

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Service Appeal No. 1112-P/2022  
Faris Khan District Mohmand.

Diary No. 4450

Dated 17/8/2023  
Appellant

Versus

Govt: Khyber Pakhtunkhwa through the chief secretary (E&S Deptt) Peshawar & other.

..... Respondents

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**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVECE  
TRIBUNAL PESHAWAR**

**Service Appeal No. 1112-P/2022**

**Faris Khan District Mohmand**

..... **Appellant**

**Versus**

**Govt: Khyber Pakhtunkhwa through the chief secretary (E&S Deptt)  
Peshawar & other.**

..... **Respondents**

**Joint Parawise Comments on behalf of Respondents No.1- 3**

**Respectfully Sheweth;**

**Preliminary objections**

- i. That the Hon'ble Tribunal has no jurisdiction to entertain the instant Appeal of this matter being of factual controversy.
- ii. That the appellant has got no cause of action, locus standi to file the instant Appeal against the respondent Deptt.
- iii. That the appellant has not come to this Tribunal with clean hands.
- iv. That the appellant has concealed material facts this Hon'ble Tribunal.
- v. That the appellant has by due to his own conduct.
- vi. That the appeal of the appellant is barred, by law and limitation.
- vii. That the appeal is bad for mis-joinder & non-joinder of necessary parties.

**ON FACTS**

1. That para-1 has no comments being pertains to the residential record of the Appellant.
2. Pertains to record.
3. Pertains to record.
4. Incorrect. The meeting of DPC was held on 3.12.2021, there were 8 number of vacant post Theology Teachers BPS.16 (Personal) in service 00cadre were proposed for promotion. The appellant was at serial No. 9 in seniority list. Working papers of theology teacher were placed before the DPC which was held on 3.12.2021, the appellant was at serial No.9 in seniority list.

In the Working papers of the eight proposed teachers were discussed in which five Teachers were recommended for promotion while Theology Teachers in Seniority No.1, 2 and 6 were deferred .vid. Notification16064-703.3.12.2021. copy Notification is attached Annex. A.B

- 5. As above in para-4
- 6. Incorrect .Mr. Rooh Ullah Theology Teacher at serial No. 6 in seniority list was deferred being unfit by the departmental promotion committee. Copy is attached Annex .A
- 7. Detail reply of this Para has already been given in Para-4
- 8. Incorrect: The DSC meeting was held on 23-10-2022, there were total five vacant posts of senior Theology Teachers (S.T.T) BPS.16 (personal) were proposed for promotion. Working papers of Theology Teachers were placed before the DPC meeting for promotion along with the appellant is at serial No.1 in seniority list. DPC considered the working papers of the above teachers and recommended the appellant for promotion. Notification of promotion is awaited. Copy of working paper is attached. Annex. (B)
- 9. As replied in Para-5
- 10. Incorrect and denied: That inquiry committee was constituted about the different objection of the Theology teacher on the seniority list.
- 11. As replied in Para-11
- 12. Incorrect.

**GROUND.**

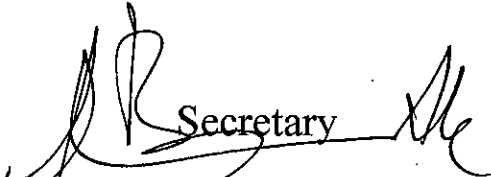
- A. That the appellant is treated according to the fundamental law of the state and constitution Islamic republic of Pakista1973.
- B. incorrect: That the acts of the respondents promotion process of the appellant legal and lawful.
- C. Incorrect: As stated an above Para 5.

- B. incorrect: That the acts of the respondents promotion process of the appellant legal and lawful.
- C. Incorrect: As stated an above Para 5.
- D. incorrect: That the respondents have not been violated any rights of the appellant which protect the constitution of Islamic republic of Pakistan 1973.
- E. Incorrect: That the appellant has been treated with law, rules and regulation by the Deptt.
- F. As stated in above Para 5.
- G. As stated in above Para 9.
- H. That respondent seeks permission to advance other ground and proof at the time of arguments.

