

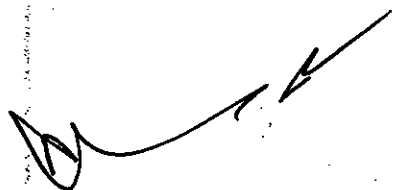
23<sup>rd</sup> Nov, 2022

SCANNED  
POST  
Peshawar

1. Learned counsel for the petitioner present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

2. Learned counsel for the petitioner submitted that he/she did not have contact with the client so as to learn about the present status of the implementation of the judgment. He/she suggested that let this matter be adjourned sine-die, till the time the petitioner contacts the counsel or makes an application to the court. As a token of admission of her submission the learned counsel signed the margin of order sheet. Adjourned sine-die accordingly. Cosign.

3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 23<sup>rd</sup> day of November, 2022.*

  
(Kalim Arshad Khan)  
Chairman

I want to adjourn sine die

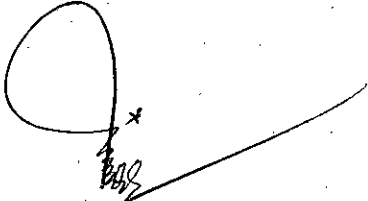
29.09.2022

Nemo for the petitioner present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Beharamand Assistant Director for the respondents present.

Learned Additional Advocate General as well as the respondent department have the contention that the Service Tribunal judgement dated 27.04.2012 has duly been implemented vide Notification dated 15.07.2020. However, the Single Bench on previous date i.e. order sheet dated 16.06.2021 did not agree with arguments of the department and directed to produce the order in light of the operative part of the judgement. Last chance was also granted to learned counsel for the petitioner to submit his objections on the implementation report. However, even today, neither the petitioner nor his counsel turned up to submit the objections on the implementation report. Notice be issued to petitioner as well as his counsel to make sure appearance on the next date so that the pending implementation report in disposed of accordingly. Adjourned. To come up for objection(s)/further proceedings before the S.B on 23.11.2022 .

*2/11/22*  
*Noted*  
*3-11-22*


**SCANNED**  
**KPST**  
**Peshawar**

  
(Mian Muhammad)  
Member (E)

21.07.2022

Learned counsel for the petitioner present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the petitioner requested for further time to file objections on the implementation report. Last opportunity is granted. Adjourned. To come up for objections, if any, on implementation report before the S.B on 29.09.2022.

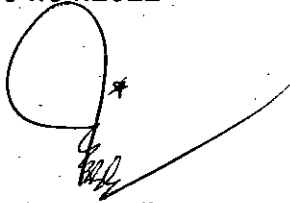
  
(Mian Muhammad)  
Member (E)

D

01.02.2022

Counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Sohail, Assistant for respondents present.

Learned counsel for the petitioner seeks adjournment. Adjourned. To come up for preliminary hearing on 04.04.2022 before S.B.



(Mian Muhammad)  
Member(E)

04.04.2022

None present for the petitioner. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Notices issued to the petitioner and his learned counsel for the next date. To come up for further proceedings on 16.05.2022 before S.B.

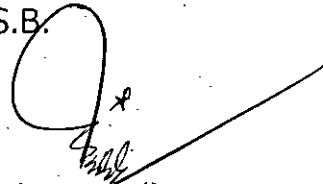


Chairman

16.05.2022

Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl. Advocate General for the respondents present.

Learned counsel for the petitioner requested for further time to file objections on the implementation report. Request accepted. To come up on 21.07.2022 before S.B.



(Mian Muhammad)  
Member(E)

29.09.2021

Miss. Uzma Syed, Advocate, junior of learned counsel for the petitioner present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Junior of learned counsel for the petitioner requested for adjournment on the ground that senior counsel is busy before the Peshawar High Court, Peshawar. Adjourned. To come up for further proceedings before the S.B on 04.11.2021.

  
(MIAN MUHAMMAD)  
MEMBER (E)

04.11.2021

Counsel for the petitioner and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Learned counsel for the petitioner seeks time. Request is accorded. Case to come up for further proceedings on 14.12.2021 before S.B.

  
Chairman

14.12.2021

Learned counsel for the petitioner present. Mr. Asif Masood, Deputy District Attorney for respondents present.

Learned counsel for the petitioner seeks adjournment. Adjourned. To come up for further proceedings on 01.02.2022 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER (E)

EP 187/2012

27.07.2021

Petitioner with counsel and Mr. Muhammad Adeel Butt, Addl. AG alongwith Hayat Khan, AD for the respondents present.

The implementation report in compliance with the order dated 16.06.2021 has been furnished and placed on file. Learned counsel for the petitioner seeks time for going through the implementation report and if necessary to file objection on the implementation report. Case to come up 06.09.2021 before S.B.

  
Chairman

06.09.2021

Counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl. AG alongwith Haseenullah, Asstt. for the respondents present.

Learned counsel for the petitioner seeks further time to file objection on the implementation report. Case to come up on 29.09.2021 before S.B.

  
Chairman

ex-parte, this Tribunal has no other alternative but to accept the appeal and remand the case to the respondent department to consider seniority of the appellant/petitioner from the date of appointment as per law/rules with treatment at par with his other colleagues without discrimination. Although it has been pointed out by learned AAG that notification dated 15.07.2020 (copy available on file) was issued towards compliance of the judgment but the contents of the said notification when read over, do not ensure the compliance of the judgment in letter & spirit. The respondents are required to pass a speaking order with particular reference service laws/rules/notifications applicable in determination of seniority of the government servants holding the petitioner entitled for his claim of seniority or otherwise, purely on merit. They are directed to produce the order in light of the operative part of the judgment on next date i.e. 27.07.2020 before S.B.

  
Chairman

22.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 16.06.2021 for the same as before.



Reader

16.06.2021

Petitioner with counsel and Mr. Abdur Rasheed, DDA alongwith Hayat Khan, A.D for the respondents present.

In the light of Ex-parte judgment dated 27.04.2012 in Service Appeal No. 1236/2011, it was contended on behalf of the appellant/petitioner that having the professional Degrees of B.Sc. (Hons) Agriculture and M.Sc (Hons.) Agriculture appellant/petitioner was fully qualified to hold the post of SET (Agriculture) for which he was granted graded pay w.e.f. date of his appointment. In turn, he also pressed into service his entitlement for fixation of seniority from the said date. According to arguments, the case of the appellant/petitioner before the Tribunal in its essence was for relief of fixation of seniority from the date of his appointment on the said post. What was observed by the Tribunal in pursuance of the said arguments that the available record revealed that having the qualification of B.Sc.(Hons) Agriculture, M.Sc. (Hons) Agriculture, the appellant/petitioner was qualified for the post of SET (Agriculture) at the time of appointment. He had also been granted graded pay from the date of appointment and six advance increment from the date of passing the B.Ed examination i.e. 16.04.1998. The Tribunal held that since the respondents have been placed



05.11.2020

Petitioner is present in person. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is present.

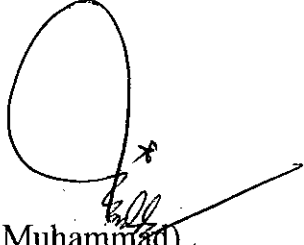
Requisite record as per preceding order sheet dated 14.10.2020 has not been produced by the respondents. Representative of the department is also absent, therefore, notices be issued to the respondents for submission of record as mentioned in preceding order sheet dated 14.10.2020 on 30.12.2020 before S.B.

30.12.2020

Petitioner in person present. ~~(Muhammad Jamal Khan)~~  
~~Mr. Noor Zaman Khattak,~~  
Member (Judicial)  
District Attorney alongwith Mr. Hayat Ullah, AD(Litigation) for respondents present.

Petitioner seeks adjournment as his learned counsel is not available today. The District Attorney on the other hand produced the relevant record pertaining to the qualification of the Mr. Ameer Rehman and the service rules for the post of SET (Agriculture).

Adjourned to 23.02.2021 before S.B.

  
(Mian Muhammad)  
Member(E)

23.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 22.04.2021.


  
Reader

E.P. No. 187/2012  
Fayaz Ali vs Govt

14.10.2020 Counsel for the appellant present. Mr. Kabirullah Khattak, learned Additional Advocate General alongwith Hayat Khan AD for the respondents present.

Learned Additional Advocate General has submitted an application for correction of order sheet dated 31-08-2020, which however was clarified that it was the stance of the learned counsel for the appellant, who have referred to the judgment of Amir Rehman and others in service appeal No. 23/93, where the appellants have been granted seniority from the date of initial appointment and not the status of implementation of that judgment by the respondents. Both the parties started arguing merits/demerits of the case, which however was declined with the remarks that it is not appropriate time to argue the case afresh, rather respondents are supposed to bring forth the implementation report. The learned Additional Advocate General again repeated his earlier stance that the order of the honorable court has already been honored and the appellant have been granted seniority on the analogy of Amir Rehman and others, who also were granted seniority from the date when they obtained B. Ed degrees. In view of the situation and in order to resolve the issue once and for all, respondents are directed to made available the record pertaining to promotion of Amir Rehman in light of the judgment of this tribunal as well as B. Ed Degree of Mr. Amir Rehman to ascertain as to whether he has been granted seniority with effect from his initial appointment or from the date, when he obtained B. ED degree. The respondents shall present the record on 05.11.2020 before SB.

Adjourned accordingly.

  
Member (E)

EP 187/2012

07.10.2020

Petitioner with counsel and Addl. AG alongwith Hayat Khan, A.D for the respondents present.

Representative of respondents has submitted an application for submission of implementation report. Placed on file.

Another application has been submitted on behalf of respondents for correction in the order dated 31.08.2020. The order dated 31.08.2020 was handed down by Mr. Atiqur Rehman Wazir, Honourable Member-E of this Tribunal. It is, therefore, appropriate that decision on the application is also ~~be~~ taken by the said Member.

The proceedings are, therefore, adjourned to 14.10.2020.



Chairman

14.10.2020

Counsel for the appellant present: Mr. Kabirullah Khattak,  
Addl. AG alongwith Hayat Khan AD for the respondents present.

Learned attorney has submitted an application for correction of order sheet dated 31-08-2020, which however was clarified that it was the stance of the learned counsel for the appellant, who have referred to the judgment of Amir Rehman and others in service appeal No. 23/93, where the appellants have been granted seniority from the date of initial appointment and not the status of implementation of that judgment by the respondents. Both the parties started arguing merits/demerits of the case, which however was declined with the remarks that it is not appropriate time to argue the case afresh, rather respondents are supposed to bring forth the implementation report. The learned Additional Advocate General again repeated his earlier stance that the order of the honorable court has already been honored and the appellant have been granted seniority on the analogy of Amir Rehman and others, who also were granted seniority from the date when they obtained B. Ed degrees. In view of the situation and in order to resolve the issue once and for all, respondents are directed to made available the record pertaining to promotion of Amir Rehman in light of the judgment of this tribunal as well as B. Ed Degree of Mr. Amir Rehman to ascertain as to whether he has been granted seniority with effect from his initial appointment or from the date, when he obtained B. ED degree. The respondents shall present the record on 05.11.2020 before SB.

Adjourned accordingly. .




Tribunal decision Service Appeal No.23/93 of Amir Rehman where the appellants have been granted seniority from the date of initial appointment. It is worth to note that the mentioned judgment mainly relies on another judgment of this Tribunal i.e. Shahzad Khan Vs Education Department decided on 27.04.1976, where the respondents have been directed to regularize the service of the appellant from the date of his appointment and who was also holding MSC (Hon) Agriculture, without B.ed degree. The learned counsel for the appellant also referred to the Hon'ble High Court Judgment dated 24.12.2004 W.P No.1662-P/2013.

In view of the available record & arguments of the learned counsel, it was found that the instant judgment as well as the referred judgment have granted seniority to the appellants from the date of initial appointment. It is also demand of the natural justice that how Eight (08) years of service of the appellant can be ignored in-spite of the fact that the appellant was allowed graded pay w.e.f. the date of appointment which negates the claim of the respondent that he was appointed on fixed pay.

It was noted with concern that the appellant has spent eight (08) years of his life contesting this case & now he is on the verge of retirement and the respondents has not settled his issue till date. Hence the respondents are directed to comply with the judgment of this Tribunal and present implementation report on 07.10.2020 before S.B otherwise strict action will be taken in accordance with the law.

Adjourned accordingly.

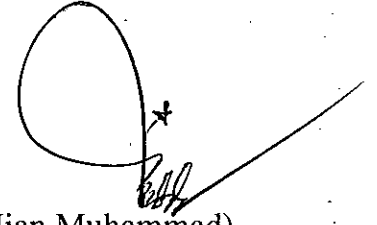
  
Member (E)

15.07.2020

Petitioner in person present. Addl: AG alongwith Mr. Abdul Wahid, Litigation Officer for respondents present.

Representative of the respondents submitted implementation report which is placed on file. Petitioner seeks adjournment as his learned counsel was busy before the Peshawar High Court, Peshawar.

Adjourned to 31.08.2020 before S.B.



(Mian Muhammad)  
Member(E)

31.08.2020

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Addl. AG for the respondents present.

The representative of the respondents presented implementation report alongwith seniority list, whereby seniority of the appellant has been fixed w.e.f. 16.04.1998, the date when he acquired B.e d degree, whereas the appellant claims his seniority w.e.f the date of his initial ~~his~~ seniority w.e.f. the date of his initial appointment i.e. 12.09.1990. The learned AAG also referred to this Tribunal judgment i.e. service appeal No.1002/2015. The learned AAG was asked to quote the rules/law in support of the condition of B.ed and which allows you to ignore Eight (08) years service of an employee. The learned Additional Advocate General simply referred to Section 8(4) chapter-II Khyber Pakhtunkhwa Civil Servant Act 1973.

The learned counsel for the appellant strongly rejected the implementation report and contended that this August Court vide its judgment has very clearly decided the case in favor of the appellant and the respondents were directed to consider seniority of the appellant from the date of his appointment. The learned counsel also referred to this

24.02.2020

Petitioner in person present. Mr. Kabirullah Khattak, Addl. AG alongwith Irfan, Assistant for respondents present. Petitioner requested for adjournment due to non-availability of his learned counsel. To come up for further proceedings/arguments on 19.03.2020 before S.B.

  
(Hussain Shah)  
Member

19.03.2020

Petitioner in person and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Hayat Khan, Assistant Director for the respondents present. Petitioner seeks adjournment on the ground that his counsel is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 27.04.2020 for further proceedings/arguments before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

21.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 15.07.2020 for the same. To come up for the same as before S.B.

  
Reader

EP 187/12

02.12.2019

Petitioner alongwith counsel and Addl. AG alongwith Hayat Khan, A.D for the respondents respondents.

Learned counsel for petitioner has produced copy of notification No. 7006/A-12/Amir Rahman dated 28.08.1995 which is placed on record. Learned AAG requests for adjournment in order to address arguments in the light of notification as well as judgment delivered in Service Appeal No. 23/1993 on 03.08.1993.

Adjourned to 19.12.2019 before S.B.

  
Chairman

19.12.2019

Petitioner in person and Addl. AG alongwith Hayat Khan, AD for the respondents present.

Requests for adjournment due to general strike of the Bar. Adjourned to 23.01.2020 before S.B.

  
Chairman

23.01.2020

Petitioner in person and Addl. AG alongwith Hayat Khan, A.D for the respondents present.

Former once again requests for adjournment due to general strike of the Bar. Adjourned to 24.02.2020 before S.B.

  
Chairman



28.10.2019

Petitioner alongwith counsel and Addl. AG alongwith Hayat Khan, A.D for the respondents present.

The representative of respondents has produced the seniority list pertaining to the year 2001 and states that the name of Amir Rahman appears at S.No. 503 of the list on the basis of attaining B.Ed qualification in the year 1978. He was not accorded seniority from the date of his appointment in the year 1975, it was added.

The implementation report dated 26.10.2016 reflects that the petitioner was denied seniority from the date of his first appointment i.e. 12.09.1990 on the strength of notification No. SO(PE)/2-6/DPC/09 dated 12.06.2009 and notification No. 2492-25/seniority/promotion dated 21.01.2013. The respondents are, therefore, required to produce the referred notifications on next date of hearing in order to lay hands on the formula/yardstick for the award of seniority to the petitioner and his other colleagues. The petitioner has relied upon the memo dated 28.08.1995 whereby Amir Rahman and 7 others were allowed advance increments on the basis of B.Sc (Agri) and their service was regularized against SET (Agri) apparently on the strength of judgment of this Tribunal passed in Appeal No. 23/1993. Office is directed to locate the original record of said service appeal and append with the instant execution petition before next date of hearing.

Adjourned to 02.12.2019 before S.B.

  
Chairman

Fayaz Ali

17.09.2019

Petitioner alongwith counsel and Addl. AG alongwith Irfanullah, Litigation Assistant for the respondents present.

The representative of respondents requests for some more time to produce the requisite record as the same is at D.I.Khan. The representative is required to personally pursue the matter and obtain the record noted in the previous order dated 20.08.2019 where-ever it may be lying and produce the same on next date of hearing.

Adjourned to 01.10.2019 before S.B.



Chairman

01.10.2019

Petitioner alongwith counsel and Addl. AG alongwith Hayat Khan, AD and Irfanullah, Assistant for the respondents present.

It is the stance of petitioner that he has not been given seniority from the date of his appointment while others were extended the benefits. As an example the name of one Amir Rahman, Senior Instructor Government Agri Teaching Training Centre Gulbahar No. 2 Peshawar was cited. On the other hand, the representative of respondents states that the seniority is reckoned from the date of obtaining B.Ed and in all similar cases this principle was followed.

In the circumstances, the respondents are required to produce the seniority list(s) wherein the name of petitioner as well as said Amir Rahman are included with dates of their respective seniority as SET (Agriculture).

Adjourned to 28.10.2019 for further proceedings.



Chairman

55

**DIRECTORATE OF E&SE DEPARTMENT KHYBER PAKHTUNKHWA, PESHAWAR.**

**NOTIFICATION.**

- 1 **Whereas**, the appellant namely Fayaz Ali of GMS Gumbati (FR. Bannu) was appointed against the SET (Agr:) post in BPS-15 vide appointment order No: 35923-30 dated 12/9/1990, on fixed pay issued by the then Director Education (FATA) NWFP now Khyber Pakhtunkhwa, Peshawar on the basis of his academic qualification of M.Sc. (Agriculture).
- 2 **And whereas**, the appellant has been allowed Graded Pay from the date of his 1<sup>st</sup> appointment dated 12/9/1990, & six advance increments on acquiring higher qualification and seniority against the SET (Agri) post from the date of passing B.Ed Examination dated 16/4/1998 by Respondent Department under the prevailing rules .
- 3 **And whereas**, aggrieved from the order dated 16/4/1998 of the grant of seniority against the SET(Agri) post, the appellant has filed a Service Appeal No: 1236/2016, on 16/6/2011 under case Titled Fayaz Ali Khan SET(Agr: ) FR. Lakki Marwat VS Govt: Of KPK & Others before the Honorable Khyber Pakhtunkhwa, Service Tribunal, Peshawar for the grant of seniority w.e.f the date his 1<sup>st</sup> appointment dated 12/9/1990 instead of 16/4/1998, decided *vide judgment dated 27/04/2012 on ex-parte basis with the directions to the Respondent Department to consider the seniority of the appellant from the date of his appointment as per law, rules & he may be treated at par with his other colleagues & may be not discriminated.*
- 4 **And Whereas**, the appellant has filed an Execution Petition No: 187/2012 before the Honorable Khyber Pakhtunkhwa, Service Tribunal, Peshawar for the implementation of Judgment dated 27/4/2012, wherein, the honorable Tribunal directed the Respondent Department, to produce the case Amir Rehman Ex-SET (Agriculture) being a reference case in the instant appeal to look into the matter that whether seniority of Amir Rehman Ex-SET (Agri) he has been granted from the date of his first appointment or from the date passing of B.Ed Examination.
- 5 **And Whereas**, in compliance of the directions of the Honourable Tribunal, the Respondent Department has produced the original documents along with seniority list of Amir Rehman Ex-SET (Agri) to the learned Bench-I, wherein it was observed that seniority to Amir Rehman Ex-SET has granted w.e.f. the date of passing his B.Ed Examination instead of his 1st appointment (Untrained period) by the respondent Department.


Now, therefore, in compliance of the Judgment dated 27/4/2012, of the Honorable Service Tribunal in the titled appeal & in Exercise of the Powers conferred upon the undersigned under the provisions of Section-21 of General Clauses Act 1897, the appellant is not entitled for the grant of seniority against the SET/SST(Agri) Post w.e.f the date of his 1st: appointment dated 12/9/1990, as per provision of Section-8 of the Khyber Pakhtunkhwa Civil Servants Act 1973 with immediate effect and in the interest of Public service.

Director (E&SE) Department  
Khyber Pakhtunkhwa, Peshawar

Endst: No: 613-19 /DD(Legal: ) Fayaz Ali (FR. Bannu) Dated Peshawar the 15 / 7 / 2020

Copy forwarded for information & n/action to the:-

- 1 Registrar Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
- 2 Addl: Advocate General Khyber Pakhtunkhwa, Service Tribunal, Peshawar
- 3 Additional Director (Estab) NMTD Khyber Pakhtunkhwa, Peshawar.
- 4 Dy: Director (Etab:) local Directorate.
- 5 District Education Officer (NMTD Bannu).
- 6 Official concerned.
- 7 PA to Director local office.

  
Deputy Director (E&SE) Department,  
Khyber Pakhtunkhwa, Peshawar.

14/07/2020

*E.P. No. 187/2012, Fayaz Ali vs Govt.*

11.07.2019

Counsel for the petitioner and Addl. AG alongwith Irfanullah, Legal Assistant for the respondents present.

Learned counsel for the petitioner requests for time to submit reply/comments to the implementation report dated 26.07.2016. Similarly learned AAG requests for time to produce copy of notification No. SO(PE)/2-6/DPC/09 dated 12.06.2009.

Adjourned to 20.08.2019 for the needful.

  
Chairman

20.08.2019

Petitioner alongwith counsel and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Hayat Khan, Assistant Director for the respondents present.

The representative of respondents has produced copy of letter dated 12.06.2009 which is placed on record.


Learned counsel for the petitioner requests for further time to prepare the brief and also requests for production of implementation ~~copy~~<sup>status</sup> in respect of judgment passed in Service Appeal No. 23/1993 (Amir Rehman). A reference to the said implementation is made in the letter dated 13.02.1995 by Deputy Director Secondary Education Peshawar to the Divisional Director of Education (S) D.I.Khan and Mardan/Malakand.

