BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 742/2019

Date of institution 17.06.2019

Wahid-ud-Din, PSHT (BPS-15), GPS No. 2 Kulala Bandai, District Dir Upper.

VERSUS

The Government of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar and two others.

<u>O R D E R</u> 26.04.2022

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WIR draw

Mr. Noor Muhammad Khattak, Advocate, for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned counsel for the appellant stated at the bar that he wants to withdraw the instant service appeal without any further proceedings. In this respect, written endorsement of learned counsel for the appellant obtained at margin of order sheet.

In view of the above, the appeal in hand stands dismissed as withdrawn.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

ANNOUNCED 26.04.2022

(ROZINA REHMAN) MEMBER (JUDICIAL)

(SALAH-UD-DIN) MEMBER (JUDICIAL)

12.01.2022

Mr. Haider Ali, Advocate junior of learned counsel for the appellant present. Mr. Riaz Khan Paindakheil, Asst. AG for respondents present.

Former made a request for adjournment as senior counsel for the appellant is busy before Hon'ble Peshawar High Court, Bannu Bench. Adjourned. To come up for arguments before the D.B on 26.04.2022.

Cha

Rehman Wazir) Atia≁ur∙ Member(E)

17.02.2021 Due to Pandemic of Covid-19, the case is adjourned to

24.05.2021 for the same.

Reader

READER

24.05.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 02.09.2021 for the same as before.

02.09.2021

Due to summer vacations, the case is adjourned to 12.01.2022 for the same as before.

18.06.2020

Due to Covid-19, the case is adjourned. To come up for the same on 08.09.2020 before D.B

08.09.2020

Mr. Afrasiab Khan Wazir, Advocate, Junior to senior counsel for the appellant is present. Mr. Usman Ghani, District Attorney alongwith Mr. Hussain Ahmad, Litigation Officer for respondents present.

Formal request for adjournment that his senior counsel is busy in august Peshawar High Court, Peshawar.

Adjourned to 26.11.2020 for arguments before D.B.

(Mian Muhammad) Member (E)

(Muhammad Jamal) Member(J)

26.11.2020

Junior to counsel for the appellant and Zara Tajwar, DDA alongwith Ahmad Hussain Litigation Officer for the respondents present.

Request for adjournment is made due to engagement of learned counsel for the appellant before Honourable High Court today. Adjourned to 18.02.2021 for hearing

before the D.B.

(Mian Muhammad) Member(E)

Chairman

Junior to counsel for the appellant and Addl. AG alongwith Sardaraz Khan, ADEO for the respondents present.

Representative of the respondents furnished the reply on behalf of the respondents, which is placed on record. The appeal is assigned to D.B for arguments on 24.02.2020. The appellant may furnish rejoinder, within one month, if so advised.

24.02.2020

Junior to counsel for the appellant present. Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Sardaraz ADO present. Junior to counsel for the appellant seeks adjournment as senior counsel is not available. Adjourn. To come up for arguments on 27.03.2020 before D.B.



Chairman

Member

27.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 18.06.2020 before D.B.

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05.09.2019

Counsel for the appellant present.

Contends that the appellant while performing his duty as PSHT was considered eligible for promotion as SST and was also recommended for the purpose through working paper prepared on 08.01.2019. On the contrary the impugned notification dated 22.02.2019 did not include the name of appellant. The available posts for promotion of SST against PSHT/SPST/PST was 13 pests as transpired in the working paper but was incorrectly noted in the impugned notification as 10 posts. That the appellant was thereby denied his due promotion without any valid reason.

Appellant Deposited Security & Process Fee

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In view of available record and arguments of learned counsel, instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 05.11.2019 before S.B.

Chairman

Chairman

05.11.2019

Counsel for the appellant and Addl. AG alongwith Sardaraz Khan, ADEO for the respondents present.

Representative of respondents seeks time to furnish the comments. Adjourned to 18.12.2019 on which date the requisite reply/comments shall positively be submitted.

Form-A

FORM OF ORDER SHEET

Court of 742/2019 Case No.-S.No. Order or other proceedings with signature of judge Date of order proceedings 2 3 1 The appeal of Mr. Wahid-ud-Din presented today by Mr. Noor 17/06/2019 1-Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for properiorder please. REGISTRAR 17/6/19 Member This case is entrusted to S. Bench for preliminary hearing to be 2-24/06/19 put up there on 12/07/19 Sars. 310100 6107.60 COMO 881 Markon (Con Concept And A Concept And A Concept A Conce CHAIRMAN pur dissid di alla en lo Masul Dipature 61927071 Ejeg Learned counsel for the appellant present and seeks 12.07.2019 adjournment. Adjourn. To come up for preliminary hearing on 05.09.2019 before S.B. Member

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No.<u>742</u>/2019

VS

WAHID UD DIN

EDUCATION DEPTT:

	INDE	<u>X</u>	. ·
S.NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal		1- 3.
2	Working Paper	A	4.
3.	Impugned Notification	В	5-9.
4.	Departmental appeal	C	10.
5.	proposal	D	11.
6.	Vakalat nama		12.

APPELLANT

THROUGH: NOOR MOHAMMAD KHATTAK, ADVOCATE

Flat No. 3, Upper Floor, Islamia Club Building, Khyber Bazar, Peshawar 0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO	42 /2019hyber Pakhtukhwa Service Tribunal
Mr. Wahid Ud Din, PSHT (BPS-15),	Diary No. 836
GPS No.2 Kulala Bandai, District Dir Uppe	- 1 2 12

VERSUS

- The Govt. of Khyber Pakhtunkhwa through Secretary (E&SE) 1. Department, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
- 2. The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3. The District Education Officer (M), District Dir Upper.

