rules. Reliance was placed on case law as reported in 1998 PLC (C.S) 976, 2007 PLC(C.S) 311, PLD 1991 Supreme Court 226, 1982 SCMR 877, PLD 1991 Supreme Court 35, PLD 1991 Supreme Court 82, 2010 PLC(C.S) 946, 1986 SCMR 2007, 1985 SCMR 1201, 1991 SCMR 2216 and 1982 SCMR 408.

6. Learned counsel for private respondents no. 4 to 14 argued that their service appeal was accepted vide judgment dated 21.10.2008. Thereafter upon approval of a

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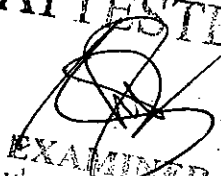
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summary their services as Subject Specialist were regularized/notified vide order dated 18.04.2009 with all back benefits from the date of initial appointment. It is a sufficient proof that they were rightly appointed against the above post. This order was never challenged by the appellant. They were rightly placed at the top of the seniority list of BPS-17 notified in 2010. Even they did not challenge their antedated promotion. The appellant also failed to challenge the seniority list of 2013. Seniority list was issued according to law and rules. Shams ul Hadi stood junior as he was appointed in BPS-17 in 1992, while respondent no.7 was regularized from the date of initial appointment i.e 1988. Though private respondents no. 4 to 14 were promoted to BPS-18 with immediate effect they filed departmental appeal against the said order seeking seniority from the date their juniors were promoted. On acceptance of appeal due place was assigned to them in the seniority list.

7. Learned Additional Advocate General relied on the arguments advanced by the Learned Counsel for respondent no.4 to 14.

#### CONCLUSION.

8. Careful perusal of record reveals that private respondent no. 4 to 14 were initially appointed as SET (BPS-15) (fixed pay) against the vacant post of Subject Specialist (BPS-17) as a stop gap arrangement, because they lacked the required qualification in 1988 and 1990 by the then Divisional Director Education Malakand, who otherwise was not competent to make such appointments. On the other hand the appellant was appointed in 1986 in the prescribed mode and manner. There was consistency and unanimity of opinion in the earlier three rounds of litigation between appellant and private respondents. The moot point in these judgments was that they were only entitled for the graded pay of the post of Subject Specialist,

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while the issue regularization was left to the department for decision. Even on a summary moved by the respondent no. 2 for regularization of services of respondents no. 4 to 14 was opposed tooth and nail by the Establishment Department. Though the then Chief Minister, Khyber Pakhtunkhwa overruled the observations and accorded approval, but it was not acted upon by the official respondents. It was also an illegal act having no legal backing. If the Chief Minister had the powers to regularize services of the employees then why from time to time regularization acts were passed by the Provincial Assembly of Khyber Pakhtunkhwa? As their appointment was not made on adhoc/contract basis, so it did not fall in the category of adhoc/contract employees, hence their services were not regularized under various Acts passed by the provincial Assembly from time to time. They also did not fulfill other conditions laid down in these Acts for regularization. Even principle of assigning seniority after regularization has been laid down in these acts. On account of non-observance of codal formalities and lacking prescribed qualification at the time of appointment, finally the services of private respondents were terminated on 19.03.2008. This decision was challenged in this Tribunal. The Tribunal in its judgment dated 21.10.2008 accepted the appeal with

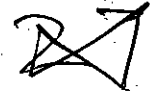
following directions:-

**ATTESTED**

**"The upshot of the above discussion is that we accept the appeals as prayed for and set aside the impugned order of termination of the appellant dated 19.03.2008. the respondent department is directed to reinstate the appellant in service with all back benefits of service"**