The respondents shall cause the production of requisite record on next date of hearing. Adjourned to 17.09.2019 before S.B.

  
Chairman

19.03.2019

Mr. Saad ullah Khan Marwat Advocate submitted waklat nama in favor of petitioner. Mr. Kabirullah Khattak leaned Addl; AG for the respondents present. Adjourn. To come up for further proceedings on 23.04.2019 before S.B.

  
(Hussain Shah)  
Member

23.04.2019

Counsel for the petitioner present. Addl: AG alongwith Mr. Hayat Khan, AD for respondents present. Due to general strike of the Bar the case is adjourned. Case to come up for further proceedings on 13.06.2019 before S.B.

  
(Ahmad Hassan)  
Member

13.06.2019

Petitioner in person and Addl. AG alongwith Muhammad Azeem, A.D for the respondents present.

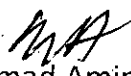
The petitioner requests for adjournment as his learned counsel is not available today due to engagement before the Honourable High Court.

Adjourned to 11.07.2019 for further proceedings before S.B.

  
Chairman

19.09.2018

Petitioner alongwith his counsel present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned Additional AG requested for adjournment. To come up for implementation report on 01.11.2018 before S.B.

  
(Muhammad Amin Khan Kundi)  
Member

01.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 19.12.2018.

  
MEMBER

19.12.2018

Petitioner with counsel and Mr. Kabirullah Khattak learned Additional Advocate General alongwith Hayat Khan AD present. Implementation report not submitted. Representative of the respondents seeks adjournment. Adjourn. To come up further proceedings/implementation report on 06.02.2019 before S.B..

  
Member

06.2.2019

Nemo for the petitioner. Addl. AG alongwith Hayat Khan, AD for the respondents present.

The representative of respondents has submitted a copy of joint seniority list of SETs for the year 2013. The same is placed on file. To come up for further proceedings on 19.03.2019 before S.B.

  
Chairman

01.08.2018

Petitioner Fayaz Ali in person present. Mr. Hameed ur Rehman, AD (Lit) alongwith Mr. Muhammad Riaz Painsdakhel, Asst: AG for respondents present. Representative of the respondents stated that judgment of this Tribunal has been implemented, however, the petitioner is not satisfied from the said. The petitioner again requested for adjournment as his counsel was busy before the august High Court. Being an old case of 2012 short adjournment granted for arguments on 10.08.2018 before S.B.

  
Chairman

10.08.2018

Petitioner Fayaz Ali in person alongwith his counsel Mr. Taimur Ali Khan, Advocate present. Mr. Hameed ur Rehman, AD(lit) alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Learned counsel for the petitioner made a request for adjournment. Granted. Case to come up for further proceedings on 17.09.2018 before S.B.

  
Chairman


17.09.2018

Clerk to counsel for the petitioner present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Case to come up for further proceedings on 19.09.2018 before S.B.

  
(Ahmad Hassan)  
Member

13.12.2017

None for the petitioner present. Addl: AG for respondents present. Notice be issued to the petitioner. To come up for further proceedings on 17.01.2018 before S.B.

  
(Ahmad Hassan)  
Member (E)

17.01.2018

Counsel for the petitioner present. Mr. Kabirullah Khattak, Additional AG for the respondents also present. Petitioner is not present today therefore, notice be issued to him for attendance for 14.03.2018 before S.B.

  
(Muhammad Amin Khan Kundi)  
Member

14.03.2018

Learned counsel for the appellant present. Mr. Muhammad Jan, learned Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for further proceedings on 10.05.2018 before S.B

  
Member

10.05.2018


The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on 01.08.2018.

  
Reader



14.07.2017

Counsel for the petitioner present. Mr. Kabirullah Khattak, Assistant AG for the respondents also present. Learned Assistant AG requested for adjournment. Adjourned. To come up for reply and arguments on 25.08.2017 before S.B.

  
(Muhammad Amin Khan Kundi)  
Member

25.08.2017

Counsel for the petitioner present. Mr. Hameed-ur-Rehman, AD (litigation) alongwith Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Implementation report not submitted. Learned Additional AG requested for further adjournment. Adjourned. To come up for reply and arguments on 13.10.2017 before S.B.

  
(Muhammad Amin Khan Kundi)  
Member


13.10.2017

Petitioner with counsel and Addl:AG for respondent present. Learned counsel for the petitioner seeks adjournment. Adjourned. To come up for further proceedings on 01.12.2017 before S.B.

  
(AHMAD HASSAN)  
MEMBER

30.11.2017

Since 1st December, 2017 has been declared as public holiday on the account of 12<sup>th</sup> Rabi UL Awwal, therefore the case is adjourned. To come up for the same on 13.12.2017 before S.B

  
Reader

13.01.2017

Petitioner with counsel, M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Additional AG for respondents present. Implementation report submitted. Learned counsel for the petitioner want to contest the same. To come up for reply and arguments on 17.03.2017 before S.B.

  
Chairman

17.03.2017

Counsel for the petitioner and Mr. Hameed ur Rehman, AD (Litigation) alongwith Assistant AG for respondents present. Counsel for the petitioner requested for adjournment. Request accepted. To come up for reply and arguments on 05.05.2017 before S.B.

  
(AHMAD HASSAN)  
MEMBER

05.05.2017

Counsel for the petitioner and Mr. Muhammad Adeel Butt, Additional AG for the respondents present. Learned counsel for the petitioner submitted an application alongwith certain documents to be placed before the Court for perusal so as to meet the ends of justice. Document placed on file, copies of which may also be provided to all concerned. To come up for reply and arguments on 14.07.2017 before S.B.

  
(Ahmad Hassan)  
Member

05.08.2016

Petitioner with counsel and Mr. Hameed ur Rehman, AD (Litigation) alongwith Mr. Muhammad Jan, GP for respondents present. Written objection on the implementation report not submitted by learned counsel for the petitioner. To come up for objection and further proceedings on 7-10-16.

  
Member

07.10.2016

Counsel for the petitioner, M/S Khurshid Khan, SO and Mr. Hameed-ur-Rehman, AD (lit.) alongwith Additional AG for respondents present. Counsel for the petitioner submitted written objection upon the implementation report submitted earlier by the respondents. To come up for arguments on 04.11.2016 before S.B.

  
(ABDUL LATIF)  
MEMBER

04.11.2016

Petitioner with counsel and Mr. Hameed ur Rehman, AD (Litigation) alongwith Assistant AG for respondents present. Representative of the respondents submitted another implementation report wherein certain notifications have been mentioned but not annexed with the report. Representative of the respondents is directed to produce notifications/orders mention in the implementation report. To come up for further proceedings on 13.01.2017 before S.B.

  
Member

13.11.2015

Counsel for the petitioner and Mr. Khurshid Khan, SO alongwith Addl: A.G for respondents present. Counsel for the petitioner requested for adjournment as he is not in contact with the petitioner. To come up for further proceedings/implementation report on 12.2.2016 before S.B.

  
CHAIRMAN

12.02.2016

Counsel for the petitioner and Mr. Hameed-ur-Rehman, AD (lit.) alongwith Addl: A.G for respondents present. Implementation report submitted. To come up for objections and arguments if any on the said implementation report on 29.4.2016 before S.B.

  
Chairman

29.4.2016

Petitioner with counsel and M/S Khursheed Khan, SO and Hameedur Rahman, AD for the respondents present. Petitioner requested for adjournment as he intends to submit written objections to the implementation report. To come up for objections and further proceedings on 05.08.2016 before S.B.

  
Chairman

27.03.2015

Counsel for the petitioner and Addl: A.G for respondents present. Learned counsel for the petitioner requested for adjournment. To come up for reply and arguments on implementation report on 9.6.2015 before S.B.

  
Chairman

09.06.2015

Counsel for the petitioner and Addl: A.G for respondents present. Arguments heard and record perused.

According to the judgment of this Tribunal dated 27.4.2012, the respondents were directed to consider seniority of the petitioner from the date of appointment as per law/rules with further directions that he may be treated at par with his other colleagues and may not be discriminated. Since the case of the petitioner has not been considered in accordance with the judgment of this Tribunal as such the respondents are directed to implement the judgment in letter and spirit and submit implementation report on 13.8.2015 before S.B.

  
Chairman

13.08.2015

Counsel for the petitioner, M/S Khurshid Khan, SO and Javed Ahmed, Supdt. alongwith Assistant A.G for respondents present. Implementation report not submitted. Requested for adjournment. Last opportunity granted. To come up for implementation report on 13.11.2015 before S.B.

  
Chairman

21.08.2014

Clerk to counsel for the petitioner and Mr. Muhammad Jan, GP with Khursheed Khan, SO for the respondents present. Due to general strike of the Bar, counsel for the appellant is not available. To come up for reply/arguments on implementation report on 19.11.2014.

MEMBER 

19.11.2014

Clerk to counsel for the Petitioner and Mr. Muhammad Jan, GP with Khursheed Khan, SO for the respondents present. The Tribunal is incomplete. To come up for the same on 10.02.2015.

  
READER

10.02.2015

Agent of counsel for the petitioner and Asstt: A.G for respondents present. Counsel for the petitioner is not in attendance due to strike of the Bar. Adjourned for reply and arguments on implementation report before S.B to 27.03.2015.

  
Chairman

2.9.2013

Counsel for the petitioner and Mr. Muhammad Jan, GP for the respondents present. Counsel for the petitioner needs time. To come up for reply/arguments on implementation on 21.11.2013.

MEMBER

MEMBER

21.11.2013

Counsel for the petitioner and Mr. Muhammad Adeel Butt AAG for the respondents present and requested for time to contact the respondents. To come up for proper implementation report on 23.1.2014.

MEMBER

MEMBER

23.1.2014

Counsel for the petitioner and Mr. Muhammad Jan, GP present. Notices be issued to the respondents and case to come up for proper implementation report on 17.4.2014.

MEMBER

MEMBER

17.4.2014

Petitioner with counsel and Mr. Muhammad Jan, GP with Khursheed Khan, SO and Daud Jan, Head Clerk for the respondents present. Implementation report already submitted and copy handed over to counsel for the petitioner for reply/arguments on 21.8.2014.

MEMBER

MEMBER

28.02.2013.

Counsel for the petitioner and AAG with Gohar Ali, S.O for the respondents present. Representative of the respondents has no detail of the case and requested for adjournment. To come up for submission of proper implementation report on 15.3.2013.

  
MEMBER

  
MEMBER

15.3.13

Petitioner with counsel and Mr. Noorullah Khan, Senior GP for the respondents present. None is available as representative on behalf of the respondents. The learned GP is directed to contact the respondents to implement judgment of the Tribunal and submit proper implementation report on 17.4.2013.

  
MEMBER

17.04.2013

Counsel for the petitioner and Mosam Khan, AD with Mr.Arshad Alam, GP for the respondents present. Implementation report on behalf of the respondents received, copy whereof is handed over to the learned counsel for the petitioner. To come up for reply/arguments on implementation report on 12.06.2013.

  
MEMBER

  
MEMBER

12.6.2013

Clerk to Counsel for the appellant, and Mr. Muhammad Jan, for respondents present. In pursuance of promulgation of Khyber Pakhtunkhwa Service Tribunal (Amendment) Act 2013, the Tribunal is incomplete. To come up for the same on 2.9.2013.

  
READER



E.P No. 187/2012

24.12.2012.

Petitioner in person and Mr. Arshad Alam, AGP present. None is available as representatives on behalf of the respondents. Judgment dated 24.4.2012 has not been implemented so far. Letters be issued to the respondents to either submit stay order granted by the august Supreme Court of Pakistan or to implement judgment of the Tribunal in letter and spirit and submit compliance report on 25.1.2013. Petitioner is directed to produce his counsel on the next date.

MEMBER

28.01.2013.

Since 25.1.2013, has been declared as public holiday, therefore, case is adjourned for implementation report on 8.2.2013. Notices be issued to the parties.

MEMBER

MEMBER

08.02.2013

No one is present on behalf of the petitioner. AAG is present and requested for time to contact the respondents. To come up for implementation report on 25.03.2013.

Member

Member



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

**UNANNOUNCED**  
**KPST**  
**Peshawar**  
13/11/12

Execution Petition 187 /2012  
In Appeal No.1236/2011

Mr. Fayaz Ali, SET, (Agriculture), GMS,  
Shahi Gul, FR Lakki.

**PETITIONERS**

VERSUS

1. The Secretary, Government of Khyber Pakhtunkhwa, (E&SE) Department, Peshawar.
2. The director (E&SE), Khyber Pakhtunkhwa, Peshawar.
3. The Director Education (FATA), Khyber Pakhtunkhwa, Peshawar.
4. The Agency Education Officer, FR Lakki.

**RESPONDENTS**

.....  
**IMPLEMENTATION PETITION FOR DIRECTING THE  
RESPONDENTS TO IMPLEMENT THE JUDGMENT  
DATED 27.04.2012 OF THIS HONOURABLE  
TRIBUNAL IN LETTER AND SPIRIT.**

.....  
**RESPECTFULLY SHEWETH:**

1. That the petitioner filed Appeal No.No.1236/2011 in this Honourable Tribunal for granting of seniority with effect from the date of appointment as SET (Agriculture) i.e. 12.9.1990.
2. That finally the appeal was heard on 27.4.2012 and the case was remanded to the respondents to consider the seniority of the appellant with effect from the date of appointment as per law and rules.
3. That after getting attested copy of the Judgment, the petitioner submitted the copy of the Judgment to the respondent for its implementation, but the respondents failed and no action has been taken by the respondent up-till now.

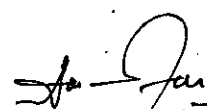
4. That being judgment of legal forum, the respondents are legally bound to obey the judgment in letter and spirit.
5. That the conduct and attitude of the respondents shows that they are not willing to obey the legal verdict of the legal forum.
6. That by not implementing the judgment of this Honourable Tribunal, although the respondents are committed the Contempt of Court.
7. That the judgment is still in the field and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the respondents are legally bound to pass formal appropriate order.
8. That the petitioner has having no other remedy to file this Implementation Petition.

It is, therefore, most humbly prayed that the respondents may be directed to implement the judgment of this august Tribunal in letter and spirit by granting seniority w.e.from the date of appointment.

PETITIONER

  
Fayaz Ali

THROUGH:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR

**AFFIDAVIT:**

It is affirmed and declared that the contents of the above Implementation Petition are true and correct to the best of my knowledge and belief.

  
DEPONENT

92

**BEFORE THE HONORBLE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR.**

**Execution Petition No: 187/ 2012  
In Service Appeal No: 1236/2011.**

**Fayaz Ali SET(Agr:) GMS Shahi Gul FR. Lakki**

**..... Petitioner**

**Versus**

**Secretary E&SE Department Khyber Pakhtunkhwa, & others. .... Respondents**

**APPLICATION FOR THE SUBMISSION OF IMPLEMENTATION REPORT IN THE  
MENTIONED EXECUTION PETITION ON & FOR BEHALF OF THE RESPONDENTS.**

**Respectfully Sheweth:-**

**The Respondents submits as under :-**

- 1 That the above mentioned Execution Petition is pending for final disposal before this Honorable Bench.
- 2 That this Honorable Tribunal vide judgment dated 27-4-2012 has directed the Respondent No: 2 to consider the seniority of the appellant from the date his First Appointment as per law/ rules with further directions to treat the appellant at par with his other colleagues and may not be discriminated.
- 3 That in compliance of the judgment dated 27-4-2012 read with the directions rendered vide order sheet dated 09-06-2015, the Respondent No: 2 has considered the seniority case of the appellant in the light of the judgment of this Honorable Tribunal.
- 4 That the appellant has been awarded seniority against SET(Tech:) post wef the date of passing his B. Ed examination dated 16-4-1998 from the University of Peshawar vide Roll No: 279. Copy of the B. Ed Degree, memos: dated 30-01-2013 & dated 12-6-2009 are attached as Annexures -A, B & C).
- 5 That the Respondent Department has implemented the judgment dated 27-4-2012 of this Honorable Tribunal & its true letter & spirit.

**In view of the above made submissions, it is requested that this Honorable Tribunal may very graciously be pleased to disposed off the instant Execution Petition in the above mentioned Service Appeal with cost in favor of the Respondent Department.**

**Dated \_12/02 /2016**

  
**Director**

**E&SE Khyber Pakhtunkhwa,  
Peshawar.**

**(Respondents No: 1- 4 )**

S. No. 2 A 7

(4)

OFFICE OF THE DIRECTOR OF EDUCATION, FATA, N.W.F.P. PESHAWAR.

ADJUSTMENT

In partial modification of this Directorate office orders issued under Endstt: No: 35723-303 dated 19.3.1990 & No: 74773-35073/A-1/CP/Apptt: dated 3/9/1990, the adjustment of the following teachers are hereby ordered in the interest of Public service with effect from the dates of their taking over charge in the schools as noted against their names:-

Sr. No.	Name & Qualification.	Adjusted at.	Remarks.
1.	Mr. Mohammad Ashraf B/6 Payo Noor, MSc. BED, under appointment at GHS, Arza Khol (FR-Kohat).	GHSchool Jaffar Khan Killi Jhyber Agency.	Adjusted on the same terms & conditions Rs: 1165/- PM fixed (BPS-15) against the vacant Sc: Master post <i>vio</i> Wazir Khan, MSc. BED, transferred.
2.	Mr. Fiaz Ali Khan, MSc, SV, GHSchool, Akshurwalli FR-Kohat.	GHSchool, Gulistan Orakzai AGY:	Adjusted against the vacant Sc: Master post @Rs: 1165/- PM (Fixed) BPS-15 plus usual allowances as admissib under the rules with effect from his taking over charge.

NOTE:-

- i- Charge reports should be submitted to all concerned (in duplicate).
- ii- No TA/DA is allowed.
- iii- Their apptt: against the SMT posts is being made purely on temporary basis & liable to ~~revoke~~ notice & assinging any reason.

35723-30  
 Endstt: No: \_\_\_\_\_ /A-1/SEE Dated Peshawar, the 12/9 /1990  
 Copy forwarded for information and n/a to the:-  
 1-3. Agency Education Officer, Jhyber, Orakzai, & AAO, FR, Kohat.  
 4-6. Headmaster, GHSchool, Gulistan (Orakzai), Jaffar Khan Killi (Khyber) & Arza Khol, FR, Kohat.  
 7-3. General file & P/File.

*Asst. Secy*

149

By: Director of Education,  
 FATA, N.W.F.P. Peshawar.

# N. W. F. P. Agricultural University

FIJAZ ALI KHAN

Son of

GH. AWAT KHAN

and a student of the N.W.F.P. Agricultural University,  
having passed all the prescribed examinations,  
is this day admitted by the University  
to the Degree of  
Master of Science Honours in Agriculture  
in the First Division.

Principal subject Soil Fertility

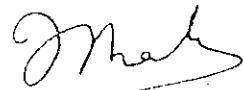
Elective subject Field Plot Technique

The Examination was taken as a whole/in parts.

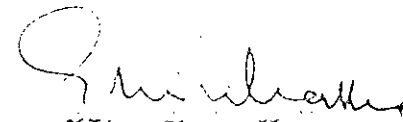
Registered No. 81-Agn-II-308

Roll No. 331

8-2-1937



Registrar



Vice-Chancellor

# N.W.F.P. Agricultural University

FIYAZ ALI KHAN

Son of

GUL ALAY KHAN

and a student of the N.W.F.P. Agricultural University, having passed all the prescribed examinations, is this day admitted by the University to the Degree of

Bachelor of Science Honours in Agriculture in the \_\_\_\_\_ Division, with specialization in \_\_\_\_\_ HORTICULTURE

The Examination was taken as a whole/in parts.

Registered No. 91-Agn-U-308

Roll No. 417

28th-6-1964

*M. A.*  
Registrar



*M. A. Khan*  
Vice-Chancellor



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

Execution Petition No.187/2012  
In Service Appeal No.1236/2011

Mr. Fayaz Ali, SET

VS

Education Deptt:

.....

**REPLY /OBJECTIONS ON THE EXECUTION REPORT**

.....

**RESPECTFULLY SHEWETH:**

1. That the Execution report submitted by the respondents is incorrect and not in accordance with the spirits of the Judgment. If the Judgment was implemented then why the Secretary Education office issued directions for compliance on 6.4.2016, 3.5.2016 and 29.8.2016. Letters are attached as Annexure-E-I, E-2 and E-3.
2. That the august Tribunal has directed the respondents in the Judgment to treat the appellant/petitioner at par with his colleagues of the appellant/petitioner, (SET Agriculture). The colleagues of the appellant/petitioner have been granted seniority from the date of appointment vide order dated 13.2.1995 and the same benefits has not been granted to the appellant/petitioner despite of the direction of the august Tribunal. Coy of Order is attached as Anneuxre-E-4.
3. That the advance increment was the right of the appellant /petitioner on the basis of qualification of B.Sc Agriculture as per Notification dated 14.4.1970 and in keeping in view that notification of the appellant was granted six (6) advance increments by the august Tribunal and further notified on 26.2.2002. Thus, the plea of the respondents that the appellant/petitioner has been given seniority

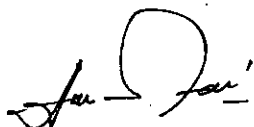
  
07/10/11

from B.Ed is incorrect and therefore, the Honourable Tribunal has rightly directed the respondents to treat the appellant / petitioner at par with the other Agriculture Teachers who have been granted seniority from the date of appointment.

It is, therefore, most humbly prayed that the respondents may be directed to comply with the Judgment of the august Tribunal and fix the seniority of the appellant from the date of appointment as SET Agriculture.

**APPELLANT**  
FAYAZ ALI

Through:

  
**(M. ASIF YOUSAFZAI)**  
ADVOCATE SUPREME COURT  
PESHAWAR.

**AFFIDAVIT**

It is affirmed and declared that the contents of the Reply are true and correct to the best of my knowledge and belief.



  
DEPONENT

**Reminder-II/**  
**MOST IMMEDIATE/ COURT MATTER.**

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

NO.SO (Lit-II) E&SED/1-3/2012/ EP No. 187/12 Fayaz Ali SET  
Dated Peshawar, the 03-05-2016.

