

06.03.2019

Counsel for the petitioner present. Mian Amir Qadir, District Attorney alongwith Mr. Obaid Ur Rehman, ADO for respondents present.

Learned counsel for the petitioner stated at the bar that grievance of the petitioner has been redressed at departmental level and does not want to further pursue the case. As such the execution petition is hereby filed being implemented. File be consigned to the record room.

Announced:
06.03.2019



Member
Camp Court, Swat

03.10.2018

Petitioner alongwith his counsel present. Mr. Shahid Anwar, Assistant alongwith Mr. Usman Ghani District Attorney for the respondents present. Representative of the respondents submitted notification dated 19.04.2018. Counsel for the petitioner requested for adjournment. Granted. To come up for further proceedings on 04.12.2018 before the D.B at camp court, Swat.

Member
Camp Court Swat

04.12.2018

Imdad Ullah Advocate on behalf of learned counsel for the petitioner and Mr. Usman Ghani learned District Attorney alongwith Mr. Ubaid ur Rehman ADO litigation present. Imdad Ullah Advocate requested for adjournment on the ground that learned counsel for the petitioner is not in attendance. Adjourn. To come up for further proceedings on 10.01.2019 before D.B at Camp Court Swat.

Member

Member
Camp Court, Swat


10.01.2019

Clerk of counsel for the petitioner present. Mr. Mian Ameer Qadir, District Attorney for the respondents present. Clerk of counsel for the petitioner requested for adjournment on the ground that his counsel has gone to Saudi Arabia for performing of Umra. Adjourned. To come up for further proceedings on 06.03.2019 before S.B at Camp Court Swat.

(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

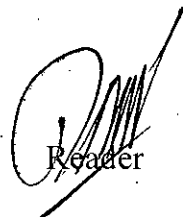
03.04.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Obaid-ur-Rehman, ADO for the respondents present. Implementation report not submitted. Learned District Attorney seeks adjournment. To come up for implementation report on 08.05.2018 before S.B at Camp Court, Swat.


Chairman
Camp court, Swat


09.05.2018

The Tribunal is non-functional due to retirement of the Worthy Chairman. To come up for the same on 03.07.2018 before the S.B at camp court, Swat.


Reader

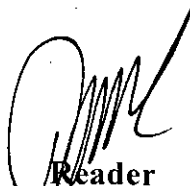
03.07.2018

Clerk of counsel for the petitioner Mr. Shamsul Hadi, Advocate present. Mr. Usman Ghani, District Attorney for the respondents present. Judgment of this Tribunal has not been implemented so far. Respondents are directed to implement the judgment and submit implementation report on 08.08.2018 before S.B at camp court, Swat.


Chairman
Camp court, Swat



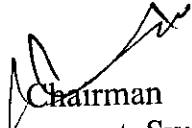
08.08.2018

Clerk to counsel for the petitioner and Mr. Ubaid Ur Rehman ADO for the respondents present. Due to summer vacations, the case is adjourned. To come up for the same on 03.10.2018 at camp court Swat .


Reader

FORM OF ORDER SHEET

Execution Petition No. 31/2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of Judge
1	2	3
1	25.01.2018	<p>The Execution Petition of Mr. Sher Alam submitted to-day by Mr. Shamsul Hadi Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	8-2-18	<p>This Execution Petition be put up before Touring S. Bench at Swat on <u>8-3-18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
08.03.2018.		<p>Petitioner in person present. Notices be issued to the respondents. To come up for implementation report on 3.4.2018 before S.B at camp court, Swat.</p> <p style="text-align: right;"> Chairman Camp court, Swat</p>

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR.**

Execution Petition No. 31 of 2018.

In

Service Appeal No. 1297/2015.

Shir Alama KhanPetitioner

V E R S U S

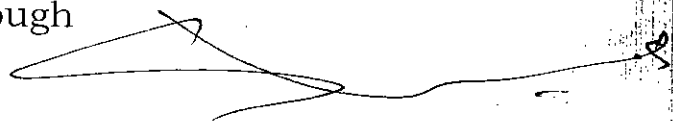
District Education Officer(Male) Bunir and an other...Respondents.

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S.N	Description of Documents	Pages
1.	Memo of Appeal.	1-2
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7.	Wakalat Nama	8

Petitioner

Through



Shams ul Hadi

Advocate, Peshawar.

Office: Near Al-Falah Mosque, Hayat

Abad, Mingora.

Cell No. 0347-4773440.

Dated: 23/01/2018.

**BEFORE THE KHYBER PAKHTOON KHWA SERVICES
TRIBUNAL, PESHAWAR.**

Execution Petition No. 31 /2018.

