Counsel for the appellant present.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Counsel for the appellant requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments on 04.01.2023 before D.B.

(Fareella Paul) Member (E)

(Rozina Rehman) Member (J)

ove to Rush of work, Therefore

Case is adjurned to 13-4-22

Reader

Appellant person through counsel.

Kabir Ullah Khattak, learned Additional Advocate General for respondents present.

Reply/comments on behalf of respondents is still awaited. Learned AAG requested for time to submit reply/comments; opportunity is granted. To come up for reply/comments on 28.09.2022 before S.B.

(Rozina Rehman) Member (J)

28.09.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Arshad Khan ADO (Litigation) and Mr. Sajid, Section Officer for the respondents present and submitted reply/comments which are placed on file and copy of the same is handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, and arguments before the D.B on 07.11.2022.

(Mian Muhammad) Member (E) 25.05.2022

-4 ·

Mr. Mir Zaman Safi, Advocate for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant is aggrieved of the impugned order dated 27.09.2017 when he was promoted from PST (BS-12) to SPST (BS-14) in compliance with the Honourable Peshawar High Court order passed in Writ Petition No. 2757-P/2017 and the appellant's further promotion to PSHT (15) was not honoured despite the fact that working paper had been prepared. He relied on the principle of consistency while referring to precedented case Notified on 26.01.2013 followed by Notification dated 06.02.2013 when similarly placed 28 teachers were firstly promoted from the post of PST (BS-12) to SPST (BS-14) and after the passage of just 10 days they were further promoted from the post of SPST (BS-14) to PSHT (BS-15). On the question of limitation that the impugned order was passed on 27.09.2017 and the appellant filed departmental appeal on 13.12.2021, he relied on 2002 PLC (C.S) 1388 and 2021 SCMR 1230 with the contention that being a promotion case involving financial aspects, constitutes recurring cause of action, impediment of limitation therefore is not applicable in such cases. The service appeal has been filed on 25.03.2022 after having waited for statutory period, is well within time before the Service Tribunal, he concluded.

Appellant Depor Security & Process Fee

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 26.07.2022.

SCANNED KPST Peshawar

(Mian Muhammad) Member (E)

## Form- A

# FORM OF ORDER SHEET

Court of	<u>.</u>
	• • • • • • • • • • • • • • • • • • • •
Case No	463/2022

,	Case No	463/2022
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/04/2022	The appeal of Mr. Iftikhar Khan resubmitted today by Mr. Mir Zaman Safi Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.
2-	Noted by counsel M- Jaman 8/4/2022	This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put up there on 25.05-2022 Notices be usual to the appellant and his counsel, box the date fixed CHAIRMAN
	8/4/	
		See the second of the second o
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		. 21
. •		

The appeal of Mr. Iftikhar Khan, SPST (BPS-14) (rtd), GPS No. 2, Mushtar Zai District Peshawar received today i.e. on 25.03.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Affidavit attached with the appeal may be attested by the Oath Commissioner.

2. Copies of annexures A & H attached with the appeal are illegible which may be replaced by legible/better one.

No. 774 /S.T.

Dt. 29-3- /2022

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA

Mr. Mir Zaman Safi Adv. Pesh.

 $\left\langle \dot{k}\right\rangle$ 

All objections have been semonal. bence Se Submitted today dated 01.04.2022.

01/04/2022

# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

# APPEAL NO. 453/2022

IFTIKHAR KHAN

VS

**EDUCATION DEPTT:** 

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	*******	1- 4.
2	Affidavit	**********	5.
3	Notification dated 11.07.2012	Ä	6- 7
.4	Retirement order	В	8.
5	Forwarding letter	С	9.
6	Order dated 26.01.2013	D	10-11.
7	Notification dated 6.02 2013	E	12- 13.
8	Memo of writ petition	F	14- 16.
9	Order sheet	G	17.
10	Letter dated 07.10.2016	Н	18.
11	Application	I	19.
12	Promotion order dated 27.9.2017	J	20.
13	Order sheet	K	21.
14	Departmental appeal	L	22.
15	Wakalat Nama		23.

APPELICANT

THROUGH:

MIR ZAMAN SAFI

ADVOCATE

Office: Room No. 6-E, 5<sup>th</sup> Floor, Rahim Medical Centre, Hashtnagri, Peshawar.

Cell: 0333-9991564

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL **PESHAWAR**

	APPEAL NO	/2022	
Mr. Iftikhar Khan, S	SPST (BPS-14) (Rtd:),	•	
GPS No.2, Mushtar	Zai, Peshawar	•••••	APPELLANT
	I		

### VERSUS

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

APPEAL NO

..... RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR THE GRANT OF PRO-FORMA PROMOTION TO APPELLANT TO THE POST OF PSHT (BPS-15) W.E.FROM THE DATE WHEN COLLEAGUES AND JUNIOR COLLEAGUES OF THE APPELLANT HAVE BEEN PROMOTED ile. 06.02.2013 AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINTY DAYS

### PRAYERS:

That on acceptance of this appeal the appellant may kindly be granted/allowed pro-forma promotion to the post of PSHT (BPS-15) w.e.f 06.02.2013 with all other consequential benefits. Any other relief which this august Tribunal deems fit that may also be awarded in favor of the appellant.

