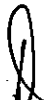



07.11.2022

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.

  
(Fareeha Paul)  
Member (E)

  
(Rozina Rehman)  
Member (J)

4-1-23

SCANNED  
KPST  
Peshawar

due to Rush of work, therefore  
case is adjourned to 13-4-23  
Reader

26.07.2022

Appellant person through counsel.

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

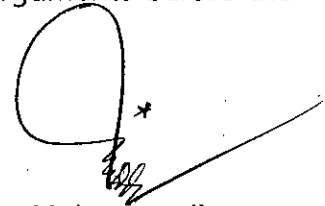
Reply/comments on behalf of respondents is still awaited. Learned AAG requested for time to submit reply/comments; opportunity is granted. To come up for reply/comments on 28.09.2022 before S.B.



(Rozina Rehman)  
Member (J)

28.09.2022

Learned counsel for the appellant present. Mr. Muhammad Riāz 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

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.

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.

Rs-600/-  
Appellant Depo  
Security & Process Fee

Amir Jilani  
30/5/22

SCANNED  
KPST  
Peshawar

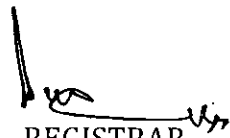
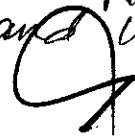
(Mian Muhammad)  
Member (E)

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

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	<p>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.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	<p><i>Noted by counsel. M-Zaman 8/4/2022</i></p>	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put up there on <u>25.05.2022</u> Notices be issued to the appellat and his counsel. For the date fixed</p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: right;"><small>2022 In... Khyber Pakhtunkhwa Peshawar</small></p>

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  
PESHAWAR.

Mr. Mir Zaman Safi Adv. Pesh.

*Sir,*

*All objections have been removed,  
hence re submitted today dated 01.04.2022.*

*Mir Zaman Safi*  
01/04/2022

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

APPEAL NO. 463/2022

IFTIKHAR KHAN

VS


EDUCATION DEPTT:

**INDEX**

S.NO.	DOCUMENTS	ANNEXURE	PAGE
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2	Affidavit	.....	5.
3	Notification dated 11.07.2012	A	6- 7.
4	Retirement order	B	8.
5	Forwarding letter	C	9.
6	Order dated 26.01.2013	D	10- 11.
7	Notification dated <u>6.02.2013</u>	E	12- 13.
8	Memo of writ petition	F	14- 16.
9	Order sheet	G	17.
10	Letter dated 07.10.2016	H	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.

APPELLANT

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, SPST (BPS-14) (Rtd.);  
GPS No.2, Mushtar Zai, Peshawar..... APPELLANT

VERSUS

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

- 1- That appellant was the employee of respondent department and had served the department as PST (BPT-12) from the date 1<sup>st</sup> 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 11.07.2012 is attached as Annexure .....A.

- 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 ..... **B.**
- 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.....**C.**
- 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.....**D & E.**
- 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.....**F, G & H.**
- 7- That after disposal of the aforementioned writ petition No.4444-P/2016 the appellant time and again visjited 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.
- 8- That appellant feeling aggrieved preferred an application before the Hon'ble Chief Justice of Peshawar High Court, Peshawar which was converted into the writ petition No.2757-P/2017 where after the respondent Department issued promotion Notification dated 27.09.2017 and the appellant alongwith his other two other colleagues were promoted to the post of SPST (BPS-14) with effect from 11.07.2012 but subsequent promotion to the post of PSHT (BPS-15) had been denied. Copies of the application, Notification dated 27.09.2017 and order sheet dated 28.09.2017 are attached as annexure.....**I, J & K.**
- 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 Rules 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*

**IFTIKHAR KHAN**

THOROUGH:

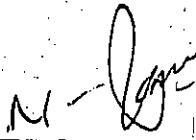
*Mir Zaman Safi*  
**MIR ZAMAN SAFI**

&

**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**

APPEAL NO. \_\_\_\_\_/2022

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:-

S#	Nomenclature of Teaching Cadre Post	Location	Existing Basic Pay Scale	New approved Basic Pay Scale	Remarks
1.	Primary School Teacher	Govt. Primary School	BPS-5 BPS-6 BPS-7 BPS-9 BPS-10 BPS-12	(BPS-12)	The post of PST is up-graded to BPS-12. Accordingly 33,497 posts of PSTs already sanctioned in various pay scales are upgraded to BPS-12 for the present incumbents as well as future appointees.
2.	Senior Primary School Teacher (Sr. PST)	"do"	Newly upgraded/ Re-designated Post	(BPS-14)	22,331 posts of the existing PSTs in various existing pay scales are upgraded to BPS-14 and re-designated as Senior PST. The posts will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any for the post
3.	Primary School Head Teacher (PSHT)	"do"	Newly upgraded/ Re-designated Post	(BPS-15)	20,804 posts of the existing PSTs (one post in each Primary School) are upgraded to BPS-15 and re-designated as Primary School Head Teacher and will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any for the post
4.	Certified Teacher (CT)	Govt. Middle/High / Higher Secondary School	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of CTs are upgraded to BPS-15 for the present incumbents to post as well as future.
5.	Senior Certified Teacher (SCT)	"do"	Newly upgraded/ Re-designated Post	(BPS-16)	One thirds (1/3 <sup>rd</sup> ) of the total CT posts are upgraded to BPS-16 and re-designated as Senior CTs which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any for the post.
6.	Arabic Teacher (A.T)	"do"	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of ATs are upgraded to BPS-15 for the present incumbents to post as well as future.
7.	Senior Arabic Teacher (Sr. A.T)	"do"	Newly upgraded/ Re-designated Post	(BPS-16)	One thirds (1/3 <sup>rd</sup> ) of the total AT posts are upgraded to BPS-16 and re-designated as Senior ATs which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any for the post.
8.	Teacher of Theology (TT)	"do"	BS-07 BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of TTs are upgraded to BPS-15 for the present incumbents to post as well as future.
9.	Senior Teacher of Theology (STT)	"do"	Newly upgraded/ Re-designated Post	(BPS-16)	One thirds (1/3 <sup>rd</sup> ) of the total TT posts are upgraded to BPS-16 and re-designated as Senior TTs which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any for the post.
10.	Drawing Master (DM)	"do"	BS-09 BS-10	(BPS-15)	All the existing posts of DMs are upgraded to BPS-15 for the present incumbents to post as

A-6

Bakhtyar Akhbar  
 Sadda, Dist. Muzaffargarh  
 0333-507993



GOVERNMENT OF  
 KHYBER PAKHTUNKHWA  
 ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated: Peshawar, 11/07/2012

**NOTIFICATION:**

No. SO (A1 & A11)/JSE/ED/ST/2012. Sanction of the Government of Khyber Pakhtunkhwa is hereby accorded to the upgradation 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:-

Sr. No.	Non-tenure Post	Location	Existing Basic Pay Scale	Newly Approved Basic Pay Scale	Remarks
1.	Primary School Teacher (PST)	Cvt. Primary School	BPS-5 BPS-6 BPS-7 BPS-9 BPS-10 BPS-12	(BPS-12)	The post of PST is upgraded to BPS-12. Accordingly 33,497 posts of PSTs already sanctioned in various pay scales are upgraded to BPS-12 for the present incumbents as well as future appointees.
2.	Senior Primary School Teacher (Sr. PST)	"do"	Newly Upgraded/Redesignated Post	(BPS-14)	7277 posts of the existing PSTs in various existing pay scales are upgraded to BPS-14 and redesignated as Senior PST. The posts will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
3.	Primary School Head Teacher (PSHT)	"do"	Newly Upgraded/Redesignated Post	(BPS-15)	20,804 posts of the existing PSTs (one post in each Primary School) are upgraded to BPS-15 and redesignated as Primary School Head Teacher and will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
4.	Certified Teachers (CT)	Cvt. Middle/High or Higher Secondary School	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of CTs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
5.	Senior Certified Teachers (Sr. CT)	"do"	Newly Upgraded/Redesignated Post	(BPS-16)	One third (1/3) of the total CT posts are upgraded to BPS-16 and redesignated as Senior CTs which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
6.	Arabic Teachers (AT)	"do"	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of ATs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
7.	Senior Arabic Teachers (Sr. AT)	"do"	Newly Upgraded/Redesignated Post	(BPS-16)	One third (1/3) of the total AT posts are upgraded to BPS-16 and redesignated as Senior AT which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
8.	Teacher of Theology (TT)	"do"	BS-07 BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of TTs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
9.	Senior Teacher of Theology (Sr. TT)	"do"	Newly Upgraded/Redesignated Post	(BPS-16)	One third (1/3) of the total TT posts are upgraded to BPS-16 and redesignated as Senior TT which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
10.	Drawing Master (DM)	"do"	BS-09 BS-10 BS-12 BS-14	(BPS-15)	All the existing posts of DMs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.

