E-P No. 103/2018
Umar Farooq Shah vs Govt

25.07.2019 Petitioner alongwith counsel and Mr. Usman Ghani District Attorney alongwith M/S Sajid Superintendent and Zakiullah, Senior Auditor for the respondents present.

In view of pendency of Appeal No. 142/2018 instant execution proceedings are consigned. The petitioner may, however, apply for its restoration, if need be.

Chairman

25.04.2019 Petitioner in person present. Mr. Usman Ghani, District Attorney for respondents present. The petitioner on the strength of order dated 07.05.2016 personally argued his case. His main plea was that instead of implementing judgment of this Tribunal dated 17.08.2017, respondents vide order dated 20.06.2018 awarded him minor penalty of recovery of tune of Rs. 27290/-. It was unwarranted and a deliberate effort to frustrate the process of implementing the judgment of this Tribunal referred to above.

Learned District Attorney argued that order dated 20.06.2018 was assailed by the appellant by way of filing service appeal in this Tribunal. It was admitted vide order sheet dated 05.12.2018. As such the present execution petition has become infructuous.

The petitioner sought time to respond to the observations of the learned District Attorney. Adjourned. Case to come up for further proceedings on 19.06.2019 before S.B.

(Ahmad Hassan)
Member

19.06.2019 Petitioner in person and Mr. Kabirullah Khattak, Additional AG for the respondents present. Petitioner requested for adjournment. Adjourned to 25.07.2019 for further proceedings before S.B.

(Muhammad Amin Khan Kundi)
Member

08.03.2019 Learned counsel for the petitioner and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Adjournment requested. Adjourn. To come up for arguments alongwith appeal No.1402/2018 filed by the petitioner, on 26.03.2019.

Member

26.03.2019 Learned counsel for the petitioner and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Adjournment requested. Adjourn. To come up for further proceedings on on 25.04.2019 before S.B

Member

E.P No. 103/2018

31.12.2018 Petitioner in person present. Mr. Zakiullah, Senior Auditor on behalf of respondent No. 6 alongwith Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned Additional AG requested for further adjournment. Adjourned. Case to come up for implementation report /further proceedings on 14.01.2019 before S.B.

Muhammad Amin Khan Kundi
Member

14.1.2019 Petitioner alongwith counsel and Addl. AG alongwith M/S Inayatullah, ADO, Farhad Durrani, AAO and Asghar, AAO for the respondents present.

Representative of respondent No. 3 is directed to produce the record/file pertaining to notification No. 8100-05 dated 20.06.2018 as annexed with the implementation report. Adjourned to 28.01.2019 before S.B.

Chairman

28.01.2019 Petitioner alongwith his counsel present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Inayat-ur-Rehman, ADO for the respondents present. Representative of the department furnished relevant record mentioned in the previous order sheet. The same is placed on record. To come up for further proceedings on 13.03.2019 before S.B.

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

09.08.2018 Petitioner Umar Farooq Shah in person present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Petitioner made a request for adjournment. Grnated. To come up for further proceedings on 02.10.2018 before S.B.

Chairman

02.10.2018 Petitioner in person present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Zakiullah, Senior Auditor and Mr. Inayatullah, ADO for the respondents present. Seeks adjournment. To come up for implementation report/further proceedings on 19.11.2018 before S.B.

(Muhammad Amin Khan Kundi)
Member

19.11.2018 Petitioner in person present. Mr. Zakiullah, Senior Auditor on behalf of respondent No. 6 alongwith Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned Additional AG requested for adjournment. Adjourned. Case to come up for implementation report/further proceedings on 31.12.2018 before S.B.

Muhammad Amin Khan Kundi
Member

FORM OF ORDER SHEET

Execution Petition No. 103/2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of Judge
1	2	3
1	03.04.2018	The Execution Petition of Mr. Umar Farooq Shah submitted to-day by Mr. Bilal Ahmad Kakaizai Advocate may be entered in the relevant Register and put up to the Court for proper order please. REGISTRAR 3/4/18
2-	04/04/18	This Execution Petition be put up before S. Bench on- 16/04/18. MEMBER
	16.04.2018	Counsel for the petitioner present. Notice be issued to the respondents for implementation report for 11.07.2018 before S.B. (Muhammad Amin Khan Kundi) Member
	11.07.2018	None present on behalf of the petitioner. Mr. Sardar Shoukat Hayat, Additional AG for the respondents present. Implementation report not submitted. Learned Additional AG requested for adjournment. Adjourned. To come up for implementation report on 09.08.2018 before S.B. Notice be also issued to petitioner for attendance for the date fixed. (Muhammad Amin Khan Kundi) Member

از دفتر ڈسٹرکٹ ایجوکیشن آفیسر مردانہ ضلع نوشہرہ

نمبر 11723 تاریخ 27-9-18

اطلاع نامہ

آپ مسٹر Umar Farooq پوسٹ CT سکول GPS Sadiq Abad کو مطلع کیا جاتا ہے کہ آپ کا سنیارٹی نمبر 420 برائے SCT میں آیا ہے۔ لہذا آپ اپنے تمام تعلیمی کاغذات کے دو عدد سیٹ اور اصل سروس بک کے ساتھ دفتر ھذا میں 30-9-2018 تک جمع کرائیں۔ بصورت دیگر آپ کو ترقی کے لیے نااہل قرار دیا جائے گا۔

فائل کو مندرجہ زیل طریقے سے ترتیب دیں۔

1. Last 5 years ACRs along with synopsis.
2. Last 3 years result.
3. Noninvolvement certificate.
4. Bio data
5. Last pay slip
6. Service book
7. 1st appointment order
8. Fitness certificate
9. CNIC
10. Academic & Professional Certificates + DMCs

ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ)
ضلع نوشہرہ

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(B&A)/1-18/E&SE/2012 dated 11.07.2012 and Finance Department Endorsement No SO(FR)/FD/10-22(E)/2010 dated 16.07.2012 , the following Male CTs/DMs/Ats/& TTs (BPS-15) are hereby promoted to the post of Senior CT/Senior DM/Senior At/ &Senior TT (BPS-16) (Rs. 18910-14=520-64510) 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 in the Government Higher Secondary /High Schools by the District Education Officers concerned against the vacant the post of Senior CT/Senior DM/Senior At/Senior TT & Senior PET (BPS-16) posts.