## R/SHEWETH: ON FACTS:

# Brief facts giving rise to the present appeal are as under:-

- That appellant was the employee of respondent department and had served the department as PST (BPT-12) from the date 1st appointment till retirement on superannuation quite efficiently and upto the entire satisfaction of his superiors.
- 2-That the appellant while serving as PST (BPS-07) the post of the appellant was up-graded in BPS-12 vide Finance Department Notification dated 11.07.2012 and subsequently introduced sub cadres of SPST (BPS-14) and PSHT (BPS-15). Copy of the Notification dated

- 3- That after issuance the above mentioned Notification dated 11.07.2012 the appellant was remain in service for 3 months and got retired from service vide Notification dated 10.11.2012. Copy of the retirement order is attached as annexure.
- 4- That it is pertinent to mention that due to non-holding of DPC during service tenure of the appellant, the appellant had not got the benefit of next higher scale i.e. SPST (BPS-14) and PSHT (BPS-15) inspite of having better seniority position at serial No.42 which has been mentioned in the forwarding letter dated 25.06.2015. Copy of the forwarding letter is attached as annexure.
- 5- That after retirement of the appellant the respondent department held DPC meeting whereas many colleagues and junior colleagues of the appellant were promoted to the post of SPST (BPS-14) vide officer order dated 26.01.2013 and as such they were subsequently promoted to the post of PSHT (BPS-15) vide notification dated 06.02.2013. Copies of the order dated 26.01.2013 and notification dated 06.02.2013 are attached as annexure.
- 6- That feeling aggrieved the appellant preferred writ petition No.4444-P/2015 before the Peshawar High Court, Peshawar which was disposed of vide order sheet dated 21.09.2016 on the basis of letter dated 07.10.2016 for submission of working papers for holding DPC for promotion of the appellant alongwith other two colleagues to the post of SPST (BPS-14) and PSHT (BPS-15). Copies of the memo of writ petition, order sheet dated 21.09.2016 and letter dated 07.10.2016 are attached as annexure.
- 7- That after disposal of the aforementioned writ petition No.4444-P/2016 the appellant time and again visited the respondent department but they were silent on the matter of appellant despite of clear cut directions of the Hon'ble Peshawar High Court, Peshawar.
- 9- That the appellant is also having the entitlement for promotion to the post of PSHT (BPS-15) but the respondent department is not willing to grant/allow the same. That appellant feeling aggrieved preferred departmental appeal before the respondent No.3 but no reply has been received so for. Hence the appellant preferred the instant appeal on the following grounds amongst the others. Copy of the departmental appeal is attached as annexure. L.

# GROUNDS:

- A-That the inaction of the respondents by not allowing/granting pro forma promotion to the appellant to the post of PSHT (BPS-15) is against the law, facts, norms of natural justice and materials on the record.
- B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the inaction of the respondents by not allowing/granting pro forma promotion to the appellant to the post of PSHT (BPS-15) is based on mala fide and arbitrary intentions and as such the same is violative of the principle of natural justice.
- D-That the respondents acted in arbitrary and malafide manner by not allowing/ granting pro-forma promotion to appellant to the post of PSHT (BPS-15) despite the fact that the appellant was the senior most employee of the respondent Department and was entitle for promotion to the post of PSHT (BPS-15) on the basis of seniority-cum-fitness.
- E- That the inaction of the respondents by not allowing/granting pro-forma promotion to the appellant to the post of PSHT (BPS-15) is violative of section-9 of the Civil Servant Act 1973 read with Rule-7 of the (Appointment, Promotion & Transfer) Rules 1989.
- F- That as per Rule's and regulation the appellant is fully entitle for pro-forma promotion to the post of PSHT (BPS-15) with all consequential benefits.
  - G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 21.03.2022

APPELLANT

IFTIKHAR KHAN

THORUGH: MIR ZAMAN SAFI

&

ABDULLAH KHAN KHATTAK ADVOCATES

# CERTIFICATE:

It is certified that no other earlier appeal was filed between the parties.

DEPONENT

## **LIST OF BOOKS:**

- 1- CONSTITUTION OF PAKISTAN, 1973.
- 2- SERVICES LAWS BOOKS.
- 3- ANY OTHER CASE LAW AS PER NEED.

# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

AF	P	E	A	L	1	V	O		/	2	0	2	2

IFTIKHAR KHAN

VS

**EDUCATION DEPTT:** 

## **AFFIDAVIT**

I Mir Zaman Safi, Advocate High Court, Peshawar on the instructions and on behalf of my client do hereby solemnly affirm and declare that the contents of this service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

MIR ZAMAN SAFI,

Advocate

High Court, Peshawar

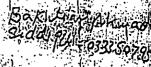


# GOVERNMENT OF KHYBER PAKHTUNKHWA ELEMENTARY AND SECONDARY EDUCATION

## **NOTIFICATION:**

No. SO (B&A)/I-18/E&SE/2012: Sanction of the Government of Khyber Pakhtunkhwa is hereby accorded to the up-gradation of the posts for Grant of incentive of Higher Pay Scale to different Categories/Cadres of teachers in Elementary & Secondary Education Department w.e.f. 01.07.2012 as per details given below:-