*M. Javed*

7

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

7

Physical Education Teachers (PET's)	"do"	BS-09 BS-10 BS-12 BS-14 BS-15	(DPS-15)	All the existing posts of PET's are upgraded to BPS-15 present incumbents to the post as well as future appointees.
Senior Physical Education Teachers (Sr. PET's)	"do"	Newly Upgraded/ Redesignated Post	(DPS-16)	One thirds (1/3 <sup>rd</sup> ) of the total PET's posts are upgraded to BPS-16 and the remaining two thirds (2/3 <sup>rd</sup> ) will be filled in the manner as may be prescribed by the Ministry of Secondary Education Department by making necessary service rules or amending the existing service rules if any for the post.
Qari/Qaria	"do"	BPS-7 BPS-9 BPS-10 BPS-12 BPS-14 BPS-15	(DPS-12)	All the existing posts of Qari/Qaria are upgraded to BPS-12 for the present incumbents to the post as well as future appointees.
Sr. Qari/Sr. Qaria	"do"	Newly Upgraded/ Redesignated Post	(BPS-15)	One thirds (1/3 <sup>rd</sup> ) of the total Qari/Qaria posts are upgraded to BPS-15 and redesignated as Senior Qari/Qaria which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing 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, punctuality, results, curricular and co-curricular achievements and other performance indicators, so that the teachers do not take the scheme for granted but work for it.
3. District wise/ school wise breakup of the posts is enclosed herewith as Annexure-A.

SECRETARY

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

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

*[Signature]*  
SECTION OFFICER (FR)  
FINANCE DEPARTMENT

1. Of even Number & Date

- Copy of the above is forwarded to:-
1. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department, with reference to his letter No SO(FR)/FD/10-22(E)/2010 dated 26.06.2012.
  2. P.S. to Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
  3. P.S. to Special Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
  4. P.S. to Deputy Secretary-II, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
  5. P.S. to Minister of E&SE, Khyber Pakhtunkhwa.
  6. The Director, E&SE Khyber Pakhtunkhwa, Peshawar.
  7. All the Executive District Officers, E&SE, Khyber Pakhtunkhwa.
  8. The Managing Director, Printing Press, Khyber Pakhtunkhwa, Peshawar.
  9. Master file.

*[Signature]*

B-8

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

RETIREMENT 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

NOTE :-

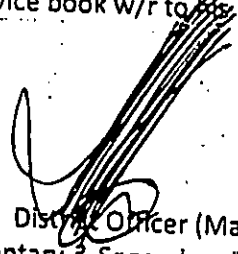
1. These orders are final and will not be revoked at any stage.
2. Necessary entry to this effect should be made in his Service Book.
3. His date of Birth is 04/09/1952

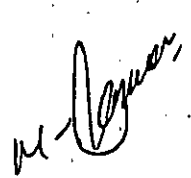
Executive District Officer,  
Elementary & Secondary Education,  
Peshawar.

Endst: No. 6100-1 / Dated Peshawar the 10/11 /2012

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

1. District Accounts Officer Peshawar.
2. Deputy District Officer (Male) Peshawar alongwith service book w/r to Ss No. 1331 dated 9/10/2012

  
Deputy District Officer (Male)  
Elementary & Secondary Education,  
Peshawar.





C-9

Sub Divisional Education Officer  
(Male) Peshawar.

No. 2245 / Verification

Dated 05.1.16 /2015

To

The District Education Officer  
(M) Peshawar

Subject: appeal for upgradation  
Memo.

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 please

S No	Name of teacher	Name of school GPS	Seniority list No	Date of retirement
1.	Aziz Ur Rehman	GPS Zahir Abad	S No 14	30/9/2012
2	Mukhtar Khan	GPS Jhasar Zai	S No 42	03/9/2012
3	Mohammad Ishaq	GPS No Civil Quarte	S No 50	6/12/2012

Sub Divisional Education Officer  
(Male) Peshawar

*M. J. Khan*



12  
D-10

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/SSHC/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 admissible under the rules on regular basis under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with immediate effect.