..... RESPONDENTS

. APPELLANT

APPEAL UNDER SERVICE SECTION-4 OF THE **KHYBER** PAKHTUNKHWA SERVICE TRIBUNAL ACT, **1974 AGAINST THE** IMPUGNED NOTIFICATION DATED 22.2.2019 WHEREBY COLLEAGUES OF THE APPELLANT HAS BEEN PROMOTED TO THE POST OF S.S.T (G) (BPS-16) WHILE THE APPELLANT HAS BEEN **IGNORED INSPITE OF ELIGIBILITY AND SENIORITY CUM FITNESS** AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF **NINETY DAYS**

PRAYER:

That on acceptance of this Service appeal the impugned Notification dated 22.2.2019 may very kindly be modified/rectified to the extent of appellant and the respondents may please be directed to consider the appellant for promotion to the post of S.S.T (BPS-16) w.e.f. 22.2.2019 with all back benefits including seniority. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the appellant.

legiştrar 6/18. **R/SHEWETH:**

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FACTS:

Brief facts which give rise to the instant appeal is as under:-

- That appellant is the employee of the respondent Department and 1. is serving the respondent Department as PSHT (BPS-15) quite efficiently and up to the entire satisfaction of his superiors.
- That according to the seniority list of PSHT's (BPS-15) of District 2. Dir Upper the appellant has been at serial No.12 of the said list. That according to the working papers total 13 posts of SST (BPS-16) were lying vacant in District Dir Upper and as such the appellant being at serial No.12 of the seniority list has been recommended by the respondent No.3 for promotion to the post

of SST (BPS-16). Copy of the working paper is attached as annexure A.

- 5. That the appellant having no other efficacious, adequate and alternate remedy, approach this Honourable Tribunal on the following grounds amongst the others.

<u>G R O U N D</u>:-

- A. That the impugned Notification dated 22.2.2019 is against the Law, Facts, norms of natural justice and materials available hence not tenable and liable to be set aside.
- B. That the appellant has not been treated by the respondents in accordance with law and rules on the subject noted above and as such the respondents are clearly violating Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.
- C. That the respondents have not acted in accordance with law and rules governing on the subject by not promoting the appellant to the post of S.S.T (BPS-16) inspite of seniority cum fitness.
- D. That according to the rules of the respondent Department the appellant is fully eligible and entitled to be promoted on the post of S.S.T (BPS-16) with all back benefits.
- E. That the respondents discriminated the appellant on the subject noted above and as such violated section-9 of the Civil servant Act, 1973 read with Rule-7 of the appointment, promotion and transfer Rules, 1989.
- F. That the appellant has served the Department for a long period with unblemished service record and having seniority cum fitness, therefore, the appellant have the right to be promoted to the post of S.S.T (BPS-16).

- G. That the inaction of the respondent by not promoting the appellant to the post of S.S.T (BPS-16) inspite of Seniority and eligibility is against the Article-38 (e) of the constitution of Pakistan, 1973 which enshrines <u>"that the state shall reduce</u> <u>disparity in the income and earnings of the individual</u> <u>including persons in the service of Pakistan".</u>
- **H.** That the respondents acted in arbitrary and malafide manner by ignoring the appellant from promotion and issuing the impugned Notification dated 22.2.2019.
- I. That any other grounds will be raised at the time of arguments with prior permission of this Honourable Tribunal.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 10.6.2019

pellant WAHIÐ UD DIN Through NOOR MOHAMMAD KHATTAK C

MUHAMMAD MAAZ MADNI

&

SHAH ZULLAH KHAN

Advocates High Court, Peshawar.