			<u></u>		
S#	Nomenclature of	Location	Existing	New	Remarks
ł	Teaching Cadre Post		Basic Pay	approved	
	, reading sautorost		Scale Tay		
			Scale	Basic Pay	
<u> </u>	<u> </u>			Scale	,
1.	Primary School	Govt.	BPS-5	(BPS-12)	The post of PST is up-graded to BPS-12.
	Teacher	Primary	BPS-6		Accordingly 33,497 posts of PSTs already
		School -	BPS-7		sanctioned in various pay scales are upgraded to
			BPS-9	· ·	
			BPS-10	ì	BPS-12 for the present incumbents as well as
					future appointees.
		ļ <u>.</u>	BPS-12		
2.	Senior Primary	"do"	Newly	(BPS-14)	22,331 posts of the existing PSTs in various
	School Teacher (Sr.		upgraded/	144	existing pay scales are upgraded to BPS-14 and
İ	PST)		Re-designated		re-designated as Senior PST. The posts will be
		•	Post .		filled in the manner as may be prescribed by the
			1 031 .		
					Elementary & Secondary Education Department
					by making necessary service rules or amending
			. '		the existing service rules, if any for the post
3.	Primary School Head	"do"	Newly	(BPS-15)	20,804 posts of the existing PSTs (one post in
	Teacher (PSHT)		upgraded/	(313.15)	
					each Primary School) are upgraded to BPS-15
			Re-designated	]	and re-designated as Primary School Head
1			Post		Teacher and will be filled in the manner as may
1	' '		,	,	be prescribed by the Elementary & Secondary
1					Education Department by making necessary
			,		service rules or amending the existing service
ĺ	· i.				rules, if any for the post
4.	Certified Teacher	Govt.	DC 00.	(DDG 15)	
4.			BS-09	(BPS-15)	All the existing posts of CTs are upgraded to
	(CT)	Middle/High	BS-10		BPS-15 for the present incumbents to post as
		/	BS-12	,	well as future.
		Higher	BS-14 ·		
		Secondary	BS-15.	,	
		School			
5.	Senior Certified	"do"	N	(DDC +C)	0 11 1 (1/01/5 6 1 1 1 0 0 0
٠,٠		ao	Newly	(BPS-16)	One thirds (1/3 <sup>rd</sup> ) of the total CT posts are
	Teacher (SCT)		upgraded/		upgraded to BPS-16 and re-designated as Senior
1			Re-designated	1	CTs which will be filled in the manner as may be
ļ	, ,	ļ .	Post	•	prescribed by the Elementary & Secondary
					Education Department by making necessary
				,	service rules or amending the existing service
				· .	
6.	Applie Treeter (A.T.)	"	D.C. 00	(222	rules, if any for the post.
0.	Arabic Teacher (A.T)	·"do",	BS-09	(BPS-15)	All the existing posts of ATs are upgraded to
		,	BS-10		BPS-15 for the present incumbents to post as
1			BS-12		well as future.
			BS-14		
1		· '	BS-15		
7.	Senior Arabic	"do"	Newly	(BPS-16)	One thinds (1/2rd) as the total AT want
/ .		. 00		(BL9-10)	One thirds (1/3 <sup>rd</sup> ) of the total AT posts are
	Teacher (Sr. A.T)		upgraded/		upgraded to BPS-16 and re-designated as Senior
}	<u>,</u> .	1 .	Re-designated		ATs which will be filled in the manner as may be
1			Post	1	prescribed by the Elementary & Secondary
}	1				Education Department by making necessary
	,			] .	service rules or amending the existing service
			'	`	
_	<b>T</b> 1 :0 m		70.0-		rules, if any for the post.
8.	Teacher of Theology	"do"	BS-07	(BPS-15)	All the existing posts of TTs are upgraded to
i	(TT)		BS-09		BPS-15 for the present incumbents to post as
	•		BS-10		well as future.
			BS-12		,
			l		·.
1			BS-14		
			BS-15	ļ	
9.	Senior Teacher of	"do"	Newly	(BPS-16)	One thirds (1/3 <sup>rd</sup> ), of the total TT posts are
	Theology (STT)		upgraded/		upgraded to BPS-16 and re-designated as Senior
1	<b>.</b> , ,		Re-designated		TTs which will be filled in the manner as may be
	ļ ,		Post		
	/	.	1 020	•	prescribed by the Elementary & Secondary
1	,	,	,		Education Department by making necessary
:		. ,		'	service rules or amending the existing service
					rules, if any for the post.
10.	Drawing Master	"do"	BS-09	(BPS-15)	All the existing posts of DMs are upgraded to
	(DM)	,	BS-10		BPS-15 for the present incumbents to post as
<b>——</b>	(- ··+)		~~	<del></del>	Les o 15 tot the present medinocitis to post as





GOVERNMENT OF

KHYBER PAKHTUNKETWA

ELEMENTANY & SECONDARY EDUCATION DEPARTMENT

No. 50 (11:5: AN)/I-18/EXST/2012: Sanction of the Government of Kliyber Pakhiunthwalis hereby accorded to the up gradation of the poils for Grant of Incentive of Flighty Pay Scale to different Gategories Gudres of the self-estimate in Elementary & Secondary Education Department viet of 107:2012 as per details given below:

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			BS-12		well as future.
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11.	Senior Drawing	"do"	Newly	(BPS-16)	One thirds (1/3 <sup>rd</sup> ) of the total DM posts are
١	Master (SDM)		.upgraded/		upgraded to BPS-16 and re-designated as Senior
			Re-designated		DMs which will be filled in the manner as may
			Post		be prescribed by the Elementary & Secondary
					Education Department by making necessary
					service rules or amending the existing service
		٠			rules, if any for the post.
12.	Physical Education	"do"	BS-09	(BPS-15).	All the existing posts of PETs are upgraded to
	Teacher (PET)		BS-10		BPS-15 for the present incumbents to post as
	. *		BS-12		well as future.
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	•		BS-15		
13.	Senior Physical	"do"	Newly	(BPS-16)	One thirds (1/3 <sup>rd</sup> ) of the total PETs posts are
	Education Teacher		upgraded/		upgraded to BPS-16 and re-designated as Senior
	(PET)		Re-designated		PETs which will be filled in the manner as may
	,		Post -	٠.	be prescribed by the Elementary & Secondary
Ì					Education Department by making necessary
	,			,	service rules or amending the existing service
		,			rules, if any for the post.
14.	Qari/Qaria	"do"	BS-07	(BPS-12)	All the existing posts of Qari/Qaria are upgraded
ì			BS-09		to BPS-12 for the present incumbents to post as
			BS-10 ·		well as future.
			BS-12 ,	·	
1.	,	-	BS-14		
			BS-15		
15.	Senior Qari/Qaria	"do"	Newly	(BPS-15)	One thirds (1/3 <sup>rd</sup> ) of the total Qari/Qaria posts are
			upgraded/		upgraded to BPS-15 and re-designated as Senior
			Rc-désignated		Qari/Qaria which will be filled in the manner as
			Post		may be prescribed by the Elementary &
				1 .	Secondary Education Department by making
					necessary service rules or amending the existing
1					service rules, if any for the post.

- 2. A policy shall also be devised in the framework of input/output criteria in terms of qualification, length of service, regularity, results, curricular and co-curricular achievements and other performance indicators, so that the teachers do not like the scheme for granted but work for it.
- 3. District wise/school wise breakup of the posts is enclosed herewith as Annexure-A.