S.NO.	S/L NO.	CIRCLE	NAME OF TEACHER	PRESENT POSTING
1	3	D/Zai	Gul Akbar	GPS No.2 Mewra
2	4	H/ Abad	Javed Hussan	Agriculture Colony
3	6	Mathra	Hidayat Ullah	GPS Haryan Garh
4	8	City	Muhammad Zaman	GPS Hazr Khawani 4
5	10	Mathra	Khawas Khan	GPS Palwar Bala
6	12	City	S. Amanullah Shah	GPS Kolla Feel Bawar
7	16	H/Abad	Abdul Qayyum	Mullazai
8	17	City	Yousaf Jan	GPS Sharif Abad
9	18	City	Khalil Ur Rahman	GPS Salthian
10	20	B/Bor	Islam Shah	GPS Sheikhan Bala
11	23	D/Zai	Noor Muhammad	GPS Zlaral Koroono
12	24	C/Pura	Sher Rehman	GMPS Gulozai
13	25	Canli	Bismillah Jan	GPS Khadra Khel
14	26	Canli	Muhammad Ashraf	GPS Audit Colony Pesh.
15	27	C/Pura	Almas Khan	GPS No.1 Chamkani
16	28	City	Fazal Manan	GPS Sarbiland Pura 1
17	29	City	Rahat Ullah	GMPS Afghan Colony #3
18	31	Canli	Naik Muhammad	GMPS Shero Jangl
19	32	City	Muhammad Saeed	GPS Akhoon Abad
20	35	D/Zai	Kishwar Khan	GPS Muslim Abad (Ramkishan)
21	36	C/Pura	Qamar Zaman	GPS Jogain
22	33	City	Muhammad Said	GPS Ganj Mandi
23	41	C/Pura	Sabir Ali Shah	GPS Wadpagga No.1
24	48	Canli	Sadiq Ali	GPS Manakrao
25	50	Canli	Ali Rehman	GMPS Kochi Abad Nasir Abad
26	51	City	Abdul Wakil	GPS Shah Dhand
27	52	Canli	Inayat Ullah	GPS Audit Colony Pesh.
28	53	Canli	Abdul Wakeel	GPS Irrigation Colony

*(Signature)*

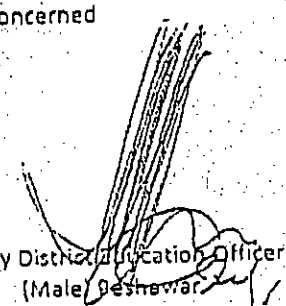
- 18  
11
6. Their adjustment order under the existing policy will be issued separately.
  7. No TA / DA is allowed for joining his duty.
  8. Necessary entry to this effect should be made in their service books.
  9. They will give an under taking to this effect to be recorded in their service books.

Sharif Gul  
District Education Officer,  
(Male) Peshawar.

Endst: No. 1499-2660/ PST(M) /Promotion Dated Peshawar the 26<sup>th</sup> 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 academic / professional qualification documents i.e FA / PTC or equivalent of the above named teachers from the concerned Board / Agencies before fixation salaries.
4. Assistant Sub Divisional Education Officer (Male) circles concerned
5. Officials concerned.

  
Deputy District Education Officer,  
(Male) Peshawar.

ORDER of Sr: PST (M)



E - (12)

00

ATA

**DISTRICT EDUCATION OFFICER (MALE) PESHAWAR.**

**NOTIFICATION:-**

Consequent upon the recommendations of Departmental Promotion 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 Govt. of Khyber Pakhtunkhwa Elementary and Secondary Education Department order No. SO (B&A) 1-18/E&SE/2008 dated 12/10/2012 and No. SO(PE) 4-S/SSRC/Meeting/ 2012/ Teaching Cadre dated 13/11/2013 with immediate effect in the interest of public service.

Sr	Name of Circle	Teacher Name	From	Adjusted at
1	D/Zai	Gul Akbar	GPS No.2 Meyra	GPS No.1 Mashoo Khel
2	H/ Abad	Javed Hussan	Agriculture Colony	GPS Agriculture Colony
	Mathra	Hidayat Ullah	GPS Haryan Garh	GPS Haryan Garh
	City	Muhammad Zaman	GPS Hazr Khawani 4	GPS Kas Mera
	Mathra	Khawas Khan	GPS Patwar Bala	GPS Patwar Bala
	City	Saeed Ahmad	Gmps Ashrafia #.2	GPS Bazid Khel No.3
	City	S. Amanullah Shah	GPS Kolla Feel Banan	GPS KOTLA FEEL BANAN
	H/Abad	Abdul Qayyum	Mullazai	GPS Mullazai
9	City	Yousaf Jan	GPS Sharif Abad	GPS No.1 Afghan Colony
10	City	Khalil Ur Rahman	GPS Saithian	GPS Garhi Fazil
11	B/Ber	Islam Shah	GPS Sheikhan Bala	GPS SHEIKHAN BALA
12	D/Zai	Noor Muhammad	GPS Ziarat Koroona	GPS Ziarat Korona
13	C/Pura	Sher Rehman	Gmps Gulozai	GPS Pakha Ghulam No.3
14	Canll	Bismillah Jan	GPS Khadra Khel	GPS Khadra Khel
15	Canll	Muhammad Ashraf	GPS Audil Colony Pesh.	GPS Sardar Garhi
16	C/Puru	Almas Khan	GPS No.1 Chamkani	GPS No.1 Chamkani
17	City	Fazal Manan	GPS Sarbiland Pura 1	GPS Mera Urmur Payan No.3
18	City	Rahat Ullah	Gmps Afghan Colony #3	GPS Mera Akka Khel Mathra
19	Canll	Nalik Muhammad	Gmps Shero Jangi	GPS Batlan
20	City	Muhammad Saeed	GPS Akhoun Abad	GPS No.4 Chamkani
21	D/Zai	Kishwar Khan	GPS Muslim Abad (Ram Kishan)	GPS Jati Bala.3
22	C/Pura	Qamar Zaman	GPS Jogain	GPS Qadaem Killi
23	City	Muhammad Said	GPS Ganj Mandi	GPS Yakatoot
24	C/Pura	Sabir Ali Shah	GPS Wadpagga No.1	GPS Hargoni
25	Canll	Sadiq Ali	GPS Manakrao	GPS Kotla Mohsin Khan
26	Canll	Ali Rehman	Gmps Kochi Abad Nasir Abad	GPS Dehli Dher Badber No.2
27	City	Abdul Wakeel	GPS Shah Uhand	GPS Esa Khel Hameed
28	Canll	Inayat Ullah	GPS Audil Colony Pesh.	GPS Sallar Shah