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) DIR UPPER
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 OFFICE OF THE DISTRICT ODER TO PROMOTION COMMITTEE FOR THE PROMOTION FROM
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24	and by promi	otion from SDM/DM									
Inerts and		otion from SA1/AT			01						
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	TATE OF NERS 1	M) FOR THE PROMOTION O	F 55'i General B-16				Genrel SST= 125 L	· · ·		j	
IST OF PSH	IN TEACHERS (ancys 48 in District Dir Up	pe: 20	% Share of PSHT/SP	ST/PST		Quantication	Wether Eligible or Not	Remarks	ł,	
		Name of Teacher	Present place of posting	008	DrD Passing PTC		i Prof: Qualit:	or Not		IA I	
S.N.;,	Sen:List No.	name of reaction				Acad:Oualit:	PTC+BED	Eligible	Recommended	2 R.	
		<u> </u>	GPS Loi Baba	05.06.1962	25:01/1986	64		Eligible	Recommented CK	8.3	
	42	AMIR MUHAMMAD	GPS Mashango Kasa	01.03.1955	22/11/1997	SA	i PIC·BED	Eligiple	Recommented OK	IN I	
2	1245	INUHAMMAD MUNIR	GPS Snaga Amicoknot	02,01,1969	22/11/1992	54	PiC+Bed	Eligiple	Recommened ov	ील	
3	250	SAMIB ZADA	GPS Daskoj Paj ten ND-2	61.63.1955	227:37592	E4.	FICICI.ned	Eligibie	Recommened (S	5	
4	1263	AURANG ZEE		01.04.1569	22/11/1922	- 64	PIC-C.1.9.Ed		Recommented DY	Zur	
ć	255	IMUHAMMAD HAYAT	GPS Batal	15.07.1969	72/11/1992	BA BA	PIC.Bed	Eligipte	Secommened () K	<u>8</u>	
	270	SULTAN ZES	GPS Shafolo Xhwar	C1.06.1965	22/11/1952	NA	PIC+860	Elig!tle		स	
	1275	UNURAMMAD ALI	GPS Jan Battal No-1		22/11/1952	MA MA	PTC, CT, Bed	Eligible	Recomment	τ <u></u>	
<u>i-</u>	17.59	ALAM ZEB	GPS Shakana	01.04.1570	72/11/5922	64	PIC-Sed	Elegitie	Recommened CV	-1 <u>2</u> 3	
	1797	INUHAMILAD AYAZ	GPS Keint Bancy Nevil	C6.11.1572			PIC-B.55	Eligible	Recommenced (NL	15 6	
<u>;</u>	-254	RASAT ULLAH	IGPS Sel Ker	03.02.1955	01.03.1953	1	PTC+E.Ed	Eligibia	Recommense DK	2	
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				05.07.1573	01.03.1593	54	PIC-BED	Lisible	Walist 5	<u></u>	
	11:0	EAKHTIAR ZAMIN		03.05.1970	09.07.1913	1 MA	PIC-C.1.S.Ed				
i na za	1312 1	JERAN ZEB	GPS Urya hael GPS Sangar ST (M) included in the panel for the one of them is notding the post on an m length of qualifying service and q organization under the dedral / Pro al proceedings/Anti corruption/judi leave. verse remarks. T / SPST/PST post is attached herewinal, undisputed and not subjudice. ittee is requested to determine the s	promotion to SST Ge	eneral Post.	<u></u>	· · · · · · · · · · · · · · · · · · ·	wine of	₹. *e	•	
	1 It is certific 2 Hold the p	osts on regular basis and no	me of them is nothing the past on at	dhoc/acting chage ba valifications as requi	isis/ contract. ired for promotion to 1	the post of SST u	nder the rules. Q	treased is	S. E.		
	3 Have contr	Sered the required himself	organization under the dedral / Pro	vincial /Autonomou	s / Semi autonomous	/Internation Org	anitation.	is (i she	52	,	
	- None of th	em is on deputation to any	at proceedings/Anti cor:uption/judi	cial enquiry is pendit	ng against them not hi	as any penalty be	en imposed upon any one of	in the second	\sim	. U. S.	
	5 Neither an	y disciplinary /department						P. 16.	(alt.	
	of them du	uring the last live years.						ODEML	New DE.	W/22	
	6 No one is i	on long leave /Ex-Pakistan	icerc.					<i>K</i> .	All the second	20%	
	7. Their ACR:	s,Synopsis are free train adv	ACI75 (CUMPLY J'					τ.	MIL C.	L	۰,
	S They are a	It alive and serving	T / COST (057 Pour is attached hores	dih.					is 14 Kin	J.).	.00
	9 Thei: app	pintment order against PSH	Ly protyrot post of not subjudice					n In	U. A.	<u> </u>	
	10 The Senia	rity list of B-16 officers is fin	hai, undisputed and hot subjudice.	whether of the she	we PSHT/SPST/PST for	promotion to S	6 B-16 post with immediate e		*1~	رئ_ن	
	11 The Depar	rimental Promotion Commi	ittee is requested to determine the :	solitability of the abo				YI LZ	V	~~	

11

11 The Departmental Promotion Committee is requested to determine the suitability of the above PSHT/SPS1/PS1 for promotion to SS B-16 post with immediate effect

12 Selecter most/Eligible PST/SPT/PSH1 teachers have been included in the list.

DISTRICT ODEATION OFFICER MALE OIR UPPER

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SSTs (M) CHERN Directorate of Elementary and Secondary Education



Consequent upon the recommendations of the Departmental Promotion Consequent upon 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. 18910-1520-64510) 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 by the District Education Officer concerned. A.<u>SST (Bio/Chem)</u>

1. Promotion to Senior PSHT/SPST/PST to SST (Bio/C	hem) BPS-16.
Total No. of vacant Posts of SST (Bio-Chem)	11
25% share initial recruitment	03
75% share for Promotion.	02
20 % Share of promotion of PSHT/SPST/PST	04
Posts available for promotion	03
Proposed for Promotion	03
Recommended for promotion	03
Balance	01

S. No	S.L No	Name of Official & Present Place of Posting	Date of Birth	Date of Appott: as Regular PST	Qualifica tion	Remarks
1	1086	Ihsanullah GPS - Markhano	1/3/1987	1/12/2006	BSc/B.Ed	Services placed at the disposal of DEO (M) Dir Upper for further posting against SST (Bio/Chem) post
2	1324	Israr Ahmad 'GPS Tangai	28/12/19 87.	18/12/2008	BSc/B.Ed	do
3	1403	Mushtaq Ahmad GPS Tangai	1/12/198 7	1/8/2011	BSc/BED	do

B. <u>SST (Phy-Maths)</u>

1. PROMOTION OF PSHT/SPST/PST TO SST (Phy-Maths) BF	S-16
Total No. of SST Phy-Maths (M) Posts vacant Posts	10
25% share initial recruitment	03
75% share for Promotion.	07
20 % Share of promotion of PSHT/SPST/PST	02 ·
Posts available for promotion	02
Proposed for Promotion	02
Recommended for promotion	02

S.N o	S.L No	Name of Official & Present Place of Posting	Date of Birth	Date of Appott: as Regular PST	Qualifica tion	Remarks
1	1280	Muhammad Wahab GPS Doro	20/4/1984	19/11/2008	BSc/B.Ed	Services placed at the disposal of DEO (M) Dir Upper for further posting against SST (Phy-Maths) post
2	1299	Faridullah GPS Qila Chukiatan	30/11/1986	1/12/2008	BSc/B.Ed	do

Div(U) SSTs (M) Swat 2

C. <u>SST (General)</u>

1. PROMOTION OF SCT/CT TO SST (General) BPS-16	
Total No. of vacant Posts of SST (General)	48
25% share initial recruitment	12
75% share for Promotion.	.36
40 % Share of promotion of SCT/CT	
Posts available for promotion	19
Proposed for Promotion	19
Recommended for promotion	