SECRETARY

Endst: No. SO(FR)FD/10-22(E)/2010 Dated Pesh: the 16/07/2012

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A policy shall also be devised in the framework of input/output criteria in terms of qualification, length of service, regularity, punctuality, results, curricular and co-curricular additions and other performance indicators, so that the teachers do not like the scheme for granted but work for it

District wise school wise breaking of the posts is englosed lietewith as A

Endst No SO(FR)/FD/10-22(E)/2010 Dated Posh: the 16/07/

Copy is forwarded to Accountant General Khyber Pakhtunkhwa, Peshawar. All District Account Officers

> SECTION OFFICER (FR) PINANCE DEPARTMENT

- Copy of the above is tornwarded to:
  The Secretary to Government of Khyber Paktlinkhwa, Finance Department, vitte Secretary to Government of Khyber Paktlinkhwa, Finance Department, vitte Secretary to Government of Khyber Paktlinkhwa, Finance Department, vitte Secretary to Government of Khyber Paktlinkhwa, Finance Department, vitte Secretary to Government of Khyber Paktlinkhwa, Finance Department, vitte Secretary to Government of Khyber Paktlinkhwa, Finance Department, vitte Secretary to Government of Khyber Paktlinkhwa, Finance Department, vitte Secretary to Government of Khyber Paktlinkhwa, Finance Department, vitte Secretary to Government of Khyber Paktlinkhwa, Finance Department, vitte Secretary to Government of Khyber Paktlinkhwa, Finance Department, vitte Secretary to Government of Khyber Paktlinkhwa, Finance Department, vitte Secretary to Government of Khyber Paktlinkhwa, Finance Department, vitte Secretary to Government of Khyber Paktlinkhwa, Finance Department, vitte Secretary to Government of Khyber Paktlinkhwa, Finance Department, vitte Secretary to Government of Khyber Paktlinkhwa, Finance Department of Khyber Paktlinkhwa, Finance Depar reference to his letter No.SO(FR)/FD/10-22(E)/2010 dated 26:06:2012

  P.S. to Secretary, E&SE/Department, Kliyber Pakhtunkhwa, Peshawar

  P.S. to Special Secretary E&SE/Department, Khyber Pakhtunkhwa, Peshawar

  P.S. to Deputy Secretary II E&SE/Department, Khyber Pakhtunkhwa, Peshawar

  P.S. to Minister of E&SE/Khyber Pakhtunkhwa.

  P.S. to Minister of E&SE/Khyber Pakhtunkhwa.

  All the Executive District Officers E&SE/Khyber Pakhtunkhwa.

  The Managina Director Editional Press Khyber Pakhtunkhwa. Peshawar

8. The Managing Director Printing Press, Kilyber Pakhtunkhiva, Pesliawar.

9 Master file.

# OFFICE OF THE EXECUTIVE DISTRICT OFFICER ( E & S E ) PESHAWAR.

# RETIRNMENT NOTIFICATION.

Under the provision of Rules 20 of Khyber Pakhtunkhwa Govt: Servants revised leave rules, 1981, Sanction is hereby accorded for the encashment in lieu of LPR for the period of 180 days on full pay in favour of Mr. Ifthkhar PST Govt: Primary School No.2, Mushtar Zai Peshawar.

He is also allowed to retire from Govt: Service with effect from 03/09/2012 AN

NÔTE :-

- 1. These orders are final and will not be revoked at any stage.
- Necessary entry to this effect should be made in his Service Book.
- His date of Birth is 04/09/21952

**Executive District Officer,** Elementary & Secondary Education,

Peshawar.

Dated Peshawar the

Copy of the above is forwarded for information and necessary action to the :-

District Accounts Officer Peshawar.

Deputy District Officer (Male) Peshawar alongwith service book w/r to No. 1331 dated

Officer (Male) Elementary & Secondary Education, Peshawar.

Sub Divisional Education Officer (Male) Peshawan

No. 3745 /Vertication

To

The District Education Officer (M) Peshawar

Subject: -Memo,

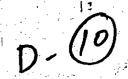
### appeal for upgradation

I am to refer to the subject noted above, and to state that seniority of PSTs is being issued by your office the appeal of the following teacher may be considered on your own level being competent authority on seniority basis as previously awarded to their counterparts pleasu

			·	
\$ No	Nume of teacher	tions at school	Seniority list No	Date of retirement
		" AGPS		
1	Aziz Ur Rehman	C:28 Zurhar Abad	SNo 14	30/9/2012
3	Wikhar Khan	GP: TelusiacZai	S No 42	03/9/2012
3	Mohammad Ishaq	GPS Not Civil	S No 50	6/12/2012
<b>\</b>		Ounter	1	

Sub Divisional Education Officer (Male) Peshawan

W Company





# DISTRICT EDUCATION OFFICER (MALE) PESHAWAR.

# OFFICE ORDER:

Consequent upon the recommendation of Departmental Promotion Committee meeting held on 16/1/2013; AND PURSUANCE OF THE Govt: of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No. 50 (B&A) 1-18/E&SE/2008 dated 12/10/2012 and No. 50(PE) 4-5/SSRC/Meeting/ 2012/ Teaching Cadre dated 13/11/2013 the following Primary School Teachers BPS.12 are hereby promoted to the post of Senior Primary School Teachers (SPST) BPS>14 (Rs.8000-610-26300) plus usual allowances as a missible under the rules on regular basis under the existing policy of the Provinalal Government, in Teaching Cadre on the terms and condition given below with

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20   53   Cantil   Abdul Wakeel   GPS Idigation Colony					GPS Audit Colony Pash
	(3)	27	Cantt	Abdul Wakeel	GPS Irrigation Colony

M- Commer.



- to Their adjustment order under the existing policy will be issued sapretaly.
- 7. No TA / DA is allowed for joining his duty.
- 8. Necessary entry to tohis effect should be made in their service books.
- 9. They will give an under taking to this effect to be recorded in their service books.

Sharif Gul
District Education Officer,
(Male) Pehawar.