1. Senior CTs (BPS-16)

Total No. of sanctioned post of CTs	681
1/3 shar of Senior CTs (BS-16)	225
No. of SCT Posts already filled by Promotion	175
Sr. CT Posts available for promotion	50
No. of CTs proposed for promotion	50
Recommended for promotion to Sr. CT	48

S. No.	S.L. No.	Name Of Official And Present Place Of Posting		Date Of Birth	Date Of Appointment As CT Regular	Remarks
1	359	Fawad Shah	GHS Zara Maina	15/10/1973	25/4/2000	Services placed at the disposal of DEO (M) Nowshera for further posting
2	362	Rahmat Shah	GHS Rashakai	14/4/1960	27/6/2002	----------do----------
3	412	Bismillah Khan	GMS Hisar Tang	1/2/1968	1/12/2004	----------do----------
4	413	Naeemullah	GHSS Shaidu	6/8/1968	1/12/2004	----------do----------
5	416	Aziz Ul Haq	GHS Khaisari	12/12/1965	2/12/2004	----------do----------
6	418	Sajid Ali	GHS Kheshgi Bala	4/3/1975	2/12/2004	----------do----------
7	419	Abdul Ghafar	GHS Pabbi	4/9/1976	2/12/2004	----------do----------
8	421	Mukaram Shah	GHSS Nizam Pur	15/3/1970	30/8/2005	----------do----------
9	422	Hafeez Ur Rahman	GMS Camp Koroona	1/11/1960	1/9/2005	----------do----------
10	423	Muhammad Asad	GHS Kotar Pan	15/3/1969	1/9/2005	----------do----------
11	424	Javed Khan	GHS No.1 NSR Cantt	1/1/1972	1/9/2005	----------do----------
12	426	Kifayatullah	GSWTHS Tarkha	10/8/1970	13/9/2005	----------do----------
13	428	Abdul Ghani Shah	GMS Camp Koroona	4/4/1975	15/9/2005	----------do----------
14	429	Abdul Latif	GHSS Nowshera Cantt	4/4/1975	1/10/2005	----------do----------
15	430	Waheed Ur Rahman	GHS Khawarai	28/9/1965	4/10/2005	----------do----------
16	431	Liaqat Ali	GHS	7/4/1969	4/10/2005	----------do----------

			Malak Aman Koroona			
17	432	Ghani Ur Rahman	GHS Zakhi Qabristan	5/12/1963	5/10/2005	----------do----------
18	433	Ibrahim Shah	GHS Marhati Banda	30/8/1969	5/10/2005	----------do----------
19	434	Shahid Ali	GHSS Nowshera Kalan	10/11/1974	5/10/2005	----------do----------
20	435	Ajmal Khan Khattak	GHSS Nizampur	15/10/1964	6/10/2005	----------do----------
21	436	Anwar Ul Haq	GHS Pahari Katti Khel	8/10/1962	12/10/2005	----------do----------
22	439	Ikramullah	GHS Mohib Banda	25/2/1974	9/1/2006	----------do----------
23	442	Imdadullah	GHSS Z.K.Sahib	31/3/1966	31/1/2007	----------do----------
24	444	Zarwali Khan	GHS Mali Khel Bala	2/1/1963	1/2/2007	----------do----------
25	445	Sajjad Khan	GHS Bara Banda	1/3/1963	1/2/2007	----------do----------
26	446	Abdul Aziz	GHSS Rashakai	16/10/1963	1/2/2007	----------do----------
27	447	Shamsul Rahman	GHS Zara Maina	1/1/1965	1/2/2007	----------do----------
28	448	Badshah Gul	GHSS NSR Cantt	10/1/1965	1/2/2007	----------do----------
29	449	Fazali Amin	GMS Aman Garh	1/11/1966	1/2/2007	----------do----------
30	450	Ali Akbar	GHSS Jalozai	2/2/1967	1/2/2007	----------do----------
31	451	Nisar Muhammad	GHS Aman Garh	9/4/1967	1/2/2007	----------do----------
32	452	Rab Nawaz Khan	GHS Pahari Katti Khel	--	1/2/2007	----------do----------
33	453	Ijaz Nabi	GHSS Manki Sharif	--	1/2/2007	----------do----------
34	454	Inayatullah Khan	GHS AC Colony	--	1/2/2007	----------do----------
35	455	Fida Muhammad	GHSS Shaidu	--	1/2/2007	----------do----------
36	456	Tilawat Khan	GHS Kheshgi Payan	--	1/2/2007	----------do----------
37	457	Zafar Ali Shah	GHS Rahakai	--	1/2/2007	----------do----------
38	458	Fakhri Alam	GHS Banda Sheikh	--	1/2/2007	----------do----------
39	459	Muhammad Sami	GHS Saadat Abad	--	1/2/2007	----------do----------
40	460	Iftikhar Shah	GHS Jarooba	--	1/2/2007	----------do----------
41	462	Sami Ul Haq	GMS Aziz Abad	--	1/2/2007	----------do----------
42	463	Muhammad Tahir Khan	GMS Gul Bahar (Shaidu)	--	2/2/2007	----------do----------
43	464	Abu Zar Maqsood	GMS Khush Muqam	--	8/2/2007	----------do----------

	466	Farman Ullah	GHSS Nizampur	--	1/7/2007	----------do----------
45	467	Inamullah	GHSS Rashakai	--	14/7/2007	----------do----------
46	468	Asad Ali	GMS Jhungri	--	29/12/2007	----------do----------
47	469	Muhammad Wasimullah	GHS Banda Nabi	--	15/7/2009	----------do----------
48	472	Mahboob Alam	GMS Sado Khel	9/3/1967	10/11/1990	----------do----------

2. Senior DMs (BPS-16)

Total No. of sanctioned post of DMs	132
1/3 shar of Senior DMs (BS-16)	44
No. of SDM Posts already filled by Promotion	39
Sr: DM Posts available for promotion	05
No. of DMs proposed for promotion	05
Recommended for promotion to Sr. DM	05

S.No.	S.L. No.	Name Of Official And Present Place Of Posting		Date Of Birth	Date Of Appointment As Dm Regular	Remarks	
1	14	Khan Wali	GHS Inzarai	3/1/1963	14/7/1986	Services placed at the disposal of DEO (M) Nowshera for further posting.	
2	65	Arshad Iqbal	GMS Titara	18/8/1976	10/8/1999	----------do----------	
3	78	Akhtar Zeb	GHS Spin Khak	11/11/1974	14/12/1999	----------do----------	
4	79	GMS Aman Garh	GMS Aman Garh	12/10/1974	15/12/1999	----------do----------	
5	80	Muhammad Sajid	GHS Baghban Pura	15/1/1973	25/4/2000	----------do----------	