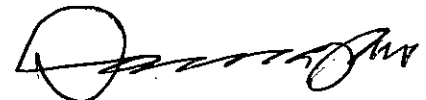
Pray

It is, therefore, most humbly prayed that the appeal of the appellant may be dismissed with cost.

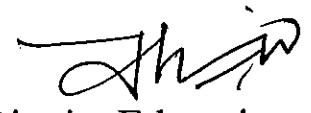
Respondent No. 1

  
 Secretary  
 Elementary & Secondary Education  
 Khyber Pakhtunkhwa

Respondent.2

  
 Director  
 Elementary & Secondary Education  
 Khyber Pakhtunkhwa

Respondent.3

  
 District Education officer  
 Mohmand

BEFORE THE HON'ABLE KHYBER PAKHTUNKHUA SERVICE  
TRIBUNAL PESHAWAR

Service Appeal 1112 /2022  
Faras khan District Mohmand

.....Appellant

Versus

Education department

.....Respondents

Affidavit

I am Noor bad Shah Assistant District Education officer  
(Male) Mohmand do hereby declare and affirm on oath that above  
comments are true and correct to the best of my knowledge and belief  
and nothing has been concealed from this Hon, rabble court.



*MLB*  
Deponent

CNIC 21407-7554585-3

Cell. 03419030838

B

OFFICE OF THE DISTRICT EDUCATION OFFICER TRIBAL DISTRICT MOHAWD  
(SST SCIENCE BIO/CHEMISTRY)

WORKING PAPERS OF DEFERRED CANDIDATE FOR DEPARTMENTAL PROMOTION COMMITTEES FOR THE PROMOTION OF SA/AT (MALE) POST TO SST B-16

Total Vacant SST (S) (Bio/Chem)	14
Share of vacant recruitment	4
Share of Promotion	10
Share of promotion AT/SA/AT	0.53
Net to be promoted	0.53
Proposed for Promotion	1.00

LIST OF SA/AT (M) FOR THE PROMOTION TO SST B-16


S.No	S.L No.	Name Official	Design	IFS.N	Place of posting.	Date of birth.	D/O appointment as regular CT.	Qualification		Whether eligible for promotion.	Remarks
								Academic Qualification	Professional Qualification		
1	38	Fazl Rab	AT	15	GMS Hashmali Aqrab Dag	1/9/1984	16/1/2016	B.Sc (Bio/Ch Ed	S. Alamia/ M Bio/Chemistry	Yes/No	Recommended

Certificate.

1) It is certified that all the SA/AT (Male) Science included in the panel for promotion to the posts of SST B-16.

- (a) Their file is in regular file and none of them is holding the post on which/acting charge basis/contract
- (b) have completed the required minimum length of qualifying service and qualifications as required for promotion to the posts of SST B-16 under the rules
- (c) None of them is under suspension in any organization under the Federal/Provincial/Autonomous/International Organizations
- (d) None of them has any disciplinary proceedings/departmental proceedings/departmental proceedings/departmental proceedings pending against them nor has any penalty been imposed upon any one of them during the last five years
- (e) None of them is on long leave for more than three months
- (f) Their files are in order and all their records are in order
- (g) Their service books are closed/being closed
- (h) Their last appointment orders are attached herewith
- (i) The seniority list of all teachers is listed under separate sheet and will be submitted to the committee to determine the suitability of the above SA/AT for promotion to the posts of SSTs B-16

2) The departmental promotion committee is requested to determine the suitability of the above SA/AT for promotion to the posts of SSTs B-16

  
District Education Officer  
Tribal District Mohmand

16/1/2016



## 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 CT/DM/IT and AT Male (BPS-15) are hereby promoted to the post of Senior CT/Senior DM/Senior TT and Senior AT (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, as per terms and condition given below with immediate effect and further they will be posted in the Government High /Higher Secondary Schools by the District Education Officer concerned against the vacant post of Senior CT/Senior DM/Senior TT and Senior AT (BPS-16) respectively:

#### 1. CT to Senior CTs (BPS-16)

S. No.	S.L. No.	Name of Official	Present Place of Posting	Date of Birth	Date of Apptt; as Regular CT	Remarks
1	66	Fazal Rahman	GHS Rahat Kore	01-03-1968	22-12-2005	Services placed at the disposal of District Education Officer (M) Mohmand for further posting
2	67	Mukhtiar Ali	GHSS Prang Ghar	25-02-1969	30-03-2007	do
3	68	Sadiq Muhammad	GHS Lakaral	10-06-1962	30-03-2007	do
4	70	Muhammad Ayaz	GMS Muambar Kalai	25-05-1975	30-03-2007	do
5	71	Khushdil Khan	GHS Subhan Khwar	02-03-1972	30-03-2007	do
6	72	Raham Dil	GMS Chahari	19-05-1971	13-04-2007	do
7	73	Adnan Khan	GHS Lakaral	02-03-1974	11-05-2007	do
8	74	M. Nisar	GMS Musa Kore	15-01-1975	16-05-2007	do
9	76	Jehangir Khan	GHS Yousaf Khel	23-06-1974	20-09-2007	do
10	79	Javed Khan	GMS Khadi Issa Khel	03-08-1981	30-11-2009	do
11	80	Hamid Jan	GHS Hasham Kore	01-02-1981	15-12-2009	do
12	81	Fazli Manan	GHS Qamar Din Kore	04-01-1982	15-12-2009	do
13	82	Hayat Khah	GMS Musa Kore	02-03-1979	15-11-009	do
14	83	Imran	GMS Adin Khel	01-01-1985	15-12-2009	do
15	84	Fazal Hadi	GHS Navi Kalai Laman	11-01-1977	15-12-2009	do

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16	85	Zahid Ahmad	GMS Nao Prang Ghar	09-04-1979	27-01-2010	-----do-----
17	87	Itbar Jan	GHSS Ghallani	07-10-1968	01-03-2012	-----do-----
18	89	Asfandyar	GMS Suren Dara	01-01-1984	04-09-2014	-----do-----
19	90	Arshad Khan	GHS Akhun Zadgan	12-12-1984	16-01-2016	-----do-----
20	93	Sartaj	GMS Ghazi Belg	28-01-1987	16-01-2016	-----do-----
21	94	Munir Khan	GMS Shawa	14-08-1983	16-01-2016	-----do-----
22	95	Muhammad Hashim Khan	GHSS Ghallani	11-04-1983	16-01-2016	-----do-----
23	96	Akbar Khan	GMS Muslim Kore	18-02-1977	16-01-2018	-----do-----

2. DM TO SENIOR DM BPS-16

S. No.	S.L. No.	Name of Official	Present Place of Posting	Date of Birth	Date of Apptt; as Regular DM	Remarks
1	17	Bashir Gul	GMS Kandi Issa Khel	14-09-1974	12-09-2003	Services placed at the disposal of District Education Officer (M) Mohmand for further posting

3. TT TO SENIOR TT BPS-16

S. No.	S.L. No.	Name of Official	Present Place of Posting	Date of Birth	Date of Apptt; as Regular TT	Remarks
1	59	Abdullah	GPS Falz Abad	15-02-1967	14-02-1995	Services placed at the disposal of District Education Officer (M) Mohmand for further posting
2	94	Hizbullah	GHS Lakarai	21-08-1982	22-11-2002	-----do-----
3	121	Abdul Sadiq	GPS Nao Kalai (Prang Ghar)	15-05-1977	30-04-2007	-----do-----
4	146	Said Ali Shah	GPS Akhun Zadgan	04-11-1984	16-01-2016	-----do-----
5	147	Abdul Wahid	GHS Qamar Din	01-02-1986	16-01-2016	-----do-----