Endst: No. 1499-2660/ PST(M) /Promotion Dated Peshawar the 26th January, 2013

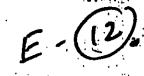
Copy for information to the :-

- 1. Accountant General Khyber Pakhtunkhwa Peshawar.
- 2. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
- 3. Sub Divisional Education Officer (Male) Peshawar with the remarks to verify THE acadmic / profisional qualification documents i.e FA / PTC or equivalent of the above named teachers from the concerned Board / Agencies before fixation salaries.
  - A. Assistant Sub Divisional Education Officer (Male) circles concerned

5. Officials concerned.

Deputy District This cation Officer,

ORDER of Sr: PST (M)





OD Consequent upon the recommendations of Departmental Prombtion Committee meeting held on 17/1/2013, the competent authority is pleased to promote and adjust the following Senior PST BPS.14 to BPS.15 as Primary School Head Teacher in the school noted against their names in the light of the Govi: of Knyber Pakhtunkliwa Elementary and Secondary Education Department order No. SO (B&A) 1-18/E&SE/2008 dated 12/10/2012 and No. SO(PE) 4-5/SSRC/Meeting/ 2012/ Teaching Coder dated 13/11/2013 with immediate effect in the interest of

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	77	H/ Abad :	Javed Hussan	Agriculture Colony	GPS Agriculture Colony
Æ		Mathra	Hidayəl Ülləh	GPS Haryan Garh	GPS Haryan Garh
	. ja -	City	Muhammad Zaman	GPS Hazr. Khawani 4:	GPS Kas Mera
F	::	Mathra	Khawas Khan	GPS Patwar Bala	GPS Patwar Bola
Ţ	1: '	City	'Saead Ahmad	Gmps Ashralia #.2	GPS Bazid Khel No.3
	ij	City	S. Amanullah Shah	GPS Kolla Feel Banan	GPS KOTLA FEEL BANAN
Ţ	.43	H/Abad	Abdul Qayyum	Mullazai	GPS Muliazal
Į	9	City	Yousal Jan	GPS Sharif Abad,* •	GPS No.1 Afghan Colony"
.	10	City	Kha(ii,Ur Rahman	GPS Saithlan	GPS Garbl Fazil
•	11	B/Ber	Islam Shah,	GPS Sheikhan Bala	GPS SHEIKHAN BALA
•	:12	D/Zai	Noor Mühammad	GPS-Ziarat Koroona	GPS Ziarat Korona
	13	C/Pure .	Sher Rehman	Gmps Gulozal	GPS Pakha Ghulam No.3
	14	Canll	Bismillah Jan	GPS Khadra Khel	GPS Khadra Khel
	15	Canll	Muhammad Ashral	. GPS Audit Colony Pesh.	GPS Sardar Garhi, A A A A A
	16	C/Pura	Almas Khan	GPS No.1 Chamkani	GPS No.1 Chamkanl .: 12.
•	17	City	Fazal Manan	GPS Sarbiland Pura 1	GPS Mera Urmar Payan No.3
	18	City	Rahal Ullah	Gmps Alghan Colony #3	GPS Mera Akka Khel Mathra
	19	Cantt	Naik Muhammad	Gmps Shero Jangi	GPS Batlan
•	20	Clly	Muhammad Saeed	GPS Akhoon Abad	GPS No.4 Chamkanl
	21	D/Zai	Kishwar Khan	GPS Muslim Abad (Ram Kishan)	GPS Jati Bala.3
٠,	22	C/Pura :	Qamar Zaman	GPS Jogain	GPS Qadeem Killi
Í	23		Muḥammad Said	GPS Ganj Mandi 🕟	. GPS Yakatoot
	24	C/Pura	, Sabir Ali Shah	GPS.Wadpagga No.1	GPS Hargoni
. :	25	Cantt	Sadiq Ali	GPS Manakrao	GPS KotlaMohsin Khan
	26		Ali Rehman	Gmps Kochi Abad Nasir Abad	GPS Dehll Dher Badber No.2
	2.7	7 City	Abdul Wakeel	GPS Shall Dhand	GPS Esa Khel Hameed
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Under takini theilithe altauna and parte in their tervice books

Tie Churge report should be submitted to un concerned.

No TA / DATS SHOWER !

District Education Officer (Male) Peshawar.

Dated Peshawar the 6th From Dary

- Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
- Accountant General khyber Pakhtunkhwa Peshawar.
- sub divisional Education Officer (Male) Peshawar with the remarks to release the pay of above named teachers after verification of their academic and professional qualifications liom concerned boards // agencies

Oliicias concuração

PSHT Adjustment order(SAT)

F- (4)

## IN THE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No.

4444 105 2015

- 1. Aziz ur Rehman, PST (Retired), resident of Mohallah Sethi Abad, Street # 2, Yakatoot Gate, Peshawar.
- Muhammad Ishaq, PST (Retired)
   son of Sher Ali, resident of Momin Town,
   Street # 5-A, Dalazak Road, Peshawar.
- 3. Iftikhar Khan, PST (Retired), resident of Mohallah Usman Khail, P.O: Mashtarzai Tehsil and District Peshawar

Petitioners

### **VERSUS**

- Province of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education (E&S) Department, Civil Secretariat, Peshawar.
- 2. Secretary to Government of Khyber Pakhtunkhwa Finance Department, Civil Secretariat, Peshawar.
- Director of Education (E&S) Elementary and Secondary Education, Khyber Pakhtunkhwa G.T. Road, Peshawar.
- 4. District Education Officer (Male), G.T. Road, Peshawar...

Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973.

Respectfully Sheweth:

## FACTS OF THE CASE.

1. That on 26.06.2012, Finance Department launched a scheme of

upgradation to the different cadres of Teaching Staff of Elementary TE:

Deputy Registrar

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ou Come

were in active service. The petitioners vigorously pursued the matter with the concerned authorities, and requested for their retrospective up-gradation/ promotion from the date when their colleagues were promoted, but no premium was put on their request and finally it was regretted on the pretent that they were retired from service before D.P.C, therefore, they cannot be promoted. (Annexs: C&D).

- Department and the scheme of up-gradation was introduced before their retirement, therefore, they are entitled for the benefit of up-gradation/ promotion, as they fulfilled the requirements of promotion.