In

Service Appeal No. 1297/2015.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 113

Dated 25/01/2018

Shir Alam (T.T)GMS Langaw Bunir

R/O Village Langaw District Bunir.....Petitioner:

V E R S U S

1. District Education Officer(Male) Bunir.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.....Respondents

**PETITION FOR IMPLEMENTATION OF THE
ORDER/JUDGMENT DATED:06.12.2017 OF THIS
HONOURABLE TRIBUNAL DELEVERED IN ABOVE TITLE
SERVICE APPEAL.**

Respectfully Sheweth:

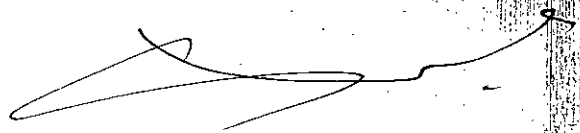
1. That initially the petitioner filed the above title service appeal before this hon;ble tribunal which was decided in favour of the petitioner vide judgment dated:06.12.2017, with clear directions to the respondents to promote the petitioner to next higher rank.(Copy of judgment is attached)
2. That the petitioner communicated the judgment to respondents through written application and as such waited for the implementation of the judgment but till

date the same has not been implanted nor any positive steps has been taken by the respondents for implementation.

It is, therefore, most humbly prayed that On acceptance of this petition respondents may kindly be directed to implement the judgment dated:06.12.2017 passed in service appeal No.1297/2015 letter in spirit.

Petitioner

Through



Shams ul Hadi

Advocate, Peshawar.

Dated: 23/01/2018

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR**

Execution Petition No. _____ of 2018.

In

Service Appeal No. 1297/2015.

Shir Alama KhanPetitioner

V E R S U S

District Education Officer(Male) Bunir and an other...Respondents.

AFFIDAVIT

I, **Shams ul Hadi**, Advocate, Peshawar do hereby as per information conveyed to me by my client solemnly affirm and declare that the contents of the **petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


ADVOCATE



**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR.**

Execution Petition No. _____ of 2018.

In

Service Appeal No. 1297/2015.

Shir Alama KhanPetitioner.

V E R S U S

District Education Officer(Male) Bunir and an other...Respondents.

ADDRESSES OF THE PARTIES

PETITIONER:

Shir Alam (T.T)GMS Langaw Bunir

R/O Village Langaw District Bunir.

Cell No.

RESPONDENTS:

1. District Education Officer(Male) Bunir.
2. Director, Elementary & Secondary Education, Khyber
Pakhtunkhwa Peshawar

Petitioner

Through

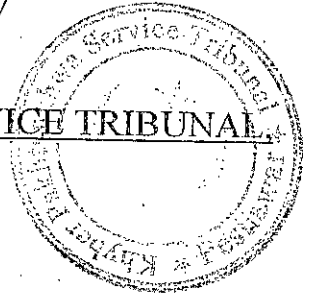
Shams ul Hadi

Advocate, Peshawar.

Dated: 23/01/2018

(5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT SWAT



Service Appeal No. 1297/2015

Date of Institution... 19.11.2015

Date of decision... 06.12.2017

Shir Alam Khan (T.T) Presently posted at Government Middle School Langow,
District Bunir ... (Appellant)

Versus

1. District Education Officer (M) Bunir and others

(Respondents)

MR. Shamsul Hadi Advocate

For appellant.

MR. Kabir Ullah Khattak
Additional Advocate General

For respondents.

MR. NIAZ MUHAMMAD KHAN, ...
MR. MUHAMMAD HAMID MUGHAL, ...

CHAIRMAN
MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned
counsel for the parties heard and record-perused.

FACTS

2. The appellant is aggrieved from the promotion order dated 31.07.2015 whereby his juniors were promoted and he was left out of promotion against which he filed the departmental appeal on 13.08.2015 which was not responded to and thereafter he filed the present service appeal on 19.11.2015.

ATTESTED

BY
NIAZ MUHAMMAD KHAN
CHAIRMAN
Khyber Pakhtunkhwa
Service Tribunal
Camp Court Swat

Selle

etc

[Signature]

6

ARGUMENTS

3. Learned counsel for the appellant argued that the appellant was senior and his promotion was due on the basis of seniority. That he had passed the examination of B.Ed on 16.01.2015. That the DPC was held in July, 2015 while the appellant was not considered. That the appellant was wrongly left out of the promotion.

4. On the other hand the learned Additional Advocate General argued that the present appeals is not maintainable for the reason that the appellant filed two departmental appeals on the same day, one to the Director Education, Khyber Pakhtunkhwa, Peshawar and other to the Secretary Education Khyber Pakhtunkhwa, Peshawar. That in view of the judgment reported as 2013-SCMR-911, successive departmental appeals are not permissible. On merits he argued that the DPC held in July 2015 took into consideration the qualification of the appellant reflected in the seniority list as it stood on 31.12.2014. That the DPC is bound to consider that qualification which is reflected in the latest seniority list. That the appellant has now been promoted on 24.07.2017. That the appeal of the appellant has become infructuous.