*(Signature)*

13

Sr	Name of Circle	Teacher Name	From	Adjusted at
529	H/Abad	M. Zahid Ullah	GPS Badshah Gul Regi	GPS Nutha Qadeem No. 4
530	H/ABDU	M. Abdul Qadir	Garhi Ikramullah	GPS No. 2 Regi Lalma
531	City	Hayat Muhammad	GPS Haidar Colony 1	GPS HAIDAR COLONY 1
532	Cunf	Jahan Ullah	GPS Irrigation Colony	GPS Gara Tojik

Note:

1. Necessary entry should be made in their service books.
2. Undertaking should be obtained and past in their service books
3. Charge report should be submitted to all concerned.
4. No TA / DA is allowed.

District Education Officer,  
(Male) Peshawar.

Encls. No. 3570-4102/Ajd (PSHT)

Dated: Peshawar the 6<sup>th</sup> February, 2013ou

Forwarded for information to the:-

1. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Accountant General Khyber Pakhtunkhwa Peshawar.
3. 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 from concerned boards/agencies.
4. Officers concerned.

*[Handwritten signature]*

*[Handwritten signature]*

Deputy District Education Officer,  
(Male) Peshawar.

*[Handwritten signature]*

PSHT Adjustment order (SAT)

F- (14)

IN THE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No. 4444 / of 2015



1. Aziz-ur Rehman, PST (Retired), resident of Mohallah Sethi Abad, Street # 2, Yakatoot Gate, Peshawar.
2. 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**

1. 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.
3. 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 TES

FILED TODAY  
Deputy Registrar  
21 DEC 2015

*Handwritten signature*

EXAMINER  
Peshawar  
30 SEP

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 pretext that they were retired from service before D.P.C, therefore, they cannot be promoted. (Annex: C&D).

5. That the petitioners were senior most incumbents of Education 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 up-gradation, they would sustain three fold losses:-

- (i) Loss of 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  
21 DEC 2015

*[Handwritten signature]*

ATTESTED  
Deputy Registrar  
21 DEC 2015

16

placed before the D.P.C, as they were in service when the Up-gradation 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 Up-gradation on Proforma Basis from the date when their juniors/colleagues were Up-graded, *Setting aside order dated 28.10.2015 being 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.

*Aziz-ur-Rahman*  
Petitioners

Through:

*[Signature]*  
(Shahzada Irfan Zia)  
Advocate, Peshawar.

Dated: 01.12.2015

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.

*[Signature]*  
Advocate.

BOOKS OF LAW:

1. Constitution of Islamic Republic of Pakistan, 1973.
- Case law according to need.

FILED TODAY  
Deputy Registrar  
2-1 DEC 2015

*M. Anwar*

CERTIFIED TO BE TRUE COPY  
Examined  
Peshawar High Court, Peshawar  
Authenticity under Article 17 of  
the Constitution of Pakistan Order dated  
30 SEP 2016