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Service Tribunal,  
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As a sequel to above judgment their services were regularized from the date of initial appointment vide notification dated 18.04.2009, which is not only unprecedented but a serious departure from rules, as no such directions were given by the Services Tribunal in its aforementioned judgment. It is quite strange that whether that Tribunal can over ride the judgment of Supreme court of Pakistan? The



respondents owe an explanation on this score alone. Appellant was not made a party in appeal no. 970/2008 so judgment dated 21.08.2008 cannot alter their status. Moreover, on 18.04.2009 while private respondents were in BPS-17, the appellant was in BPS-19 since 05.01.2009. Attention is also invited to para-9 of the judgment referred to above, the learned members of the Division Bench observed that Tribunal rightly declined to decide the matter of regularization as it was the prerogative of the Administrative department. It merits to mention here that Section-5 of Civil Servant Act, 1973 deals with **appointment** and is reproduced below:

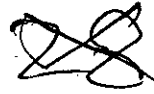
**“Appointment to a civil service of the province or to a civil post in connection with the affairs of the Province shall be made in the prescribed manner by the governor or by a person authorized by the Governor in that behalf.”**

Appointment in the prescribed manner has been adequately explained in APT Rules, 1989. Similarly seniority was assigned to them in utter violation of Section-8 of Civil Servant Act, 1973 read with Rule-17 of APT Rules-1989. **It is well settled principle that seniority in a cadre is always assigned from the date of regular appointment.** As the post of Subject Specialist falls in the purview of Khyber Pakhtunkhwa Public Service Commission, so regularization through executive order is beyond comprehension. They were promoted to BPS-18 with immediate effect vide notification dated 12.04.2011 in accordance with the instructions of the Provincial Government. It may not be out of place to mention here that appellant was promoted to BPS-18 on 08.05.2000, while private respondents on 12.04.2011. Similarly, he got promotion to BPS-19 on 5.1.2009, while the private respondent was elevated to BPS-19 on 21.4.2014. Being in BPS-19, the appellant did not challenge the final seniority list of BPS-18 on 01.01.2014. Though promotion of private respondents to BPS-18 and 19 were made with immediate effect, hence, granting them seniority with retrospective effect is in contravention of relevant instructions contained in promotion policy notified by the provincial and principles

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**SECRETARY**  
Khyber Pakhtunkhwa  
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laid down for determination of seniority up on promotion in invogue rules. Afterwards seniority in BPS-18 was granted to them w.e.f. 14.03.1998 vide notification dated 21.04.2014. At that time the private respondents were in BPS-15 (personal BPS-17) while the appellant was in BPS-18 since 18.05.2000. It is a clear manifestation that appellant was senior to them. It was an illegal act having far reaching repercussions on the career of other stake holders including the appellant. No prior notice was given before revising the seniority list. So far as the issue of grant of seniority to the private respondents on the analogy of their erstwhile junior who were promoted to BPS-18 on 04.03.1998 on regular basis is concerned, it is not a fit case for drawing parallel between the two. These erstwhile juniors were appointed vide notification dated 15.12.1982 while private respondents were appointed as SET (BPS-15) on fixed pay as stop gap arrangement and also lacked the prescribed qualification for the post of Subject Specialist. As such the precedent quoted by the private respondents is not only irrelevant but also speaks of malafide on their part by doling out undue favour to them at the cost of those who were

appointed in the prescribed mode and manner.

**ATTESTED**



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Public Service  
Tribunal,  
Peshawar

Similarly, one Shams-Ul-Hadi a colleague of private respondents was appointed on 5.3.1998 alongwith respondent no. 7. Subsequently on the basis of recommendations of the Khyber Pakhtunkhwa Public Service Commission he was appointed as subject specialist BPS-17 on 26.9.1992. However, in the impugned seniority list the name of Shams UIHadi is reflected at S. no. 197 and respondent no. 7 is at serial no. 5 despite the fact that he was initially appointed in BPS-15. Thus, an officer appointed in the prescribed manner has become junior most to a person who was appointed in violation of law/rules. Reliance placed on the case of Mohammad Riaz, Subject Specialist has least relevancy with that of private