		· • ·				
S.	S.L	Name of	Date of	Date of	Qualificati	Remarks .
No	No No	Official &	Birth	Appoint: as	on	
140	140	Present	Dum	Regular CT		
		Present Place of		neguiar or	. *	· ·
		Place of Posting				
	08	Muhammad	2/2/1966	1/8/1995	BA/B.Ed	Services placed at the disposal of DEO
1	υø	Muhammad Riaz GHS	2/2/1900	1/0/1795	JN D. LU	(M) Dir Upper for further posting
					1	against SST (General) post.
-	<u> </u>	Sawani	CUDUOCO	1/9/1995	BA/B.Ed	5
2.	Π^{+}	Matiullah	6/10/1968	119/1995	DAD.Ed	do
	<u>,</u>	GHSS Swani	50007	8/9/1998	BA/B.Ed	do
3	14	Mumtaz Ahmad	5/1/1967	0/9/1990	DAID.EU	
	ļ	Anmaa GCMHS Dir			l	
4	19	Khashi Ullah	15/9/1965	6/4/1999	BA/B.Ed	do
	1 ^{′′}	GHS			1	· · ·
		Chokiatan		·		
5	20	Muhammad	3/2/1973	6/4/1999	BA/B.Ed	do
ł	.	Ishaq GHSS			1	
<u> </u>	1	Usherai	1	4441000		
б	21	Khan Daraz GHSS Wari	13/1/1974	6/4/1999	BA/B.Ed	
7	22	Nizam Ud	6/4/1964	7/4/1999	BA/B.Ed	do
<i>'</i>	122	Din GHS	0,477,04	1.411222	2.2.2.2	•
1		Daskoor				
8	23	Mohib Ullah	7/1/1972	9/4/1999	BA/B.Ed	do
1		GHSS	1			
		Sheringal		<u> </u>		do
9	24	Muhammad	18/1/1966	10/4/1999	BA/B.Ed	(()
1		Amin Khan	•	1 .	· ·	
-	+	GHSS Wari	<u></u>	11/5/1999	BA/B.Ed	do
10	25	Muhammad Nazir GHS	6/11/1964	211/2/1999	DAID.Ed	
		Nazir GHS Jan Bhaitai	1			
$\frac{1}{11}$	27	Rafi Ullah	4/3/1971	7/6/1999	BA/B.Ed	do
	1	GHS				
		Bibyawar				
12	28	Muhammad	5/12/1974	14/7/1999	BA/B.Ed	do
1		Usman				· [
	29	GCMHSS Dir Khalil Ur	4/1/1978	15/7/1999	BA/B.Ed	
13	29	Rehman GHS	4/1/19/0	10/11/999		
1	1	Pacha Kalay				do
14	30	Khaista	2/10/1965	16/7/1999	BA/B.Ed	
		Muhammad GHSS				
		GHSS Gandigar	1 ·			
15	32	Shams Ur	5/10/1977	16/7/1999	BA/B.Ed	do
1	1	Rahim GHS				
ŀ		Nihag	110000	10/5/2005	BA/B.Ed	do
16	33	Muhammad Zamin GHS	1/5/1965	18/5/1985	DA/D.Ea	
	ľ	Nagrail				
17	36		2/1/1975	20/7/1999	BA/B.Ed	do
		Islam GHSS	1		1.	
·		Sheringal	5/0/10/2	1/11/1999	BA/B.Ed	do
18	3 . 37	Sahibzada Roohullah	5/8/1969	1/11/1999	DAVD. EQ	
		GHS Rehan				
		Kot ,				ido
Ī	9 38		6/2/1966	1/11/1999	BA/B.Ea	
		GHS Karkabanj	· ·		.	
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SSTs (M) Strat 3

•	0015 (141) 210(1 1	3
2. PROMOTION OF PSHT/SPST/PST TO SST (Gene	eral) BPS-16.	
Total No. of vacant Posts of SST (General)	48	7
25% share initial recruitment	12	
75% share for Promotion.	36	
20 % Share of promotion of PSHT/SPST/PST	10	
Posts available for promotion	10	
Proposed for Promotion	10	
Recommended for promotion	10	

S.	S.L	Name of	Date of	Date of	Qualifica	Remarks
No	No .	Official & Present Place of	Birth	Appott: as Regular PST	tion .	
·		Place of Posting		151		•
1	42	Amir Muhammad GPS Loi Baba	5/6/1962	25/1/1986	BA/B.Ed	Services placed at the disposal o DEO (M) Dir Upper for further posting against SST (General) post.
2	249	Muhammad Munir GPS Mashango Kass	1/3/1965	22/11/1992	BA/B.Ed	do
3	260	Sahibzada GPS Shaga Amlooknar	2/1/1969	22/11/1992	BA/B.Ed	do
¥	263	Aurangzeb GPS Daskoor Payan No.2	1/4/1969	22/11/1992	BA/B.Ed	do
j	269	Muhammad Hayat GPS Batal	1/4/1969	22/11/1992	BA/B.Ed	do
6	270	Sultan Zeb GPS Shafalo Khawar	15/7/1969	22/11/1992	BA/B.Ed	do
7	279	Muhammad Ali GPS Jan Battai No.1	1/6/1965	22/11/1992	BA/B.Ed	do
8	289	Alam Zeb GPS Shakani	1/4/1970	22/11/1992	BA/B.Ed	do
9	292	Muhammad Ayaz GPS Kolal Bandi No.1	8/11/1972	22/11/1992	BA/B.ED	do
10	294	Rahat Ullah GPS Galkor	3/2/1968	1/3/1993	BA/B.ED	do
		MOTION OF				<u>BPS-16.</u>
		o. of vacant			<u>ral)</u>	48
		ure initial re		nt .		12
		tre for Prom				36
04	: % Sh	lare of prom	iotion of	SDM/DM		02

 75% share for Promotion.
 30

 04 % Share of promotion of SDM/DM
 02

 Posts available for promotion
 02

 Proposed for Promotion
 02

 Recommended for promotion
 02

 S.No
 S.L
 Name of Date of Date of Amount tion

5.110	J.L	(trunie 0)	Duce of	Durcoj	Surning	Remains	1 11
	No	Official &	Birth	Appott:	tion		
		Present		as	1		I . F
		Place of	1	Regular			$ \Delta /$
i		Posting		DM			1 \r(/.
1	2	Aziz Ahmad	7/12/1975	6/4/1999	MA/B.Ed	Services placed at the disposal of DEO	
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Terms and conditions:-.