9-17

PESHAWAR HIGH COURT, PESHAWAR  
FORM OF ORDER SHEET

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
21.09.2016	<p><u>W.P.No.4444-P/2015</u></p> <p>Present: Shahzada Irfan Zia, Advocate for petitioner. Mr. Rab Nawaz Khan, AAG for respondents alongwith Razwali Khan, DEO (M) Peshawar.</p> <p><u>NISAR HUSSAIN KHAN, J.:-</u> Petitioner has filed instant petition for retrospective upgradation of his post on the basis of Notification No.SO (B&amp;A) 1-18/E&amp;SE/2008 dated 12.10.2012 and No.SO (PE) 4-5/SSRC/Meeting/2012/Teaching Cadre dated 13.11.2013.</p> <p>2. Learned AAG alongwith Razwali Khan, DEO (M) appeared in person and submitted a copy of Notification No. SO (B&amp;A)/1-18/E&amp;SE/2012 dated 11.7.2012 and stated that they 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.</p> <p>3. In view of 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 by respondents as soon as possible.</p> <p><i>SN - Nisar Hussain Khan</i> J. JUDGE <i>SN - Musabbat Hilal</i> J. JUDGE</p>

3931

21-09-16

24/09/16

57

(Shahid Ali)

10-00

30-09-16

30-09-16

30-09-16

30-09-16

30-09-16

CERTIFIED TO BE TRUE COPY

Examiner  
Peshawar High Court Peshawar  
Authorized Under Article 47 of  
the Constitution of Pakistan Order No. 4

30 SEP 2016

*M. Jaffer*

BETTER COPY-18

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.

H-18

DISTRICT EDUCATION OFFICER,  
(MALE) PESHAWAR.

No. \_\_\_\_\_  
Dated 7/6/2016.

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

Subject: SUBMISSION OF WORKING PAPERS FOR DPC.

Memo

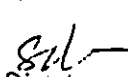
You are directed to submit working papers (In-triplicate) for promotion of the following RTD PST from BPS-12 to SPST BPS-14 and BPS-14 to PSHT BPS-15.

S.No	Name of Retired Teacher	Name of School
1	M. Akbar Rehman PST (RTD)	GPS Zargar Abad Peshawar
2	M. Muhammad Shariq PST (RTD)	GPS No.1 Civil Quarters Peshawar
3	M. Iftikhar Khan PST (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. ACI for the last five years.
3. Non involvement certificate.
4. Synopsis
5. Payroll
6. BPS Data
7. Result for last (03-years)

(This is most urgent)

  
Deputy District Education Officer,  
(Male) Peshawar.

Encls No. 3

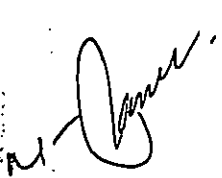
Copy forwarded to the  
Deputy Registrar (Judicial) Peshawar High Court Peshawar.

Copy to Director (ESSE) Khyber Pakhtunkhwa Peshawar.

M. Akbar Rehman PST (RTD) C/O Head Master GPS Zargar Abad Peshawar.

M. Muhammad Shariq PST (RTD) C/O GPS No.1 Civil Quarters Peshawar.

M. Iftikhar Khan PST (RTD) C/O GPS Mushtarzai Peshawar

  
Deputy District Education Officer,  
(Male) Peshawar.

I - (19)

بخدمت جناب چیف جسٹس یحییٰ آفریدی صاحب

پشاور ہائی کورٹ پشاور

عنوان:- اپیل برائے اب گریڈیشن / پروموشن

جناب عالی!

مورد بانہ گزارش ہے کہ ہم تین ساتھیوں نے اپ گریڈیشن کیلئے معزز عدالت کا دروازہ کھٹکھٹانے کیلئے سال 2015ء میں ایک رٹ پٹیشن (WP.4444/2015) دائر کی تھی۔ مورخہ 21/09/2016 کو ایڈیشنل ایڈووکیٹ جنرل کے ہمراہ ڈی ای او صاحب پشاور نے معزز جسٹس صاحبان کے روبرو کہا کہ میں دو ہفتوں میں ان کے مسئلے کو حل کرونگا۔ اس سلسلے میں ہم سے پروموشن کے لئے دستاویزات طلب کی گئیں جو ہم نے فراہم کیں مگر ڈی ای او صاحب نے آج تک ہمیں کوئی اطلاع نہیں دی صرف اتنا کہہ دیا کہ ہم نے متعلقہ جسٹس صاحب کو اطلاع دیدی ہے۔

لہذا استدعا کی جاتی ہے کہ آپ جناب ہمارے مسئلے کو ترجیحی بنیادوں پر حل کرنے کا حکم صادر فرما کر مشکور فرمائیں۔

