

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKTUNKHWA PESHAWAR**

Service Appeal No. 5186/2021

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 4460

Dated 20/3/2023


Muhammad Ilyas

Vs

Govt: of KPK & others

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District Education Officer,  
(Male) Peshawar

Muhammad Ilyas.....Appellant

Vs

Govt: of KPK & others.....Respondents

PARA WISE COMMENTS ON BEHALF OF RESPONDENT No.1-3.

Respectively Sheweth:

The Respondent submits below:

PRELIMINARY OBJECTIONS:

1. That the Appellant has got no cause of action /locus standi.
2. That the Appellant has concealed material facts from this Hon'ble Tribunal.
3. That the Appellant has been estopped by his own conduct to file the instant appeal before this Hon'ble Tribunal.
4. That the instant Appeal is badly time barred.
5. That the instant Appeal is not maintainable in its present form.
6. That the instant Appeal is bad for mis- joinder and non- joinder of the necessary parties.
7. That the Appellant has not come with clean hands to this Hon'ble Tribunal.
8. That the instant Appeal is barred by law.

ON FACTS.

1. That Para No.1 pertains to record.
2. That Para No.2 also pertains to record.
3. That Para No.3 is personal therefore no comments while rest of the Para is incorrect and misleading. The appellant did not applied through proper channel for the said post.
4. That Para No.4 also pertains to record.
5. That Para No.5 is incorrect, misleading and against the facts. There is no order issued regarding the protection of the previous service of the appellant.
6. That in reply to Para No.6, it is submitted that appellant was appointed as C.T teacher in 2014 in GHS Sufaid Sang through NTS. Letter on he resigned and applied again for the post of C.T teacher in 2017 and reappointed as C.T teacher. As per the Khyber Pakhtunkhwa employee of E&SE department act

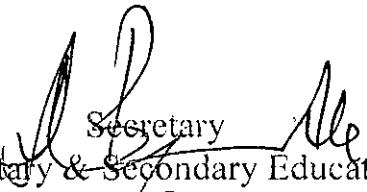
2017. (Act No 1 of 2018) and regularization order 2017, their seniority will considered w-e-f from the date of their appointment in this regard the competent authority issued a letter to the Principal / Head Master concerned also. (Copy of letter is attached as Annex: A)

- 7. That Para No.7 is incorrect, misleading and against the facts. The meeting on 19-10-2020 DPC and Notification No.1073-78/fileNo/PromotionSST/BPS-16 dated 11-01-2021 is according to law and rules.
- 8. That Para No.8 is incorrect, misleading and against the facts.
- 9. That the appellatant has no cause of action to file the instant appeal in this Hon'ble Service Tribunal.

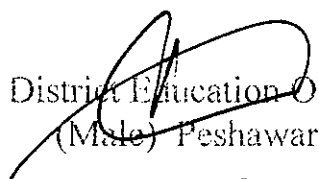
**GROUND**

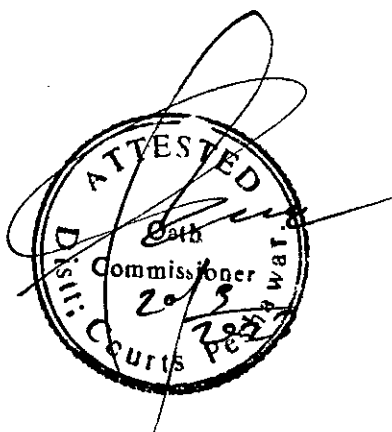
- A. That Ground-A is incorrect, misleading and against the facts. The said order is according to law and rules.
- B. That Ground-B is also incorrect, misleading and against the facts. The detail reply has been given in the above Para.
- C. That Ground-C is incorrect, misleading and against the facts.
- D. That Ground-D is also incorrect, misleading and against the facts. The Respondent No.4 is according to law and rules.
- E. That the Respondent also seeks promotion from this Hon'ble Tribunal to submitted documents at the time of arguments.

It is therefore, very humbly prayed that on acceptance of this reply, the instant appeal may very kindly be dismissed with cost.

  
 Secretary  
 Elementary & Secondary Education,  
 Khyber Pakhtunkhwa, Peshawar.

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

  
 District Education Officer  
 (Male) Peshawar



Annexure — "A"

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**DISTRICT EDUCATION OFFICER  
(MALE) PESHAWAR**

No: 4464 / Estb: CT/DM/PET/  
Dated: 6 / 9 / 2021

To,

The Principals/ Head Masters  
Concerned.