CERTISE ATTAL CONTAILLOUS: -. 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 2

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They will be governed by such rules and regulations us may be total provided in the Govt. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be preceded under the rules framed from time to time. Charge report should be submitted to all concerned. Their Inter-Se- seniority on lower post will remain intact. No TA/DA is allowed for joining his duty. They will give an under taking to be recorded in their service book to the effect that if any over payment is made to him in light this order will be recovered and if he/she is wrongly promoted he/She will be reversed. 5 6 7

SSTs (M) Swat

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

Their posting will be made on School based, they will have to serve at the place of posting, and their service is not transferable to any other station.

Before handing over charge once again their document may be checked if they have not the required relevant qulifications as per rules, they may not be handed over charge of the post.

(Hafiz Dr. Muhammaed Ibrahim)

Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

4585-9 / File No.2/Promotion SST B-16: Dated Peshawar the 22 7 _2019 Endst: No. Copy forwarded for information and necessary action to the: -1. Accountant General Khyber Pakhtunkhwa Peshawar.

2. District Education Officer (M) Dir Upper.

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- 3. District Accounts Officer Dir Upper.
- 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

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Director (Estab) Dy^{t} Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

THE SECRETARY (E&SE),

Government of Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST THE PROMOTION ORDER DATED 22-02-2019

Sir,

To

Most respectfully is stated that I am working as Primary School Head Teacher (PSHT) under the administrative control of District Education Officer (Male) Dir Upper in Government Primary School Urya Khel Dir Upper. Recently, working paper for Departmental prepared for the promotion of Committee was Promotion PSHT/SPST/PSTs (M) Teachers to the post of SST General (BPS-16) in which 14 PSHTs were short listed for promotion to the next higher scale of SST General (BPS-16) as per 20% Quota for promotion, from Serial No. 1 to serial No. 13 were placed in the eligible as well as recommended list of the working paper and one PSHT at Serial No. 14 was also placed in the eligible but in the waiting list and I was placed at Serial No. 12 of the list. Astonishingly, when I saw the promotion order of SST (General) BPS-16 dated 22-02-2019 only 10 PSHTs were given promotion and I was differed being not only eligible but also recommended in the working paper prepared for promotion and no plausible reason was shown for the differing me from promotion.

It is, therefore, most kindly requested that promotion order dated 22-02-2019 may kindly be modified and I may be consider for promotion to the post of SST (General) BPS-16 with all consequential back benefits including seniority.

Dated: 08-03-2019

Obediently Yours, WAHID UD DIN GPS Kulala Bandi No. 2, Dir Upper. 08-03-2019

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		· · ·	WORKING PAPERS FO	DCHT / CPCT /	PSTs (M) TEACHER	TO SST Gener	al 8-16	· · · · · · · · · · · · · · · · · · ·	
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CERTIFICATE

1 It is certified that all the PSHT/SPST/PST (M) included in the panel for the promotion to SST General Post.

2 Hold the posts on regular basis and none of them is holding the post on adhoc/acting chage basis/ contract. 3_Have completed the required minimum length of qualifying service and qualifications as required for promotion to the post of SST under the rules.

4 None of them is on deputation to any organization under the dedral / Provincial / Autonomous / Seith autonomous / Internation Organization. 5 Neither any disciplinary /departmental proceedings/Anti corruption/judicial enquiry is pending against them nor has any penalty been imposed upon any one

of them during the last five years.

б No one is on long leave /Ex-Pakistan leave.

7 Their ACRs, Synopsis are free from adverse remarks.

8 He is all alive and serving.

9 His appointment order against PSHT / SPST/PST post is attached herewith.

10 The Seniority list of B-16 officers is final, undisputed and not subjudice.

11 The Departmental Promotion Committee is requested to determine the suitability of the above PSHT/SPST/PST for promotion to SS 8-16 post with immediate effect

12 Seioner most/Eligible PST/SPT/PSHT teachers have been included in the list.

DISTRICT EDUCATION OFFICER MALE DIR UPPER

VAKALATNAMA

Before the KP Service Tribunal Resteawa

OF 2019

(APPELLANT)

_(PLAINTIFF) (PETITIONER)

(RESPONDENT)

(DEFENDANT)

Wahed-ud-Din

VERSUS

Education Dept.

I/We <u>manual and constitute</u> NOOR MOHAMMAD Do hereby appoint and constitute NOOR MOHAMMAD KHATTAK, Advocate, Peshawar to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated.____/2019

(pSHT50

ACCEPTED NOOR MOHAMMAD KHATTAK

SHAHZULLAH KHAN YOUSAFZAI MIR ZAMAN SAFI **ADVOCATES**

OFFICE:

Flat No.3, Upper Floor, Islamia Club Building, Khyber Bazar, Peshawar City. Phone: 091-2211391 Mobile No.**0345-9383141**

<u>BÉFORE THE KHYBER PAKHTUNKHAWA SERVICE TRUBNIL PESHAWAR.</u>

Service Appeal No 740/2019.

Mr, Wahid Ud Din, PSHT(BPS-15)GPS, No, Kulal Bandai District Dir Upper ------ Appellant.

VERSUS

- 1. Govt of KPK through Secretary Education, Peshawar.
- 2. Director of Education, E&SE, KP Peshawar.
- 3. District Education Officer (M) Dir Upper.-----Respondents

Reply on the behalf of the Respondents.

Respectfully sheweth.

PERLIMINARY OBJECTIONS.

- 01. That the appellant has no cause of action.
- 02. That the appellant has not come to the service tribunal with clean hands.
- 03. That the appellant has been, estopped by his own conduct to file the instant appeal.
- 04. That the appellant has no locus standi.
- 05. That the appeal is not main table in its present form.
- 06. That the appeal is time barred.
- 07. . That the appeal is bad due to mis-joinder and non-joinder of necessary parties.