Senior ATs (BPS-16)

Total No. of sanctioned post of Ats	132
1/3 share of Sr. AT posts	44
No. of Senior ATS already filled by promotion	41
Sr: AT Posts available for promotion	03
No. of ATs proposed for promotion	03
Recommended for promotion to Sr. AT	02

S. No	S.L. No.	Name of Official And Present Place of Posting		Date of Birth	Date of Apptt; as AT Regular	Remarks	
1	84	Muhammad Wali	GHS Chishmai	5/2/1979	1/9/2005	Services placed at the disposal of DEO (M) Nowshera for further posting.	
2	85	Faiz Ahmad	GHS Rashakai	5/3/1976	7/9/2005	----------do----------	

4. Senior TTs (BPS-16)

Total No. of sanctioned post of TTs	132
1/3 shar of STT posts.	44
No. of STT posts already filled by promotion	40
Sr: TT Posts available for promotion	04
No. of TTs proposed for promotion	04
Recommended for promotion to Sr. TT	03

No	S.L. No.	Name of Official And Present Place of Posting		Date of Birth	Date of Appointment as TT Regular	Remarks
1	117	Saeed Ahmad	GMS SGHS Nawan Kalli	1/4/1989	28/5/2012	Services placed at the disposal of DEO (M) Nowshera for further posting.
2	118	Asif Ali	GHS. Mali Khel	1/1/1985	28/5/2012	----------do----------
3	119	Asif Khan	GHS Kaurvi	19/4/1984	28/5/2012	----------do----------

5. Senior PETs (BPS-16)

Total No. of sanctioned post of PET	144
1/3 share of Sr. TT posts	49
No. of SPET posts already filled by Promotion	46
Sr. PET Posts available for promotion	03
No. of PETs proposed for promotion	03
Recommended for promotion to Sr. PET	02

S. No.	S.L. No.	Name Of Official And Present Place of Posting		Date of Birth	Date Of Appointment As PET Regular	Remarks
1	62	Dilawar Khan	GHSS Jalozai	9/9/1977	25/9/2002	Services placed at the disposal of DEO (M) Nowshera for further posting.
2	63	Zar Waish Khan	GMS Aman Kot	16/4/1978	25/9/2002	----------do----------

Terms and conditions:-

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
3. Their services can be terminated at any time, in case 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. Their Inter-Se- seniority on lower post will remain intact.
6. No TA/DA is allowed for joining his duty.
7. They will give an under taking to be recorded in their service books to the effect that if any over payment is made to him in light this order will be recovered and if he is wrongly promoted he will be reversed.

(Hafiz Dr. Muhammad Ibrahim)
Director
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

Endst: No. 4651-56 / File No.1/Promotion Senior Teachers (PSB-16)2019
Dated Peshawar the 22/2/2019.

Copy forwarded for information and necessary action to the: -

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officer (M) Nowshera.
3. District Accounts Officer Nowshera.
4. Officials 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 (Estab)
Elementary and Secondary Education

PROMOTION OF CT BPS-15 TO SENIOR CT BPS-16

OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA
☎ 0923-9220228 🖷 0923-9220228 💻
emisnowshehra@yahoo.com

OFFICE ORDER

In pursuance of the Notification issued by the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar vide No.4651-56/File No.02/Promotion Senior Teacher (B-16)2019 dated Peshawar 22/02/2019, postings of the following newly promoted SCT B-16 are hereby ordered in the Schools noted against each on the terms & conditions given below, in the interest of public service with immediate effect.

S #	S.L#	Name of Officials	Present school	Place of Duty	Remarks
1	359	Fawad Shah	GHS, Zara Miana	GHS, Dheri Kati Khel	AVP
2	362	Rahmat Shah	GHSS, Rashakai	GHSS, Rashakai	AVP
3	412	Bismillah Khan	GHS, Hisar Tang	GHSS, Jabbi	AVP
4	413	Naeem Ullah	GHSS, Shaidu	GHSS, Shaidu	AVP
5	416	Aziz ul Haq	GHS, Khaisari	GHS, Khaisari	AVP
6	418	Sajid Ali	GHS, Kheshgi Bala	GHSS, Badrashi.	AVP
7	421	Mukarram shah	GHSS, Nizam Pur	GHSS, Nizam Pur	AVP
8	422	Hafeez ur Rahman	GMS, Camp Koroona	GHS, Aza Khel Payan	AVP
9	423	Muhammad Asad	GHS, Kotar Pan	GHS, Kotar Pan	AVP
10	424	Javed Khan	GHS, No.1 NSR Cantt.	GHS, No.1 NSR Cantt.	AVP
11	426	Kifayatullah	GSWIHS, Tarkha	GSAAHS Dag Besud.	AVP
12	428	Abdul Ghani shah	GMS,Camp Koroona	GHS, Aza Khel Payan	AVP
13	429	Abdul Latif	GHSS Nowshera Cantt	GHSS Nowshera Cantt	AVP
14	430	Waheed ur Rahman	GHS, Khawrai	GCMHS Akora Khttak	AVP
15	431	Liaqat Ali	GHS, Malak Aman Koroona.	GHS, Afrido Killi	AVP
16	432	Ghani ur Rahman	GHS, Zakhi Qabristan	GHS, Pabbi	AVP
17	433	Ibrahim Shah	GHS, Marhati Banda	GHS, Marhati Banda	AVP
18	434	Shahid Ali	GHSS Nowshera Kalan	GHSS Nowshera Kalan	AVP
19	435	Ajmal Khan Khattak	GHSS, Nizam Pur	GHSS, Nizam Pur	AVP
20	439	Ikram Ullah	GHS, Mohib Banda	GHS, Kotli Saleh Khana	AVP
21	442	Imdadullah	GHSS, Ziarat Kaka Sahib	GHSS, Ziarat Kaka Sahib	AVP
22	444	Zarwali Khan	GHS, Mali Khel Bala	GHS, Mali Khel Bala	AVP
23	445	Sajjad Khan	GHS, Bara Banda	GHS, Bara Banda	AVP
24	446	Abdul Aziz	GHSS Rashakai	GHSS Rashakai	AVP
25	447	Shamsul Rahman	GHS, Zara Miana	GSMWHS Pir Pai	AVP
26	448	Badshah Gul	GHSS NSR Cantt:	GHSS No.2 NSR Cantt:	AVP
27	449	Fazli Amin	GMS, Aman Garh	GHS, Aman garh	AVP
28	450	Ali Akbar	GHSS, Jallozai	GHS, Kotli Saleh Khana	AVP
29	451	Nisar Muhammad	GHS, Aman Garh	GHS, Aman Garh	AVP
30	452	Rab Nawaz Khan	GHS, Phari Katti Khel	GHS, Phari Katti Khel	AVP
31	453	Ijaz Nabi	GHSS Manki sharif	GHSS Manki sharif	AVP
32	454	Inayatullah Khan	GHS ASC Colony	GHS, No.1 NSR Cantt;	AVP
33	455	Fida Muhammad	GHSS Shaidu.	GHSS Shaidu.	AVP
34	456	Tilawat Khan	GHS, Kheshgi Bala	GHSS, NSR Kalan	AVP
35	457	Zafar Ali Shah	GHS, Rashakai	GHSS, Risalpur	AVP
36	458	Fakhri Alam	GHS Banda Sheikh Ismail	GHS Banda Sheikh Ismail	AVP
37	459	Muhammad Sami	GHS Saadat Abad	GHS, Samandar Garhi	AVP
38	460	Iftikhar Shah	GHSS, Jallozai	GHSS, Jallozai	AVP