  The meeting of D.P.C was delayed by the department, therefore, the petitioners should not be punished for the faults and inaction of the departmental functionaries. Thus nothing existed in the way of the petitioners and it was usual apathy, negligence and bureaucratic red-tapism, which had deprived the petitioners of the fruits that they deserved.
  - 6. That in case the petitioners have deprived of their benefit of upgradation, they would sustain three fold losses:-
    - (i) Lossof Pay,
    - (ii) Loss in Pension Plus Commutation; and,
    - (iii) Loss in increases which allowed in pension on each year.

Due to the failure of the department who could not convene the D.P.C in time and as the petitioners are retired, their cases require to be

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Deputy Registrar
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placed before the D.P.C, as they were in service when the Upgradation Scheme was introduced.

In view of the aforesaid facts and circumstances of the case it is humbly prayed that since due to lethargic attitude of the respondents, petitioners were omitted from consideration, despite the fact that they were entitled and eligible for Up-gradation, therefore, the respondents may graciously be directed to consider the petitioners for retrospective Upgradation on Proforma Basis from the date when their juniors/colleagues were Up-graded, Setting aside order dated 28.10.2015 Loing illegal and Void .

Any other relief though not specifically asked for to which the petitioners are found entitled in the circumstances of the case may also be granted to the petitioners. Azzz-ur-Rehm

Through:

Dated: 01.12.2015

(Shahzada Irfan Zia) Advocate, Peshawar.

Petidoners

## CERTIFICATE:

Certified that as per instructions of my clients no such Writ Petition on behalf of the petitioners has earlier been filed in this Honourable Court on the subject matter.

BOOKS OF LAW:

Constitution of Islamic Republic of Pakistan, 1973.

FILED TODAY

Case law according to need.

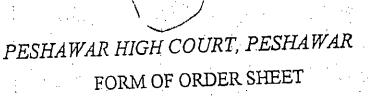
Deputy Registrar

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CERTIFIED TO BE TRUE COPY

Advocate.



Date of Ord	er of Order of other Proceedings with Signature of Judge.
Proceedi	gs 2
	W.P.No.4444-P/2015
21.09.2	and a suppose for netitioner.
	Mr. Rab Nawaz Khan, AAG for respondents alongwith Razwali Khan, DEO (M) Peshawar.
	NISAR HUSSAIN KHAN, J:- Petitioner has filed instant petition
	for retrospective upgradation of his post on the basis of
	Notification No.SO (B&A) 1-18/E&SE/2008 dated 12.10.2012
	and No.SO (PE) 4-5/SSRC/Meeting/2012/Teaching Cadre dated
	13.11.2013.
	2. Learned AAG alongwith Razwali Khan, DEO (M)
	appeared in person and submitted a copy of Notification No.
	SO (B&A)/1-18/E&SE/2012 dated 11.7.2012 and stated that they
Total:	shall consider the petitioner for his post-retirement upgradation
	and shall finalize the matter within a period of two weeks. When
	learned counsel for petitioner was confronted with the same, he
	was satisfied and sought disposal of instant petition.
	s statement made at the bar by learned
	AAG and representative of the department, this petition stands
	disposed of with the direction to respondents to complete the
	process of upgradation as sought by the petitioner and conceded
	process of upgradation as sought
	by respondents as soon as possible.  JUDGE  JUDGE
	3/1-0V13 at 6 433 at 1
	Musablat Willow ]
092/	DIDGE
393/	and parting.
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<b>"</b> )	<b>BETTER</b>	COPY
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DISTRICT EDUCATION OFFICER, (MALE) PESHAWAR

No.

Dated 7/10/2016

To,

The Sub Divisional Education Officer, (Male), Peshawar.

Subject:

SUBMISSION OF WORKING PAPERS FOR DPC.

Memo:

You are directed to submit working papers (in-triplicate) for promotion of the following (RTD) PST from BPS-12 to SPST BPS-14 and BPS-14 to PSHT BPS-15.

S. No.	Name of Retired Teachers	Name of School	
1.	Mr. Aziz-Ur-Rehman PST (RTD)	GPS Zargar Abad, Peshawar	
2.	Mr. Mohammad Ishaq,m PST (RTD)	GPS No.1 Civil Quarters, Peshawar	
3.	Mr. Iftikhar Khan, (RTD)	GPS Mushtarzai, Peshawar	

You are further directed to also submit the following documents within (03-days) for further necessary action.

- 1. S/Book.
- 2. ACR for the last five years.
- 3. Non-involvement certificate.
- 4. Synopsis.
- 5. Pay roll.
- 6. Bio Data.
- 7. Result for last (03-years).

(This is most urgent)

Deputy District Education Officer, (Male) Peshawar.

Endst: No. 11786-90/ Copy forwarded.

DISTRICT EDUCATION OFFICER, (MALE) PESHAWAR.

No.

nes up Divisional Education Officer, (Male) Pesifawasi)

# SUBMISSION OF WORKING PAPERS FOR DPC.

are directed to submit working papers (in-triplicate) for promotion of the to SPST BPS-14 and BPS -14 to PSHT BPS-15.

KON HERINGER RICE CONTROL OF THE PROPERTY OF T	<del></del>
Varne of Retired Teachers	Name of School
The Rehmaning Total	GPS Zargar Abad Peshawar
(RTD)	GPS No.1 Civil Quarters Peshawar
TANIST MERCHANICA STATE OF THE	GPS Mshtarzai Peshawar
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redirected to also submit the following documents within (03-days) for

(This is most urgent)

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WREGIST PAN JUID COURT Peshawar High Court Peshawar.

Director (ESSE) Khyber Pakhtunkhwa Peshawar. Zwia Beliman (PST (Rijo) C/O Head Master GPS Zargar Abad Peshawar.

imad slied PST (RTD) C/O GPS No.1 Civil Quarters Peshawar.

aniPST (RID) C/O GPS Mushtarzai Peshawar

Deputy District Education Officer, (Male) Pestiawar.

Deputy District Education Officer,

(Male) Peshawar.

