FORM OF ORDER SHEET

Court of	-	-
Court or		

Application No.

/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
. 1 .	2	3
· 1	08/03/2021	The C.O.C application of Mr. Yasir Khan submitted today by Mr.
		Ishfaq Ahmad Khan Advocate, may be entered in the relevant Register
	ŀ	and put up to the Court for proper order please.
		· · · · · · · · · · · · · · · · · · ·
•		REGISTRAR .
2-		This C.O.C application be put up before B . Bench
		on 04-8-2021
		CHANKINAN .
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BEFORE THE KHYBER PUKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Application No	/2021		
-		:	
		•	-
Yasir Khan		(Peti	tioner)
· · · · · · · · · · · · · · · · · · ·			
سن		<u>VERSUS</u>	
	ž		·
Secretary to Governmen	nt of K.P. E&SE	Department and others	(Respondents)

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S.No	Description of Documents	Annexure	Pages
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2	Addresses of Parties		5
3	Attested Copy of Temporary Injunction Order	"A"	6-7
4	Copy of Promotion order	"B"	8-19
5	Copy of Adjustment order	"С"	11-12
6	Copy of Interview Advertisement	"D"	· i3
7	Wakalatnama	1	164

Dated: 08-03-2021

Through

Petitioner

ISHFAQ AHMAD KHAN

Advocate High Court

District Courts Nowshera.

BEFORE THE KHYBER PUKHTUNKHWA SERVICES TRIBUNAL

PESHAWAR

Application No.	78	/2021



 Yasir Khan Son of Shah Passand R/O Railway Par, Vill Working and posted presently as Qari at Government Hi 	,
(Nowshera)	·

VERSUS

- (1) Secretary to Government of Khyber Pukhtunkhwa Elementary and Secondary Education Department, Civil Secretariat, Peshawar.
- (2) Director Elementary and Secondary Education Department, KP, Peshawar.
- (3) District Education Officer (Male) Nowshera......(Respondents)

APPLICATION OF CONTEMPT OF COURT UNDER CONTEMPT OF COURT ACT

Respectfully Sheweth,

- (1) That the petitioner did file service appeal with application for temporary injunction against respondents and the given Appeal is given the number as Appeal No. 10407/2020.
- (2) That the honorable forum did accept the plea of petitioner for temporary injunction and made an order accordingly on 26-11-2020.

. (Copy of order is attached as Annexure "A")

(3) That on 08-12-2020 Respondent No 2, despite the temporary injunction, did promote three persons to Secondary School Teacher (BPS-16) in Maths/Physics subjects, Endst:No 3035-40.

(Copy of Promotion order is attached as Annexure B)

(4) That Respondent No 3, again despite temporary injunction, did adjust the promoted teachers in different schools with Endst:No 8865-77 Dated: 17-12-2020.

(Copy of Adjustment Order is attached as Annexure C)

(5) That during the pendency of appeal the Respondents did advertise some vacant posts and test

was taken on the vacant posts of Secondary school Teachers (BPS-16) in Maths/Physics subject.

(6) That now again Respondent No. 3 on 11-02-2021 held interviews of different candidates for

appointment on the vacant posts of Secondary School Teachers in Maths/Physics subject.

(Copy of advertisement is attached as Annexure D)

(7) That the mentioned actions are intentionally and illegally committed so as to make the appeal

of appellant infructuous as every district has only limited number of seats available in Secondary

School Teachers cadre.

(8) That the promotion orders and now initial recruitment are in utter disregard and disobedience

of the orders of this honorable forum and need timely and strict action by the honorable forum.

(9) That the petitioner does approach this honorable forum for proper remedy.

Therefore keeping in view the above mentioned facts it is most humbly

prayed that on accepting of this application the proceedings of contempt

of court may kindly be initiated against respondents, immediately, so as

to meet the ends of justice.

Dated: 08-03-2021

(Petitioner)

Through:

(ISHFAQ AHMAD KHAN)

Advocate High Court

District Courts Nowshera.

BEFORE THE KHYBER PUKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Application No	/2021	
Yasir Khan		(Petitioner)
	<u>V E R S U</u>	<u>'S</u>
Secretary to Governmen	nt of K.P. E&SE Department	and others (Respondents)

AFFIDAVIT

I, Yasir Khan Son of Shah Passand R/O Railway Par, Village Rashakai, District Nowshera Working and posted presently as Qari at Government Higher Secondary School Rashakai, (Nowshera) do hereby affirm and declare on oath that the contents of the Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



X 1 n

(Yasir Khan)

(DEPONENT)