DEO (M) NSR

PROMOTION OF CT BPS-15 TO SENIOR CT BPS-16

39	462	Sami ul Haq	GMS, Aziz Abad	GHSS, Pirsabaq	AVP
40	463	Muhammad Tahir Khan	GMS, Gul Bahar Shaidu	GCMHS Akora Khttak	AVP
41	464	Abu Zar Maqsood	GMS, Khush Maqam	GHS, Pabbi.	AVP
42	466	Farman Ullah	GHSS, Nizam Pur	GCMHS Akora Khattak.	AVP
43	467	Inamullah	GHSS Rashakai	GHSS, Risalpur	AVP
44	468	Asad Ali	GMS, Jhungri	GHS, LC Aman Garh	AVP
45	469	Muhammad Wasimullah	GHS Banda Nabi	GHS, Dagi Banda	AVP

Terms & Conditions:

1. They will be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulation as may be issued from time to time by the Government.
3. Their services can be terminated at any time; in case their performance is found unsatisfactory during probation period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
4. The Principals / Head Master / Drawing & Disbursing Officers should check their original documents (Academics + Professional) before handing over charge if they have not the required relevant qualification as per rules, they may not be handed over charge of the post.
5. The Principals / Head Masters / Drawing & Disbursing Officers are required to submit their necessary documents for verification to District Education Officer (Male), Nowshera along with original fee receipt.
6. The Principals / Head Masters / Drawing & Disbursing Officers should not release their pay in BPS-16 until and unless their necessary documents are verified from the Universities concerned. During the verification process, if any Degree / Certificate is found fake / bogus, their promotion shall stand cancelled.
7. The District Education Officer (Male), Nowshera will issue Clearance Certificate after the verification process.
8. Charge Report should be submitted to all concerned.
9. Their Inter-Se-Seniority on lower post will remain intact.
10. No TA / DA is allowed for joining their new post.
11. They will give an undertaking to be recorded in their Service Books to the effect that if any overpayment is made to them in light of this order will be recovered and if anyone is wrongly promoted he shall be reversed.

(FAYAZ HUSSAIN)
District Education Officer (M)
Nowshera

Endst No.3745-53/DEO (M) Estab/F.No.2/Promotion of CT to SCT B-16 dated NSR the 04/03/2019

Copy for information & necessary action to the:-

1. Director E & SE Khyber Pakhtunkhwa Peshawar
2. Senior District Accounts officer Nowshera
3. Deputy District Education officer (M) NSR
4. Principals /Head Masters Schools Concerned
5. Superintendent/ADEO Establishment local office
6. Accountant local office
7. Officials concerned
8. DA establishment.
9. M/File.

District Education Officer (M)
Nowshera
03/2019

DEO (M) NSR

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Implementation Application No. 103 / 2018
Service Appeal No: 758 / 2016
Date of Decision: 17.08.2017

UMAR FAROOQ CT ***Versus*** Government of KPK etc

INDEX

Applicant / Appellant

Through,

BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

(2)

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No: 302 / 2014
Date of Decision: 14.12.2017

UMAR FAROOQ SHAH
CT,
Mohallah Dheri Khel, Nowshera Kalan.
... ... Applicant

Versus

1. **GOVERNMENT OF KHYBER PAKHTUNKHWA,**
   Through Secretary Education, Education Department, Peshawar.

2. **DIRECTOR,**
   Elementary & Secondary Education, Education Department, Government of Khyber Pakhtunkhwa,
   Peshawar.

3. **EXECUTIVE DISTRICT OFFICER,**
   Education Department, Nowshera,

4. **DEPUTY EDUCATION OFFICER,**
   Education Department, Nowshera,

5. **SECRETARY FINANCE,**
   Government of Khyber Pakhtunkhwa, Finance Department, Civil Secretariat, Peshawar.

6. **ACCOUNTANT GENERAL,**
   Khyber Pakhtunkhwa, Peshawar.

... ... **Respondents**

(3)

APPLICATION FOR IMPLEMENTATION OF JUDGMENT DATED 17.08.2017 AND INITIATION OF CONTEMPT OF COURT PROCEEDINGS AGAINST RESPONDENTS.

Respectfully Sheweth,

1. That, Applicant / Appellant filed the titled Service Appeal in this Honorable Tribunal, which was decided on 17.08.2017, copies of the Order dated 17.08.2017 along with Service Appeal is attached as ***Annexure A***.

2. That, the Respondents were time and again requested to implement the above said Judgment in its letter & sprit but they were reluctant.

3. That, justice delayed is Justice denied.

In view of the above, it is requested that Respondents be directed to implement the Judgment as per observations and directions given in the same without any further delay with such other relief as may deem fit in the circumstances of the case may also be granted.

Applicant / Appellant

Through:

BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

(4)

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Implementation Application No. _____ / 2018
Service Appeal No: 758 / 2016
Date of Decision: 17.08.2017

UMAR FAROOQ CT ***Versus*** Government of KPK etc

AFFIDAVIT

I, UMAR FAROOQ SHAH, CT, Mohallah Dheri Khel, Nowshera Kalan, Applicant / Appellant / Decree Holder, do hereby on oath affirm and declare that the contents of the Application are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honorable Tribunal.