# بخدمت جناب چیف جسٹس یجی آفریدی صاحب پشاور ہائی کورٹ پشاور

# عنوان: ایل برائے اب کریڈیشن/ بروموش

# هناب عالیٰ!

مود باندگرارش ہے کہ ہم تین ساتھوں نے اپ گریڈین کیلے معزز عدالت کا دروازہ کھکھٹانے کیلے سال 21/09/2016 میں ایک رئ پٹیش (WP.4444/2015) دائر کی تھی۔ مور دے 21/09/2016 کوایڈیشنل ایڈوکیٹ جزل کے ہمراہ ڈی ای اوصا خب پٹاور نے معزز جسٹس صاحبان کے روبرواکہا کہ میں دوہفتوں میں ان کے مسئلے کوئل کرونگا۔ اس سلسلے میں ہم سے پرومونن کے لئے دستاویز ان طلب کی گئیں جو ہم نے فراہم کیس میں مرز دی ای اوسا حب نے آج تک ہمیں کوئی اطلاع ہیں دی صرف اتنا کہدویا کہ ہم نے متعاقد جسٹس صاحب کو اطلاع دیری ہے۔

لہذا استدعا کی جاتی ہے کہ آپ جناب ہمارے مسئلے کو ترجیحی بنیا دوں پرطل کرنے کا تھم صادر فر ما کر مشکور فرما نمیں۔ مورجہ 14/04/2017

سائلان: ـ

عزیز الرحمان جی بی الیس ذرگر آباد پیشاور 2- افغارهان جی بی الیس مشتر زمیپشاور

probation of Agorner

06 JUL 2017.

WP2757P2017-CF

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ATTEST EXCHANISMI FORTING HIGH





# OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PESHAWAR

### NOTIFICATION

In compliance of order dated 13/09/2017 passed by the Honorable Peshawar High Court W.P. No.2757-P/2017 and in pursuance of Govt: of KPK (E&SE) Department Peshawar Notification No.50(B&A) 1-18/E&5E/2012,dated 11/07/2012, the competent authority is pleased to promote the following retired PST BPS-12 to BPS-14 as Senior Primary School Teacher in the school noted against their names with effect from 11/07/2012 in the interest of Public service.

S.No		the second second	
3.110	Teacher Na	ime i	From
1	Aziz ur Rehman, Rtd:PST		GPS Zargar Abad Peshawar
2	Iftikhar Khán, Rtd:PST		GPS Mushtarzal Peshawar
3	Muhammad Ishaq,Rtd:PST		GPS Civil Quarter Peshawar

### Note:

- 1. SDEOs(Male) Town Concerned will verify promotion order at their own level.
- 2. Necessary entry should be made in their service books.
- 3. They should give an undertaking to the effect that if any over payment is made to them as a result of Incorrect award of BPS-14, the same would be recovered from their pay, pension and graduaty

(JADDI KHAN KHALIL) District Education Officer (Male) Peshawar

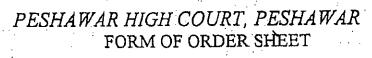
Endst No: 6637-412

Dated 27 19 /2017

Copy of the above is forwarded to the:

- 1. Deputy Registrar (Judicial) Peshawar High Court Peshawar.
- 2. Olrector Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 3. Accountant General Khyber Paktunkhwa Peshawar.
- 4. SDEO (M) Town Concerned.
- 5. ASDEO (M) Circle Concerned.
- 6. Official Concerned.

Dy:District Education Officer (Male) Peshawa





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Mr. Justice Qaiser Rashid Khan & Mr. Justice Muhammad Younis Theheem(DB)

# بحضور جناب ڈائریکٹر صاحب ایلمینٹری ایجوکیشن خیبر پختونخوا پشاور ا

عنوان: محكمانه كاروائي برائع ترقى از آسامي (BPS-14) تا (BPS-15) الله SPST (BPS-14)

جناب عالى:

مود باند گزارش ہے کہ من سائل محکمہ تعلیم میں بطور PST تعینات تھاجو کہ مور ند 2012/06/2012 کو محکمہ نانس نے تمام کیڈر کے اسانذہ کو اب گریڈ کر کے نوٹیفیشن جاری کرتے ہوئے پی ایس ٹی کو ای پی ایس کو BPS-12 سے BPS-12 میں اپ گریڈ کر دیا گیا۔