To

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

Subject: **EXECUTION PETITION NO. 187 OF 2012 TITLED FAYAZ ALI SET**  
**(AGRICULTURE) VS SECRETARY EDUCATION DEPARTMENT**  
**KHYBER PAKHTUNKHWA AND OTHERS.**

I am directed to refer to this Department letter of even No. dated 07-12-2012 and subsequent reminder dated 16-01-2013 and 28-02-2013 and 06-04-2016 on the subject noted above and to state that this Department has expressed serious concern over the ramification on the above said matter. (Copies attached herewith for ready reference).

It is, therefore, requested that necessary action may be taken on the subject issue and furnished the Implementation Reports/Progress Report to this Department on urgent basis for onward submission to the Khyber Pakhtunkhwa Service Tribunal Peshawar positively, otherwise action will be initiated against the responsible officer/officials under the E&D Rules-2011 if failed.

Encl: (As above)

Endst: of even No. & date.

*sd*  
*g/c* SECTION OFFICER (LITIGATION-II)

Copy is forwarded to P.S to Secretary E&SE Department for information.

*sd*  
*g/c* SECTION OFFICER (LITIGATION-II)

**Reminder**  
**MOST IMMEDIATE/ COURT MATTER**

GOVERNMENT OF KHYBER PAKHTUNKHWA  
 ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

NO.SO (Lit-II) E&SED/1-3/2012/ EP No. 187/12 Fayaz Ali SET  
 Dated Peshawar, the 06-04-2016.

To

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

Subject:

**EXECUTION PETITION NO. 187 OF 2012 TITLED FAYAZ ALI SET  
 (AGRICULTURE) VS SECRETARY EDUCATION DEPARTMENT  
 KHYBER PAKHTUNKHWA AND OTHERS.**

I am directed to refer to this Department letter of even No. dated 07-12-2012 and subsequent reminder dated 16-01-2013 and 28-02-2013 on the subject noted above and to state that this Department has expressed serious concern over the ramification on the above said matter. (Copies attached herewith for ready reference).

It is, therefore, requested that necessary action may be taken on the subject issue and furnish the Implementation Reports/Progress Report to this Department on urgent basis for onward submission to the Khyber Pakhtunkhwa Service Tribunal Peshawar positively, otherwise action will be initiated against the responsible officer/officials under the E&D Rules 2011 if failed.

Encl: (As above)

Endst: of even No. & date.

  
 SECTION OFFICER (LITIGATION-II)

Copy is forwarded to P.S to Secretary E&SE Department for information.

SECTION OFFICER (LITIGATION-II)

E-3

MOST IMMEDIATE/ COURT MATTER.

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

NO.SO (Lit-II) E&SED/1-3/2012/ EP No. 187/12/Fayaz Ali  
Dated Peshawar, the 29-08-2016.

To

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

① As  
30/8/16

Subject: IMPLEMENTATION OF SERVICE TRIBUNAL JUDGMENT.

I am directed to refer to your Memo: No. 7102/AD(Lit-II) dated 30-05-2016 and to forward herewith an application alongwith its enclosures of Mr. Fayaz Ali, SST (Agri) GMS, Shahi Gul FR Lakki Marwat with the request to furnish latest position of the case to this Department, as the applicant has specifically requested that the same benefits already extended to his other colleagues, so as to proceed further in the matter.

Incl: (As above)

o/p *[Signature]*  
SECTION OFFICER (LITIGATION-II)

Encl: of even No. & date.

Copy is forwarded to:-

Mr. Fayaz Ali, SST (Agri) GMS, Shahi Gul FR, Lakki Marwat for information.

*[Handwritten notes:]*  
DD/EDM  
Fayaz Ali  
30/8/16

o/p *[Signature]*  
SECTION OFFICER (LITIGATION-II)

DIRECTORATE OF SECONDARY,  
EDUCATION NWFP, PESHAWAR.

No. 406-7

Dated Pesh: 13/2 /1995

The Divisional Director of Education,  
(S) DIKhan & Mardan/Malakand.

Subject:- IMPLEMENTATION OF THE SERVICE TRIBUNAL DECISION IN  
APPEAL NO.23/1993 IN RESPECT OF AMIR REHMAN AND SEVEN  
OTHERS VERSUS SECRETARY EDUCATION.

Memo:-

Mr. Amir Rehman SET (Agri) Govt. Agri Teaching Training  
Center Gul Behar No.2 Peshawar city and seven other have filed a  
petition in service tribunal NWFP Peshawar for regularization of  
their service from the date of appointment, etc.

It is further stated that the honourable chairman  
NWFP service tribunal Peshawar has decided the case in favour  
of the appellants concerned on 03/08/1993 (copy attached).

You are requested to implement the decision of the  
service Tribunal to settle longout case.

S.L.I.—  
DEPUTY DIRECTOR SECONDARY,  
EDUCATION NWFP, PESHAWAR.

OFFICE OF THE DIVISIONAL DIRECTOR OF EDUCATION(S) DIKhan DIVN: DIK.

Encl: No. 297-3057/AE-III/PS/dated DIKhan 27/2 /1995.

Copy of the alongwith copy of court decision is sent herewith  
for information and implimentation of the order of court.

(1-4)- The District Education Officers (M) Secondary in DIKhan/  
Bannu Division.

(5-8)- The District Accounts Officers in DIKhan/Bannu.

(9) - All Teachers/Headmasters concerned.

*Tamim Ahmad*  
DYBDE  
FOR DIVISIONAL DIRECTOR OF EDUCATION,  
(SCHOOLS) DIKhan DIVISION DIKhan.

att. tal  
m. 03/2  
G.I.S. Behar-Khan (LAKKI)

E-5

Directorate of Education  
(FATA), NWFP, Peshawar.

No. 4391 / dated: 28/9/2002.

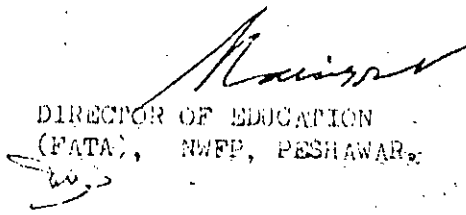
To,

The Principal,  
Govt: High School  
Biland Khel (Orakzai Agency).

Subject:- SIX ADVANCE INCREMENTS.  
Memo:-

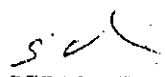
Consequent upon the Court decision dt: 12.2.2002  
Mr. Fiaz Ali Khan SET, of your school is allowed to draw six advance  
increments from the date of passing his B.EE i.e. 16.4.1998 (Copy enclosed)  
for ready reference.

Necessary entry to this effect should be made in his  
record.

  
DIRECTOR OF EDUCATION  
(FATA), NWFP, PESHAWAR.

Endstt: No. \_\_\_\_\_ / dated \_\_\_\_\_ /2002.

Copy forwarded to the Agency Accounts Officer  
Orakzai Agency at Hangu.

  
DIRECTOR OF EDUCATION  
(FATA), NWFP, PESHAWAR.

79

**DIRECTORATE OF E&SE DEPARTMENT KHYBER PAKHTUNKHWA, PESHAWAR.**

**IMPLEMENTATION REPORT**

- 1 **Whereas**, the appellant namely Fayaz Ali of GMS Gumbati (FR. Bannu) was appointed against the SET(Agr:)/Sc: Master post in BPS-15 vide appointment order No: 35923-30 dated 12/9/1990, on fixed pay issued by the then Director Education (FATA) NWFP now Khyber Pakhtunkhwa, Peshawar on the basis of his academic qualification of M. Sc (Agr: ).
- 2 **And whereas**, the appellant has been allowed graded pay from the date of his 1st: appointment dated 12/9/1990 & seniority & six advance increments on acquiring the prescribed qualification of B. Ed on dated 16/4/1998.
- 3 **And whereas**, aggrieved from the impugned order dated 16/4/1998, the appellant has filed a Service Appeal No: 1236/2016, on 16/6/2011 under Titled Fayaz Ali SET(Agr: ) FR. Lakki Marwat VS Govt: before the Honorable NWFP now KPK Service Tribunal, Peshawar for the grant of seniority wef his date of 1st: appointment dated 12/9/1990 instead of 16/4/1998 from the Respondent Department against the said post.
- 4 **And whereas**, the case of the appellant was decided vide judgment dated 27/4/2012 with the directions to the Respondent Department to consider the seniority of the appellant from the date of his appointment as per law, rules & he may be treated at par with his other colleagues & may be not discriminated.
- 5 **And Whereas**, the appellant has filed an Execution Petition No: 187/2012 before the Honorable Khyber Pakhtunkhwa, Service Tribunal, Peshawar for the implementation of Judgment dated 27/4/2012 which is still pending adjudication in the Honorable Service Tribunal for the date fixed as 04/11/2016, before the Learned Bench-I.
- 6 **And Whereas**, in compliance of the judgment dated 27/4/2012 alongwith subsequent order sheets of the Honorable Service Tribunal, the Respondent No: 2 vide his office memo: No: 1968 dated 19/10/2016 has called the appellant for Personal Hearing for the scheduled date fixed on 24/10/2016 (Monday) at 8.00 am in the Directorate of E&SE Department Khyber Pakhtunkhwa, Peshawar for implementation of the judgment dated 27/4/2012 of the Honorable Service Tribunal & to discuss the pending Damages suit against the Respondent No: 2 to the tune of Rs. 10 Millions pending for disposal before the Learned Civil Judge-XIII, Peshawar fixed for arguments on 27/10/2016.

**Now, in compliance of the Judgment dated 27/4/2012, passed by the Honorable KPK Service Tribunal Peshawar in the titled appeal & in Exercise of the Powers conferred upon the undersigned under U/S-21 of General Clauses Act 1897, the appellant is hereby made not entitled for the grant of seniority against the SST(G) post wef the date of his 1st: appointment on dated 12/9/1990, in view of the Notification No: SO(PE)/2-6/DPC/09 dated Peshawar, the 12/6/2009 issued by the Respondent No: 1 read with the Notification No: 2492-25/seniority /promotion dated 21/01/2013 issued by the ISSUED BY THE Director E&SE Department, KPK & as per provision of Section-8(4)Chapter-II of the NWFP now KPK Civil Servant Act 1973.**

*[Signature]*  
 Director (E&SE) Department  
 Khyber Pakhtunkhwa, Peshawar.

Endst: No: 3631-41/DD(Lit: ) Fayaz Ali (FR. Bannu)

Dated Peshawar the 26 / 10 / 2016

Copy forwarded for information & n/action to the:-

- 1 Registrar Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
- 2 Addl: Advocate General Khyber Pakhtunkhwa, Service Tribunal, Peshawar
- 3 Director Education (FATA) Khyber Pakhtunkhwa, Warsak Road, Peshawar.
- 4 Dy: Director (Etab: )local Directorate.
- 5 Agency Education Officer (FR. Bannu).
- 6 Official concerned.
- 7 PA to Director local office.

*[Signature]*  
 Deputy Director (Etab: )  
 (E&SE) Department, Khyber  
 Pakhtunkhwa, Peshawar.





**Directorate of Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar**

PII No. 091-9201389, 9210938,

9210437, 9210957, 9210468

Fax 091-9210936 0800-33857

No 2492-2542 Seniority/Promotion/Estab

Dated Peshawar the 21/01/2013.

2492-2542

To

All the District Education Officers.  
(Male & Female), in Khyber Pakhtunkhwa.

Subject:- **Clarification for Determination of Seniority for the Promotion of PST B-12 to Senior PST B-14 and PSHT B-15, Qari B-12 to B-15, CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT-15 to Senior TT B-16, DM B-15 to Senior DM B-16 and PET B-15 to Senior PET B-16.**

Memo:

I am directed to refer to the subject noted above and to clarify that Seniority for the Promotion of PST B-12 to the post of Senior PST B-14 and PSHT B-15, Qari B-12 to the post of Senior Qari B-15, CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT-15 to Senior TT B-16, DM B-15 to Senior DM B-16 and PET B-15 to Senior PET B-16, upgraded in Primary, High and Higher Secondary Schools in Elementary and Secondary Education Department at District Level will be determined under the provision of **Section 8 Chapter-II of THE NWFP (NOW KHYBER PAKHTUNKHWA) CIVIL SERVANTS ACT, 1973 (N.W.F.P. (NOW KHYBER PAKHTUNKHWA) Act No. XVIII of 1973)** which is reproduced as under:-

"Seniority"

1. For proper administration of a service, cadre or 3[post], the appointing authority shall cause a seniority list of the members for the time being of such service, cadre or [post] to be prepared, but nothing herein contained shall be construed to confer any vested right to a particular seniority in such service, cadre or [post] as the case may be.
2. Subject to the provisions of sub-section (1), the seniority of a civil servant shall be reckoned in relation to other civil servants belonging to the same service or [cadre] whether serving the same department or office or not, as may be prescribed.
3. Seniority on initial appointment to a service, 7[cadre] or post shall be determined as may be prescribed.
- ✓ 4. Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post;  
Provided that civil servants who are selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter-se-seniority as in the lower post.
5. The seniority lists prepared under sub-section(1), shall be revised and notified in the official Gazette at least once in a calendar year, preferably in the month of January."

I am further directed to further clarify that

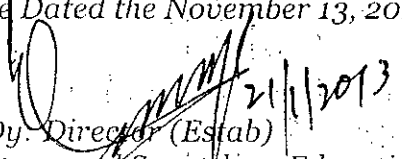
- ✓ 1. The seniority cannot be considered from the date of appointment as untrained, The seniority will be from the date of regular appointment to a post or from the date of passing the prescribed Professional qualifications in case of untrained appointment to a post under the provision of Section 8(4) Chapter-II of THE NWFP (NOW KHYBER PAKHTUNKHWA) CIVIL SERVANTS ACT, 1973 (N.W.F.P. Act No. XVIII of 1973).
2. The Seniority of the teacher who was appointed before the abolishment of Divisional Directorates and transferred to his own domicile after abolishment of Divisional Directorates, will not be disturbed and he may be placed with his counterparts on his due place in the Seniority list.
3. Similarly the Seniority of the teacher, who was appointed before the bifurcation of a district and transferred to his own domicile district after bifurcation, will not be

disturbed and he may be placed with his counterparts on his due place in the Seniority list.

**"Promotion"**

Under the provision of **Section 9(1) Chapter-II of THE NWFP (NOW KHYBER PAKHTUNKHWA) CIVIL SERVANTS ACT, 1973 (N.W.F.P. Act No. XVIII of 1973.** A civil servant possessing such minimum qualifications as may be prescribed, shall be eligible for promotion to a 10[higher] post for the time being reserved under the rule for departmental promotion in 11[ ] the service or cadre to which he belongs.

**Note:-** Minimum qualifications for the above posts have already been prescribed in the Service Rules notified vide Government of Khyber Pakhtunkhwa Elementary and Secondary Education Department Notification No. SO (PE) 4-5/SSRC/Meeting/2012/Teaching Cadre Dated the November 13, 2012.

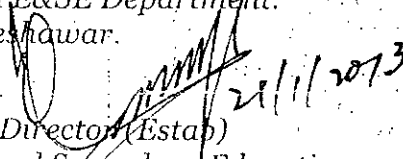
  
Dy. Director (Estab)  
Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar.

2543-45

Endst. No. / File No.1/A-88/KC/S.list Dated Peshawar the 28/01/2013.

Copy forwarded for information and necessary action to the:-

1. PS to the Secretary to Govt. Khyber Pakhtunkhwa E&SE Department.
2. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. M/File

  
Dy. Director (Estab)  
Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar



GOVERNMENT OF NWFP  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

No. SO (PE)2-6/DPC/09,  
Dated Peshawar, the 12.5.2009

265

To,

The Director  
Elementary & Secondary Education  
NWFP Peshawar

REGULARIZATION/SENIORITY OF SETs.

I am directed to refer to your letter No. 3630/A-88/SET/Graded Pay,08, dated 8.11.2008 on the subject noted above and to state that although the judgments regarding Noor ul Hayat, Muhammad Ismail and Habib ur Rehman are "judgments in personam" and not "judgment in Rem" hence relief granted therein cannot be extended to others. However, as the batch wise/year wise policy of selection has been quashed with, therefore all such chronic cases of seniority and graded pay need to be decided uniformly.

2. So far as the Supreme Court of Pakistan judgment dated 6.9.2007 (in appeals No. 1081-1088 title Habib-ur-Rehman & others Vs Govt) is concerned, these appeals are allowed which means that all reliefs sought therein may be given to them. Therefore they may be given seniority/regularization from the date of passing B.Ed.Examination and Graded Pay from the date of induction or already granted to Mr. Muhammad Ismail (CP No. 898/06) which has been relied upon by Supreme Court of Pakistan in judgment dated 6.9.2007. Moreover, it is the judgment of a larger bench of seven judges including Chief Justice of Pakistan which is more authoritative in its nature and its non-compliance will put the department in an awkward position in the shape of contempt of court.

3. The Director, being the appointing authority, is advised to settle the issue of seniority and graded pay of all 163 SETs by giving them seniority from the date of passing B.Ed Examination and Graded Pay from the date of induction (in the light of judgments of NWFP Service Tribunal and Supreme Court of Pakistan delivered at various times) within a month time, uniformly, under intimation to this Department.

  
(ARIF JMIL)

SECTION OFFICER (PRIMARY)

15

Directorate Elementary & Secondary  
Education Khyber Pakhtunkhwa Peshawar

No. \_\_\_\_\_ / File No. 16/A-88/Vol: B/SET

Dated Peshawar the 30/11 2013

To: The Director of Education (FATA).  
Warsak Road Peshawar

Subject:- ALLOTMENT OF SENIORITY LIST NO. IN THE LIGHT OF SERVICE  
TRIBUNAL DECISION DATED 27-4-2012 IN THE APPEAL NO. 1236/2011.

I am directed to refer to your letter No. 10503 dated 17-7-2012 and to request you to inform Mr. Fayaz Ali SET GMS Shahi Gul F.R.Lakki that he was appointed against SET post on fixed pay on the basis of M.Sc Agriculture on 12-9-1990. He passed B.Ed examination on 16-4-1998 and as per rules, he was awarded seniority No. from the date of passing B.Ed Examination i.e 16.4.1998. He was awarded graded pay with effect from 12-9-1990 from the date of induction on the basis of passing M.Sc (Agri) while his service was not regularized with effect from the date of his induction in service i.e 12-9-1990 due to not passing B.Ed examination. After passing B.Ed Examination, his services were regularized with effect from 16.4.1998 in the light of the government instructions/orders.

Moreover the regularization of service and award of seniority number are purely made against SET post on the basis of B.Ed and not on other qualification under the rules. Hence the teacher concerned has already been awarded seniority list number with effect from the date of his passing B.Ed Examination and he has also been awarded upgradation from BPS-16 to BPS-17 on the basis of his regular service against SET post.

Endst: No. 3772-74

Deputy Director (Establishment)  
E&SE Khyber Pakhtunkhwa, Peshawar

Copy forwarded for information to the:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Mr. Fayaz Ali SET GMS Shahi Gul F.R.Lakki
3. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar

  
Deputy Director (Establishment)  
E&SE Khyber Pakhtunkhwa, Peshawar

REVISED FINAL JOINT SENIORITY LIST OF SETs GENERAL SCIENCE, TECHNICAL AND COMMERCE OF ELEMENTARY AND AGRI CULTURE  
EDUCATION KHYBER PAKHTUNKHWA STOOD ON 03.03.2013

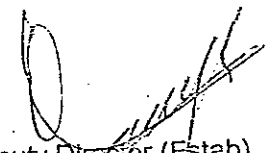
S.No	Name and Qualification	School/Office	Year of B.Ed	Date of Birth / Domicile	Date of Ist. Apptt.in Edu Deptt;	D/o of Apptt./Age of SET	Remarks
1	2	3	4	5	6	7	8
1	Mr. Wazir Ahmad BA:BEEd	GMS Prang Dara Khy:Agency	1987	13-1-56/Peshawar	1/12/1974	7/9/1988	
2	Mr. Fazlur Rehman BA:BEEd	GMS Arawal Kurram Agency	1986	28-3-59/Kurram	3/9/1981	7-9-88	
3	Mr. Hanifuliah BA:BEEd	GHSS Shallani Mohmand	1986	16-10-61/Mohmand	2/10/1982	7-9-88	
4	Mr. Mubarak Haleem BSc:BEEd	GHS No.1 Tangi Charsadda	1986	10-9-61/Charsadda	1/6/1988	7/9/1988	
5	Mr. S.Shah Hussain BA:BEEd	ASDEO (M) A.Abad	1985	26-6-56/A.Abad	10/11/1974	22-11-88	
6	Mr. Khail Mohammad BA:BEEd	GMS Wargosa Swat	1987-88	14-5-65/SWA	27-5-85	2/2/1988	
7	Mr. Abdul Akbar Khan MA:BEEd	GHS No.2 Laki Mira Khel Bannu	1961-82	4-1-58/Bannu	14-11-82	1/6/1988	
8	Mr. Mohammad Iqbal BSc:BEEd	GHS Khakki DIKhan	1987-88	6-6-64/DIKhan	1/6/1989	8/6/1988	
9	Mr. Muhammad Gul BA BEEd	GMS dale Kot SWA	1989	6.5.56/SWA	9/7/1977	8/6/1988	
10	Mr. Mohammad Ajmal Khan BA:BEEd	GMS Abbas Khel Tangi SWA	1988-89	11-9-53/SWA	1/9/1981	8/6/1988	
11	Mr. Saifur Rehman BA:BEEd	GMS Azam Warsak SWA	1988-89	3-3-54/SWA	1/10/1981	8/6/1988	
12	Mr. Iqbal Muhammad BA Bed	GMS Alpuri Swat	1986	5.2.59/Swat	6/10/1980	9.8.89	
13	Mr. Mohammad Darvez BA:BEEd	GHS Biyar Dir	1987	20-4-57/Dir	26-10-86	1/9/1988	
14	Mr. Abdul Haq BA:MEEd	GHS Nihag Dara Dir	1987-88	1-3-64/Dir	2/9/1989	2/9/1988	
15	Mr. Mohammad Jan Nisar MA:BEEd	GMS Wadpagga Peshawar	1961-82	1-5-54/Peshawar	15-10-73	7.9.89	
16	Mr. Mohammad Bashir BSc:MA:MEEd	GHS Spin Khak Nowshera	1988	20-4-61/Peshawar	22-12-83	9/9/1988	
17	Mr. Asmatullah BA:BEEd	GHS Ahmad Wan SWA	1987-88	15-2-66/SWA	9/9/1989	9/9/1988	
18	Mr. Inayatullah Khan BA:BEEd	GHS Pashat Bajour Agency	1986	14-8-54/Bajour	21-4-74	12/9/1988	
19	Mr. Shafiullah	GHS	1988	20.8.58/B Agy	28-11-79	13-9-88	
20	Mr., Abdul Manan SET	GMS Kari wran	1989	D.I.Khan	1/10/1983	13-9-88	
21	Mr. Abdus Sadiq MA:BEEd	GHS No2 Haripur	1988	11-2-57/Haripur	30-4-76	21-9-88	
22	Mr. Abdul Majeed MA:BEEd	GHS Gara Mohabat DIKhan	1982	2-11-57/DIKhan	25-2-79	21-9-88	
23	Mr. Mohammad Rafiq MA:BEEd	GHS Saggi DIKhan	1982	2-9-60/DIKhan	18-11-84	24-9-88	
24	Mr. Mohammad Iqbal MA:BEEd	GHS Kalu Khan Swabi	1988	3.2.54/FR Bannu	5/12/1979	1-10-88	
25	Mr. Sharbat Khan BA:BEEd	GHS Landha SWA	1988-89	31-12-53/SWA	19-5-82	1-10-88	