Deponent

Identified by:

BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

0 3 APR 2018
ATTESTED
Hafiz Muhammad Sadiq Durrani
Oath Commissioner
Advocate High Court Peshawar

(5)

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Implementation Application No. _____ / 2018
Service Appeal No: 758 / 2016
Date of Decision: 17.08.2017

UMAR FAROOQ CT ***Versus*** Government of KPK etc

ADDRESSES OF PARTIES.

APPELLANT:

UMAR FAROOQ SHAH, CT, Mohallah Dheri Khel, Nowshera Kalan.

RESPONDENTS:

1. Government of Khyber Pakhtunkhwa, through Secretary Education, Education Department, Peshawar.
2. Director, Elementary & Secondary Education, Education Department, Government of Khyber Pakhtunkhwa, Peshawar.
3. Executive District Officer, Education Department, Nowshera.
4. Deputy Education Officer, Education Department, Nowshera.
5. Secretary Finance, Government of Khyber Pakhtunkhwa, Finance Department, Civil Secretariat, Peshawar.
6. Accountant General, Khyber Pakhtunkhwa, Peshawar.

Applicant / Appellant

Through,

BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

ANN: A (6)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUAL

Appeal No. 758/2016

Date of Institution ... 20.07.2016

Date of Decision ... 17.08.2017

Khyber Pakhtunkhwa Service Tribunal Peshawar

Umar Farooq Shah, CT,
Mohallah Dheri Khel NSR Kalan. ... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Education, Education Department, Peshawar and 5 others. ... (Respondents)

MR. BILAL AHMAD KAKAZAI,
Advocate --- For appellant.

MR. MUHAMMAD JAN,
Deputy District Attorney. ... For respondents.

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN
MR. AHMAD HASSAN ... MEMBER(Executive)

JUDGMENT

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

FACTS

2. The brief facts of the case are that the appellant was given BPS-15 on 17.11.2009 w.e.f 23.07.2009 through a notification issued by DCO on the strength of four notifications mentioned in the former notification. There-after another notification was issued by the Finance Department on 30.06.2015 whereby all the post were up-graded one step but when the appellant applied for benefits of this up-gradation the DDEO verbally directed to get his pay fixed by the Pay Fixation Party first. The Pay Fixation Party made entry in his service book on 14.03.2016 by fixing

his pay in BPS-14 instead of BPS-15 and also ordered recovery of some amounts. Against this entry appellant filed departmental appeal on 15.03.2016 which was not responded to and then the appellant field the present appeal before this Tribunal. On previous date after hearing the arguments of both the parties at some length the Tribunal had directed the respondents to apprise this Tribunal as to the powers of Pay Fixation Party. This direction was issued on the basis of arguments of the learned counsel for the appellant that the pay fixation party had no power to revert the appellant one step below in his Basic Pay Scale and under the principles of *locus poenitentiae* such order was not maintainable. Today the department has relied upon SR 199 and a letter dated 2.3.1989 given at the footing of SR-199.

ARGUMENTS

3. The learned counsel for the appellant argued that the Pay Fixation Party has no power to change the entries in the service book. That SR 199 never empowers the Pay Fixation Party to change the entries. That the pay fixation party had no power to nullify the order of Departmental Authority who had granted BPS-15 to the appellant.

4. On the other hand the learned Deputy District Attorney argued that the DCO had wrongly awarded BPS-15 to the appellant as per notification dated 26.1.2008. That the Pay Fixation Party was competent to re-fix the pay in BPS-14 of the appellant.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

CONCLUSION.

5. Without adverting to the legality or the propriety of the notification issued by the DCO or the notification relied upon by the Pay Fixation Party, the moot question is that when a departmental authority had issued a notification which in the opinion of Pay Fixation Party was wrong then what should be the course open for the Pay Fixation Party. One option could be that the Pay Fixation Party on its own annul the orders of the departmental authority and other option could be to bring the said

illegality/ irregularity to the notice of the Authority who passed the order. In case second option is resorted to then the departmental authority could either accept his fault or would not accept his fault. In the former case the matter shall be resolved but in the later case the matter can be brought before a forum for resolving the issue that who is at right stance. This Tribunal is of the view that in the event of such conflicts the Accounts Office or the Audit party is obliged to raise the objection and then to take it up with the concerned departmental authority and settle it in the forum as is done in many audit peras. If option No. 1 is adopted then the order of the competent authority would be nullified without affording him the opportunity of hearing. Going through SR 199 or letter mentioned therein there is no power with Account Office to change the entry on their own which is made at the order of competent authority. Under this rule Account Office can refuse to attest the wrong entry if made without the order of any authority.

6. As a nutshell this Tribunal by partly accepting this appeal direct the concerned Pay Fixation Party to take up the matter with the concerned office of DCO or his successor/concerned department for resolution in accordance with observations mentioned in option No. 2 above within a period of 60 days from the receipt of this judgment failing which the available legal measures shall be adopted by this Tribunal. Parties are left to bear their own costs. File be consigned to the record.

(NIAZ MUHAMMAD KHAN)
CHAIRMAN

(AHMAD HASSAN)
MEMBER

Certified to be ture copy
Khyber Pakhtunkhwa Service Tribunal, Peshawar

ANNOUNCED
17.08.2017

Date of Presentation of Application 08-01-18

Number of Words 1200

Copying Fee 8/-

Urgent 2/-

Total 10/-

Name of Copy

Date of Completion of Copy 08-01-18

Date of Delivery of Copy 08-01-18

(9)

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1930 /ST Dated 21 / 8 / 2017

To

The District Education Officer,
Government of Khyber Pakhtunkhwa,
Nowshehra.

Subject: - **JUDGMENT IN APPEAL NO. 758/2016, MR. UMAR FAROOQ SHAH.**

I am directed to forward herewith a certified copy of Judgement dated 17.08.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 8-1-18
Number of Words 400
Copying Fee 4
Urgent 2
Total 6
Name of Copyist
Date of Completion of Copy 8-1-18
Date of Delivery of Copy 8-1-18

Before KPK Service Tribunal Peshawar

بعدالت

Applicant
Govt. of KPK etc

2 منجانب

بنام Umar Farooq

موازنہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقہ

آن مقام Peshawar کیلئے Bilal-A-Kakai Zai Adv

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے وتقرر ثالث وفیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک وروپیہ ارعرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برامدگی اور منسوخی نیز دائر کرنے، اپیل نگرانی ونظر ثانی وپیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور وقبول ہوگا دوران مقدمہ میں جو خرچہ ہرجانہ التوائے مقدمہ کے سبب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہٰذا وکالت نامہ لکھدیا کہ سند رہے۔

المرقوم 03 ماہ اپریل 2018ء

العبد گواہ العبد

مقام

کے لئے منظور ہے۔

Accepted
Bilal Zai

Bilal Zai 03/4/2018

BEFORE THE KHYBER PAKHTUNKHWA SERVISE TRIBUNAL PESHAWAR

E.P No.103/2018
in
Appeal No. 758/2016

Umar Farooq Shah ....Appellant.