**SUBJECT: REPORT REGARDING APPEALS AGAINST SENIORITY LISTS OF C.T  
TEACHERS IN R/O PROMOTEES/ RE-APPOINTEES.**

MEMO;

I am directed to refer to the subject cited above and to state that the appeal of the following teachers of your school has been considered and regretted as per decision/ recommendation of the inquiry committee against each their names.

| S.No. | NAME POST & ADDRESS                             | DECISION/ RECOMMENDATION  |
|-------|---|---|
| 1     | MUHAMMAD ILYAS<br>GHS ZARYAB COLONY<br>PESHAWAR | As per the THE KHYBER PAKHTUNHWA EMPLOYEES OF THE ELEMENTARY & SECONDARY EDUCATION DEPARTMENT (APPOINTMENT AND REGULARIZATION OF SERVICES) ACT, 2017. (Act No. 1 OF 2018) and the Regularization Order, their seniority will considered w.e.f the date of their appointment C.T mentioned against each their names.<br><br>As per Notification of SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre: Dated: November 13, 2012, CTs shall be promoted to SCT on the basis of Seniority-cum-fitness, from amongst the Certified Teachers (General), with at least FIVE YEARS service. Whereas the promotees from PSHT/SPST C.T post do not fulfill the said condition.<br><br>Hence the appeals regretted. |
| 2     | NABI GUL<br>GHSS NO. 01, PESHAWAR CITY          |   |
| 3     | ABDUL JABBAR<br>GHSS CHAMKANI                   |   |
| 4     | FAZLE MALIK<br>GHS BERI BAGH                    |   |
| 5     | NAVEED GUL<br>GHS AKHOON ABAD                   |   |
| 6     | ROSHAN SHAH<br>GHSS NO.01, PESHAWAR CANTT.      |   |
| 7     | ISHTIAZ AHMAD<br>GHS NANAK PURA                 |   |

The teachers may be informed accordingly.

*cat*  
DY: DISTRICT EDUCATION OFFICER  
(MALE) PESHAWAR

Endst: No: 779 / Estb: CT/DM/PET/P: File/ Dated: / / 2021

Copy of the above is forwarded to the :-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa w/r th No. 8345/F.No.15/SST (M)/Promotion Cases/ Dated: 04/06/2021.
2. P.A to District Education Officer (Male) Peshawar
3. Teachers concerned.

*[Signature]*  
DY: DISTRICT EDUCATION OFFICER  
(MALE) PESHAWAR

Annexure - B

(48) P-4

OFFICE OF THE PRINCIPAL GHS DEH BAHADUR PESHAWAR

Dated: 23/8/2021

No. 45

**REPORT OF THE APPELLANT SENIORITY COMMITTEE REGARDING THE DISPOE  
OF APPEALS OF VARIOUR CADER**

**INTRODUCTION:**

In pursuance of the District Education Officer (Male) Peshawar Notification Endst: No. 7652-59, Dated: 26/06/2021 regarding the appeals of the below mentioned teacher comprising the following committee;

1. JANAS KHAN (Principal GHS Deh Bahadur) CHAIRMAN
2. MUHAMMAD ALI KHAN (Budget & Account Officer) MEMBER
3. BISMILLAH JAN (ADEO ESTAB) MEMBER

| S# | Name & Address                                  | Nature of Appeal  | Remarks of the Committee  |
|----|---|---|---|
| 1  | Muhammad Ilyas<br>(CT) GHS<br>Zaryab Colony     | <b>Request for CT seniority from 15-05-2014</b><br>(a) He appointed through NTS vide DEO (M) Peshawar Appointment Order Endst: No. 1882-1969, Dated: 15/05/2014<br>(b). The said teachers were re-appeared as fresh candidates in NTS and appointed on C. T Post vide Appointment Order Endst: No. 6720-906, Dated 30/06/2017.<br><br>(c). The above mentioned teachers was regularized vide DEO (M) Peshawar Notification: Endst: No.2105249, Dated: 12/03/2018.   | Seniority is being determined from the date of regularization.<br>Hence appeal is regretted |
| 2  | Nabi Gul<br>(CT) GHSS<br>No.1,<br>Peshawar City | <b>Request for CT seniority from 18/03/2015.</b><br>(a) Nabi Gul (CT) GHSS No.01, Peshawar City, appointed vide Order Endst: No.7281-7310, dated 18/03/2015.<br>(b) The said teachers were re-appeared as fresh candidates in NTS and appointed on C. T Post vide Appointment Order and Endst: NO. 17281-326, Dated: 13/05/2016.<br><br>(c). The above mentioned teachers was regularized vide DEO (M) Peshawar Notification: Endst: No.2105249, Dated: 12/03/2018. | Seniority is being determined from the date of regularization.<br>Hence appeal is regretted |

2814  
24/8/2021

PRINCIPAL  
GHS Deh Bahadur,  
Peshawar.