S.No	Name and Qualification	School/Office	Year of B.Ed	Date of Birth / Domicile	Date of Ist: Apptt:in Edu Deptt;	D/o of Appointt:/Appr of SET	Remarks
1	2	3	4	5	6	7	8
			1988	1-11-58/Swabi	8/10/1989	8/10/1989	
26	Mr. S.Izhar Ali Shah BSc:BEEd	GHS Pehur Hamlet Swabi	1986	30-4-55/A.Abad	3/12/1973	9/10/1989	
27	Mr. Mukhtar Ahmed BA:BEEd	GHS Pattan Khurd A.Abad	1986	7-1-55/Haripur	29-11-78	9/10/1989	
28	Mr. Mohammad Khalid BA:BEEd	GHS Kholian Bala	1985	7-11-58/Karak	15-10-85	12/10/1989	
29	Mr. Zulfiqar Ali BA:BEEd	GHS Thall Kohat	1988	1-11-59/FR Bannu	6/11/1982	25-10-89	
30	Mr. Mohammad Shafique BA:BEEd	GHS Mohammad Khel NWA	1989	2-2-61/Swabi	17-12-86	16-11-89	
31	Mr. Riaz Ali MSc:BEEd	GHS Panjpir Swabi	1987	15-11-58/Orakzai	16-2-78	26-11-89	
32	Mr. Zafran Ali BA:BEEd	GHS Kalya Orakzai Agency	1989	12-2-64/FR Bannu	12/9/1989	26-11-89	
33	Mr. Sarifullah Khan MSc:BEEd	GHS Domail Bannu	1987	3-2-60/Swat	24-9-89	26-11-89	
34	Mr. Bahrammand MSc:BEEd	GHS Shin Kari Dir	1983-85	20-7-56/Bannu	21-9-85	29-11-89	
35	Mr. Abdul Aziz MEd	GHSS Domil Bannu	1989	2-1-61/Khy:Agency	22-10-87	4/12/1989	
36	Mr. Hidayatullah Khan BSc:BEEd	GHS Shalbbar Khy:Agency		7-11-54/DIK	1/3/1983	31-12-89	
37	Mr. Gul Sher Ali MSc:BEEd	GHS Ranwal DIK	1983	3-7-59 / Mardan	8/11/1983	20-1-90	
38	Mr. Muhammad Arif BA:BEEd	GHS Alo (Mardan)	1986	26.1.60/A.Abad	1/1/1986	22-1-90	
39	Mr. Sajad Hussain	GMS Sattar shah Coloney Pesh;	1984	27-9-53 / Peshawar	1/5/1975	12/4/1990	
40	Mr. Sher Ali Khan MA:BEEd	GHS Mattani Peshawar	1988	20-4-54 / Mardan	30-4-75	16-4-90	
41	Mr. Redi Gul SET	GHS Shergarh Mardan	1987	15-9-60 / Bajour Agy.	5/9/1984	23-4-90	
42	Mr. Abdul Haq MA:BEEd	GHS Bashat Bajour Agency	1984	2.6.54/Charasda	10/2/1990	24-4-90	
43	Mr. Abdul Saeed	GHS No 1 Ragor CHD	1990	6-4-54/Mansehra	9/3/1991	24-4-90	Applied on 19.02.2013
44	<del>Mr. Muhammad Sajjad BA:BEEd</del>	<del>GMS Balakot Manshehra</del>	1986	20-3-55 / Swat	1/7/1980	22-5-90	
45	Mr. Mian Muhammad BA:BEEd	GHS Bariket (K) Dir	1984	27-9-53 / Peshawar	1/5/1976	27-5-90	
46	Mr. Sher ali Khan BA:BEEd	GHS Mattani Peshawar	1989	12-12-59 / S.W.A	10/4/1983	7/8/1990	
47	Mr. Zainud Din BA:BEEd	GHS Karawa(S.W.A)	1989	27-11-58 / N.W.A	27-11-79	9-8-90	
48	Mr. Mr. Muhammad Hussain MSc	GHS Idak (N.W.A)	1989	8-10-61 / FR-Bannu	3/3/1987	9-8-90	not yet promoted
49	Mr. Muhammad Sadiq MA:BEEd	GMS Miranshsh	1988	5-9-59 / FR-Bannu	22-12-79	1-9-90	
50	Mr. Shahzada MA:BEEd	GHS Muhammad Khel (NWA)	1989	4-1-10 / S.W.A	12/5/1984	1-9-90	
51	Mr. Sultan Muhammad Khan MA:BEEd	GHS Shehoor SWA	1990	5-6-63 / FR-Bannu	1/9/1986	1-9-90	
52	Mr. Shafiqullah MA:BEEd	GMS Idal Khel NWA					

Name and Qualification	School/Office	Year of E.Ed	Date of Birth / Domicile	Date of Ist. Appntt: in Edu Deptt;	D/o of Appointt:/Appr of SET	75 Remarks
2	3	4	5	6	7	8
Mr. Iqbal Khan MSc MEd SET	GHS Serai Saleh Haripur	-	15-3-69/Haripur	15-5-92	15-1-98	
Mr. Mohsan Noor BA BEd SET	Warshan Jan Kot NWA	-	3-5-70/SWA	8/6/1989	15-1-98	
Mr. Saïd Ahmad Jan BA BEd SET	GHS	-	1-5-61/Mohmand Agy:	17-12-81	15-1-98	
Mr. Zahidullah MSc BEd SET	GHS	-	28-8-67/FR Bannu	8/10/1989	15-1-98	
Mr. Khurshid Anwar MA BEd SET	GHS Kot Gali Manshra	-	20-2-60/Manshra	1/9/1984	15-1-98	
Mr. Khan Afsar BA BEd SET	GHSS No 1 Haripur	-	1-3-60/Haripur	11/2/1984	15-1-98	
Mr. Hazrat Lal Mir MA BEd SET	Miranshah NWA	-	25-9-61/NWA	9/9/1989	15-1-98	
Mr. Gul Tahir Shah MA BEd SET	GHS	-	25-2-63/Bajour	8/8/1985	15-1-98	
Mr. Rekab Ali BA BEd SET	GHS	-	1-4-67/Orakzai	1/9/1985	15-1-98	
Mr. Shamsur Rehman MA BEd SET	GHS Uchat Kurram Agy:	-	12-4-65/FR Bannu	15-1-98	15-1-98	
Mr. Muhammad Abdullah Khan BA	GHS	-	4-7-65/SWA	10/9/1989	15-1-98	
Mr. Abdur Rehman, SET(Agri.)	GHS Malana, D.I.Khan	16.04.98	03.01.58	8/8/1985	31-3-98	
Mr. Reheemullah, SET	GHS Gul Akram, FR Bannu	16.04.98	02.01.61	1/9/1985	31-3-98	
Mr. Manzoor ur Rehman,	GHS Serai Saleh	16.04.98	25.03.62	10/13/1986	31-3-98	
Mr. Abdur Ahad, SET	GHS Ujno, Chitral	12.05.98	01.04.64	12/21/1989	31-3-98	
Mr. M. Arif, SET BA BEd	GHS Baranis, Chitral	30.04.98	13.12.68/Chitral	11/4/1989	31-3-98	
Mr. Fayyaz Ali, AAEO	O/O AEO FR Bannu	-	03.04.61	9/12/1990	16-4-98	
Mr. Muhammad Afzal, SET	GHS Batagram	-	02.04.64	11/22/1986	16-4-98	
Mr. Umar Rahim, SET	GHS Shabqadar, Charsadda	-	20.10.64	11/23/1987	16-4-98	
Mr. Rafi ul Mulk, SET	GHSS Barikote, Swat	-	30.12.60	11/30/1989	30-4-98	
Mr. Muhammad Ishtiaq, SET	GHS Jabbi, Nowshera	-	07.03.61	12/3/1984	12/5/1998	
Mr. Amanullah, SET BA BEd	ADO M Chitral	15.08.01	23.11.59/Chitral	12/7/1989	31-7-98	
Mr. Amjad Ali, SET (Agri)	GHSS Tarnab, Charsadda	30.09.99	05.06.63	2/7/1988	31-7-98	
Mr. Fakhr Aam s/o Q. M Ishaq SET BA BEd	GMS Nawasher ATD	1999	15.03.1961 / ATD	01.11.1984	15.02.1999	
Mr. Wahab Hussain SET MA MEd	GHS Zeran Kurr. Agy	1998	04.08.54/Kurr. Agy	12.10.1989	24.02.99	
Mr. Karam Ilahi BA BEd MED SET	GHS Shore Kot DIKhan	-	3-5-70/DIKhan	26-5-99	26-5-99	
Mr. Muhammad Zahir Shah MA BEd	GMS Abdus Sattar Baitani Lakki	-	20-9-69/Bannu	26-5-99	26-5-99	

1687

S.No	Name and Qualification	School/Office	Year of E.Ed	Date of Birth / Domicile	Date of Ist. Appnt: in Edu Deptt;	D/O of Appointm/Appnt of SET	190 Remarks
1	2	3	4	5	6	7	8
4973	Asim Qazi			26.05.1972/Haripur			
4974	Muhammad Mansood MA MEd	GMS Jabri Kalish Mansehra	1997	10.03.71/Mansehra	11.03.92		
4975	Maroof Khan			08.02.1974/A.Abad			
4976	Tahir Mir			07.05.1975/A.Abad			
4977	Malik Junaid Ahmad			05.06.77/Mansehra			
4978	Azhar Hussain			25.03.79/Mansehra			
4979	Wazir Muhammad			08.12.60/Mansehra			
4980	Qazi Tanveer Ahmad SC BEd	GHS AHL Mansehra	2001	01.04.67/Mansehra	01.05.99	15.11.2005	
4981	Ishtiaq Hussain	GHSS No 1 Haripur	1995	02.09.1967/Haripur	17.05.1992	01.11.2005	
4982	Shafqat Hussain			25.06.1973/A.Abad			
4983	Tahir ud Din, SET	GHS, Sarozai, Hangu		Hangu	1/11/2005	1/11/2005	
4984	Shamsur Rehman, SET	GHS, Lora Abbottabad		Abbottabad	1/11/2005	1/11/2005	
4985	Naeemullah s/o Rahim Dad SET BA BEd	GHS No.4 Mangora Swat	2001	18-4-71/Swat	9/12/1999	1/11/2005	
4986	Noor ul Haq s/o Musharaf Din SET BA BEd	GHS No.1 Tordher Swabi	2002	15.1.78/Swabi	21-10-2004	1/11/2005	
4987	Attaullah, SET BA BEd	GMS Dagg Patten Kohistan	2001	1.1.74/Kohistan	21-5-92	1/11/2005	

  
 Deputy Director (Estab)  
 (E&SE) Khyber Pukhunkhwa  
 Peshawar.



DIRECTORATE OF ELEMENTARY AND  
SECONDARY EDUCATION KHYBER  
PUKHTUNKHWA PESHAWAR.

NO. ~~911-15~~ /A88/FSL/B-16 SET (M)  
DATED PESHAWAR THE ~~13~~/~~8~~/2013

To

1. The Director of Education FATA Peshawar.
2. The Director of Curriculum & Teacher Education  
Khyber Pakhtunkhwa, Abbottabad.
3. All Executive District Officers (E&SE)  
In Khyber Pakhtunkhwa.

Subject: REVISED JOINT FINAL SENIORITY LIST OF SET (M) / SET (TECH)  
/ SET(COMM) BPS-16

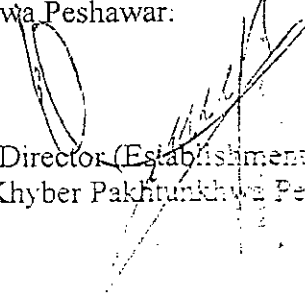
A copy of the revised final seniority list of SETs (M) B-16 duly approved  
by the competent authority stood on 08.08.2013 is submitted here with for  
information / record.

  
Deputy Director (Establishment)  
E&SE Khyber Pakhtunkhwa Peshawar.

916-17  
Encls: No.....

Copy to the

1. PS to Secretary to Govt. of Khyber Pakhtunkhwa E&SE Deptt.
2. P/A to Director E&SE Khyber Pakhtunkhwa Peshawar:

  
Deputy Director (Establishment)  
E&SE Khyber Pakhtunkhwa Peshawar.

بعد التّ جناب سرسٹریٹ ٹریبونل صوبہ سرحد پشاور

مجناب اسٹاٹ

فنا حق علی بنام محکمہ ایلو کیٹ  
دعوی اپیل / اجراء

باعث شکریہ ایٹکہ

مترجمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور  
کیسٹیم اسٹاٹ اڈاٹس خانی سرورڈنے ایڈوکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب  
موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برعکف  
دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور رضی دعویٰ اور درخواست  
ہر قسم کی تعلیق اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی  
اور مستثنیٰ بنیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ بند کر  
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مشاور قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا  
اور وہ اپنے مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور  
قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوا مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب  
موصوف ہوں گے نیز بقایا دخر چہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام رورہ  
پر ہو یا مد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔  
لہذا وکالت نامہ رکھ دیا کہ سند ہے۔

المرقوم 18/19

العبد العبد العبد

ارباب اسٹاٹ ایڈوکیٹ  
محمد اللہ خان مرشد ایڈوکیٹ  
من روپیہ تار ایڈوکیٹ  
ایڈوکیٹ  
ایڈوکیٹ  
ایڈوکیٹ

DIRECTORATE OF ELEMENTARY AND  
SECONDARY EDUCATION KHYBER  
PUKHTUNKHWA PESHAWAR.  
NO. ~~911-15~~ /A88/FSL/B-16 SET (M)  
DATED PESHAWAR THE ~~13/8~~ /2013

To

1. The Director of Education FATA Peshawar.
2. The Director of Curriculum & Teacher Education  
Khyber Pakhtunkhwa, Abbottabad.
3. All Executive District Officers (E&SE)  
In Khyber Pakhtunkhwa.

Subject: REVISED JOINT FINAL SENIORITY LIST OF SET (M) / SET (TECH)  
/ SET(COMM) BPS-16

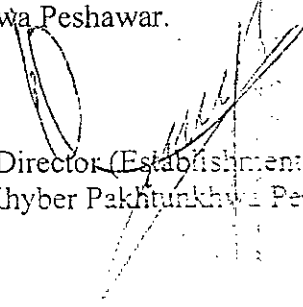
A copy of the revised final seniority list of SETs (M) B-16 duly approved  
by the competent authority stood on 08.08.2013 is submitted here with for  
information / record.

  
Deputy Director (Establishment)  
E&SE Khyber Pakhtunkhwa Peshawar.

916-17  
Enclst: No.....

Copy to the

1. PS to Secretary to Govt. of Khyber Pakhtunkhwa E&SE Deptt.
2. P/A to Director E&SE Khyber Pakhtunkhwa Peshawar.

  
Deputy Director (Establishment)  
E&SE Khyber Pakhtunkhwa Peshawar.

REVISED FINAL JOINT SENIORITY LIST OF SETS GENERAL SCIENCE TECHNICAL AND COMMERCE OF ELEMENTARY AND SECONDARY EDUCATION KHYBER PAKHTUNKHWA STOOD ON 09.02.2013

S.No	Name and Qualification	School/Office	Year of B.Ed	Date of Birth / Domicile	Date of Ist. Appntn/Ed. Deptt.	D/O of Appoint/Aspnt of SET	Remarks
1	2	3	4	5	6	7	8
1	Mr. Wazir Ahmad BA:BEEd	GMS Prang Dara Khy:Agency	1987	13-1-56/Peshawar	1/12/1974	7/9/1988	
2	Mr. Fazlur Renman BA:BEEd	GMS Arawali Kurram Agency	1986	28-3-59/Kurram	3/9/1981	7-9-88	
3	Mr. Hanifullah BA:BEEd	GHSS Shallani Mohmand	1988	16-10-61/Mohmand	2/10/1980	7-9-88	
4	Mr. Mubarik Haleem BSc:BEEd	GHS No.1 Tangi Charsadda	1986	10-9-61/Charsadda	1/6/1988	7/9/1988	
5	Mr. S.Shah Hussain BA:BEEd	ASDEO (M) A.Abad	1985	26-6-56/A.Abad	10/11/1974	22-11-88	
6	Mr. Khalil Mohammad BA:BEEd	GMS Wargosa Swat	1987-88	14-5-65/SWA	27-5-85	2/2/1988	
7	Mr. Abdul Akbar Khan MA:BEEd	GHS No.2 Laki Mira Khel Bannu	1981-82	4-1-58/Bannu	14-11-82	1/6/1988	
8	Mr. Mohammad Iqbal BSc:BEEd	GHS Khakki DIKhan	1987-88	6-6-64/DIKhan	1/6/1989	8/6/1988	
9	Mr. Muhammad Gul BA BEEd	GMS dale Kot SWA	1989	6.5.56/SWA	9/7/1977	8/6/1988	
10	Mr. Mohammad Ajmal Khan BA:BEEd	GMS Abbas Khel Tangi SWA	1988-89	11-9-53/SWA	1/9/1981	8/6/1988	
11	Mr. Saifur.Rehman BA:BEEd	GMS Azam Warsak SWA	1988-89	3-3-54/SWA	1/10/1981	8/6/1988	
12	Mr. Iqbal Muhammad BA Bed	GMS Alpuri Swat	1986	5.2.59/Swat	6/10/1980	9.8.88	
13	Mr. Mohammad Darwez BA:BEEd	GHS Biyar Dir	1987	20-4-57/Dir	26-10-88	1/9/1988	
14	Mr. Abdul Haq BA:MEEd	GHS Nihaq Dara Dir	1987-88	1-3-64/Dir	2/9/1989	2/9/1988	
15	Mr. Mohammad Jan Nisar MA:BEEd	GMS Wadpagga Peshawar	1981-82	1-5-54/Peshawar	15-10-73	7.9.88	
16	Mr. Mohammad Bashir BSc:MA:MEEd	GHS Spin Khak Nowshera	1983	20-4-61/Peshawar	22-12-83	9/9/1988	
17	Mr. Asmatullah BA:BEEd	GHS Ahmad Wan SWA	1987-88	15-2-66/SWA	9/9/1989	9/9/1988	
18	Mr. Inayatullah Khan BA:BEEd	GHS Pashat Bajour Agency	1986	14-8-54/Bajour	21-4-74	12/9/1988	
19	Mr. Shafiullah	GHS	1988	20.8.58/B Agy	28-11-79	13-9-88	
20	Mr., Abdul Manan SET	GMS Kari wran	1989	D.I.Khan	1/10/1983	13-9-88	
21	Mr. Abdus Sadiq MA:BEEd	GHS No2 Haripur	1988	11-2-57/Haripur	30-4-76	21-9-88	
22	Mr. Abdul Majeed MA:BEEd	GHS Gara Mohabat DIKhan	1982	2-11-57/DIKhan	25-2-79	21-9-88	
23	Mr. Mohammad Rafiq MA:BEEd	GHS Saggi DIKhan	1982	2-9-60/DIKhan	16-11-84	24-9-88	
24	Mr. Mohammad Iqbal MA:BEEd	GHS Kalu Khan Swabi	1988	3.2.54/FR Bannu	5/12/1979	1-10-88	
25	Mr. Sherbat Khan BA:BEEd	GHS Landha SWA	1988-89	31-12-53/SWA	19-5-82	1-10-88	



Name and Qualification	School/Office	Year of E.Ed	Date of Birth / Domicile	Date of Ist: Apptt: in Edu Deptt;	D/o of Appointt:/Appr of SET	75 Remarks
2	3	4	5	6	7	8
Mr. Inqat Khan MSc MEd SET	GHS Seraf Safeh Haripur	-	15-3-69/Haripur	15-5-92	15-1-98	
Mr. Rehman Noor BA BEd SET	Warshan Jan Kot NWA	-	3-5-70/SWA	8/6/1989	15-1-98	
Mr. Saïd Ahmad Jan BA BEd SET	GHS	-	1-5-61/Mohmand Agy:	17-12-81	15-1-98	
Mr. Zahidullah MSc BEd SET	GHS	-	28-8-67/FR Bannu	8/10/1989	15-1-98	
Mr. Khurshid Anwar MA BEd SET	GHS Kot Gali Mansehra	-	20-2-60/Mansehra	1/9/1984	15-1-98	
Mr. Khan Afsar BA BEd SET	GHSS No 1 Haripur	-	1-3-60/Haripur	11/2/1984	15-1-98	
Mr. Hazrat Lal Mir MA BEd SET	Miransha: NWA	-	25-9-61/NWA	9/9/1989	15-1-98	
Mr. Gul Tahir Shah MA BEd SET	GHS	-	25-2-63/Bajour	8/8/1985	15-1-98	
Mr. Rekab Ali BA BEd SET	GHS	-	1-4-67/Orakzai	1/9/1985	15-1-98	
Mr. Shamsur Rehman MA BEd SET	GHS Uchal Kurram Agy:	-	12-4-65/FR Bannu	15-1-98	15-1-98	
Mr. Muhammad Abdullah Khan BA	GHS	-	4-7-65/SWA	10/9/1989	15-1-98	
Mr. Abdur Rehman, SET(Agr:)	GHS Malana, D.I.Khan	16.04.98	03.01.58	8/8/1985	31-3-98	
Mr. Raheemullah, SET	GHS Gul Akram, FR Bannu	16.04.98	02.01.61	1/9/1985	31-3-98	
Mr. Manzoor ur Rehman,	GHS Seraf Safeh	16.04.98	25.03.62	10/13/1988	31-3-98	
Mr. Abdul Ahad, SET	GHS Ujne, Chitral	12.05.98	01.04.64	12/21/1989	31-3-98	
Mr. M. Arif, SET BA BEd	GHS Baranis, Chitral	30.04.98	13.12.68/Chitral	11/4/1989	31-3-98	
Mr. Fayyaz Ali, AAEO	O/O AEO FR Bannu	-	03.04.61	9/12/1990	16-4-98	
Mr. Muhammad Afzal, SET	GHS Batagram	-	02.04.64	11/22/1988	16-4-98	
Mr. Umar Rahim, SET	GHS Shabqadar, Charsadda	-	20.10.64	11/23/1987	16-4-98	
Mr. Rafi ul Mulk, SET	GHSS Barkote, Swat	-	30.12.60	11/30/1989	30-4-98	
Mr. Muhammad Ishaiq, SET	GHS Jabbi, Nowshera	-	07.03.61	12/3/1984	12/5/1998	
Mr. Amanullah, SET BA BEd	ADO M Chitral	15.08.01	23.11.59/Chitral	12/7/1989	31-7-98	
Mr. Amjad Ali, SET (Agr)	GHSS Tamab, Charsadda	30.09.99	05.06.63	2/7/1988	31-7-98	
Fakhri Alam s/o Q. M Ishaq SET BA BEd	GMS Nawashar ATD	1999	15.03.1931 / ATD	01.11.1994	15.02.1999	
Mr. Wahab Hussain SET MA MEd	GHS Zeran Kurr. Agy	1998	04.08.54/Kurr. Agy	12.10.1999	24.02.99	
Mr. Karam Ilahi BA BEd MEd SET	GHS Shore Kot DiKhan	-	3-5-70/DiKhan	26-5-99	26-5-99	
Mr. Muhammad Zahir Shah MA BEd	GMS Abdus Sattar Battani Lakki	-	20-9-69/Bannu	26-5-99	26-5-99	