VERSUS

Govt & Others..... Respondents

IMPLEMENTATION REPORT ON BEHALF OF RESPONDENTS

Respectively Sheweth

1. That the above title case is sub-judice before this Honorable Service Tribunal and is fixed for hearing on 2/10/2018.
2. That in compliance of the judgment date 17/8/2017 of this Honorable Tribunal the appellant was preceded against and notification dated; 20-06-2018 has already been issued.
3. That the respondent complied with the Order of this Honorable Tribunal and the order has already been implemented in letter and sprite.

The implementation report is submitted please.

District Education Officer (M)
Nowshera

OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA
(Office Phone#0923-9220228, Fax#0923-9220228

Notification

1. ***Whereas,Mr. Umar Farooq Shah (CT) GMS Sadiq abad,*** *in compliance of the Service Tribunal order dated 17/8/2018 passed in SA No.758-16 was proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules-2011, on the charges of receiving benefit in the light of notification of finance department vide No. FD/SO (FR) 10-22/2017 dated;26/1/2008 for which he was not entitled.*
2. ***And whereas,*** *at the time of issuance of finance department notification dated 26/1/2008 you were not in service while the said notification was issued only for one time for the benefit of in service teachers.*
3. ***And whereas,*** *notice was served upon* ***Mr. Umar Farooq Shah (CT) GMS Sadiq abad*** *Nowshera vide this office No. 1240-44 dated 21-12-2017, for submission of reply of showcase notice on his home address within Seven days (07) of the issuance of the notice.*
4. ***And whereas, Mr. Umar Farooq Shah (CT) GMS Sadiq abad*** *Nowshera badly failed to satisfy the competent authority against the allegation levelled against him.*
5. ***And whereas,*** *the authority having considered the charges, evidence on the record and giving the opportunity of personal hearing/appearing in person, to the accused official, is of the view that the charges leveled against him have been proved.*
6. ***Now, Therefore,*** *in exercise of the powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, rule 4 (a (iii), the Competent Authority is pleased to impose the* ***Minior Penalty of recovery of amount;Rs.27290/- upon Mr. Umar Farooq Shah (CT) GMS Sadiq abad*** *and to deposit it in Government Treasury.*

(Fayyaz Hussain)
District Education Officer (M)
Nowshera

Endst No: 8100-05 */DEO (M)/NSR/Disc Act/* ***Mr. Umar Farooq Shah (CT) GMS Sadiq abad*** *Dated* 20/6/2018

Copy for information to the:-

1. *Director (E&S) Education Govt: of Khyber Pakhtunkhwa Peshawar*
2. *Deputy Commissioner Nowshera*
3. *District Accounts Officer Nowshera.*
4. *Deputy District Education Officer Nowshera*
5. *Head Master GMS Sadiq abad Nowshera.*
6. ***Mr. Umar Farooq Shah (CT) GMS Sadiq abad Nowshera.***
7. *Office Copy*

(Competent Authority)
District Education Office
Nowshera

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Execution Petition No.103/2018

IN

Appeal No.758/2016

Umar Farooq Shah.....Appellant.

V/S

Government of Khyber Pakhtunkhwa, through Secretary,
Education Department Peshawar & Others.....Respondents.

(Para wise reply on behalf of Respondent No.6)

Respectfully Sheweth:-

Para 1 to 3:-

It is submitted that in light of judgment date 17/08/2017 of this Honorable Services Tribunal Peshawar, Pay fixation party of the Respondent No.6, vide letter No.PFP/Court case/PST/2017-18/1-73, dated: 15/09/2017 read with reminder dated: 16/10/2017, has already been taken up the case with Administrative Department of the Appellant well in time (Copies are enclosed). But the reply of the same is still avaited.

It is Pertinent to mention here that Administrative Department of the Appellant has filed an appeal/CPLA in the Apex court against the said judgment (copy enclosed).

Keeping in view the above mentioned facts it is therefore, humbly prayed that Finance Department Peshawar as well as Administrative Department of the appellant are in better position to show the status of of the case. And the Appellant is required to approach his Administrative Department for the satisfaction of his grievances. And the Execution Petition in hand having no merits may be set aside.

Accountant General
Khyber Pakhtunkhwa

Office of the
Accountant General
KHYBER PAKHTUNKHWA PESHAWAR
Phone: 091 9211250-54

No. PFP/Court Case/PST/2017-18/71-73 **Dated. 15.09.2017**

To

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

Subject:- **SERVICE APPEAL NO. 758/2016 TITLED MR. UMAR FAROOQ SHAH VS GOVT: OF KHYBER PAKHTUNKHWA THROUGH SECRETARY EDUCATION & OTHERS.**

I am directed to refer to the subject appeal made by Mr. Umar Farooq Shah C.T, District Nowshera before the Khyber Pakhtunkhwa Service Tribunal vide Appeal No. 758 / 2016 and verdict of the said honorable court dated 17.08.2017.

2. *Summary of the Case:*
Brief facts of the subject case are narrated as under:

That all C.T teachers in the erstwhile NWFP were allowed BPS-09, on the basis of having FA/FSc along with CT w.e.f. 01.07.1983. Besides this those having B.A/BSc 2nd division plus C.T qualification from recognized institute were placed in BPS-14 w.e.f. 01.06.1991 vide Finance Department Govt: of NWFP letter dated 07.08.1991 and all those C.T teachers having B.A/BSc 3rd division along with C.T qualification were left in BPS-09 for the purpose of drawing Pay & Allowances ***"Annex-A"***.