CONCLUSION

5. Successive departmental appeals itself do not extinguish the right of appellant. The successive departmental appeals can only make the service appeal time barred. Judgments referred by learned Additional Advocate General is therefore not relevant. The appellant filed two (2) departmental appeals on the same day which in no way limit or extinguish the right of the appellant to

RECEIVED
 ADDITIONAL
 ADVOCATE GENERAL
 KHYBER PAKHTUNKHWA
 PESHAWAR
 24/07/2017

AG

7

approach this Tribunal. Secondly it is strange to argue that DPC is bound to see the qualification mentioned in the seniority list. The working paper prepared for the DPC are based not on the seniority list, for the purpose of qualification. The seniority list is taken into consideration by the DPC for the purpose of seniority only. If any civil servant acquires the qualification after the preparation of seniority list that is to be taken into account by the DPC. There is no rule which prohibits the DPC not to take into account the qualification acquired after the finalization of the seniority list. In many departments the seniority lists are prepared after so many years and would it be permitted for the DPC not to take into account the qualification acquired after the finalization of the last seniority list? Admittedly the appellant acquired the required qualification in January 2015 and the DPC was held in July 2015 after six (06) months. There is no reason for ignoring the qualification acquired six (06) months before the holding of DPC. Since the appellant has now been promoted this Tribunal therefore, by accepting this appeal, orders that the appellant be placed in his due seniority and should be considered as promoted on 31.07.2015. Parties are left to bear their own costs. File be consigned to the record room.

sd

(Muhammad Hamid Mughal)
Member

(Niaz Muhammad Khan)
Chairman
Camp Court, Swat

ANNOUNCED
06.12.2017

Date of Presentation of Application 7-12-17
 Number of Words 1200
 Copying Fee 8-00
 Stamp 2-00
 Total 10-00 E
 Name of Applicant
 Date of Issuance of Copy 7-12-17
 Date of Delivery of Copy 7-12-17

Certified to be true copy
 [Signature]
 REGISTRAR
 Khyber Pakhtunkhwa
 Service Tribunal
 Camp Court, Swat
 A.C.
 [Signature]

(8) بعدالت سروس کرسیوں کی شاہد اور سبب آجسٹو کھووا

کورٹ فیس

قیمت ایک روپیہ

مورخہ

مقدمہ

دعویٰ

جرم

۲۰ منجانب ایسٹریٹ

شیرہ الم خان بنام دی ای او لوہم و سہ

باعث تحریر آنکے

مقدمہ مندرجہ بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کاروائی متعلقہ آن مقام سروس کرسیوں کی شہادت اور سبب آجسٹو کھووا مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیاط ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب

دہی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زراں پر دستخط کرنے کا اختیار ہوگا نیز بصورت

عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ ڈائر کرنے اپیل نگرانی و

نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ بصورت ضرورت مذکور کے نسل یا جزوی

کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔

اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ

برواختہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہر جانہ التوائے مقدمہ کے

سبب سے ہا گا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے

وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل

صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا ک سند ہے

المرقوم

۲۰۱۸

صنوری

۲۳ ماہ

العبد گواہ شہادہ العبد
کے لئے منظور ہے

Attested
Shams ul Hadi Adiz

Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

Notification

Consequent upon the recommendations of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification NoSO(PE)/4-5/SSRC/Meeting/2013/Teaching Cadre dated 24th July, 2014, the following SCTs/CTs, SDMs/DMs, SATs/ATs, STTs/TTs, Senior Qaris/Qaris, PSHTs/SPSTs/PSTs are hereby promoted to the post of SST (Bio-Chem), SST (Phy-Maths), SST (General) noted against each BPS-16 ((Rs. 15880-1280-54280) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and condition given below with immediate effect and further they will be posted by the District Education Officer concerned.

A. SST (General)

1. PROMOTION OF STT/TT TO THE POST OF SST (General) BPS-16

Total No. of vacant posts of SST (General)	01
25% share initial recruitment	0
5% share for Promotion.	01
10 % Share of promotion of SCT/CT	01
Posts available for promotion	01
Promoted through this order	01

Sl. No.	Name of Official	Present Place of Posting	Date of Birth	D/O apptt; as Regular TT	Qualification	Remarks
19	Sher Alam Khan	GMS Langawn	6/01/1969	2/5/1996	BA/ B.Ed	Services placed at the disposal of DEO (M) Buner for further posting against SST (General) post.

Terms and conditions:-

1. He would be on probation for a period of one year extendable for another one year.
2. He will be governed by such rules and regulations as may be issued from time to time by the Govt.
3. His services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be preceded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. His Inter-Se- seniority on lower post will remain intact.
6. No TA/DA is allowed for joining his duty.
7. He will give an under taking to be recorded in his service book to the effect that if any payment is made to him in light this order will be recovered and if he/she is wrongfully promoted he/She will be reversed.
8. Before handing over charge once again his document may be checked if he have not the required relevant qualifications as per rules, he may not be handed over charge of the post.