4. AT TO SENIOR AT BPS-16

S. No.	S.L. No.	Name of Official	Present Place of Posting	Date of Birth	Date of Apptt; as Regular AT	Remarks
1	34	Muhammad Zubair	GMS Navi Kalai	04-06-1975	21-04-2007	Services placed at the disposal of District Education Officer (M) Mohmand for further posting
2	37	Hameedullah	GHS Dab Kore	30-11-1982	12-12-2009	-----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 their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the rules framed from time to time by the Government.
- 4 Charge reports 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 them 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 them in the light of this order, the same will be recovered and if anyone is wrongly promoted he will be reversed.

(Hafiz Dr. Muhammad Ibrahim)

Director

Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar

Endst: No. 16664-70 / File No.1/Promotion Senior Teachers (PSB-16)2021  
Dated Peshawar the 3/12/2021

Copy forwarded for information and necessary action to the:

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officer Mohmand.
3. District Accounts Officer Mohmand.
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)  
Merged Districts

**OFFICE OF THE DISTRICT EDUCATION OFFICER TRIBAL DISTRICT MOHMAND  
(SST SCIENCE BIO/CHEMISTRY)**

**FORWARD PAPERS OF DEFERRED CANDIDATE FOR DEPARTMENTAL PROMOTION COMMITTEES FOR THE PROMOTION OF SAIZAI (MALE) POST TO SST B-16**

Total Vacant SST (S) post for DE-	14
Share of vacant posts for SS	4
Share of Promotion for SS	10
Share of promotion of SAIZAI	0.53
Not to be promoted	0.53
Total for Promotion	1.00

**LIST OF SAIZAI (M) FOR THE PROMOTION TO SST B-16.**

S.No	ISL No	Name Official	Design	IFS No	Place of posting	Date of birth	D/O appointment as regular CT.	Qualification		Whether eligible for promotion.	Remarks
								Academic Qualification	Profession/Qualification		
1	2	Faiz Rabb	AT	15	GMS Hachmah Agrab Darg	1/9/1984	16/1/2016	B.Sc (Bio/Chem)	S. Alamiya/NI Ed	Yes/No	Re-considered -

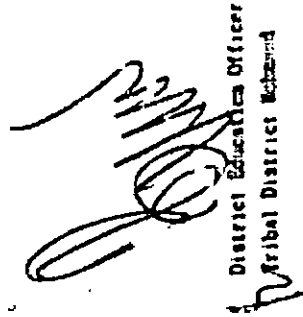
**Certificate.**

I hereby certify that the following details are included in the list for promotion to the posts of SST B-16 in the Tribal District Mohmand. The details are as follows: (i) Name of the candidate, (ii) Design, (iii) IFS No, (iv) Place of posting, (v) Date of birth, (vi) D/O appointment as regular CT, (vii) Academic Qualification, (viii) Profession/Qualification, (ix) Whether eligible for promotion, (x) Remarks.

The details of the candidate are as follows: (i) Name of the candidate, (ii) Design, (iii) IFS No, (iv) Place of posting, (v) Date of birth, (vi) D/O appointment as regular CT, (vii) Academic Qualification, (viii) Profession/Qualification, (ix) Whether eligible for promotion, (x) Remarks.

The details of the candidate are as follows: (i) Name of the candidate, (ii) Design, (iii) IFS No, (iv) Place of posting, (v) Date of birth, (vi) D/O appointment as regular CT, (vii) Academic Qualification, (viii) Profession/Qualification, (ix) Whether eligible for promotion, (x) Remarks.

The details of the candidate are as follows: (i) Name of the candidate, (ii) Design, (iii) IFS No, (iv) Place of posting, (v) Date of birth, (vi) D/O appointment as regular CT, (vii) Academic Qualification, (viii) Profession/Qualification, (ix) Whether eligible for promotion, (x) Remarks.

  
 District Education Officer  
 Tribal District Mohmand

Subje...