BEFORE THE KHYBER PUKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Application No/2021	
Yasir Khan	(Appellants)
<u>VERS</u>	<u>sus</u>
Secretary to Government of K.P. E&SE Departme	nt and others (Respondents)
ADDRESSES OF TI	HE PARTIES
Petitioner:	
Yasir Khan Son of Shah Passand R/O Railway	Par, Village Rashakai, District Nowshera
Working and posted presently as Qari at Gover	nment Higher Secondary School Rashakai
(Nowshera)	
RESPONDENTS:	
(1) Secretary to Government of Khyber Pukhtunkh	wa Elementary and Secondary Education
Department, Civil Secretariat, Peshawar.	
(2) Director Elementary and Secondary Education	Department, KP, Peshawar.
(3) District Education Officer (Male) Nowshera.	
	dit
	(Petitioner)
Through:	(ISHFAQ AHMAD KHAN)

Advocate High Court

District Courts Nowshera

Mr. Ishfaq Ahmad Khan, Advocate, for appellant is presen

The learned counsel representing appellant while arguing submitted that 75% quota has been specified for the post of Secondary School Teacher (BPS-16) whereas 25% quota has been fixed for initial recruitment for the teaching cadre vide notification dated 18.12.2013. Appellant is eligible to considered for promotion as he stands at serial no. 51 on the respective seniority list. The Departmental Promotion Committee promoted 37 candidates while initially recruited 60 candidates which is repugnant to the extant policy and rules. At the moment the Departmental Promotion Committee considered the cases of the candidates sans the case of appellant hence, the present appeal.

The point so agitated at the bar needs consideration. The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 11.12.2020 before

Appallant Deposited Securio Process Fee S.B.

The status-quo subject to notice be maintained till to

fixed.

(MUHAMMAD JAMAL KHAN)

MEMBER (JUDICIAL)

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Peshawur

Page 7

FORE THE KHYBER PUKHTUNKHWA SERVICES TRIBUNA

PESHAWAR

Service Appeal No._____/2020

Diary No. 9861

(Nowshera)	(Appellant)
Working and posted presently as Qari at Government High	
Yasir Khan Son of Shah Passand R/O Railway Par, Villag	

VERSUS

- (1) Secretary to Government of Khyber Pukhtunkhwa Elementary and Secondary Education Department, Civil Secretariat, Peshawar.
- (2) Director Elementary and Secondary Education Department, KP, Peshawar.

(3) District Education Officer (Male) Nowshera (Respondents

Fledto-day

APPEAL U/S 4 OF THE SERVICES TRIBUNAL, ACT, 1974.

Respectfully Sheweth,

- (1) That the Appellant joined the service of education department as Qari and is working as such for more than 6 years by now.
- (2) That the respondent department in consultation with the Establishment and Finance Department has passed notification No. SO (PE)4-5/SSRC/Meeting/2013 Teaching Cadre, Peshawar dated 18th December 2013, whereby 75% quota for the posts of Secondary School Teacher (BPS-16) has been reserved/sanctioned for promotion on the basis of seniority-cumfitness and 25% for initial recruitment. Furthermore the note to the policy also provided that promotions could also be made on need based policy yet instead of following the need based

King Critical Service Tribunal

Certifier

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HIRECTORAGE OF ELEMENTARY AND SECONDARY THE CATION KHHYBER PAKHTUN KHAWA PESHAWAR.

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Notification

Consequent upon the recommendation of the Departmented Promotion Committing and in pursuance of the Covernment at Khyber Paldanikhwa Clementury and Secondary Education Nutrication No SOMBAAL 18-EASE-2012 disco. 11) 2012 and Tunine: Department Endomement No SORFROTE 10/22(1)/2010 dated to 7/2012, the following SCT-CT SDNPDM, SAT/AT, SET LT S Quit/Our and PSHCSPSCPSC (Male) are promoted to the posts of SSL(G), SST(B/C) and SSL (P/M) in BPS-16 (Rs 18910-1520-64510) respectively, plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Covernment, on the terms and condition given blow with immediate effect, and further they will be adjusted by the District Education Officer concerned:

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•	?	·	⁺ 46	Muhammad Rafiq	GHS NOT NSR Cantt	[†] 1 8.1976	20.10.1996	MA. B Ed	Services are placed at the disposal of DEO (M) Nowshera for further adjustment against the post of SST(G) in (BPS-16), on regular basis with immediate effect
•	t		47	Muhammad Ishfaq	GHS Dak Ismail Khel		* 12 12 1996	T M Sc, M Ed	Services are placed at the disposal of DEO (M) Nowshera for further adjustment against the post of SST(G) in (BPS-16), on regular basis with immediate effect
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erms and Conditions:

They would be on probation for a period of one year extendable for another one year.

They will be governed by such rules and regulations as may be issued from time to time by the

Govt.

Their services can be terminated at any time, in case their performance is found unsatisfacto during probationary period. In case of misconduct, they shall be proceeded under the rul framed from time to time.

Charge report should be submitted to all concerned.

Their Inter-Service-Seniority on lower post will remain intact.