(Farid Ahmad Khattak)

Director
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar


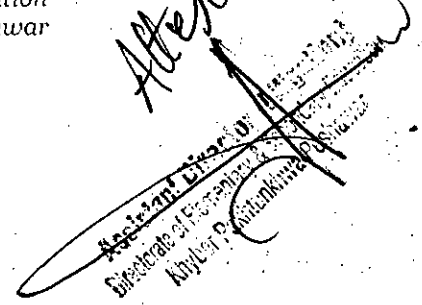
4277-84
Enclst: No. /File No.2/Promotion SST-B-16: Dated Peshawar the 19/04/2018.
Copy forwarded for information and necessary action to the: -

Attested
Director (Elementary and Secondary Education)
Khyber Pakhtunkhwa Peshawar

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officer concerned
3. District Accounts Officer concerned
4. Official Concerned.
5. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
6. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
7. M/File


Dy-Director (E&SE)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar



Attest



CHARGE REPORT

Certified that Mr. Sher Alam Khan STT of GHS Krapa has been promoted to SST (G) against vacant post at GMS Mandaw vide DEO (M) office order No # 1832-38 dated 02-05-2018.

Therefore he took charge of his duties at GMS Mandaw on 02-05-2018 afternoon.

Copy forwarded to:

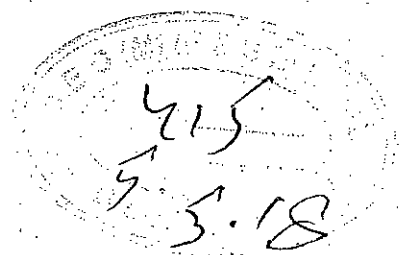
1. DEO (M) Buner
2. DAO Buner
3. Head Master GMS Mandaw

Fazlur Rahman
Head Master
Govt. Middle School
Mandaw Arzooi Buner
2/5/18

Head Master
GMS Mandaw
District Buner

ADDED

04/05/2018





OFFICE OF THE DISTRICT EDUCATION OFFICER
(M) DISTRICT BUNER
PHONE & FAX NO. 0939-510468
EMAIL: edobuner@gmail.com

NOTIFICATION

Consequent upon recommendation of the Departmental Promotion Committee, and in pursuance of the Government of Khyber Pakhtunkhwa Elementary & Secondary Education Notification No. SO (PE)/4-5/SSRC/2013/Teaching Cadre dated 24th July 2014, and Director Elementary & Secondary Education Khyber Pakhtunkhwa Endst; No.4279-84/file No,2/Promotion SST B-16, dated 19/4/2018, The following STT are hereby promoted and posted as SST (General) in BPS-16 (Rs 15880-1280- 54280) plus usual allowances as admissible under the rules on the regular basis under the existing policy of the provincial Govt; on the terms and conditions given below, with immediate effect in the interest of public service.

1..PROMOTED FROM STT TO SST (G) BPS-16

S.No	Name of Teacher	Present Place of Posting	School Where Posted	Remarks
1	Mr.Sher Alam Khan	GHS Karapa	GMS Mandow	A.V.P

TERMS & CONDITIONS.

1. He would be on probation for a period of one year, extendable for another one year.
2. He will be governed by such rules and regulations as may be issued from time to time by the Govt.
3. His services will be terminated at any time, in case their performance is found unsatisfactory during their contract period. In case of misconduct, they will be proceeded under the rules framed from time to time.
4. Charge reports should be submitted to all concerned.
5. NO TA/DA etc is allowed.
6. He will given an undertaking to be recorded in their service books to the effect that if any

over payment is made to them ,in light of this order ,will be recovered and if he is wrongly promoted he will be reversed.

7. Before handing over charge once again his document may be checked if he have not the required relevant qualifications as per rules, he may not be handed over charge of the post.

(BAKHT ZADA)
DISTRICT EDUCATION OFFICER (M)
DISTRICT BUNER.

Endst: No. 1832-28 / Dated 2/5/ /2018

Copy forwarded for information and necessary action to the: -

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar with r/to endst;
~~No 4279-84 / file No. 2 / Promotion SST B-16 dated 19/04/2018;~~
2. Deputy Commissioner Buner at Daggar.
3. District Nazim Buner.
4. District Monitoring Officer Buner
5. District Accounts Officer Buner.
6. Principals / Head Masters Concerned.
7. Officials Concerned.

DISTRICT EDUCATION OFFICER (M)
DISTRICT BUNER

Hafizullah

EP NO 31/2018 in SA NO 1297/2015

Sher Alam Khan vs DEO.