1687

S.No	Name and Qualification	School/Office	Year of B.Ed	Date of Birth / District	Date of Ist. Apptt: in Edu Deptt:	Date of Appointment/ Apptt of SET	199
1	2	3	4	5	6	7	8
4973	Asim Qazi			26.05.1972/Haripur			
4974	Muhammad Maqsood MA MEd	GMS Jabri Kalish Manshara	1997	10.03.71/Manshara	11.08.92		
4975	Maroof Khan			08.02.1974/A.Abad			
4976	Tahir Mir			07.05.1975/A.Abad			
4977	Malik Junaid Ahmad			05.05.77/Manshara			
4978	Azhar Hussain			25.03.79/Manshara			
4979	Wazir Muhammad			08.12.60/Manshara			
4980	Qazi Tanveer Ahmad SC BEd	GHS AHL Manshara	2001	01.04.67/Manshara	01.05.99	15.11.2005	
4981	Ishtiaq Hussain	GHSS No 1 Haripur	1995	02.09.1937/Haripur	17.05.1992	01.11.2005	
4982	Shafiqat Hussain			25.06.1973/A.Abad			
4983	Tahir ud Din, SET	GHS. Sarozai, Hangu		Hangu	1/11/2005	1/11/2005	
4984	Shamsur Rehman, SET	GHS, Lora Abbottabad		Abbottabad	1/11/2005	1/11/2005	
4985	Naeemullah s/o Rahim Dad SET BA BEd	GHS No.4 Mengora Swat	2001	18-4-71/Swat	9/12/1999	1/11/2005	
4986	Noor ul Haq s/o Musharaf Din SET BA BEd	GHS No.1 Tordher Swabi	2002	15.1.76/Swabi	21-10-2004	1/11/2005	
4987	Attaullah, SET BA BEd	GMS Dagg Patten Kohistan	2001	1.1.74/Kohistan	21-5-92	1/11/2005	

Deputy Director (Estab)  
(E&SE) Khyber Pukhtunkhwa  
Peshawar.



ANN      (C)      265

GOVERNMENT OF NWFP  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

No. SO (PE)2-6/DPC/09,  
Dated Peshawar, the 12.6.2009

To,


The Director  
Elementary & Secondary Education  
NWFP Peshawar.

Subject:- REGULARIZATION/SENIORITY OF SETs.

I am directed to refer to your letter No. 3830/A-88/SET/Graded Pay/08, dated 5.11.2008 on the subject noted above and to state that although the judgment regarding Noor ul Hayat, Muhammad Ismail and Habib ur Rehman are "judgments in personam" and not "judgment in Rem" hence relief granted therein cannot be extended to others. However, as the batch wise/year wise policy of selection has been quashed with, therefore all such chronic cases of seniority and graded pay need to be decided uniformly.

2. So far as the Supreme Court of Pakistan judgment dated 6.9.2007 (in appeals No. 1001-1008 title Habib-ur-Rehman & others Vs Govt) is concerned, these appeals are allowed which means that all reliefs sought therein may be given to them. Therefore they may be given seniority/regularization from the date of passing B.Ed Examination and Graded Pay from the date of induction as already granted to Mr. Muhammad Ismail (CP No. 898/06) which has been relied upon by Supreme Court of Pakistan in judgment dated 6.9.2007. Moreover, it is the judgment of a larger bench of seven judges including Chief Justice of Pakistan which is more authoritative in its nature and its non implementation will put the department in an awkward position in the shape of contempt of court.

3. The Director, being the appointing authority, is advised to settle the issue of seniority and graded pay of all 163 SETs by giving them seniority from the date of passing B.Ed Examination and Graded Pay from the date of induction (in the light of judgments of NWFP Service Tribunal and Supreme Court of Pakistan delivered at various times) within a month time, uniformly, under intimation to this Department.

  
(ARIF JMIL)

SECTION OFFICER (PRIMARY)

... after bifurcation, will not be



DIRECTORATE OF SECONDARY,  
EDUCATION, NWFP, PESHAWAR.

NO: 7006/A-12/Amir Rehman,  
Dated Pesh; the 28/8/1995.

To,

- 1-The Director Bureau,  
of Curriculum Development,  
and Education Extension,  
services, NWFP, A. Absd.
- 2-5 The Divl: Director of Education,  
(S) Peshawar, Mardan, Malakand and  
D.I. Khan.
- 6-The Principal,  
Govt; Agro: Technical Teachers,  
Training, Centre, Gul Bahar (Pesh:)

SUBJECT:- IMPLEMENTATION OF SERVICES TRIBUNAL DECISION IN APPEAL  
NO: 23/93 AMIR REHMAN AND SEVEN OTHERS.

Memo:-

Consequent upon the judgement of the service tribunal dated 3-8-1993 in the above cited appeal. The services of the following SET (Agriculture) are hereby regularised against SET (Agri:) posts and are allowed six advance increments on the basis of B.Sc (Agri:) under the provision of the Finance Department Notification dated 5th January, 1965 subject to their passing of Diploma Course from the NATTC, Peshawar.

They will however, be allowed arrears of pay with effect from 28-11-1989.

- 1- Amir Rahman, SET (Agri:) GATTC, Peshawar.
- 2- Abdul Hamid, SET (Agri:) GHS, Guli Bagh (Mardan).
- 3- Jamrez Khan, SET (Agri:) GHS, Siwa Gali (Swat).
- 4- Salim Shah, SET (Agri:) GHS, Fatehga (Mardan).
- 5- Muqarrab Khan, SET (Agri:) GHS, Turangzai (Charsadda).
- 6- Nisar Khan, SET (Agri:) GHSS, NO: 3, Peshawar.
- 7- Ghaniur Rahman, SET (Agri:) GHS, Ghazni Khel (Bannu).
- 8- Mohammad Ghulam, SET (Agri:) GHS, NO: I, Bannu.

Mr. Shabazz  
Mr. Shabazz  
Endst: 7007-24

DEPUTY DIRECTOR SECONDARY,  
EDUCATION, NWFP, PESHAWAR.

Copy forwarded to the:-

- 1- Accountant General, NWFP, Peshawar.
- 2- District Accounts Officers, concerned.
- 3- Principals/Headmasters, concerned.
- 4- Applicant concerned.

DEPUTY DIRECTOR SECONDARY,  
EDUCATION, NWFP, PESHAWAR.

\*/NOOR BAD SHAH/\*

**DIRECTORATE OF E&SE DEPARTMENT KHYBER PAKHTUNKHWA, PESHAWAR.**

**NOTIFICATION.**

- 1 **Whereas**, the appellant namely Fayaz Ali of GMS Gumbati (FR. Bannu) was appointed against the SET (Agr:) post in BPS-15 vide appointment order No: 35923-30 dated 12/9/1990, on fixed pay issued by the then Director Education (FATA) NWFP now Khyber Pakhtunkhwa, Peshawar on the basis of his academic qualification of M.Sc. (Agriculture).
- 2 **And whereas**, the appellant has been allowed Graded Pay from the date of his 1<sup>st</sup> appointment dated 12/9/1990, & six advance increments on acquiring higher qualification and seniority against the SET (Agri) post from the date of passing B.Ed Examination dated 16/4/1998 by Respondent Department under the prevailing rules .
- 3 **And whereas**, aggrieved from the order dated 16/4/1998 of the grant of seniority against the SET(Agri) post, the appellant has filed a Service Appeal No: 1236/2016, on 16/6/2011 under case Titled Fayaz Ali Khan SET(Agr: ) FR. Lakki Marwat VS Govt: Of KPK & Others before the Honorable Khyber Pakhtunkhwa, Service Tribunal, Peshawar for the grant of seniority w.e.f the date his 1<sup>st</sup> appointment dated 12/9/1990 instead of 16/4/1998, decided **vide judgment dated 27/04/2012 on ex-parte basis with the directions to the Respondent Department to consider the seniority of the appellant from the date of his appointment as per law, rules & he may be treated at par with his other colleagues & may be not discriminated.**
- 4 **And Whereas**, the appellant has filed an Execution Petition No: 187/2012 before the Honorable Khyber Pakhtunkhwa, Service Tribunal, Peshawar for the implementation of Judgment dated 27/4/2012, wherein, the honorable Tribunal directed the Respondent Department, to produce the case Amir Rehman Ex-SET (Agriculture) being a reference case in the instant appeal to look into the matter that whether seniority of Amir Rehman Ex-SET (Agri) he has been granted from the date of his first appointment or from the date passing of B.Ed Examination.
- 5 **And Whereas**, in compliance of the directions of the Honourable Tribunal, the Respondent Department has produced the original documents along with seniority list of Amir Rehman Ex-SET (Agri) to the learned Bench-I, wherein it was observed that seniority to Amir Rehman Ex-SET has granted w.e.f. the date of passing his B.Ed Examination instead of his 1st appointment (Untrained period) by the respondent Department.

Now, therefore, in compliance of the Judgment dated 27/4/2012, of the Honorable Service Tribunal in the titled appeal & in Exercise of the Powers conferred upon the undersigned under the provisions of Section-21 of General Clauses Act 1897, the appellant is not entitled for the grant of seniority against the SET/SST(Agri) Post w.e.f the date of his 1st: appointment dated 12/9/1990, as per provision of Section-8 of the Khyber Pakhtunkhwa Civil Servants Act 1973 with immediate effect and in the interest of Public service.


Director (E&SE) Department  
Khyber Pakhtunkhwa, Peshawar

Endst: No: 613-19/DD(Legal: ) Fayaz Ali (FR. Bannu)

Dated Peshawar the 15/7/2020

Copy forwarded for information & n/action to the:-

- 1 Registrar Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
- 2 Addl: Advocate General Khyber Pakhtunkhwa, Service Tribunal, Peshawar
- 3 Additional Director (Estab) NMTD Khyber Pakhtunkhwa, Peshawar.
- 4 Dy: Director (Etab:) local Directorate.
- 5 District Education Officer (NMTD Bannu).
- 6 Official concerned.
- 7 PA to Director local office.

  
Deputy Director (Estab)  
(E&SE) Department, Khyber  
Pakhtunkhwa, Peshawar.

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

**Execution petition No 187/2012 in Service Appeal No: 1236/2016**

**Fayyaz Ali Khan SET/SST (Agri) .....Appellant.**

**VERSUS**

**Secretary E&SE Department, Khyber Pakhtunkhwa & others. ....Respondents**

**APPLICATION FOR THE SUBMISSION OF IMPLEMENTATION REPORT**


**Respectfully Sheweth :-**

The Respondents submit as under:-

1. That the titled Execution Petition is pending for disposal before this honorable Tribunal for the implementation of judgment dated 27/04/2012 passed by this honorable Tribunal in the titled appeal for today (15/07/2020)
2. That on last date of hearing, this honorable Tribunal has directed the Respondent Department to submit implementation report in the titled case.
3. That in compliance of the Judgement dated 27/04/2012, of this honorable Tribunal, implementation report is hereby submitted. **(Copy of the implementation report is attached as Annexure-A)**

**In view of the above made submissions, it is most humbly requested that this Honorable Tribunal may very graciously be pleased to dispose of the instant Execution Petition in favor of the Respondent Department in the interest of justice please.**

**Dated 15/07/2020**

  
**Deputy Director (Estab)**  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondents No: 1-4)

**DIRECTORATE OF E&SE DEPARTMENT KHYBER PAKHTUNKHWA, PESHAWAR.**

**NOTIFICATION.**

- 1 **Whereas**, the appellant namely Fayaz Ali of GMS Gumbati (FR. Bannu) was appointed against the SET (Agr:) post in BPS-15 vide appointment order No: 35923-30 dated 12/9/1990, on fixed pay issued by the then Director Education (FATA) NWFP now Khyber Pakhtunkhwa, Peshawar on the basis of his academic qualification of M.Sc. (Agriculture).
- 2 **And whereas**, the appellant has been allowed Graded Pay from the date of his 1<sup>st</sup> appointment dated 12/9/1990, & six advance increments on acquiring higher qualification and seniority against the SET (Agri) post from the date of passing B.Ed Examination dated 16/4/1998 by Respondent Department under the prevailing rules .
- 3 **And whereas**, aggrieved from the order dated 16/4/1998 of the grant of seniority against the SET(Agri) post, the appellant has filed a Service Appeal No: 1236/2016, on 16/6/2011 under case Titled Fayaz Ali Khan SET(Agr: ) FR. Lakki Marwat VS Govt: Of KPK & Others before the Honorable Khyber Pakhtunkhwa, Service Tribunal, Peshawar for the grant of seniority w.e.f the date his 1<sup>st</sup> appointment dated 12/9/1990 instead of 16/4/1998, decided **vide judgment dated 27/04/2012 on ex-parte basis with the directions to the Respondent Department to consider the seniority of the appellant from the date of his appointment as per law, rules & he may be treated at par with his other colleagues & may be not discriminated.**
- 4 **And Whereas**, the appellant has filed an Execution Petition No: 187/2012 before the Honorable Khyber Pakhtunkhwa, Service Tribunal, Peshawar for the implementation of Judgment dated 27/4/2012, wherein, the honorable Tribunal directed the Respondent Department, to produce the case Amir Rehman Ex-SET (Agriculture) being a reference case in the instant appeal to look into the matter that whether seniority of Amir Rehman Ex-SET (Agri) he has been granted from the date of his first appointment or from the date passing of B.Ed Examination.
- 5 **And Whereas**, in compliance of the directions of the Honourable Tribunal, the Respondent Department has produced the original documents along with seniority list of Amir Rehman Ex-SET (Agri) to the learned Bench-I, wherein it was observed that seniority to Amir Rehman Ex-SET has granted w.e.f. the date of passing his B.Ed Examination instead of his 1st appointment (Untrained period) by the respondent Department.

Now, therefore, in compliance of the Judgment dated 27/4/2012, of the Honorable Service Tribunal in the titled appeal & in Exercise of the Powers conferred upon the undersigned under the provisions of Section-21 of General Clauses Act 1897, the appellant is not entitled for the grant of seniority against the SET/SST(Agri) Post w.e.f the date of his 1st: appointment dated 12/9/1990, as per provision of Section-8 of the Khyber Pakhtunkhwa Civil Servants Act 1973 with immediate effect and in the interest of Public service.


Director (E&SE) Department  
Khyber Pakhtunkhwa, Peshawar

Endst: No: 613-19/DD(Legal: ) Fayaz Ali (FR. Bannu)

Dated Peshawar the 15/7/2020

Copy forwarded for information & n/action to the:-

- 1 Registrar Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
- 2 Addl: Advocate General Khyber Pakhtunkhwa, Service Tribunal, Peshawar
- 3 Additional Director (Estab) NMTD Khyber Pakhtunkhwa, Peshawar.
- 4 Dy: Director (Etab:) local Directorate.
- 5 District Education Officer (NMTD Bannu).
- 6 Official concerned.
- 7 PA to Director local office.

  
Deputy Director (Estab)  
(E&SE) Department, Khyber  
Pakhtunkhwa, Peshawar.



بخدمت جناب چیمبر میں صاحب سروس ٹریبونل پشاور

عنوان: درخواست برائے تسلیح ٹرانسفر آرڈر

جناب عالی!

گزارش کی جاتی ہے کہ عدالت ہذا میں سائل کا مقدمہ بنام فیاض علی خان ایس ایس ٹی چل رہا ہے اور مزکورہ مقدمے میں سائل کی 15/07/2020 کو پیشی ہے۔ سائل کا تبادلہ ڈائریکٹوریٹ آف ایلیمینٹری اینڈ سیکنڈری ایجوکیشن پشاور نے کے پوسٹ سے سب ڈویژن وزیر بنوں جی ایچ ایس سیدگی مانی خان کر دیا ہے جو کہ مینیور پالیسی کے خلاف ہے۔ اس پالیسی کے مطابق کسی بھی سرکاری ملازم کو معینہ مدت سے پہلے ٹرانسفر نہیں کیا جاسکتا اور سائل کا تبادلہ متعلقہ پالیسی اور رول اینڈ ریگولیشن کے خلاف کیا گیا ہے۔ لہذا استدعا کی جاتی ہے کہ سائل کا تبادلہ منسوخ کر کے پرانی جگہ پر دوبارہ تعینات کر کے مشکور و ممنون فرمادیں۔ لہذا خلاف قانون

Encls: No. 4832-37/F.No.436/vol.6/ADEO

Dated: 03/09/2019

مورخہ 15-07-2020

عین نوازش ہوگی۔

*[Signature]*  
سائل فیاض علی خان ایس ایس ٹی ایگریکلچر

Put up to the court with  
relevant appeal.

*[Signature]*  
6/9/2020

*[Signature]*

DIRECTORATE OF EDUCATION, NEWLY MERGED DISTRICTS, PESHAWAR

TRANSFER

The transfer of the following SSTs/ AAEO's(Male) are hereby ordered on their own pay and scale with effect from the dates of their taking over charge in the schools/Offices as noted against each in the interest of public service:-

Sl#	Name/Designation	Posted at	Remarks
1	Mr. Daftar Khan AAEO FR Bannu	GHS Dilawar Khan Sub Division Wazir Tribal District Bannu	AVP
2	Mr. Abid Ullah SST GHS Awal Khan Sub Division Wazir Tribal District Bannu	AAEO at Education Office Sub Division Wazir Tribal District Bannu	Vice S/No.1
3	Mr. Rehmat Ullah AAEO	GHS Awal Khan Sub Division Wazir Tribal District Bannu	Vice S/No.4
4	Mr. Fayaz Ali SST GMS Gombatti	AAEO at Education Office Sub Division Wazir Tribal District Bannu	Vice S/No.3

NOTE:-

- 1 Charge report should be submitted to all concerned
- 2 TA/DA etc is not allowed

DIRECTOR EDUCATION  
Newly Merged Tribal Districts

11568-80  
Endst: No. \_\_\_\_\_/A-1(G) AAEO FR Bannu Dated Pesh: the 10/9 2018

Copy forwarded to the:-

- 1 District Education Officers concerneds.
- 2 District Accounts Officers concerneds.
- 3 Principals/Headmasters/Headmistress concerned.
- 4 Teachers concerned.
- 5 EMIS Local Directorate.
- 6 P/Files.

  
DY: DIRECTOR (ESTAB)

DIRECTORATE OF EDUCATION, NEWLY MERGED DISTRICTS, PESHAWAR

TRANSFER

The transfer of the following SSTs/AAEO's(Male) are hereby ordered on their own pay and scale with effect from the dates of their taking over charge in the schools/Offices as noted against each in the interest of public service:-

Sl#	Name/Designation	Posted at	Remarks
1	Mr. Daftar Khan AAEO FR Bannu	GHS Dilawar Khan Sub Division Wazir Tribal District Bannu	AVP
2	Mr. Abid Ullah SST GHS Awal Khan Sub Division Wazir Tribal District Bannu	AAEO at Education Office Sub Division Wazir Tribal District Bannu	Vice S/No.1
3	Mr. Rehmat Ullah AAEO	GHS Awal Khan Sub Division Wazir Tribal District Bannu	Vice S/No.2
4	Mr. Fayaz Ali SST GMS Gombatti	AAEO at Education Office Sub Division Wazir Tribal District Bannu	Vice S/No.3

NOTE:-

- 1 Charge report should be submitted to all concerned
- 2 TADA etc is not allowed

DIRECTOR EDUCATION  
Newly Merged Tribal Districts

11568-80  
Endst. No. IA-1(G) AAEO FR Bannu Dated Pesh: the 10/9 2018

Copy forwarded to the:-

- 1 District Education Officers concerned.
- 2 District Accounts Officers concerned.
- 3 Principals/Headmasters/Headmistress concerned.
- 4 Teachers concerned.
- 5 EMIS Local Directorate.
- 6 P/Files.

  
DY: DIRECTOR (ESTAB)

95

DIRECTORATE OF SECONDARY,  
EDUCATION, NWFP, PESHAWAR.

NO: 7006/A-12/Amir Rehman,  
Dated Pesh; the 28/8/1995.

To,

- 1-The Director Bureau,  
of Curriculum Development,  
and Education Extension,  
services, NWFP, A. Absd.
- 2-5 The Divl: Director of Education,  
(S) Peshawar, Mardan, Malakand and  
D.I. Khan.
- 6-The Principal,  
Govt; Agro: Technical Teachers,  
Training, Centre, Gul Bahar (Pesh:)

*To Principal  
Gul Bahar  
Peshawar*

SUBJECT:- IMPLEMENTATION OF SERVICES TRIBUNAL DECISION IN APPEAL  
NO: 23/93 AMIR REHMAN AND SEVEN OTHERS.