No TA/DA is allowed for joining their duty.

They will give an under taking to be recorded in their service books to the effect that if any or payment is made to them in the light of this order will be recovered and if they are wrong promoted they will be reversed.

Before handing over charge their document may be checked. If they have not the requi

relevant qualification as per rules, they may not be handed over charge of the post

(Hafiz Dr. Muhammad Ibrahim)

Director

Elementary and Secondary Education

Khyber Pakhtunkhwa Peshawar

Endst: No3035-40 File No.1/Promotion SST(BPS-16) — Dated Peshawar the

Copy forwarded for information and necessary action to the: .

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

Deputy Director (Estab) Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar



OFFICE OF THE



DISTRICT EDUCATION OFFICER (MALE) **N**OWSHERA

🕾 0923-9220228 🕭 0923-9220228 🖵 emisnowshehra@yahoo.com

In pursuance of the Notification issued by the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar vide Endst: No.3035-40/F.No.1/Promotion SST(BPS-16) Peshawar the 08-12-2020 the following newly promoted SST (General), SST (Bio-Chem) and SST (Phy-Maths) BPS-16, are hereby posted in the schools noted against each, on the terms and conditions given below in the interest of public with immediate effect of public with immediate effect,

			Present School	Present School Proposed Place of Posting		
	(Gene	ral) tion of Sr. CT / CT to SST (General) DDC 4.6			
1	18	Mian said SST(G)	CUSS Marbatti Danda	GHSS Marhatti Banda	A.V.P.	
)2	46	Muhammad Rafiq SST	<u> </u>	GHS ASC Colony GHS Bakhtal GHS, Nawan Killi GHS Taru GHS, No.2 Kalan GHS Bara Banda	A.V.P.	
03	47	Muhammad Ishfaq SST(G)	GHSS D.I.K		A.V.P.	
04	50	Farhad Ali SST(G)	GHSS No.1 NSR Kalan		A.V.P.	
05	51	Sajid Ali SST(G)			A.V.P A.V.P. A.V.P.	
06	52	Fayaz khan SS f(G)	GHS Samandar Garhi			
07	53	Saced-Ur-Rohman SST(G)	GHSS Risalpur			
80	54	Abdul Basit SST(G)	GHS Bagh Ban pura	GHSS Shaidu	A.V.P	
. ۋى	55	Bakhnar Ahmad Shah SST(G)	GHSS Spin Khak	GHS Jaroba	A.V.P	
10	56	Shah Nawaz Khan SST(G)	GHS Aman Garh	GHS Aman Garh	A.V.P	
1.1	57	Gohar Ali SST(G)	GHSS Jalozai	GHSS Jalozai	.(He will took over charge after 24- 12-2020 due to retirement of Mr. Raza Muhamunad SST(G))	
12	58	Musarat Shah SST(G)	GHS Khaisari)	GIIS Jabba Khushk	A.V.P.	
13	59	Ayaz Ullah SST(G)	GHS Pabbi	GHS Pabbl	(He will took over charge after 31- 12-2020 due to retirement of Mr. Khair Afzal SST[6])	
14	60	Muliammad Races SST(G)	GHS Shaidu	GHS Haral	A.V.P.	
	B Comme	notion of Sr. DM / DM to SST (Gen	ierall BPS-16			
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0.	05		GHS No.1 NSR Cantt:	Salub	. A.V.P.	
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Promotion order of SCT/SDM/SAT/STT/SPST, PSHT, PST to SST (G), SST(M/P) &SST (B/C) Proposed Place 3.L. # Remarks Name & Designation Present School of Posting 05 473 A.V.P. Magsond Elahi GHS Bakhtai GPS No.02 Aza Khel 06 479 A.V.P. Ahmad Haroon GMS Alab Bagh GPS Halki Banda SST (Blo/Chem) Promotion of Sr.CT / / CT to SST (Blo/Chem)BPS-16 01 A.V.P.₩16 Hazrat All GHSS ZKK Sahib GHS ASC Colony Newly upgraded school 323 Umeed All Shah GHS Narai GHS Adamzai SST (Phy/Maths) 8.Promotion of Sr.CT / / CT to SST (Phy/Maths)BPS-16 01 Newly upgraded school Fida Muhammad GHS Narral GHSS Shaidu 02 270 A.V.P. GMS Kahi GHS Inzari SST (Phy-Maths) 9.Prometion of PST / Sr. PST / PSET to SST (Phy-Maths) BPS-16

1516 | Jamshed Ahmad Consequential Transfer

SN		Present Place of Posting	Transferred To	Remarks
	Muhammad Tariq	GMS Aman Kot	GSAAHS Dag Besud	On administrative ground.
2		GMS, Mashin Koroona	GHSS, Kheshgi Payan	On administrative ground.
3	Ayaz SST (G)	GMS, Batakzai	GHS, Sadiq Abad	On administrative ground.