That vide another Notification of Finance Department dated 26.01.2008 all the incumbents, C.T Teachers having B.A/BSc + C.T were upgraded from BPS-09, BPS-10, BPS-12, BPS-14 to BPS-15 w.e.f. 01.10.2007 ***"Annex-B"***. It is pertinent to mention here that this up-gradation was one time ~~and~~ only and incumbent up-gradation, regardless of B.A / BSc at least 2nd division, instead of post up-gradation. Furthermore as per this Policy those teachers appointed against C.T Posts, possessing B.A/BSc at least 2nd division along with C.T qualification were entitled to BPS-14 rather than BPS-15 on or after 02.10.2007.

That Mr. Umar Farooq Shah appellant resident of District Nowshera being appointed on 14.07.2009 against the post of C.T was granted BPS-15 instead of BPS-14 by the then District Co-ordination Officer Nowshera ***"Annex-C"***.

That Mr. Umar Farooq Shah C.T Teacher appellant is entitled to BPS-15 w.e.f. 01.07.2012 in light of Finance Department Notification dated 11.07.2012 ***"Annex-D"***. As per this notification post of C.T Teachers was upgraded to BPS-15 along with all those incumbent C.T Teachers drawing pay against BPS-09, BPS-12 and BPS-14.

That the sanction accorded by the then District Co-ordination Officer Nowshera for grant of BPS-15 instead of BPS-14 in favour of Mr. Umar Farooq Shah C.T is defective and not covered under the rules, notifications and policy being in vogue in that time.

I am further directed to request you, being Competent Authority and successor of the then District Co-ordination Officer Nowshera to issue a revised sanction for grant of BPS-14 to Mr. Umar Farooq Shah C.T with effect from 14.07.2009 his date of appointment and departmentally fix/revise his pay dully entered in his Service Book if agreed with the point of view of Pay Fixation Party of Accountant General Khyber Pakhtunkhwa. The issue may kindly be resolved in light of the honorable service tribunal orders dated 14.08.2017 specifically in accordance with option-2 mentioned there in, and within 60 days w.e.f. 15.09.2017 to 10.11.2017 ***"Annex-E"***.

Your early response to this office for further submission to the honorable court may be highly appreciated because the matter is of urgent nature and needs most attention please.

Accounts Officer
Pay Fixation Party

Copy forwarded for information to:-
The Registrar, Khyber Pakhtunkhwa Tribunal Peshawar.

Service

Accounts Officer
Pay Fixation Party

Office of the
Accountant General
Fort Road, Khyber Pakhtunkhwa
Peshawar Pakistan
Phone: 091 9211250-54

No. PFP/Court Case/PST KP/2017-18/607-09 Dated: 16/10/2017

To,

1). The Director,
Elementary and Secondary Education,
Khyber Pakhtunkhwa, Peshawar.
2). The District Education Officer (M),
Nowshera.

Subject: **Service Appeal No. 758/2016, titled Umar Farooq Shah Vs Government of Khyber Pakhtunkhwa through Secretary Education and others.**

I am directed to refer to this office memo No. PFP/Court Case/PST/2017-18/71-73/ dated 15.09.2017, on the subject noted above and to state that action on your part is still awaited after the elapse of one month period.

I am further directed to request you to expedite the requisite action in the subject case, in light of the honorable Service Tribunal verdict, under intimation to this party please.

The matter is of urgent nature being court case.

16/10/17
Accounts Officer
Pay Fixation Party
Camp Court Peshawar

Copy forwarded for information to:-

1). The Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.

16/10/17
Accounts Officer
Pay Fixation Party
Camp Court Peshawar

POWER OF ATTORNEY
IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

Govt of KPK — PETITIONER(S)

Vs

Umar Farooq Shah — RESPONDENTS

I, through Petitioner (Govt. of KPK) in the above Petition, do hereby appoint and constitute Mian Saadullah Jandoli, Advocate-on-Record, Supreme Court, for Govt. of Khyber Pakhtunkhwa the Attorney for the aforesaid Petitioner(s) to commence and prosecute appear and defend this action/appeal/suit/petition/reference on my/our behalf and all proceeding that may be taken in respect on any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take back documents, to accept the proceeds of the Court, to appoint and instruct Counsel, to represent the aforesaid Petitioner(s) in the above matter and to do all things incidental to such acting for the aforesaid Petitioner(s).

Aforesaid Petitioner(s) hereby agrees/agree to ratify all acts done by the aforesaid Attorney in pursuance of this authority.

In witness whereof I/we do hereunto set my/our hand/hands

Signed with Official seal stamp

Accepted

(Mian Saadullah Jandoli)
Advocate-on-Record
Supreme Court of Pakistan
(for: KPK Advocate General's
Office KPK, High Court Building, Peshawar.
Office Tel. # 091-9210312, 9210119

1- Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.
Elementary & Secondary Education Department, Govt. of K.P.K.

2- Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar

3- District Education Officer (Male) Nowshera
District Education Officer (M) Nowshera

4- Deputy District Education Officer, Nowshera
Deputy District Education Officer Male Nowshera

5- Secretary Finance Department, Govt. of Khyber Pakhtunkhwa, Peshawar.
SECRETARY
Govt: of Khyber Pakhtunkhwa
Finance Deptt

6- Accountant General, Khyber Pakhtunkhwa, Peshawar.
Accountant General
Khyber Pakhtunkhwa
Peshawar.

Received
1-11-2017

S-38

DAK BOOK

ڈاک بک

Date 26/09/2017.

Date	For whom intended	No. and date of communication sent	Name of Naib Quasid Despatch Rider	Signature with office stamp of receipt
(1)	1470 25/9/17	Chief Eng.		
2	L=R=H=FIND=2/50=GUL BADSHAH " " 51 KHER		(2) 26.9.17	
3	DDO=M=PEN=2=67=LIAQAT ALI " " 68=ABDUL HAMEED		(2) 26 9 2017	
4	DDO=F=PEN=2=69=LAKENPARI		(1) 26 9	
(5)	[illegible] = PEP=71=73 =AG=71=72 26/9/017		(Two)	26/9/17
6	B=D=1 - PEN=1=1396=NOWSHAD			26/09/17

PCPPI—4702(15)AG KPK—11-12-2015—260 Bks.

PCPPI—4702(15)AG

District Government, Nowshera,
DCO Secretariat.

NO.14/DCO/EA/NSR/ 7053-60
17 November, 2009

NOTIFICATION.