Memo:-

Consequent upon the judgement of the service tribunal dated 3-8-1993 in the above cited appeal. The services of the following SET(Agriculture) are hereby regularised against SET(Agri:) posts and are allowed six advance increments on the basis of B.Sc (Agri:) under the provision of the Finance Department Notification dated 5th January, 1965 subject to their passing of Diploma Course from the NATTC, Peshawar.

They will however, be allowed arrears of pay with effect from 28-11-1989.

- 1- Amir Rahman, SET(Agri:) GATTC, Peshawar.
- 2- Abdul Hamid, SET(Agri:) GHS, Guli Begh (Mardan).
- 3- Jamrez Khan, SET(Agri:) GHS, Siwa Sali (Swat).
- 4- Salim Shah, SET(Agri:) GHS, Fatehza (Mardan).
- 5- Muqarrab Khan, SET(Agri:) GHS, Turangzai (Charsadda).
- 6- Nisar Khan, SET(Agri:) GHSS, NO: 3, Peshawar.
- 7- Ghaniur Rahman, SET(Agri:) GHS, Ghazni Khel (Bannu).
- 8- Mohammad Ghulam, SET(Agri:) GHS, NO: I, Bannu.

*Mr. Shakirullah*

*Mr. Amirullah*

Endst: No: 7007-24

DEPUTY DIRECTOR SECONDARY,  
EDUCATION, NWFP, PESHAWAR.

Copy forwarded to the:-

- 1- Accountant General, NWFP, Peshawar.
- 2- District Accounts Officers, concerned.
- 3- Principals/Headmasters, concerned.
- 4- Applicant concerned.

DEPUTY DIRECTOR SECONDARY,  
EDUCATION, NWFP, PESHAWAR.

\*/NOOR BAD SHAH/\*

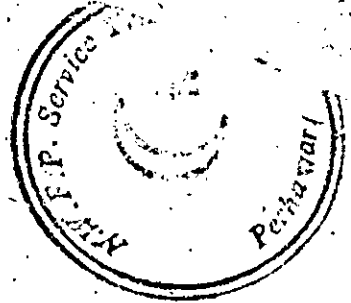


BEFORE THE NWFP SERVICE TRIBUNAL, NWFP, PESHAWAR

APPEAL NO. 23/1993,

Date of institution... 24.1.1993

Date of decision.. 3.8.1993



*Amir  
Rehman*

Amir Rehman S/O Munir Khan, Govt:  
Agriculture Training Teaching  
Training Centre, Gul Bahar No.2,  
Peshawar City and 7 others...

... Appellant

Versus

1. Province of NWFP through Secretary  
to Government of NWFP, Education  
Department, Peshawar.

2. Director of Education (Schools)  
NWFP, Peshawar.

... Respondents

SHAHZADA SHAHFUR JAN,  
Advocate,

... For appellant

MR. MOHAMMAD SHAFI,  
Government Pleader,

... For respondents

QAZI HAMID-UD-DIN,

... CHAIRMAN.

MR. HIDAYATULLAH KHAN,

.. MEMBER.

3 LG 1993

JUDGMENT

QAZI HAMID-UD-DIN, CHAIRMAN:- This appeal has been

filed by Amir Rehman and 7 others against non regularization of their services in the regular time scale No.14 from the date of their induction and denying the benefits of 6 advance increments as admissible under the rules. The appellants' prayer is that the respondent department be directed to allow them the regular time scale from the date of their first appointments and six advance increments w.e.f. the date of passing diploma from National Agro-Technical/Training Centre, Teachers

The facts averred in the memo of appeal are that the appellants were appointed against S.E.T. (Agriculture) posts

RECORDED

EXAMINAR

N.W.F.P. Service Tribunal

Peshawar

on fixed pay and were subsequently allowed running pay scales. The appellants contends that being Agriculture Teachers with qualification of B.Sc Agriculture, they are entitled to six advance increments as per Notification dated 5th January, 1965 (Annexure-A) on the file. On 24.6.1979 a circular was issued by the respondent No.2 wherein the appellants were allowed the time scale of Rs. 520-30-750/35-1010, w.e.f. the date of taking over charge against the SET (Agriculture) post instead of their date of appointment vide (Annexure-B). According to the appellants, one Shahzad Khan went in appeal before the Service Tribunal against the aforesaid impugned order which was accepted but the respondent department has not extended this benefit to the other incumbents of the same category. Similarly Mr. Mazullah Awan was appointed on the basis of B.Sc (Agriculture) without any professional training and his services were regularized from the date of his appointment while the appellants have been metted out a discriminatory treatment without any justification. Copy of the judgment of the Service Tribunal is annexure-C on the file. The respondent No.2 has allowed running time scale No.14 to the officials of different trades while the same were not allowed to the appellants despite the fact that they possessed the prescribed qualification for the post. The appellants then filed a departmental appeal on 29.11.1989 which elicited no reply. The appellants contend that as no final order was passed and in the absence of final order, the appellants were unable to approach the Service Tribunal and to seek their relief, therefore they went to the Peshawar High Court for directions to the respondent department to finalize the appeal dated 29.11.1989. The High Court called the comments from the respondent department, copy of which was delivered to the appellants. The appellants relied on the judgment of the Supreme Court of Pakistan reported in PLD 1991.SC.226, wherein it has been held that the departmental comments will

3 AUG 1993

REAMINAR  
 B.V.P. Service Tribunal  
 Peshawar

serve the purpose of final order to move the appeal before the Service Tribunal, hence the present appeal after withdrawal of the writ petition.

In their reply the respondents 1 and 2 have raised the preliminary objection of cause of action. On factual side too the claim of the appellants has been denied and it has been stated that the appellants do not fulfil the professional qualification as per Service Rules, that the judgment of the Service Tribunal was not applicable on other persons and that the departmental appeal is still under process. It has been further stated that the Notification under reference does not apply in the case of the appellants and that the Service Rules under reference have already been notified.

Arguments heard and record perused.

3 AUG 1993

The main issue involved in this case is as to whether the principle adopted in appeal No. 264/1974 "Shahzad Khan Versus Education Department NWFP" which was decided on 27.4.1976 by the Tribunal in his favour and that the relief given to appellant in that case would be applicable to the instance case and the appellants would be entitled to the relief which was allowed to Shahzad Khan in that case. The contention of the learned counsel for the appellants is that the Government of West Pakistan, Finance Department vide its Notification dated 5th January, 1965 made further amendments under heading "Education Department in Part-II of the Schedule appended to the West Pakistan (Non-gazetted) Civil Services (Pay Revision) Rules, 1963. In this amendment 6 advance increments were allowed to Agriculture teacher with qualification of B.Sc Agriculture and it was on the basis of this amendment that the services of Shahzad Khar in the above cited appeal were regularized and he was allowed 6 advance increments vide judgment dated 27.4.1976. The learned counsel for the appellants contends that it was the

EXAMINER  
D.V.P. Service Tribunal  
Sohabpur

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duty of the respondent department to allow the same

to all the incumbents through this amendments in the rules but the respondent department failed in doing so, therefore, the appellants were constrained to file the present appeal before this Tribunal after preferring departmental appeal on 29.11.1989. The learned counsel for the respondents contends that the appeal has become time barred because the 1965 rules were over taken by 1983 rules in which further qualifications were required. The rules of 1983 are prospective in nature and would not be applicable to the notification dated 5th January, 1965. The learned counsel for the respondents contends that the appeal is time barred because the appellants have not claimed their rights within the period of limitation. His contention is that they should have submitted departmental appeal and in case of rejection of the departmental appeal, they should have come to the Tribunal within the period of limitation after their induction in service because the Amended Rules of 1965 were in field at that time. The objection is valid to the extent of the claim to arrears of 6 advance increments but not valid to the regularization of service because regularization of service is a continuous right and would not be hit by limitation, at any time. The appellants were inducted in service when the (Amendment) rules of 1965 were in field and they were entitled to the 6 advance increments and their services had to be regularized accordingly. The Tribunal is therefore, of the view that the case of the appellants is covered under the Rules of 1965 and their services are to be regularized in the light of the Rules mentioned above and their pay shall be fixed according to amendments vide Notification dated 5th January, 1965 by allowing 6 advance increments as claimed by them.

As regards arrears of pay after this regularization of service, the appellants would not be entitled to the arrears of pay from the date of their inductions because

3 AUG 1993

ABEVED

EXAMINAR

V.P. Service Tribunal

Dehra Dun

they have failed to claim arrears within the period of limitation. The arrears shall be allowed to them w.e.f. 29.11.1989 when they preferred departmental appeal and claimed therein the arrears of pay with 6 advance increments added to their basic pay. This relief is, therefore, granted to the limitation mentioned above. However this shall not deprive fixation of pay to their detriment for future and 6 advance increments shall be added to their pay for future, so that their case is treated at par with the case of Shahzad Khan, appellant mentioned above and that the relief granted to the appellants should be akin to the relief allowed to Shahzad Khan with a difference that no arrears of pay before 29.11.1989 shall be allowed to the appellants. The appeal is accepted in the above terms. Parties are left to bear their own costs and file be consigned to the record.

ANNOUNCED  
3.8.1993.

*Dr. Hamid-Ud-Din*  
(QAZI HAMID-UD-DIN)  
CHAIRMAN

**APPROVED**

*Hidayatullah Khan*  
(HIDAYATULLAH KHAN)  
MEMBER

**EXAMINAR**

P.P. Service Tribunal  
Peshawar.

Date of presentation of copy	29-9-93
Number of copies	2000 -
Copy to	2000 -
Urgent	2 -
Total	10 -
Name of copyist	<i>Muhammad</i>
Date of completion of copy	29-9-93
Date of delivery of copy	29-9-93

# Execution Report (79)

## DIRECTORATE OF E&SE DEPARTMENT KHYBER PAKHTUNKHWA, PESHAWAR.

### IMPLEMENTATION REPORT

- 1 **Whereas**, the appellant namely Fayaz Ali of GMS Gumbati (FR. Bannu) was appointed against the SET(Agr:)/Sc: Master post in BPS-15 vide appointment order No: 35923-30 dated 12/9/1990, on fixed pay issued by the then Director Education (FATA) NWFP now Khyber Pakhtunkhwa, Peshawar on the basis of his academic qualification of M. Sc (Agr: ).
- 2 **And whereas**, the appellant has been allowed graded pay from the date of his 1st: appointment dated 12/9/1990 & seniority & six advance increments on acquiring the prescribed qualification of B. Ed on dated 16/4/1998.
- 3 **And whereas**, aggrieved from the impugned order dated 16/4/1998, the appellant has filed a Service Appeal No: 1236/2016, on 16/6/2011 under Titled Fayaz Ali SET(Agr: ) FR. Lakki Marwat VS Govt: before the Honorable NWFP now KPK Service Tribunal, Peshawar for the grant of seniority wef his date of 1st: appointment dated 12/9/1990 instead of 16/4/1998 from the Respondent Department against the said post.
- 4 **And whereas**, the case of the appellant was decided vide judgment dated 27/4/2012 with the directions to the Respondent Department to consider the seniority of the appellant from the date of his appointment as per law, rules & he may be treated at par with his other colleagues & may be not discriminated.
- 5 **And Whereas**, the appellant has filed an Execution Petition No: 187/2012 before the Honorable Khyber Pakhtunkhwa, Service Tribunal, Peshawar for the implementation of Judgment dated 27/4/2012 which is still pending adjudication in the Honorable Service Tribunal for the date fixed as 04/11/2016, before the Learned Bench-I.
- 6 **And Whereas**, in compliance of the judgment dated 27/4/2012 alongwith subsequent order sheets of the Honorable Service Tribunal, the Respondent No: 2 vide his office memo: No: 1968 dated 19/10/2016 has called the appellant for Personal Hearing for the scheduled date fixed on 24/10/2016 (Monday) at 8.00 am in the Directorate of E&SE Department Khyber Pakhtunkhwa, Peshawar for implementation of the judgment dated 27/4/2012 of the Honorable Service Tribunal & to discuss the pending Damages suit against the Respondent No: 2 to the tune of Rs. 10 Millions pending for disposal before the Learned Civil Judge-XIII, Peshawar fixed for arguments on 27/10/2016.

Now, in compliance of the Judgment dated 27/4/2012, passed by the Honorable KPK Service Tribunal Peshawar in the titled appeal & in Exercise of the Powers conferred upon the undersigned under U/S-21 of General Clauses Act 1897, the appellant is hereby made not entitled for the grant of seniority against the SST(G) post wef the date of his 1st: appointment on dated 12/9/1990, in view of the Notification No: SO(PE)/2-6/DPC/09 dated Peshawar the 12/6/2009 issued by the Respondent No: 1 read with the Notification No: 2492-25/seniority /promotion dated 21/01/2013 issued by the ISSUED BY THE Director E&SE Department, KPK & as per provision of Section-8(4)Chapter-II of the NWFP now KPK Civil Servant Act 1973.

*9c*  
Director (E&SE) Department  
Khyber Pakhtunkhwa, Peshawar.

Endst: No: 3631-41/DD(Lit: ) Fayaz Ali (FR. Bannu)

Dated Peshawar the 26/10/2016

Copy forwarded for information & n/action to the:-

- 1 Registrar Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
- 2 Addl: Advocate General Khyber Pakhtunkhwa, Service Tribunal, Peshawar
- 3 Director Education (FATA) Khyber Pakhtunkhwa, Warsak Road, Peshawar.
- 4 Dy: Director (Etab: )local Directorate.
- 5 Agency Education Officer (FR. Bannu).
- 6 Official concerned.
- 7 PA to Director local office.

*9c*  
Deputy Director (Etab: )  
(E&SE) Department, Khyber  
Pakhtunkhwa. Peshawar.

Amrullah - C

Shahzad Khan case

NAME

Case No. 774

Date of Institution 25.5.1974

Shahzad Khan / Chahk-e-Alam Khan  
Village P.O Rawaka, Tehsil and District  
Peshawar.

Appellant.

V E R S U S

1:-Secretary to the Government of N.W.F.P Education  
Department, Peshawar.

Respondents.

2:-Director of Education, N.W.F.P Peshawar.

Chairman.

Mr. Muhammad Khurshid Khan

Member.

Mr. Allah Bakhsh Khan

ORDER

The appellant Shahzad Khan has a BSc. (HONS) Degree in Agriculture and it was on 9.9.1967 that he was appointed an Agriculture Teacher in Government Poilet Secondary School Katlang on fixed salary Rs. 175/- p.m. He took over the charge of his post on the following day and has been working in the school since then. His posting was purely a stop-gap measure, his service was liable to be terminate at any time and was subject to the approval by the Divisional selection board, Peshawar. The director of education, Peshawar Region, Peshawar requested the Divisional selection board to approve the appointment of the appellant in the consolidated scale of Rs. 225-15-310/15-400 but board declined to accord approval. The appellant brought a declaratory suit in the court of senior civil judge, Peshawar on 9.4.1973 but it abated by virtue of section B of the North West Frontier Province Service Tribunal Act and was disposed off accordingly on 27.3.1974. His main grievance before us is that he is entitled to the aforesaid scale of pay plus six advance increments from the date of appointment and the arrears of pay since then.

The respondents contested the claim of the appellant and inter alia averred that the appointment of the appellant was not approved by the Divisional Selection board and since he was not a trained teacher, he was not entitled to the graded pay and advance increments claimed by him.

3. It is common ground between the parties that the appellant is BSc. (HONS) in Agriculture, is not a trained teacher and has been working as agriculture teacher in Government Poilet Secondary School Katlang since 10.9.1967 at the fixed salary of Rs. 175/- p.m. His appointment was purely as a stop-gap measure, was liable to termination at any time and was subject to the approval by Divisional Selection board. The Director of Education Respondent No. 2, referred the matter to the Divisional Selection Board Peshawar and a letter of correspondence ensued for a long time. The Divisional Selection Board, Peshawar in its meeting held on 7th July 1973 took the case of the appellant into consideration and decided that the Education Department should approach the Government for appointment in the range that a candidate with the qualification of BSc. (HONS) in Agriculture only may be appointed as Agriculture teacher. The respondent No. 2 was accordingly advised by the commissioner

a-1

100 School

It is true that the appellant does not possess a qualification such as B.T/B.Ed. or B.A. but it is equally true that under the provisions of Notification of 5.1.1965 he is entitled to six advance increments as a teacher with qualification of B.Sc. Agriculture. The matter was referred to the competent authority, North area, West Pakistan Peshawar who vide his letter No. DA-10/547 dated 20.10.69 intimated the headmaster, Government, Pilot Secondary School Katlang that a Government servant with qualification of B.Sc. Agriculture working against senior English teacher post in the time scale of Rs. 220-15-310/15-400 is entitled to six advance increments under the West Pakistan Pay revision rules 1955, and the addition to schedule 4 and vide Government of West Pakistan, Finance Department NO.FE-PC(1)-56/65 dated 2.6.1965. It is clear beyond any shadow of doubt that the appellant being Agriculture Teacher with qualification of B.Sc. Agriculture is entitled to six advance increments in the above time scale.

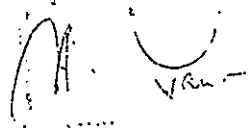
7.- In the absence of service rules in this context it would be appropriate to refer to the practice prevalent in the other region and the precedents, if any. Dr. Asghar Ali Sheikh, Director Education Extension Centre Government of Pakistan Lahore per his SO letter NO.T-87/70/2305 dated 22.4.1970 addressed to Mr. Razi-ur-Rahman Director of Education Peshawar Region Peshawar referred to the notification dated 5th. June 1955, of the finance Department Government of West Pakistan, and observed that:

All the B.Sc. Agri. working in secondary schools are getting six advance increments in the scale of Rs. 220-15-310/15-400, i.e they start at Rs. 310/=

The respondent No-2 had sought clarification on certain points and S. Salim Wasti, section officer, Education Department, Government of West Pakistan in his letter SO (Estt. in-19/69) dated 14.4.1970, conveyed the decision of the Government in consultation with the finance department as under:-

- 1:- SET, and Agri. teacher is one and the same cadre and have joint seniority position.
- 2:- B.Sc. Agri, with B.Ed. training is eligible to be posted on Agri. Post/SET, and on all posts equal to SET, in the graded pay scale of Rs. 220-15-310/15-400.
- 3:- A teacher with qualification of B.Sc. Agriculture only is entitled to six advance increments based on qualification on Agri, posts equal to SET. post.
- 4:- B.Sc. Agri, with additional qualification is also entitled to get the benefit of MEd. Training as Rs. 10/= per month in the last pay scale with effect from 14th. Oct. 1955 per Month in consolidated scale with effect from 1.12.1962, moreover for M.A. or M.Ed., additional qualification they can get advance increments allowed to all other teachers.
- 5:- Agri. Post and B.T post etc. mentioned in co.no, 1 of the Govt. Notification concerned are all equal and identical, therefore, a teacher with B.Sc. Agri. Qualification etc. can be transferred to SET, Post in his own special pay scale based on his technical qualification.

The respondent No.2 on the strength of the above letter addressed letter No. 111726/A-67 dated 1.9.1970. to the secretary to Government P.W.P Social Welfare, Health and Education Department, Peshawar and opined that B.Sc. Agri. was entitled to six advance

*Attended*  
  
 C. S. G. G. K. Distt. Supt.



H.W. Govt. School, District Sargodha, Finance Department, Government of W.P.F. In his letter PS-(SRI) 1-1/70(107) dated 12.10.70 addressed to the Controller, W.P.F. and copy endorsed to respondent No-1 regretted the inability of the finance Department to agree to the decision conveyed by the former Education Department, Government of West Pakistan vide their memo reproduced above. It was however, added that six advance increments would only be allowed to B.Sc. Agr. Teachers who are actually teaching Agriculture. The appellant undoubtedly has been actually teaching Agriculture since the date of his appointment and would in the light of this letter be entitled to six advance increments and in view of the letter of Dr. Asghar Ali Shikh to the graded pay too, on account of the practice prevalent in other regions of WEST Pakistan before dis-integration of one unit.

8. A precedent has been brought to our notice hereby Maazullah Awan, BSc. (HONS) in agriculture was appointed as agriculture teacher in the Government Pilot Secondary school Katlang in the pay scale of Rs. 220-15-400 by respondent No-2 per office order No.540 dated 28.9.67. He was not BEd. nor possessed any teaching qualification. His case and that of the appellant stood on the same footing and has no distinguishing features. The pay scale of Rs.220-15-400 was allowed to Maazullah Awan under the West Pakistan (Non Gazetted) Civil servants (pay Revision) rules 1963. and he was held entitled to six advance increments too. There appears to be a lot of substance in the previous recommendations made by the respondent No-2 to the government in favour of the appellant regarding his claim for scale of pay and advance increments.

9. Before parting with the case we would like to suggest that service rules about Agriculture teachers may be framed within reasonable time by the authorities concerned. The appellant has undergone considerable mental and financial hardship during the last years and it is not desirable that a public servant should suffer in such a manner.

10. In the result, we would accept the appeal and direct the respondents that service of the appellant be regularized in the scale of Rs.220-15-310-15-400 plus six advance increments from the date of his appointment and arrear of pay since then be paid to him. We would however leave the parties to bear their own costs.

ANNOUNCED

27.4.1976.

(ALLAH BAKHSH KHAN)

MEMBER.

Sd.

(MUHAMMAD KHURSHID KHAN)

CHAIRMAN.


Head Master  
Govt. High School No-1  
DAGGAR, Dist: Sargodha  
ATTESTED TO BE TRUE COPY.

Attest  
[Signature]

**FINAL INTEGRATED SENIORITY LIST OF SENIOR ENGLISH TEACHERS OF THE EDUCATION DEPARTMENT NWFP AGENCIES AND FRONTIER REGION, CORRECTED UPTO 15-11-2000**

S.NO	NAME & QUALIFICATION	SCHOOL	YEAR OF PASSING BED EXAM	DATE OF BIRTH / RESIDENT	D/O 1 <sup>ST</sup> APPTT: IN EDU: DEPTT:	D/O 1 <sup>ST</sup> PROMOTION TO THE PRESENT GRADE	REMARKS
2104-1	Mr.Fazal Inayat Shah, SET BPS-16	GHS Band NWA	02-07-1986	06-12-1948.	02-06-1976	23-10-1979	As untrained SET and B.Ed result declared on 02-07-1986

1. Certified that the teacher concerned has passed his B.Ed Examination under R.No. 1503 during the session 1985 (Annual) result declared on dated 02-07-1986.
2. There is no formal sanction has been granted for gaining of his seniority w.e.f 23-10-1979 to 01-07-1986 being non-passing his B.Ed Professional Qualification.
3. He has been awarded BPS-16 on the basis of revision of pay 1991.
4. He was considered on deputation to Afghan refuges w.e.f 01-03-1982 to 13-05-1984.