OBJECTION ON FACTS.

- 01. Pertain to the personal record of the appellant, hence need no comments.
- 02. Incorrect, and it is submitted that in session 2018-19 total vacant SST(G) posts were 48, out of them 12, posts were reserved for initial recruitment @ 25% while the rest 75% were reserved for in-service promotion @75% share. Their further cadre wise break-up is as under.

Total No, of SST(G) vacant posts=48, share of initial recruitment @ 25%=25/100*48=12.

In-service promotion, share 75%,75/100*48=36.

CT_is share @ 40%, 40/100*48=19 approximately.

PSHT,s share@ 20%,20/100*48=10

DM,AT,TT, Qari @ 4+4+4+3=15%.DM,TT,AT,Qari= 15/100*48=7.

03.Incorrect, it is submitted that total post were of PSHT share 10 and the appellant stood at S.No,13, for ten posts.

04. Incorrect, and it is submitted that the appellant is not an aggrieved party in term of promotion.

05. Incorrect and denied.

OBJECTIONS ON GROUNDS.

- A. Incorrect, the impugned notification dated 22-02-2019 is according to law, norms, facts and natural justice.
- B. Incorrect, the appellant has been treated in accordance with law and rules.
- C. Incorrect, the appellant has been has been treated in accordance with law.
- D. Incorrect, the appellant was not eligible as per seniority list.
- E. Incorrect and it is submitted that no violation of rules what so ever has been made in case of the appellant.
- F. Incorrect, and hence denied.
- G. Incorrect, and it is submitted that no violation of any article of the constitution of Islamic Republic of Pakistan has been made.
- H. Incorrect and hence denied.
- I. That further grounds, with the leave of this honorable court would be argued at time of arguments.

PRAYER

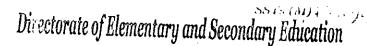
It is therefore, humbly prayed that on acceptance of this comments, the appeal may kindly be dismissed with cost in the favor of respondents please.

RESPONDENTS

- 1. The Govt: of Khyber Pakhtunkhwa through Secretary E&SE Peshawar
- 2. The Director Elementary& Secondary Education Peshawar_
- 3. District Education Officer Male Dir Upper_

Distt: Education Officer Male Dir Distt: Dir Upper

Director Elementary & Secondary Education Kbyber Pakhtunkhwa Peshawar



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<u>otification</u>

Consequent poin the recommendations of the Departmental Promotion imittee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and condary Education Notificatio: NoSO(PE)/4-5/SSRC/Meeting/2013/Teaching Cadre dated. 4th July, 2014, the following St. Is/CTs, SDMs/DMs, SATs/ATs, STTs/ITs, Senior Qaris/Qaris, PSHTs/SPSTs/1 STs are hereby promoted to the post of SST (Bio-Chem).SST (Phy-Maths), SST (General) not: 1 against each BPS-16 (Rs. 18910-1520-64510) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the te ms and condition given below with immediate effect and further they will be posted by the D strict Education Officer concerned. Δ SST (Right Channel)

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,		5. P	rom	otion of SS	$\overline{TT/TT}$ to	SS	i (Ge	neral) BI	² S-16		·····
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SSTs shey will be governed by such rules and regulations as may be issued from time Jthe Gout.

Their posting will be made on School based, they will have to serve at the place and their service is new transferable to any other station. Before handing over arge once again their document muy be checked if they he required relevant quist vations as per rules, they may not be handed over charge o

(Hafiz Dr. Muhammaed Ibrahim)

Director Elementary and Scondary Education Khyber Pakhtunkhwa Peshawar

Endst: No. / I le No.2/Promotion SST B-16: Dated Peshawar the Copy forwarded for information and necessary action to the: -1. Accountant General Khyber Pakhtunkhwa Peshawar.

- District Educa fon Officer (M) Dir Upper. 2.
- District Accounts Officer Dir Upper. 3.

555

- Official Concerned. ·].
- PS to the Secremary to Govt: Khyber Pakhtunkhwa E&SE Department. 5.
- PA to the Direc or E&SE Khyber Pakhtunkhwa, Peshawar. 6.

M/File 7.

Nr б. 7

> Sea 2:01

Dy: Director (Estab) Elementary and Secondary Education/ Khyber Pakhtunkhwa Peshawai

cation Officer Male Dir Distt. Dir Upper

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

6)

Dir Upper (Phone # 0 44-884100) E-mail: deomdirupper@gmail.com

OFFICE ORDER

Consequent upon their promotion from SCTs/CTs,SDMs,STTs,SATs,S.Qaris BPS-15/16 and PSHTs/SPSTs/PSTs BPS-1 /14/15 to the post of Secondary School Teachers (SSTs) (General),(Maths:Phy),(Bio:Chem:) noted against each PBS-16 (Rs.18910-1520-64510) plus usual allowance as admissible under the rules on regular basis under the existing policy of the provincial Government, on the terms and conditions given below, vide Director; Elementary & Secondary, Education Khyber Pakht inkhwa Peshawar Notification Endst No. 4585-90/F.No.2/Promotion SST B-16 Peshawa: the Dated: 22/02/2019 they are hereby further adjusted in the schools noted against each with immediate effect.