GPS No.3 NSR Kalan

Terms & Conditions:

They would be on probation for a period of one year extendable for another one year.

They will be governed by such rules and regulation as may be issued from time to time by the Government.

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.

The Principals / Head Master / Drawing & Disbursing Officers should their original documents (Academics + Professional) before handing over charge.

The Principals / Head Masters / Drawing & Disbursing Officers are required to spoint their necessary documents for verification to District Education Officer (Male), Newshera along with original payer receipt.
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 take / bogus, their promotion shall stand cancelled.

The District Education Officer (Male), Nowshera will issue Glearness Certificate after the verification process.

Charge Report should be submitted to all concerned.

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.

> (SAIJAD AKHTAR IQBAL) District Education Office (Male) Noushera

GHS Hampa-Rashaka

A.V.P.

/DEO(M)NSR/Estab: Branch/Sr/Prom: of SSTs/Dated Nowshera the 1/12/2020 Endst: No. 2865-17 Copy of the above is forwarded for information to the: -

Director Elementary & Secondary Education Kliyber Pakhtunkhwa Peshawar w/r to Notification No. quoted 1. above.

District Accounts Officer, Nowshera.

Deputy District Education Officer (Male), Nowshera.

Sub Divisional Education Officer (Male) Nowshera Cantti/Pabbl/Jehangira Nowshera.

Assistant District Education Officer - Establishment (Primary & Secondary), Local office.

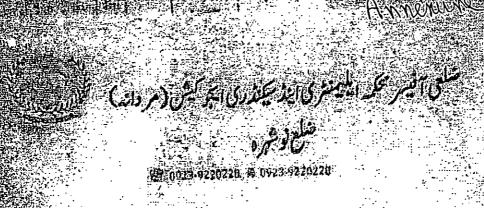
SuperIntendent - Establishment (Primary & Secondary), Local office.

Dealing Assistant - Establishment (Primary & Secondary), Local office Assistant Programmer D-EMIS, local office.

Accountant, Local office.

10. Officers concerned. 11. Master File.

> ducation Office District | Nowshera.



اطلاع براد يما المرادي المرائح والمرابي المراث والمرابع المرائع المرابع المرابع المرابع المرابع المرابع المرابع

منطق وشرہ مک قام مردانہ آمید داران جنوں نے این آبائی کے در یع سال 2020 تا النوائیں فی (جنیمس / فرکس) درمت کی خالی آسامیوں کے لیے لیٹ دیا تھا اور آن کے فوٹل آسامیوں کے لیے لیٹ دیا تھا اور آن کے فوٹل آسامیوں کے لیے لیٹ دیا تھا اور آن کے فوٹل آسامیوں کے لیے لیٹ دیا تھا اور آن کی فوٹل آسامیوں تا ہے کہ دور درجہ زیل شیڈول کے مطابق می شین عدد واکن جس ایمان اللہ میں تاریخ اللہ میں تاریخ کی تاریخ کا تاریخ کا تاریخ کی تاریخ کا تار

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بعدالت فيريخ تونخاه تسروس ثربيبوال لساوتر

مورخه 2021 - 20-3-3-1 الرق و مراد الرق و مراد الرق من منام سلر الراك و لوست المورد الرق و مراد الرق و مراد المراد المراد

باعث تحريرآ نكه

تقدمه مندرجة عنوان بالا میں اپن ظرف ت واسلے است کی الا مرف کا کامل اختیار ہوگا۔

آن مقام لیک و مر کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کوراضی نامہ کرنے و تقر ر ثالث و فیصلہ پر صاف دیے جواب دہی اورا قبال دعوی اور سورت و گری کر نے اجراء اور وصولی چیک وروپیدار عرضی دعوی اور درخواست ہرتم کی تصدیق زرایں پر دسخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی مطرفہ یا اپیل کی برامدگ اور منسوخی نیز دائر کرنے اپیل گرانی و فیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ ندکور کی کل یا جزوی کا دوائی کے واسطے اور و کیل یا مختار ہوگا۔ از بصورت ضرورت تقر رکا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے تقر رکا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گا دوراس کا ساختہ پر داختہ منظور و تبول ہوگا دوران مقدمہ میں جوخر چہ ہرجانہ التوائے مقدمہ کے سنب سے وہوگا۔ کوئی تاریخ بیش مقام دورہ پر ہو یا حدے باہر ہوتو و کیل صاحب پابند ہوں سنب سے وہوگا۔ کوئی تاریخ بیش مقام دورہ پر ہو یا حدے باہر ہوتو و کیل صاحب پابند ہوں گے۔ کہ بیروی نہ کور کریں۔ لہذا و کالت نامہ کھدیا کہ سندر ہے۔

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