  
**Assistant Director (Estab)**  
**Directorate of E&SE:**  
**Khyber Pakhtunkhwa Peshawar**

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

Implementation Petition No. 338 /2019  
In  
Appeal No.1002/2015

**FAZAL INAYAT SHAH**

**VS**

**EDUCATION DEPTT:**

**INDEX**

<b>S.NO.</b>	<b>DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE NO.</b>
1-	Memo of petition	.....	1- 2.
2-	Affidavit	.....	3.
3-	Judgment	<b>A</b>	4- 6.
4-	Letters	<b>B</b>	7- 9
4-	Vakalat nama	.....	10.

**PETITIONER/APPLICANT**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**  
**MOBILE NO.0345-9383141**

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

Implementation Petition No. 338 /2019

In  
Appeal No.1002/2015

Mr. Fazal Inayat Shah S/O Pir Inayat Shah, Ex: SET,  
R/O Village Darpa Khel, Miran Shah, District North Waziristan.

..... **PETITIONER**

**VERSUS**

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Establishment, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 5- The Director Education Merged Area Districts, Merged Area Secretariat, Warsak Road, Khyber Pakhtunkhwa, Peshawar.
- 6- The District Education Officer, District North Waziristan.

**IMPLEMENTATION PETITION FOR DIRECTING**  
**THE RESPONDENTS TO OBEY THE JUDGMENT**  
**DATED 03.01.2019 IN LETTER AND SPIRIT**

**R/SHEWETH:**

- 1- That the petitioner filed Service appeal bearing No. 1002/2015 before this august Service Tribunal for the grant of pro-forma promotion to BPS-17 & 18 from the date when his colleagues and junior colleagues were promoted by including the name of petitioner at the right position of the seniority list.
- 2- That the appeal of petitioner was finally heard by this august Tribunal on 03.01.2019 and was decided in favor of the petitioner vide judgment dated 03.01.2019 with the view that ***"In view of Section-8 of the Khyber Pakhtunkhwa Civil Servant Act, 1973, the respondent Department is directed to consider the grievance of the appellant regarding non-inclusion of his name in the seniority list of SET,s. In case the respondent Department comes to the conclusion that the appellant had acquired the requisite/B.Ed qualification during his service, his name be included in the relevant seniority list of SET,s in the prescribed***

*manner*". Copy of the judgment is attached as annexure..... **A.**

- 3-** That after obtaining attested copy of the judgment dated 30.01.2019 the petitioner submitted the same alongwith application before the respondents for his claim which was properly forwarded with covering letters but till date the respondent Department is not willing to obey the judgment and till date the respondents have not been redressed the said grievances of the petitioner. Copies of the letters are attached as annexure..... **B.**
- 4-** That the petitioner has no other remedy but to file this implementation petition.

It is therefore, most humbly prayed that on acceptance of this implementation petition the respondents may be directed to implement the judgment dated 03.01.2019 in letter and spirit. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the petitioner.

**PETITIONER**



**FAZAL INAYAT SHAH**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK**

**&**

**MIR ZAMAN SAFI  
ADVOCATES**

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

Implementation Petition No. 3210 /2019

In  
Appeal No.1002/2015

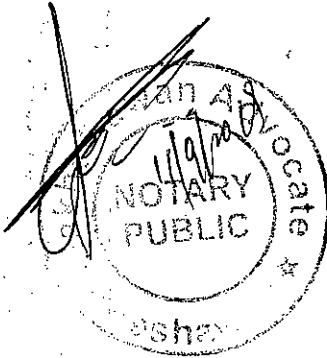
**FAZAL INAYAT SHAH**

**VS**

**EDUCATION DEPTT:**

**AFFIDAVIT**

I Noor Mohammad Khattak, Advocate on behalf of the petitioner, do hereby solemnly affirm that the contents of this **implementation petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.



  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

#-

123

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A-4

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
		<p align="center"><b>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</b>  <b>Service Appeal No. 1002/2015</b></p> <p>Date of Institution ..... 08.09.2015  Date of Decision ..... 03.01.2019</p> <p>Fazal Inayat Shah S/o Pir Inayat Shah Ex-SET, R/o Village Darpa khel, Miran Shah North Waziristan Agency.  <p align="right">Appellant</p> <p align="center">Versus</p> <ol style="list-style-type: none"> <li>The Additional Chief Secretary FATA, FATA Secretariat Warsak Road Peshawar.</li> <li>The Secretary (E&amp;SE) Department Khyber Pakhtunkhwa Peshawar.</li> <li><del>The Secretary Establishment, Khyber Pakhtunkhwa Peshawar.</del></li> <li>The Secretary Finance Department, Khyber Pakhtunkhwa Peshawar.</li> <li>The Director (E&amp;SE) Department, Khyber Pakhtunkhwa Peshawar.</li> <li>The Director Education FATA, FATA Secretariat Warsak Road, Khyber Pakhtunkhwa Peshawar.</li> <li>The Agency Education Officer, North Waziristan Agency.</li> </ol> <p align="right">Respondents</p> </p>
		<p align="center"><b>MEMBER:</b> - Learned counsel for appellant and Mr Muhammad Jan learned Deputy District Attorney for the respondents present.</p> <p>2. Arguments of learned counsel for the appellant and learned Deputy District Attorney heard. File perused.</p>

g

(5)

3. Learned counsel for the appellant stated that the appellant would press the present service appeal only to the extent of his grievance to the effect that his name was not included in any of the seniority list of the SET,s. Learned counsel for the appellant argued that the appellant is a retired SET and had also passed B.Ed. examination during his service, that in view of Section-8 of Khyber Pakhtunkhwa Civil Servants Act 1973, the appellant is vested with the right that his name should have been included in the respective seniority lists of SET,s.

4. On the other hand, learned Deputy District Attorney argued that the appellant was appointed on purely temporary basis; that the appellant was not qualified thus due to lack of professional qualification of B.Ed. from recognized university, his name was not included in the seniority list of SET,s.

5. The assertion of the appellant is that he acquired the requisite qualification of B.Ed. during his service. Hence in view of the Section-8 of Khyber Pakhtunkhwa Civil Servants Act 1973, the respondent department is directed to consider the grievance of the appellant regarding non-inclusion of his name in the seniority list of SET,s. In case the respondent department comes to the conclusion that the appellant had acquired the requisite/B.Ed. qualification during his service, his name be included in the relevant seniority list of SET,s in the prescribed manner. Appellant should approach the respondent department alongwith his educational testimonials/ B.Ed. Degree for verification of the same by the respondent department.

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ATTACHED

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 Khyber Pakhtunkhwa  
 Civil Servants Act,  
 1973



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The present service appeal is disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room

(Ahmad Hassan)  
Member

(Muhammad Hamid Mughal)  
Member

ANNOUNCED  
03.01.2019

Stamp: *[Faint, illegible stamp]*

Signature: *[Handwritten signature]*

Date of order: 28-1-19

Amount: 1600

Cost: 10-

2-

12-

Date of: 28-1-19

Date of: 28-1-19

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Directorate of Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar

PH No. 091-9210389, 9210938,

9210437, 9210957, 9210468

Fax 091-9210936

*Handwritten:* NO 2102  
21/8/16

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*Handwritten:* 7

Immediate / Court Case

To

The Secretary  
Elementary and Secondary Edu  
Khyber Pakhtunkhwa

Subject:

Service appeal No. 1002/2015 filed by Fazal Inayat shah versus  
Additional Chief Secretary FATA

Memo:-

Reference to the subject cited above and to enclose herewith the  
Honorable Khyber Pakhtunkhwa Service Tribunal Judgment dated 03.01.2019  
alongwith the relevant document is submitted for further necessary action please.

*Handwritten signature:* H. Ahmad  
Asst: Director (Lit)  
Merged Districts

Endst: No. \_\_\_\_\_  
Copy forwarded to:-  
PA to Director E&SE Khyber Pakhtunkhwa.

Asst: Director (Lit)  
Merged Districts

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13/Adm  
Kindly check the  
main info  
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before sending

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Vice-Chancellor

119

8



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
No. SO(PE)/E&SED/4-7/Seniority list/2019  
Dated Peshawar the 19.06.2019

To:

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

Subject: - SERVICE APPEAL NO. 1002/2015 FILED BY FAZAL INAYAT SHAH  
VERSUS ADDITIONAL CHIEF SECRETARY FATA

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of letter No. 2102 dated 18.06.2019 received from Assistant Director (Lit), Merged Districts, DE&SE alongwith connected documents, in respect of Mr. Fazal Inayat Shah S/O Pir Inayat Shah, Ex. SET, resident of Village Darpa khel, District Miran Shah NWA, for inclusion of his name in Seniority list as per Khyber Pakhtunkhwa Service Tribunal Judgement dated 03.01.2019, please.

Yours Faithfully,

SECTION OFFICER (PRIMARY)

Encl: as above.

Endstr: of even Number & Date:

Copy to the:-

1. The Assistant Director (Lit) DE&SE, Peshawar w/r to his letter quoted above.
2. PS to Secretary, E&SE Department, Peshawar.

SECTION OFFICER (PRIMARY)

9

1<sup>ST</sup> REMINDER

GOVERNMENT OF KHYBER PAKHTUNKHWA  
 ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
 No. SO(PE)/E&SED/4-7/Seniority list/2019  
 Dated Peshawar the 25.07.2019

To,

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

Subject:

SERVICE APPEAL NO. 1002/2015 FILED BY FAZAL INAYAT SHAH  
 VERSUS ADDITIONAL CHIEF SECRETARY FATA

Dear Sir,

I am directed to refer to this department letter of even number dated 19.06.2019 on the subject noted above in respect of Mr. Fazal Inayat Shah S/O Pir Inayat Shah, Ex. SET, resident of Village Darpa khel, District Miran Shah NWA with a request to intimate the latest status//progress of the case, for perusal of the competent authority, please.

Yours Faithfully,

Encl: as above.

Encl: of even Number &amp; Date:

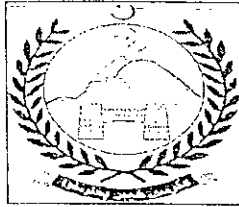
Copy to the:-

1. The Assistant Director (Lit) DE&SE, Peshawar.
2. PS to Secretary, E&SE Department, Peshawar.

  
 SECTION OFFICER (PRIMARY)

  
 SECTION OFFICER (PRIMARY)

AD Lit-II  
 29/7/19



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Peshawar, dated the 24<sup>th</sup> July, 2014.

**NOTIFICATION**

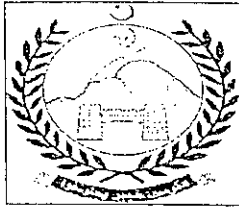
**No.SO(PE)4-5/SSRC/Meeting/2013/Teaching Cadre**:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby directs that in this Department's Notifications No.SO(G)S&L/1-28/2003/Vol-II dated, 09-04-2004, Notification No.SO(G)S&L/1-69/06/Vol-1/DPE/LIB dated, 13-11-2007, and Notification No.SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre, dated, 13.11.2012, the following further amendments shall be made, namely:

**AMENDMENTS**

**In the Appendix.-**

(i) Serial No. J shall be renumbered as IB and before Serial No. IB, as so renumbered, the following new entries shall be inserted in respective columns, namely:

1	2	3	4	5
J	Subject Specialist (BPS-17)	<p>i. At least second class Master's Degree or four years BS Degree in the relevant subject; and</p> <p>ii. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualification from a recognized University.</p>	23 to 35 years	<p>(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, for the relevant subject from amongst the Secondary School Teachers (BPS-16), with at least five years service as such and having qualification mentioned in column No. 3.</p> <p>Note: If no suitable candidate is available in the relevant subject the post falling in their promotion quota shall be filled by initial</p>



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Peshawar, dated the 24<sup>th</sup> July, 2014.

NOTIFICATION

No.SO(PE)4-5/SSRC/Meeting/2013/Teaching Cadre:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby directs that in this Department's Notifications No.SO(G)S&LD/1-28/2003/Vol-II dated, 09-04-2004, Notification No.SO(G)S&L/1-69/06/Vol-1/DPE/LIB dated, 13-11-2007, and Notification No.SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre, dated, 13.11.2012, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix,-

(i) Serial No. 1 shall be renumbered as 1B and before Serial No. 1B, as so renumbered, the following new entries shall be inserted in respective columns, namely:

1	2	3	4	5
1	Subject Specialist (BPS-17)	<p>i. At least second class Master's Degree or four years BS Degree in the relevant subject; and</p> <p>ii. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualification from a recognized University.</p>	23 to 35 years	<p>(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, for the relevant subject from amongst the Secondary School Teachers (BPS-16), with at least five years service as such and having qualification mentioned in column No. 3</p> <p>Note: If no suitable candidate is available in the relevant subject the post falling in their promotion quota shall be filled by initial</p>

				recruitment; and (b) fifty percent by initial recruitment.
1A	Director Physical Education (BPS-17)	At least second class Master's Degree in Physical Education from a recognized University.	22-35 years	<p>(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst Senior Physical Education Teachers (BPS-16), with at least five years service as Senior Physical Education Teacher and Physical Education Teacher and having qualification mentioned in column No. 3:</p> <p>Provided that if no suitable person is available from amongst Senior Physical Education Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst the Physical Education Teachers, with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>Note:- If no suitable candidate is available in the relevant cadres of the above teachers the post falling in their promotion quota shall be filled by initial recruitment; and</p> <p>(b) fifty percent by initial recruitment"; and</p>

				recruitment; and (b) fifty percent by initial recruitment.
IA	Director Physical Education (BPS-17)	At least second class Master's Degree in Physical Education from a recognized University.	22-35 years	<p>(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst Senior Physical Education Teachers (BPS-16), with at least five years service as Senior Physical Education Teacher and Physical Education Teacher and having qualification mentioned in column No. 3:</p> <p>Provided that if no suitable person is available from amongst Senior Physical Education Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst the Physical Education Teachers, with at least five years service as such and having qualification mentioned in column No. 3;</p> <p><b>Note:</b> - If no suitable candidate is available in the relevant cadres of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment; and</p> <p>(b) fifty percent by initial recruitment"; and</p>



(ii) against Serial No. 1B, as so renumbered, for the existing entries, the following shall be substituted, in respective columns, namely:

1	2	3	4	5
"1B.	Secondary School Teacher (BPS-16)	<p>I. At least second class Bachelor Degree's from a recognized University on need basis from the following groups with two subject</p> <p>(a) (Chemistry, Botany or Zoology), Or (b) (Physics, Maths "A" or "B" or Statistics) Or (c) (Humanities and other equivalent groups at degree level with English as compulsory subject;</p> <p style="text-align: center;">and</p> <p>II. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualifications from a recognized University.</p>	21 to 35 years.	<p>1. Seventy Five per cent by promotion, on the basis of seniority-cum-fitness, from the district concerned in the following manner:</p> <p>(a) forty per cent from amongst the Senior Certified Teachers (BPS-16), with at least five years service as Senior Certified Teacher and Certified Teacher and having qualification mentioned in column No.3:</p> <p style="padding-left: 40px;">Provided that if no suitable candidate is available from amongst Senior Certified Teachers for promotion, then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers, with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(b) four per cent from amongst the Senior Drawing Masters(BPS-16). with at least five years service as Senior Drawing Masters and Drawing Masters and having qualification mentioned in column No.3;</p>

Provided that if no suitable candidate is available from amongst Senior Theology Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers with at least five years service as such and having qualification mentioned in column No. 3;

(e) three per cent from amongst the Senior Qaris (BPS-16), with at least five years service as Senior Qari and Qari and having qualification mentioned in column No.3:

Provided that if no suitable candidate is available from amongst the Senior Qaris then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from Qaris with at least five years service as such and having qualification mentioned in column No. 3;

(f) twenty per cent from amongst the Primary School Head Teachers (BPS-16), with at least seven years service as Primary School Head Teachers and Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No. 3;

Provided that if no suitable candidate is available from amongst

Provided that if no suitable candidate is available from amongst Senior Theology Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers with at least five years service as such and having qualification mentioned in column No. 3;

(e) three per cent from amongst the Senior Qaris (BPS-16), with at least five years service as Senior Qari and Qari and having qualification mentioned in column No.3:

Provided that if no suitable candidate is available from amongst the Senior Qaris then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from Qaris with at least five years service as such and having qualification mentioned in column No. 3;

(f) twenty per cent from amongst the Primary School Head Teachers (BPS-16), with at least seven years service as Primary School Head Teachers and Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No. 3;

Provided that if no suitable candidate is available from amongst

			<p><i>Primary School Head Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least seven years service as Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No.3:</i></p> <p><i>Provided further that if no suitable candidate is available from amongst Senior Primary School Teachers for promotion then the post shall be filled from amongst Primary School Teachers with at least seven years service as such and having qualification mentioned in column No. 3; and</i></p> <p>(ii) twenty Five percent by initial recruitment.</p> <p><b>Note:</b></p> <p>I. <i>If no suitable candidate is available in the relevant cadre of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment.</i></p> <p>II. <i>Posts of General SST and SSTs-1 Science and SST-2 Science shall be filled by promotion or initial recruitment, each on need basis separately."</i></p>
--	--	--	--

			<p>Primary School Head Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least seven years service as Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No.3:</p> <p>Provided further that if no suitable candidate is available from amongst Senior Primary School Teachers for promotion then the post shall be filled from amongst Primary School Teachers with at least seven years service as such and having qualification mentioned in column No. 3; and</p> <p>(ii) twenty Five percent by initial recruitment.</p> <p><b>Note:</b></p> <p>I. If no suitable candidate is available in the relevant cadre of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment.</p> <p>II. Posts of General SST and SSTs-1 Science and SST-2 Science shall be filled by promotion or initial recruitment, each on need basis separately."</p>
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SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

**Endst : of even No & date:**

1. The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department Peshawar.
3. The Secretary to Government of Khyber Pakhtunkhwa, Law Department Peshawar
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General Khyber Pakhtunkhwa Peshawar.
6. The Director, Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
7. The Director of Education (FATA) Peshawar.
8. The Director, Curriculum and Teacher Education Khyber Pakhtunkhwa Abbottabad.
9. The Director, (PITE) Khyber Pakhtunkhwa Peshawar.
10. The Director, ESRU Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
11. Manager Government Printing Press Khyber Pakhtunkhwa Peshawar.
12. The Deputy Director, EMIS (S&SE) Department Khyber Pakhtunkhwa Peshawar.
13. All District Education Officer (M&F) in Khyber Pakhtunkhwa.
14. All District Account Officer in Khyber Pakhtunkhwa.
15. All Agency Education Officer in FATA
16. All Agency Account Officer in FATA.
17. PS to Governor Khyber Pakhtunkhwa. Peshawar.
18. PS to Chief Minister Khyber Pakhtunkhwa. Peshawar.
19. PS to Chief Secretary Khyber Pakhtunkhwa. Peshawar.
20. PS to Minister E&SE Khyber Pakhtunkhwa. Peshawar.
21. PS to Secretary E&SE Khyber Pakhtunkhwa. Peshawar.
22. Master file

(ZAMIN KHAN MOMAND)  
SECTION OFFICER (PRIMARY)

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

**Endst : of even No & date:**

1. The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department Peshawar.
3. The Secretary to Government of Khyber Pakhtunkhwa, Law Department Peshawar
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General Khyber Pakhtunkhwa Peshawar.
6. The Director, Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
7. The Director of Education (FATA) Peshawar.
8. The Director, Curriculum and Teacher Education Khyber Pakhtunkhwa Abbottabad.
9. The Director, (PITE) Khyber Pakhtunkhwa Peshawar.
10. The Director, ESRU Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
11. Manager Government Printing Press Khyber Pakhtunkhwa Peshawar.
12. The Deputy Director, EMIS (S&SE) Department Khyber Pakhtunkhwa Peshawar.
13. All District Education Officer (M&F) in Khyber Pakhtunkhwa.
14. All District Account Officer in Khyber Pakhtunkhwa.
15. All Agency Education Officer in FATA
16. All Agency Account Officer in FATA.
17. PS to Governor Khyber Pakhtunkhwa. Peshawar.
18. PS to Chief Minister Khyber Pakhtunkhwa. Peshawar.
19. PS to Chief Secretary Khyber Pakhtunkhwa. Peshawar.
20. PS to Minister E&SE Khyber Pakhtunkhwa. Peshawar.
21. PS to Secretary E&SE Khyber Pakhtunkhwa. Peshawar.
22. Master file

(ZAMIN KHAN MOMAND)  
SECTION OFFICER (PRIMARY)

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE  
TRIBUNAL PESHAWAR.**

**Execution Petition No.187/2012 in S/A No.1236/2011**

Fayyaz Ali Khan SST (FR) Bannu.....Petitioner

VS

Secretary E&SE Department Govt. of Khyber Pakhtunkhwa & others.....Respondents

**APPLICATION FOR THE SUBMISSION OF IMPLEMENTATION REPORT IN THE TITLED  
PETITION ON BEHALF OF THE RESPONDENT**

The Respondents submit as under:-

1. That the titled petition is pending in Execution for the Judgment dated 27-04-2012 of this Honorable Tribunal in the above mentioned Service appeal & is fixed for today.
2. That the appellant namely Fayaz Ali of GMS Gumbati (FR. Bannu) was appointed against the SET (Agr:)/Sc: Master post in BPS-15 vide appointment order No: 35923-30 dated 12/9/1990, on fixed pay issued by the then Director Education (FATA) NWFP now Khyber Pakhtunkhwa, Peshawar on the basis of his academic qualification of Masters in Agriculture from the university of Peshawar.
3. That the appellant has been allowed Graded Pay from the date of his 1<sup>st</sup> appointment dated 12/9/1990 seniority w.e.f 16/04/1998 on passing his B,Ed & 6-advance increments on acquiring higher qualification of M.Sc in Agriculture.
4. That aggrieved from the impugned order dated 16/4/1998, the appellant has filed a Service Appeal No: 1236/2016, on 16/6/2011 under Titled Fayaz Ali SET (Agr:) FR. Lakki Marwat VS Govt: before this Honorable Tribunal for the grant of seniority w.e.f. his date of 1<sup>st</sup> appointment dated 12/9/1990 instead of 16/4/1998 from the Respondent Department against the said post.
5. That the case of the appellant was decided on ex-party basis vide judgment dated 27/4/2012 with the directions to the Respondent Department to consider the seniority of the appellant from the date of his appointment as per law, rules & he may be treated at par with his other colleagues & may be not discriminated. **(Copy of the Judgment is Ann-A).**
6. That the appellant has filed an Execution Petition No: 187/2012 before this Honorable Tribunal for the implementation of Judgment dated 27/4/2012 which is still pending adjudication in the Honorable Service Tribunal for the date fixed as 07/10/2020, before the Learned Bench-I today.
7. That the appellant has placed reliance on a case under titled Amir Rehman Ex-SET Vs Govt, with the plea that the Respondent Department has allowed seniority to the said SST from the date of his 1<sup>st</sup> appointment as an untrained SET whereas, perusal of the seniority list as stood on 01/04/2006 with reference to the serial No.09 of SETs would show that Mr. Amir Rehman Ex-SET was appointed as SET on 01/12/1975 as an untrained SET & has passed his B.Ed in 1978 from where the appellant has been allowed seniority w.e.f. 31/08/1978. **(Copy of the said seniority is Ann-B).**



8. That recently the Respondent Department has allowed seniority to Mr. Fazal Inayat Shah Ex-SET GHS Band North Waziristan in compliance of the Judgment dated 03/01/2019 passed by this Honorable Tribunal in service appeal No.1002/2015 case titled Fazal Inayat shah Ex-SET Vs Govt. of KPK & others appointed as an untrained SET on dated 02/06/1976 & has passed his B.Ed on 02/07/1986, from where the appellant has been granted seniority w.e.f. 02-07-1986 by placing him at seniority No. 2104-1 issued vide Notification dated 13/07/2020 by the Respondent Department. **(Copies whereof, are attached as Ann-C & D).**
9. That in compliance of the Judgment dated 27/12/2012 the case of the appellant has been considered by the appellate committee & disposed of vide Notification No. 613-19 dated 15/07/2020 **(Copy whereof, is Ann-E).**

Now therefore, in compliance of the Judgment dated 27/4/2012, Passed by the Khyber Pakhtunkhwa Service Tribunal Peshawar in the titled appeal & in Exercise of the Powers conferred upon the undersigned under U/S-21 of General Clauses Act 1897, the appellant is hereby made **NOT ENTITLED** for the grant of seniority against the SST(G) Post w.e.f. the date of his 1<sup>st</sup> appointment dated 12/9/1990, in view of the Notification No: SO(PE)/2-6/DPC/09 dated Peshawar the 12/ 6/2009 issued by the Respondent No: 1 read with the Notification No: 2492-25/seniority/ promotion dated 20/01/2013, issued by the Director (E&SE) Department, Khyber Pakhtunkhwa & as per provision of Section-8 (4) Chapter-II of the NWFP now KPK Civil Servant Act 1973 with the submission that the Judgment dated 27/04/2012 may kindly be deemed to have been implemented & the petition in hand may be disposed of in the interest of justices please.