s.#	S.:#	Name of Teacher	Present school	School where Adjusted	Remarks
1	11	Matiullah	GHSS Sv ani	GHSS Swani	A.V. Post
2.	14	Mumtaz Ahmad	GCMH: Dir	GCMHS Dir	Pay will be active after the retirement of Said Akbar SST (G)
3	19	Khashi Ullah	GHS-Chi kiatan	GMS Dir Khan	A.V.Post
4	20	Mohammad Ishaq	GHSS U herai	GHS Achar	A.V. Post
5	21	Khan Daraz Khau	GHSS Wari	GHS Wari	Already Occupied
6	22	Nizamuddin	GHS Da kor	GHS Daskore	Already Occupied
7	23	Mohibullah	GHSS Shiringal	GHS Doon Bala	A.V. Post
8.	24	Mohd Amin Khan	GHSS Wari	GHS Jelar	A.V. Post
9	25	Mohd Nazir	GHS Jani patti	GHS Shahikot	A.V. Post
10	27	Rafiullah	GHS Bib; swar	GMS Hattan	A.V. Post
11	28	Mohammad Usman	GCMH (S Dir	GHS Dobando	A.V. Post
12	29	Khalilur Rahman	GHS Pack a Kaley	GHSS Pachakalay	Already Occupied
13	30	Khaista Mohd	GHSS Gandigar	GHSS Pachakalay	A.V. Post
14	32	Shamsur Rahim	GHS Nehr	GHSS Nehag	A.V. Post
15		Mohammad Zamin	GHS Nag (GHS Nagrail	Already Occupied
16	36	Zahoorul Islam	GHSS Patrak	GHSS Patrak	A.V. Post
17	37	Sahibzada Rohullah	GHS Rehunkot	GIMS Kass Chinda Kot	A.V. Post
18	38	Bakht Zada	GHS Karl abanj	GHS Karkabanj	Already Occupied

1.SCT/CT to SST (G)

2.2SI	DM:to	SST	(G)
· · · · · · · · · · · · · · · · · · ·			

1	2	Aziz Ahmad	GHS Gainseer	GHS Ganshall	A.V. Post
5	4	Abdullah	GHS Bin Bala	GMS Sonai	A.V. Post
	TT 6	SET (G)	,		

3. <u>STT to SST (G)</u>

1 9 Nisarul Haq	GHS, Miana Doag	GMS Roghano kalay	A.V. Post
ALLA, S.Qari to SST(G)			
Subbas IId Din	GHSS Wari	GHS Jelar	A.V. Post

Subhan Ud Din GHSS Wari

1	42	Amir Muhammad	GPS Loi Baba	GMS Pataw	A.V. Post
7	249	Muhanimad Munir	GPS Mashango Kass	GMS Kass Shingara	A.V. Post
3	260	Sahib Zada	GPS Shara Amlooknar	GHS Doog Payeen	A.V. Post
4	263	AurangZeb	GPS Daskore P No.2	GHS Mattar	A.V. Post
s l	269	Muhammad Hayat	GPS Batal	GHS Beyar	A.V. Post
6	270	SultanZeb	GPS Shaltalo khwar	GHS Ganidat	A.V. Post
7	279	Muhammad Ali	GPS Janbhatti No.1	GMS Nasrat	A.V. Post
8	289	Alam Zeb	GPS Shakani	GHISS Berari	A.V. Post
9	292	Muhamma Ayaz	GPS Kolal Bandi No.1	GMS Sheratkal	A.V. Post
10	294	RahatUllah	GPS Gali ore	GMS Bandan	A.V. Post

ST to SST(Maths : Phy:)

S.:#	Name of Teacher	Present School	School where Adjusted	Remarks
1280	Mohammad Wahab	GPS Duro	GHSS Swani	A.V. Post
1299	Farid Ullah	GPS Qila Chukyatin	GHS Shahikot	A.V. Post
	1280 1299	1280 Mohammad Wahab	1280Mohammad WahabGPS Duro1299Farid UilahGPS Qila Chukyatin	Adjusted 1280 Mohammad Wahab GPS Duro GHSS Swani 1299 Farid Uilah GPS Qila Chukyatin GHS Shahikot

2	1	1086	Ihsan Ullah	GPS Markhano	GHSS Berari	A.V. Post
	2	1324	Israr Alimad	GPS Tangai	GHSS Nehag	A.V. Post
^	3	1403	Mushtaq Ahmad	GPS Tangai	GHS Mattar	A.V. Post

TERMS AND COMON NS:-

- 01- They would be on probation for a period one year extendable for another one year.
- 02- They will be severned by such cules and regulations as may be issued from government time to time.
- 03- Their services can be terminated at any time, in case their performance is found unsatisfactory during the probation period in case of miss-conduct they will be preceded under the rules framed from time to time.
- 04- Charge representation should be submitted to all concerned.
- 05- Their enter-se Seniority on lower post will remain intact.
- 06- No /TA/Decode Newed for joining-their new post.
- 07- 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 they are wrongly promoted. They will be reversed to the previous post.
- **O8-** Before handley over charge their document may be checked if they have not the required/related tigualifications as per rules, they may not be handed over charge of the post.

Ication Officer

Distr: E

(ABDUL HAQ) DISTRICT EDUCATION OFFICER (M) DIR UPPER

-05/F.No.52/DEO (M)/Estb (S) Dated: Maie Direndst No. 60' 2019

Copy forwarder for L formation to the:-

- 1. Director of its mentary & Secondary Education Khyber Pakhtunkhwa Peshawar.
 - 2. District Access of S Officer Dir Upper.
 - 3. Principal/Head Master/In-charge concerned.
 - 4. Teachers concerned.