تاریخت دعا گور ہیں گے۔

مورخہ 14/04/2017

رہنمائی

ساتھ:-

1- عزیز الرحمن جی پی ایس زرگر آباد پشاور 2- افتخار خان جی پی ایس شتر پشاور

3- محمد اسحاق جی پی ایس سول کوارٹر پشاور

M. J. J.

DEPUTY REGISTRAR  
Deputy Registrar

06 JUL 2017

WP2757P2017-CF

ATTESTED  
EXAMINED  
Peshwar High

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PESHAWARNOTIFICATION

In compliance of order dated 13/09/2017 passed by the Honorable Peshawar High Court Peshawar in W.P No.2757-P/2017 and in pursuance of Govt. of KPK (E&SE) Department Peshawar Notification No.SO(B&A) 1-18/E&SE/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	Teacher Name	From
1	Aziz ur Rehman, Rtd:PST	GPS Zargar Abad Peshawar
2	Iftikhar Khan, 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 gratuity etc.

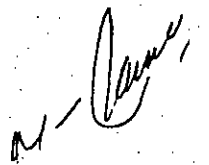
(JADDI KHAN KHALIL)  
District Education Officer  
(Male) Peshawar

Endst No: 6637-42Dated 27/9/2017

Copy of the above is forwarded to the:

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

  
Dy: District Education Officer  
(Male) Peshawar



K-21



PESHAWAR HIGH COURT, PESHAWAR  
FORM OF ORDER SHEET

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
28.09.2017	<p><u>W.P No. 2757-P of 2017</u></p> <p>Present: <i>Petitioner No.1 in person.</i></p> <p><i>M/S. Mujahid Ali Khan and Rab Nawaz Khan, AAGs, for the respondents.</i></p> <p>*****</p> <p><u>QAISER RASHID KHAN, J:-</u> The latter produced copy of the notification bearing Endst: No. 6637-42 dated 27.09.2017 (placed on file) whereby the petitioners have been promoted to BPS-14 with effect from 11.07.2012. Since the grievance of the petitioners has been redressed, therefore, this petition is disposed of accordingly.</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p> <p style="text-align: center;"><i>or [Signature]</i></p> <p style="text-align: right;"><i>[Signature]</i> CERTIFIED TO BE TRUE COPY Peshawar High Court, Peshawar Authorized Under Article 67 of the Constitution of Pakistan 1973 022 FEB 2021</p>
No. <u>27213</u> Date of Presentation of Application <u>22/2/2021</u> No of Pages <u>2</u> Copying fee <u>100/-</u> Total <u>100/-</u> Date of Preparation of Copy <u>22/2/2021</u> Date of Delivery of Copy <u>22/2/2021</u> Received By <u>[Signature]</u>	

بمضور جناب ڈائریکٹر صاحب ایلمینٹری ایجوکیشن خیبر پختونخوا پشاور

عنوان: محکمہ کارروائی برائے ترقی از آسامی (SPST (BPS-14) و PSHT (BPS-15)

جناب عالی:

مودبانہ گزارش ہے کہ من سائل محکمہ تعلیم میں بطور PST تعینات تھا جو کہ مورخہ 26/06/2012 کو محکمہ فنانس نے تمام کیڈر کے اساتذہ کو اپ گریڈ کر کے نوٹیفیکیشن جاری کرتے ہوئے پی ایس ٹی کو بی پی ایس کو BPS-07 سے BPS-12 میں اپ گریڈ کر دیا گیا۔