In pursuance to Deputy Secretary (Regulation) Finance Department Government of NWFP Peshawar Notification No.FD (PRC) 1-1/89 dated 07-08-1991, No.FD (SR-1)2-123/2004 dated 13-8-2005, No..FD (SR-1)6-4/2005 dated 23-5-2006 and No.FD/SO (FR) 10-22/2007 dated 20-01-2008, the competent authority is pleased to accord Sanction for BPS-15 / 14 on passing BA/B.Sc; and are trained in respect of the following teachers of Elementary and Secondary Education Department Nowshera w.e.from the dates mentioned against their names as recommended by the Executive District Officer, (Elementary and Secondary) Education Department Nowshera:-

S.No	Name and Designation	Name of School	BP	Awarding date
1.	Mr Umer Farooq CT	GMS Sadiq Abad	15	23-7-2009
2.	Mr Muhammad Abid Ali CT	GHS Bara Banda	15	1-10-2007
3.	Mst Nelaufar AT	GGHS Kheshki Payan	15	23-5-2006

Sd/-
District Coordination Officer
Nowshera

Endst: Even No. and date.

Copy forwarded for information and necessary action to:-

1. The Deputy Secretary (Regulation) Finance Department Govt of NWFP Peshawar.
2. The Director Elementary & Secondary Education Department NWFPPeshawar.
3. The EDO, Elementary & Secy: Education Department Nowshera.
4. The District Accounts Officer Nowshera.
5. The Principal / Headmaster / Head Mistress concerned.
6. The Teachers concerned.
7. Office Copy.

Human Resource Development Officer
Nowshera

Head Master
Govt: Middle School
Sadiq Abad Nowshera

OFFICE OF THE
DISTRICT EDUCATION OFFICER (M)
NOWSHERA

☎ 0923-9220228 , 🖷 0923-9220228

MINUTES OF REVIEW COMMITTEE MEETING HELD ON 14/10/2017

In compliance of order dated 17/8/2017 passed by the Khyber Pakhtunkhwa Service Tribunal in service appeal No.758/2016 title as **Umar Farooq vs Government**. The meeting of Review Committee was held on **14/10/2017 at 10:00** am at the office of the District Education Officer Male Nowshera under his chairmanship to discuss the issue regarding (a) recovery of **Rs. 27290** from Umar Farooq Shah (b) legality of notification dated 17/11/2019, awarding BPS-15 by DCO/competent authority.

The following attended the meeting

1. Mr. Fayaz Hussain
   District Education Officer Male Nowshera — Chairman
2. Mr. Sajjad Akhtar Iqbal
   Dy/District Education Officer Male Nowshera — Member
3. Mr. Muhammad Irfan
   ADEO (M) Establishment Section — Member
4. Saleem Khattak
   Superintendent — Member

The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The above mentioned items were placed before the Review Committee for consideration.

The committee have taken the following decisions:-

DECISIONS:-

i. The committee checked the relevant documents Promotion Notification dated 17/11/2009 of the official Umar Farooq Shah CT was discussed and all the members were agreed that the official was not entitled to be promoted to BPS-15 in the light of the notification of Finance Department vide No.FD/SO(FR)10-22/2007 dated 26/1/2008 the said notification was issued by the finance department to give benefit to those teachers who were already in service and in the notification it is clearly mentioned that this in only one time up gradation. The appellant was not in service at the time of the issuance of the said notification.

ii. It was unanimously decided that notice be issued to appellant Mr. Umar Farooq Shah and the benefit already given to Umar Farooq Shah may be withdrawn

The meeting was ended with a vote of thanks from and to the chair.

District Education Officer (M)
Nowshera

Mr. Sajjad Akhtar Iqbal
Dy. District Education Officer (M) Nowshera

Mr. Muhammad Irfan
ADEO (M) Estb Sec Nowshera

Saleem Khan Khattak

(Supridient)

OFFICE OF THE
DISTRICT EDUCATION OFFICER (M)
NOWSHERA
(Office Phone#0923-9220228, Fax#0923-9220228)

No 2433 (Estab/Branch)Dated: 07-5-2016.

TO

The Director.
E & SE Department Khyber Pakhtunkhwa Peshawar.

Sub: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER OF THE PAY FIXATION TEAM DATED 14-03-2016.

Memo:-

Reference your office Endstt: No: 3026/F.No.1035/V-III/A-15/KC/B Dated: Peshawar the 18/4/2016

DETAILED HISTORY OF THE CASE IN PURSUANCE OF THE SUBJECT ABOVE

1:MR, Umar Farooq was appointed as CT teacher on regular bases in BPS 9, vide EDO(E&S)Education Nowshera Office Endst: No 5173-84 Dated:14-07-2009.

2: He produced medical fitness certificate on 23-07-2009 & made arrival on the same date.

3: His certificates& degrees were sent to the concerned Board/University for departmental verification.

4: After being verification of the Documents his case was sent to the DCO Nowshera on the recommendation of Executive Distt Officer (E&S) Nowshera for honoring him BPS 15 in light of passing BA/BSc and also a trained teacher policy.

5: He was granted BPS 15 vide: NO. 14/DCO/EA/NSR/7053-60 Dated: 17november2009.

6: The same BPS15 was considered from 23-07-2009 in the light of DCO office order Dated: 17-11-2009.

7: The same basic pay scale was incorporated in his Service Book from 23-07-2009, his service book was presented before the Distt Account Officer on which he released his pay according to the same BPS.

8: The applicant put forward an application on 26-11-2015 for one step up gradation as per Finance Deptt notification NO FD/SO (FR) 7-20/2015.

9:His application was perused in pursuance of the original Service Book Entries .The Service Book Entries were checked with the payrolls from 01-12- 2009 to 01-07-2015 and found correct. Documents were scrutinized and the applicant was found legible for one step up gradation on the following grounds as per Finance Deptt notification NO FD/SO (FR) 7-20/2015.

(A) He was not upgraded in the last five years from 01.07.2010 to 01.07.2015.
(B) He did not get any financial benefits in the above mentioned last five years.

10: The Deputy Education officer demanded that the application would be entertained if the applicant made a fixation by the Fixation team.

11: The Service Book was presented before the Provincial Fixation team on 14-03-2016 who made several alterations to the original Entries of the Service Book as,

A: The DCO notification Dated 17-11-2009 of rewarding BPS 15 was set aside with a change of BPS 14.

B: The BPS 15 was again incorporated from 01-01-2012.

C: And a recovery of Rs/ 27290 was made against the applicant.

12: The opportunity of one step up gradation was abducted.

13: The applicant appealed for seeking a justified remedy before your good self-dated: 15-03-2016.

14: This detailed history of the applicant bears all the documentary proofs.

DISTRICT EDUCATION OFFICER
(M) NOWSHERA.