DISTRICT EDUCATION OFFICER (M) **DIR UPPER**

		· •			A STON OFFICER	MALET DIR UPPER			
			OFF	ICE OF THE DISTRICT EL	OCATION OFFICER	COMMITTEE FOI	R THE PROMOTION FROM B-15		
			WORKING	PAPERS FOR DEPARTA	T / PSTS (M) TEACHE	P TO SST General	B-16		
	!	·		PSHT / SPS	1 / PSISting Terrette	R 10 337 0010			
					12	·			
	creuitment				6.9			T	
75%	Log by promo	otion from SCT/CT							
134	20% by promt	ion from PSHT/SPST/PST			02				
	as by promot	tion from SDM/DM			01				
nonstion	4 % by promotion from SAT/AT 01								
	4% by promotion from STT/TT 01								
	are by promo	tion from S.Qari . Qari		48					
				40					· · · · · ·
		A) FOR THE PROMOTION OF	F SS'i General B-16	0 % Share of PSHT/SPS	1/251		Genrel SST= 123 L	Wether Eligible or Not	Remarks
UST OF PSH	TS TEACHERS IN	A) FOR THE Present Dir Uni	2 pef . 2		D/O Passing PTC		Qualification	or Not	
lota Expec	ed SST (G) Vaca	ancy= 48 in District Dir Upp	Present place of posting	DOB	0/0 / 853119 / 14	Acad:Qualif:	Prof: Qualit:		Recommended CV
S.No.	Sen:List No.	Name of Teacher		: 	0710414755	EA BA	PTC+BED	Eligible	
		1	GPS Loi Baba	05.06.1962	25/01/1986	FA	PTC+BED	Eligible	In country of the
	42	AMIR MUHAMMAD	GPS Lot Base GPS Mashango Kasa	01.03.1965	22/11/1992	БА	PTC+Bed	Eligible	Recommened OK 4
7	249	MUHAMMAD MUNIR		02.01.1969	22/11/1932	-	PIC.CT.Bed	Eligible	Recommened OK
	250	SAHIB ZADA	GPS Shaga Amlookra:	01.04.1969	22/11/1992	ËA	PTC-C.T.B.Ed	Eligible	Recommened th
<u>3</u>	263	AURANG ZEB	GPS Daskor Payeen No-2	(1.04.1969	22/11/1992	MA	PTC.Bed	Eligible	Recommented ov
4		MUHAMMAD HAYAT	IGPS Batal	15 07.1969	22/11/1992	BA		Elisible	Recommened OK 4
::	255	SULTAN ZEB	GPS Shafelo Khwar	C1 06.1965	22/11/1992	N.A.	PTC+BED	Eligible	Recommented
U	270	MUHAMMAD AU	GPS Jan Battai No-1		22/11/1997	MA	PTC CT Ged	Eligible	Recommened Ch
	;276		iCPS Snekani	01 04 1970	22/11/1992	BA	PTC+Bes	····	Recommened OV
	1759	IALAM ZEB	GPS Kolal Banci hou	GE 11.1972		1	PTC+B.5d	Eligible	Recommened OK
	257	MUHAMMAD AYAZ	CPE Gr Ker	C3 C2 1968	01.03.1993		PTC-51:	Elipiblo	
/		RAPAT DED H		18 27/1985	71 3 1917		PTC+5.55	Eligio e	ikecommunel 🕃
· · · · · · · · · · · · · · · · · · ·	295,	UHAER WAHAB	GPS Dam Jabba:	02 10.1969	01 03.1993	AM I	PTC+BED	Eligicie	Recommened DY-
		WAHID UDDIN	GPS Kurala Bandi (Ic-2	05 07.1973	C1.03.1593	BA	PICIBLO	Eligibic	W/List
		HAKET AS ZAMN	GPS Urya Lhei	61.05.1970	09.07.1823	MA	PTC-C.T.5 Ed	1	
		10-14 N 759	GPS Sangar	02.001010			•	المحري الم	, 1 0
	312	JULIAN ZED					-	0.50	`}•
63.12	1 it is certifie	ed that all the PSHT/SPS1/F	PST (M) included in the panel for the	he promotion to SST Ge adhoc/acting chage ba	sis/ contract.	and a set of set a	inder the rules.	Clemment Al J	£
	z Hold the p	iosts on regular basis and n	one of them is nothing the post	oualifications as requi	red for promotion to	the post of 351 c	espiration.	- () · · · · · ·	, ~ ~ ~
	3 Have com	pleted the required minimu	um length of qualitying service one	Provincial / Autonomou	s / Semi autonomou	s / Internation OF	see imposed upon any one -	N. C. U.S. V.	, 57
	4 None of th	nem is on deputation to any	y organization under the beurary	dicial encuiry is pendi	ng against them nor	has any penaity o	een imposed op on the	color wante	
	5 Neither al	ny disciplinary /departmen	tal proceedings/Anti corruption/je					he soll	(. 2 . 5)
	of them d	uring the last five years.					-	O.V.	Section 19
•	E No opp is	on Ione leave /Ex-Pakistan	leave.		· .				All All
	a no one d	synopsis are free from ag	dverse remarks.					×	0,159
	7 Their Acr	all alive and serving.		·			T	5	OFFICER (1)
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	5 Their appointment of our against the final undisputed and not subjudice.							N. N.	
•	10 The Senio	ority list of B-10 directory	nittee is requested to determine th	he suitability of the abo	AGE SHITTS ALL -	1.		XI XK	· · · · · · · · · · · · · · · · · · ·
	11 The Departmental Promotion Committee is requested to determine the list. 12 Subser most/Eligible PST/SPT/PSHT tearhers have been included in the list.						NET RUT POLICATION	OFFICER 15	
	12 Solutier most/Eligible PST/SPT/PSHT tearhers have been included in the loss						MALE DIR UPF	×R \≦	
						-71/1	M ARYN	WALL DIT OF	

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U SUT Education Office Nale Dir Distr. Dir Uppe-

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 742/2019.

Mr. Wahid-ud-Din, PSHT (BPS-15) GPS Kulal bandai, District Dir Upper.....

Appellant

Respondents

Verses

Govt. of KPK and others.....

AFFIDAVIT.

I, Mr. Sardaraz Khan, ADEO (Lit) Male Dir Upper, do hereby solemnly affirm and declare on oath that the contents of the joint reply submitted by respondents are true and correct to the best of the knowledge and belief as per office record and that nothing has been concealed from this Hon: Court.

Deponent

.

SARDARAZ KHAN ADEO (Lit) Office of the DEO (Male) Dir Upper

CNIC. No. 15702-2476972-1.