OFFICE OF THE PRINCIPAL GHS DEH BAHADUR PESHAWAR

No. 45

Dated: 23/8/2021

(48) P-5

**REPORT OF THE APPELLANT SENIORITY COMMITTEE REGARDING THE DISPOE OF APPEALS OF VARIOUR CADER**

**INTRODUCTION:**

In pursuance of the District Education Officer (Male) Peshawar Notification Endst: No. 7652-59, Dated: 26/06/2021 regarding the appeals of the below mentioned teacher comprising the following committee;

- |   |          |
|---|----------|
| 1. JANAS KHAN (Principal GHS Deh Bahadur)       | CHAIRMAN |
| 2. MUHAMMAD ALI KHAN (Budget & Account Officer) | MEMBER   |
| 3. BISMILLAH JAN (ADEO ESTAB)                   | MEMBER   |

| S# | Name & Address                         | Nature of Appeal   | Remarks of the Committee   |
|----|--|--|--|
| 1  | Muhammad Ilyas (CT) GHS Zaryab Colony  | <u>Request for CT seniority from 15-05-2014</u><br>(a) He appointed through NTS vide DEO (M) Peshawar Appointment Order Endst: No. 1882-1969, Dated: 15/05/2014<br>(b). The said teachers were re-appeared as fresh candidates in NTS and appointed on C. T Post vide Appointment Order Endst: No. 6720-906, Dated 30/06/2017.<br><br>(c).The above mentioned teachers was regularized vide DEO (M) Peshawar Notification: Endst: No.2105249, Dated: 12/03/2018.   | Seniority is being determined from the date of regularization. Hence appeal is regretted |
| 2  | Nabi Gul (CT) GHSS No.1, Peshawar City | <u>Request for CT seniority from 18/03/2015.</u><br>(a) Nabi Gul (CT) GHSS No.01, Peshawar City, appointed vide Order Endst: No.7281-7310, dated 18/03/2015.<br>(b) The said teachers were re-appeared as fresh candidates in NTS and appointed on C. T Post vide Appointment Order and Endst: NO. 17281-326, Dated: 13/05/2016.<br><br>(c).The above mentioned teachers was regularized vide DEO (M) Peshawar Notification: Endst: No.2105249, Dated: 12/03/2018. | Seniority is being determined from the date of regularization. Hence appeal is regretted |


2814  
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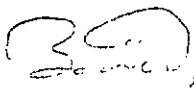
PRINCIPAL  
GHS, Deh Bahadur,  
Peshawar.

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|   |                                     |   |  |
|---|-------------------------------------|---|--|
|   | Abdul Jabbar(CT)<br>GHS Chamakan    | Request for promotion on the basis of seniority | As per Notification of 5/SSRC/Meeting/2012/Teaching cadre Dated: November 13, 2012. CTS shall be promoted to SCT on the basis of Seniority-cum-fitness. from amongst the Certified Teachers (General), with at least FIVE YEARS service. Whereas the promotes from PSHT/SPST C.T post do not fulfil the said condition Hence Appeal is regretted |
| 4 | Fazle Malik<br>(CT) GHS Beri Bagh   | Request for promotion on the basis of seniority | do   |
| 5 | Naveed Gul<br>(CT) GHS Akhun Abad   | Request for promotion on the basis of seniority | do   |
| 6 | Roshan Shah,<br>(CT) GHSS#1 Cantt   | Request for promotion on the basis of seniority | do   |
| 7 | Ishtiaz Ahmad<br>(CT)GHS Nanak Pura | Request for promotion on the basis of seniority | do   |
| 8 | FaizUllah A.T<br>GHS Zaryab Colony  | <u>Proper placement in the seniority list</u>   | The appellant is on proper position in the seniority list  |

  
 Muhammad Ali Khan  
 (B&A.O) DEO (M) Peshawar

  
 Bismillah Jan  
 (ADEO) Peshawar

  
 JANAS KHAN PRINCIPAL GHS DEH BAHADAR, PESHAWAR