جناب والا: ہم تین اساتذہ تین ماہ، دو ماہ اور چھ ماہ تک ملازمت میں رہیں۔ مگر اس عرصہ میں ڈی پی سی کا انعقاد نہیں ہوا اور ہم تینوں اساتذہ ریٹائرڈ ہو گئے۔ ڈی پی سی کے انعقاد پر ہمارے نام سناریٹی لسٹ میں سے نکال دیے گئے۔ حالانکہ ہمارے نام سناریٹی میں سیریل نمبر 14, 42, 50 پر درج تھے۔ اس مقصد کے لیے ہم نے ڈائریکٹر ایلمینٹری ایجوکیشن کی خدمت میں اپیل کر دی جو کہ انہوں نے مسترد کیا۔ مجبوراً ہم نے پشاور ہائی کورٹ پشاور کا دروازہ کھٹکھٹایا اور 21 دسمبر 2015 کو رٹ پیشین دائر کی دو تین پیشوں کے بعد ڈی ای او صاحب رازدلی خان کی A.A.G کے ہمراہ پیش ہوئے معزز جسٹس صاحبان نے ڈی ای او سے سوال کیا کہ اگر آپ لوگ ڈی پی سی کا بروقت انعقاد کر لیتے تو ان اساتذہ کو یہ پروموشن مل جاتی تو ڈی ای او صاحب نے اعتراض کیا کہ جی انہوں نے وزیر محکمہ تعلیم کی نوٹیفیکیشن کی کاپی عدالت کو فراہم کر دی اور بتایا کہ ان کے کیس کو دو ہفتوں میں Considered کر دیے گئے۔ طویل انتظار کے بعد ڈی پی سی ای او صاحب نے عدالت عالیہ کو اطلاع دی اور نہ ہی ہمیں۔ تو ہم نے مجبوراً ایو من رائٹس سیل پشاور ہائی کورٹ کی وساطت سے ایک اپیل دائر کی۔ ان کی طرف سے محکمہ کو کئی خطوط لکھے گئے مگر کوئی جواب نہیں ملا۔ اس طرح ہمارے اپیل کو رٹ پیشین میں تبدیل کر دیا گیا اور مورخہ 17/09/2017 کی تاریخ مقرر کر دی پیشی پر ڈی ای او صاحب بمعہ ماجد علی خان اور رب نواز خان A.A.Gs پیش ہوئے۔ معزز جسٹس صاحبان نے ڈی ای او صاحب سے وہی کہا تھا اس پر انہوں نے اگلی پیشی پر ہماری پروموشن کا نوٹیفیکیشن پیش کیا جس میں ہمیں 15 کے بجائے 14 دیا گیا۔ جب ہم نے دفتر میں سپرٹنڈنٹ رحیم بخش سے بات کی تو اس نے بتایا کہ ایک پروموشن لینے کے بعد دوسرے پروموشن کے لیے ایک سال کا پروموشن پیریڈ درکار ہوتا ہے۔ مگر جب ہمیں پتہ چلا کہ جن اساتذہ کو گریڈ 14 اور 15 دیا گیا ہے تو دونوں آرڈرز میں صرف 12 دن کا فرق ہے تو دیگر اساتذہ کے پروموشن آرڈرز کو مد نظر رکھ کر ہمارا بھی حق بنتا ہے کہ ہمیں بی پی ایس 15 میں اسی تاریخ سے پروموشن دی جائے جس تاریخ سے دیگر اساتذہ یعنی ہمارے جو تیزر کو پروموشن دیا گیا ہے۔

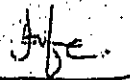
لہذا استدعا ہے کہ بمنظوری درخواست ہذا پروموشن برائے آسامی بی پی ایس 15 بمعہ گزشتہ تمام مراعات دینے کے احکامات

صادر فرما کر مشکور فرمائیں۔

عین نوازش ہوگی

مورخہ: 13/12/2021





انٹار خان (سابقہ PST) جی پی ایس نمبر 2 مشتری زرگر آباد پشاور

**VAKALATNAMA**

**BEFORE THE** Khyber Pakhtunkhwa Service Tribunal  
Peshawar

OF 2022

Iftikhar Khan

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Deptt.

(RESPONDENT)  
(DEFENDANT)

I/We Iftikhar Khan

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

Iftikhar Khan  
CLIENT

Mir Zaman Safi  
**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**

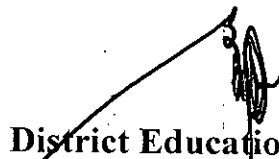
**TRIBUNALKHYBERPAKHTUNKHWA PESHAWAR**

**SERVICE APPEAL No.463/2022**

Mr.: IFTIKHAR KHAN vs. EDUCATION DEPARTMENT

**INDEX**

S#	DOCUMENTS	ANNEXURE	PAGE
1	REPLY		1 AND 2

  
**District Education Officer**  
**(Male) Peshawar**

**BEFORE THE SERVICE**

**TRIBUNAL KHYBER PAKHTUNKHWA 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.

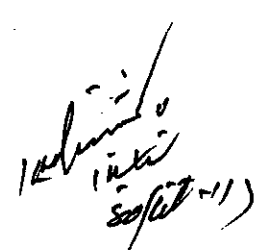
**REPLY ON GROUND:**

- 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.

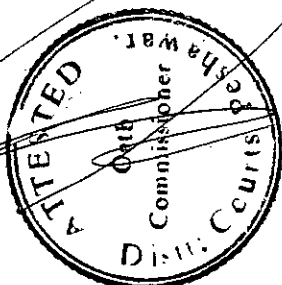
  
District Education Officer  
(Male) Peshawar


  
(DIRECTOR)  
Elementary & Secondary, Education,  
Education Khyber Pakhtunkhwa, Peshawar.

  
(SECRETARY)  
Elementary & Secondary  
Khyber Pakhtunkhwa, Peshawar.

**Affidavit**

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



  
District Education Officer  
(Male) Peshawar