جناب دالا: هم تين اساتذه تين ماه، دوماه ادر جهم ماه تك ملازمت مين ربين - مكراس عرصه مين وي في سي كانعقاد مهين ہوا اور ہم تنیوں اساتذہ ریٹائرڈ ہو گئے۔ ڈی پی سی کے انعقاد پر مارے نام سنیارٹی کسٹ میں سے نکال دیے گئے۔ حالانکہ مارے نام سنیار ٹی میں سیریل نمبر 14,42,50 پر درج متھے۔اس مقصد کے لیے ہم نے ڈائر کیٹر ایلیسٹری اینڈ سینڈری ایجو کیشن کی خدمت میں ا پیل کر دی جو کہ انہوں نے مستر د کیا۔ مجبورا ہم نے پشاور ہائی کورٹ پشاور کا دروازہ کھنگھٹایا اور 21د سمبر 2015 کورٹ پٹیشن دائر کی دو۔ نین پیشوں کے بعد ڈی ای اوصاحب راز ولی خان کی A.A.G کے ہمراہ پیش ہوئے معزز لجسٹس صاحبان نے ڈی ای اوسے سوال کیا کہ اگر آپ لوگ ڈی پی سی کابر وقت انعقاد کر لیتے توان اساتذہ کو میہ پر وموشن مل جاتی تو ڈی ای اوصاحب نے اعتراض کیا کہ جی انہوں نے وزیر محکمہ تعلیم کی نوشیکیشن کی کاپی عدالت کو فراہم کر دی اور بتایا کہ ان کے کیس کو دو ہفتوں میں Considered کر دینگے۔ طویل انتظار کے بعد ڈی پی ای اوصاحب نے عدالت عالیہ کو اطلاع دی اور نہ ہی ہمیں۔ تو ہم نے مجبورا ہیومن رائٹس سیل پیثاور ہائی کورٹ کی وساطت سے ایک ایک دائر کی ۔ ان کی طرف سے محکمہ کو کئی خطوط کھے گئے مگر کوئی جو ب نہیں ملا۔ اس طرح مارے ایکل کو رث یٹیشن میں تبدیل کر دیا گیااور مور نے 2017/09/2017 کی تاریخ مقرر کر دی پیش پر ڈی ای او صاحب بمعه ماجد علی خان اور رب نواز خان A.A.Gs پیش ہوئے۔ معزز جسٹس صاحبان نے ڈی ای اوصاحب سے وہی کہا تھا اس پر انہوں نے اگلی پیش پر ہماری پر وموش کا نو میفیکیشن پیش کیا جس میں 15 کے بجائے 14 دیا گیا۔جب ہم نے دفتر میں سپر ٹنڈنٹ رحیم بخش سے بات کی تواس نے بتایا کہ ایک پروموش لینے کے بعد دوسرے پروموش کے لیے ایک سال کا پرومیش بیریڈورکار ہوتا ہے۔ مگر جب ہمیں پتہ چلا کہ جن اساتذہ کو گریڈ1 اور 15 دیا گیاہے تو دونوں آرڈر زمیں صرف 12 دن کا فرق ہے تو دیگر اساتذاہ کے پروموش آرڈرز کو مد نظر رکھ کر جارا بھی حق بناہے کہ ہمیں بی پی ایس 15 میں اس تاری سے پروموش دی جائے جس تاری سے دیگر اساتذہ یعنی مارے جو نئیرز کو پروموش دیا

لہذا استدعاہے کہ بمنظوری درخواست ہذا پروموش برائے آسامی بی پی ایس 15 بمعد گزشتہ تمام مراعات ویے کے احکامات صادر فرما کرمشکور فرمانس –

علین نوازش ہو گی

سورند: 13/12/2021

افتخارخان (سابقه PST) جی پی الیس نمبر 2 مشتر ز کی زر گر آبادیشاور

	<u>VAKALATNAI</u>		
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	oint and constitute	MIR ZAM	AN SAFT.

Do hereby appoint and constitute MIR ZAMAN SAFI, 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. / /2022

ACCEPTED MIR ZAMAN SAFI &

ABDULLAH KHAN KHATTAK
ADVOCATES

OFFICE:
Room No.6-E, 5<sup>th</sup> Floor,
Rahim Medical Centre, G.T Road,
Hashtnagri, Peshawar.
Mobile No.0323-9295295
0317-9743003

# BEFORE THE SERVICE TRIBUNALKHYBERPAKHTUNKHWA PESHAWAR SERVICE APPEAL No.463/2022

Mr.: IFTIKHAR KHAN vs. EDUCATION DEPARTMENT INDEX

S#	DOCUMENTS	ANNEXURE	PAGE
1	REPLY		1 AND 2
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District Education Officer
(Male) Peshawar

BEFORE THE SERVICE
TRIBUNALKHYBERPAKHTUNKHWA PESHAWAR
SERVICE APPEAL No.463/2022

Mr.: IFTIKHAR KHAN vs. EDUCATION DEPARTMENT

# Reply on behalf of respondents No. 1, 2,3&4

## Respectfully Sheweth:

The respondents submit below:-

## Preliminary Objection:-

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 and proper parties.

7. That the Appellant has not come with clean hands to this Hon'ble Tribunal.

8. That the instant appeal is hit by rule 23 of service tribunal rules, 1974.

# **REPLY ON FACTS:**

1. That reply to Para No-1 pertains to the record.

- 2. That reply to Para No-2 is correct to extent that the Government issued Notification dated 11-07-2012 regarding the up-gradation of different cadres of teachers. Furthermore in this respect the appellant filled a write petition and the department gave post retirement up gradation to the appellant as per direction of the honorable high court. Therefore the instant issues have already been decided; hence this instant service appeal is not tenable in the eye of law.
- **3.** That on reply to Para No-3 the appellant was retired from his service before the DPC meeting therefore he is not entitled for promotion according to 2009 promotion rules.

4. That reply to Para No-4 has already been given in Para No-03.

5. That reply to Para No-5. It is submitted that according to APT rules the colleagues of the appellant were entitled for promotion therefore they were promoted.

6. That Para No-6 pertains to record.

7. The reply to Para No-7. It is submitted that the appellant was not entitled for promotion under the rule because the appellant was retired before the DPC meeting and the respondent Department bound to act upon the existing law and rules.

8. That reply to Para No-8. It is submitted that the respondent department promoted the appellant from BPS-12 to BPS-14 on the

direction of Honorable Court. Furthermore the appellant is not entitled for further promotion to BPS-15 according to rules.

9. That Para No-9 is incorrect and misleading and against the facts the appellant is not entitled for further promotion while rest of the Para pertains to record. Moreover, the appellant has no cause of action to file the instant appeal in this honorable service tribunal.

## **REPLY ON GROUND:**

A. Ground A is incorrect and misleading the appellant is not entitled for further promotion.

**B.** That Ground B is also incorrect, misleading and against the facts the appellant has been treated according to law.

C. That Ground C is incorrect misleading detailed reply has been given in the above Para.

**D.** That Ground D is incorrect and misleading the respondent department is bound to act upon the law and rules.

**E.** That Ground E is incorrect the said section is not applicable on the case of the appellant.

**F.** That Ground F is incorrect, misleading and against the facts detail reply has been given in the above Para.

G. That Ground G the respondent also seeks permission to advance other grounds and proofs 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.

District Education Officer (Male) Peshawar

ØIRECTOR)

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

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(SECRETARY)

Elementary & Secondary Khyber Pakhtunkhwa, Peshawar.

## **Affidavit**

Stated on Oath the content of the reply is correct to the best of mu knowledge and nothing has been concealed from this honorable service tribunal.

District Education Officer
(Male) Peshawar