Dated 07/10/2020



**DIRECTOR**  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondents No: 1-3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR



Appeal No. 1236/2011

Date of Institution. ... 16.6.2011  
Date of Decision ... 27.4.2012.

Fayaz Ali, SET (Agriculture) GMS,  
Shahi Gul, FR Lakki.

(Appellant)

VERSUS

1. The Secretary, Government of Khyber Pakhtunkhwa (E&SE) Department, Peshawar.
2. The Director (E&SE), Khyber Pakhtunkhwa, Peshawar.
3. The Director Education (FATA), Khyber Pakhtunkhwa, Peshawar.
4. The Agency Education Officer, FR Lakki.

(Respondents)

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR GRANTING SENIORITY FROM THE DATE OF APPOINTMENT AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN 90 DAYS.

MR. MUHAMMAD ASIF YOUSAFZAI,  
Advocate

For appellant

MR. SHERAFGAN KHATTAK,  
Adv. Advocate: General

For respondents.

SYED MANZOOR ALI SHAH,  
MR. NOOR ALI KHAN,

MEMBER  
MEMBER

JUDGMENT

SYED MANZOOR ALI SHAH, MEMBER:- This appeal has been filed by the appellant under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 with the prayer that on acceptance of the appeal, the respondents may be directed to fix his seniority from the date of appointment as SET (Agriculture) i.e. 12.9.1990.

2. Brief facts of the case are that the appellant was appointed/adjusted as SET (Agriculture) in BPS-15 vide order dated 12.9.1990 and since then he has been working as such upto the entire satisfaction of his superiors and there were no complaints against him. The appellant has the qualification of B.Sc. (Hons) Agriculture, M.Sc. (Hons) Agriculture, C.T, B.Ed and M.Ed, thus the appellant is fully

✓ (23)

decided to hold the post of SET (Agriculture). The appellant is already receiving graded pay from the date of appointment and six advance increments in pursuance of the decision of this Tribunal dated 12.2.2002 in Service Appeal No. 119/1998. Since the appellant was not given his due seniority from the date of appointment, as he filed departmental appeal on 18.2.2011, which elicited no response within the statutory period of ninety days, hence the present.

1. The appeal was admitted to regular hearing on 27.9.2011 and notices were issued to the respondents for submission of written reply on 10.11.2011. On 10.11.2011, Mr. Mashal Khan, S.O for respondents No. 1 and 2 appeared and requested for time. However, no one appeared on behalf of respondents No. 3 and 4, hence they were placed ex-parte. On 9.12.2011, Miss Nadia appeared on behalf of respondents No. 1 and 2 and requested for time. The case was adjourned to 13.2.2012. On 13.2.2012 no one appeared on behalf of the respondents No. 1 and 2, hence they were also placed ex-parte.

Ex-parte arguments heard and available record perused.

The learned counsel for the appellant argued that having the professional Degrees of B.Sc. (Hons) Agriculture and M.Sc. (Hons) Agriculture, appellant is fully qualified to hold the post of SET (Agriculture) and he has also been granted graded pay w.e.f. the date of appointment, so he is also entitled for fixation of his seniority from the said date. The learned counsel for the appellant also argued that the appellant has also been given six advance increments. He further argued that under Rule 17 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the respondents were legally bound to grant seniority from the date of appointment to the appellant for which he is entitled. The learned counsel for the appellant stated that the same benefits have been granted to other colleagues of the appellant while the appellant has been discriminated. He requested that the appeal may be accepted as prayed for.

The available record reveals that having the qualification of B.Sc. (Hons) Agriculture and M.Sc. (Hons) Agriculture, the appellant was qualified for the post of SET (Agriculture) at the time of appointment. He had also been granted graded pay from the date of appointment and six advance increments from the date of passing the B.Ed examination i.e. 16.4.1998. Since the respondents have been placed ex-parte, this Tribunal has no other alternative but to accept the appeal and remand the case to the respondent department to consider seniority of the appellant from the date of appointment as per law/rules and he may be treated at

par with his other colleagues and may not be discriminated. Parties are left to bear their own costs. File be consigned to the record.

94  
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ANNOUNCED  
27.4.2012.

(NOOR ALI KHAN)  
MEMBER.

(SYED MANZOOR ALI SHAH)  
MEMBER

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of submission of Application: 4.5.2012  
Number of Workers: 1200  
Cases: 0  
Fees: 2  
Total: 10  
Name of Copy: [Signature]  
Date of Completion: 4.5.2012  
Date of Delivery of Copy: 4.5.2012

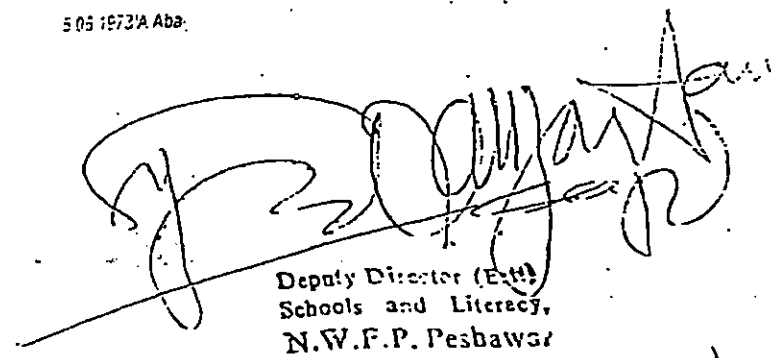
SENIORITY LIST OF SENIOR ENGLISH TEACHERS (B-16) OF SCHOOLS LITERACY NWFP PESHAWAR UPDATED UPTO 01-04-2006

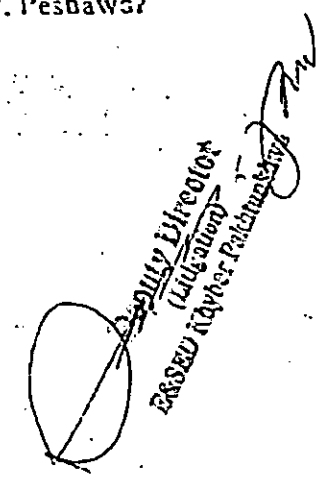
Sr No/ ID	Name and qualification	School	Year of Passing BEd Exam	Date of Birth	Domicile	Date of 1st Appoint in Edu Dept.	Date of promotion to present grade.	Remarks by EDO/DO.
1	Mr Mazhar Ali MSc BEd	GHS Rashid Ghari Pesh.	1978	8.1.50/Pesh		10.12.72	31.8.78	
2	Mr Jamroz Khan BSc Hon: Agri	GHSS Mangora Swat	1976	12.7.46/Swat		16.10.74	31.8.78	
3	Mr Ghani Rehman BSc Agri.	ASDEO Lala	1978	14.8.49/Bannu		20.11.74	31.8.78	
4	Mr Amanullah Khan BSc Agri	GHS Wanda Shahab Khel Bannu	1978	25.11.52/Bannu		25.11.74	31.8.78	
5	Mr Muhammad Ghulam BSc Agri.	GHS Ghazni Khel Bannu	1978	5.4.49/Bannu		30.11.74	31.8.78	
6	Mr M. Sarab Khan BSc Hon: Agri.	GHS Turangzai Charsadda	1978	14.7.47/CHD		2.12.74	31.8.78	
7	Mr. Abdul Hamid BSc Hon: Agri.	GHS Adna Swabi	1978	1.10.49/Mardan.		7.12.74	31.8.78	
8	Mr. G. Jam Daud BSc Agri. NATTC.	GHS S.Naurang Bannu	1978	24.12.47/Bannu		1.12.75	31.8.78	
9	Mr. Amir Rehman M:Sc Agri.	NATTC GATTC Pesh.	1978	1.11.48/Mardan		2.4.76	31.8.78	
10	Mr. I. Muhammad Ayub BSc Agri.	GHS Peniala DIK	1978	13.10.46/D.I.Khan		10.5.76	31.8.78	
11	Mr. Nisar Ahmad BSc Hon: Agri.	GHS No.3 Pesh: Cantt	1978	10.10.46/Chd:		4.9.76	31.8.78	
12	Mr. Saqin Shah BSc Hon: Agri.	GHS Gaddar Mardan	1978	2.10.52/Mardan.			31.8.78	
13	Mr. Muhammad Ibrahim BSc Agri.	GHSS S.Naurang Bannu	1978				31.8.78	
14	Mr. Khazid Mehmood BSc Agri.	G.E.C (M) Jamrud	1979	10.5.53/SWIA		16.5.75	11.6.80	
15	Muhammad Nawaz MA B ED	GMS Old Sarwakai SWA	1974	4-8-49/ Peshawa		1-9-70	28-2-81	
16	Mr. Muhammad Islam MA BEd	GHS No. 2 Peshawar Cantt	1974	16-4-71/ Peshawar		29-6-67	4-3-81	
17	Mr. Ghulam Qadar MA Pa BEd	G Tech: H S Pesh: City	1981	5-10-46/ Mkd: Agy		2-3-74	10-3-81	
18	Mr. Fezli Malik MA BEd	GHS Serab Shah (Mkd: Agy)	1981	5-6-46/ Mardan		7-4-65	13-5-81	
19	Mr. Sa'j Rehman MA BEd	GHS Paghicha Dheri Mardan	1977	8-8-51/ DiKhan		22-4-72	25-9-81	
20	Mr. Muhammad Nafees MA MEd	GMS Garah Baloch DiKhan	1974	27-7-47/ Mardan		26-6-68	30-9-81	
21	Mr. Mumtaz Ali MA BEd	GHSS Katand Mardan	1976	13-10-47/ Mardar		5-4-66	1-10-81	
22	Mr. Muhammad Amin MA BA BEd	GHSS Mardan	1979	3-4-48/Dir		2-7-64	2-10-81	
23	Mr. Mas Muhammad BA BEd	GMS Kamal Dir	1979	20-6-47/ Swat		1-9-69	16-10-81	
24	Mr. Fazi Hadi MA BEd	GHS Serbanda Swat	1976	14-4-48/Mardan		30-6-67	20-10-81	
25	Mr. Fazi Subhan MA Ist: BEd	GHS Gujar Gami Mardan		1-3-47-		13-6-68	12-11-81	
26	Mr. Abdillah Shah BA BEd		1978	1-8-47/ A.Abad		1-7-67	21-11-81	
27	Mr. Sa'eh Muhammad BA BEd	GHS Sherwan A.Abad	1981	12-12-51/ Swat		1-9-73	26-11-81	
28	Mr. Zahir Shah MA BSc BEd	GHS Chitor Swat	1983	10.4.53/Mardan		2.4.75	1.12.81	
29	Mr. Jashar Muhammad MA Med	GHS Labour colony, Mardan	1977	1-12-52/Charsadda		1-10-72	9-12-81	
30	Mr. Asrar Jan MA BEd	GHS Maina Gul Abad Charsadda	1972	12-1-51/ Mardan		7-9-71	1-1-82	
31	Mr. Masud Din MA BEd	GMS Bujgar Mardan	1975	15-10-51/ Mardar		12-10-77	5-3-82	
32	Mr. Sa'ad Shah MA BEd	GHS Kohi Barmal Mardan						

Copy Director  
 GHS (Mardan)  
 Mardan  
 15/11/2022

# SENIORITY LIST OF SENIOR ENGLISH TEACHERS (B-16) OF SCHOOLS LITERACY NWFP PESHAWAR UPDATED UPTO 01-04-2006

Sno/ ID	Name and qualification	School	Year of Passing BEd Exam	Date of Birth	Domicile	Date of Appointment in Edu Dept.	Date of promotion to present grade.	Remarks by EDO/CO.
7489	Ishtiaq Hussain			20.10.1957 Harpu				
7490	Shafqat Hussain			5.05.1972 A. Aba.				

  
 Deputy Director (Edu)  
 Schools and Literacy,  
 N.W.F.P. Peshawar

  
 Deputy Director  
 (Literacy)  
 Peshawar

Anna - C, D

FINAL INTEGRATED SENIORITY LIST OF SENIOR ENGLISH TEACHERS OF THE EDUCATION DEPARTMENT NWFP AGENCIES AND FRONTIER REGION, CORRECTED UPTO 15-11-2000

S.NO	NAME & QUALIFICATION	SCHOOL	YEAR OF PASSING BED EXAM	DATE OF BIRTH / RESIDENT	D/O 1 <sup>ST</sup> APPTT: IN EDU: DEPTT:	D/O 1 <sup>ST</sup> PROMOTION TO THE PRESENT GRADE	REMARKS
2104-1	Mr.Fazal Inayat Shah, SET BPS-16	GHS Band NWA	02-07-1986	06-12-1948.	02-06-1976	23-10-1979	As untrained SET and B.Ed result declared on 02-07-1986

1. Certified that the teacher concerned has passed his B.Ed Examination under R.No. 1503 during the session 1985 (Annual) result declared on dated 02-07-1986.
2. There is no formal sanction has been granted for gaining of his seniority w.e.f 23-10-1979 to 01-07-1986 being non-passing his B.Ed Professional Qualification.
3. He has been awarded BPS-16 on the basis of revision of pay 1991.
4. He was considered on deputation to Afghan refuges w.e.f 01-03-1982 to 13-05-1984.

Assistant Director (Estab)  
Directorate of E&SE:  
Khyber Pakhtunkhwa Peshawar

**DIRECTORATE OF E&SE DEPARTMENT KHYBER PAKHTUNKHWA, PESHAWAR.**

*Anna-15*

**NOTIFICATION.**

- 1 Whereas, the appellant namely Fayaz Ali of GMS Gumbati (FR. Bannu) was appointed against the SET (Agr:) post in BPS-15 vide appointment order No: 35923-30 dated 12/9/1990, on fixed pay issued by the then Director Education (FATA) NWFP now Khyber Pakhtunkhwa, Peshawar on the basis of his academic qualification of M.Sc. (Agriculture).
- 2 And whereas, the appellant has been allowed Graded Pay from the date of his 1<sup>st</sup> appointment dated 12/9/1990, & six advance increments on acquiring higher qualification and seniority against the SET (Agri) post from the date of passing B.Ed Examination dated 16/4/1998 by Respondent Department under the prevailing rules.
- 3 And whereas, aggrieved from the order dated 16/4/1998 of the grant of seniority against the SET(Agri) post, the appellant has filed a Service Appeal No: 1236/2016, on 16/6/2011 under case Titled Fayaz Ali Khan SET(Agr: ) FR. Lakki Marwat VS Govt: Of KPK & Others before the Honorable Khyber Pakhtunkhwa, Service Tribunal, Peshawar for the grant of seniority w.e.f the date his 1<sup>st</sup> appointment dated 12/9/1990 instead of 16/4/1998, decided *vide judgment dated 27/04/2012 on ex-parte basis with the directions to the Respondent Department to consider the seniority of the appellant from the date of his appointment as per law, rules & he may be treated at par with his other colleagues & may be not discriminated.*
- 4 And Whereas, the appellant has filed an Execution Petition No: 187/2012 before the Honorable Khyber Pakhtunkhwa, Service Tribunal, Peshawar for the implementation of Judgment dated 27/4/2012, wherein, the honorable Tribunal directed the Respondent Department, to produce the case Amir Rehman Ex-SET (Agriculture) being a reference case in the instant appeal to look into the matter that whether seniority of Amir Rehman Ex-SET (Agri) he has been granted from the date of his first appointment or from the date passing of B.Ed Examination.
- 5 And Whereas, in compliance of the directions of the Honourable Tribunal, the Respondent Department has produced the original documents along with seniority list of Amir Rehman Ex-SET (Agri) to the learned Bench-I, wherein it was observed that seniority to Amir Rehman Ex-SET has granted w.e.f. the date of passing his B.Ed Examination instead of his 1st appointment (Untrained period) by the respondent Department.

Now, therefore, in compliance of the Judgment dated 27/4/2012, of the Honorable Service Tribunal in the titled appeal & in Exercise of the Powers conferred upon the undersigned under the provisions of Section-21 of General Clauses Act 1897, the appellant is not entitled for the grant of seniority against the SET/SST(Agri) Post w.e.f the date of his 1st: appointment dated 12/9/1990, as per provision of Section-8 of the Khyber Pakhtunkhwa Civil Servants Act 1973 with immediate effect and in the interest of Public service.

Director (E&SE) Department  
Khyber Pakhtunkhwa, Peshawar

Endst: No: 613-19 /DD(Legal: ) Fayaz Ali (FR. Bannu) Dated Peshawar the 15/7 /2020  
Copy forwarded for information & n/action to the:-

- 1 Registrar Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
- 2 Addl: Advocate General Khyber Pakhtunkhwa, Service Tribunal, Peshawar
- 3 Additional Director (Estab) NMTD Khyber Pakhtunkhwa, Peshawar.
- 4 Dy: Director (Etab:) local Directorate.
- 5 District Education Officer (NMTD Bannu).
- 6 Official concerned.
- 7 PA to Director local office.

*29/7*  
Deputy Director (Estab)  
(E&SE) Department, Khyber  
Pakhtunkhwa, Peshawar



12/06/2009



GOVERNMENT OF NWFP  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

No. SO (PE) 2-6/DPC/09  
Dated Peshawar, the 12/06/09

The Director  
Elementary & Secondary Education  
NWFP Peshawar

Subject: REGULARIZATION/SENIORITY OF SETs.

1. I am directed to refer to your letter No. 3830/A-88/SET/Graded Pay/08 dated 04.06.2008 on the subject noted above and to state that although the judgment regarding Noor ul Hayat, Muhammad Ismail and Habib ur Rehman are "judgments in personam" and not "judgment in Rem" hence regularized seniority cannot be extended to others. However, as the batch wise seniority of selection has been quashed with, therefore all such concerns of seniority and graded pay need to be decided uniformly.

2. So far as the Supreme Court of Pakistan judgment dated 6.9.2007 (appeals No. 1081-1088 title Habib-ur-Rehman & others Vs Govt) is concerned these appeals are allowed which means that all reliefs sought therein may be given to them. Therefore they may be given seniority/regularization from the date of passing B.Ed.Examination and Graded Pay from the date of induction as already granted to Mr. Muhammad Ismail (CP No. 898/06) which has been relied upon by Supreme Court of Pakistan in judgment dated 6.9.2007. Moreover, it is the judgment of a larger bench of seven judges including Chief Justice of Pakistan which is more authoritative in its nature and its non-implementation will put the department in an awkward position in the shape of contempt of court.

3. The Director, being the appointing authority, is advised to settle the issue of seniority and graded pay of all 163 SETs by giving them seniority from the date of passing B.Ed Examination and Graded Pay from the date of induction (in the light of judgments of NWFP Service Tribunal and Supreme Court of Pakistan delivered at various times) within a month-time, uniformly, under intimation to this Department

(ARIF JMAL)  
SECTION OFFICER (PRIMARY)

30/01/2013

15

Directorate Elementary & Secondary  
Education Khyber Pakhtunkhwa Peshawar

No. \_\_\_\_\_ / File No. 16/A-88/Vol: B/SET

Dated Peshawar the 30/1 2013

To,  
The Director of Education (FATA),  
Warsak Road Peshawar

Subject: ALLOTMENT OF SENIORITY LIST NO. IN THE LIGHT OF SERVICE  
TRIBUNAL DECISION DATED 27-4-2012 IN THE APPEAL NO. 1236/2011.

I am directed to refer to your letter No. 10503 dated 17-7-2012 and to request you to inform Mr. Fayaz Ali SET GMS Shahi Gul F.R.Lakki that he was appointed against SET post on fixed pay on the basis of M.Sc Agriculture on 12-9-1990. He passed B.Ed examination on 16-4-1998 and according to rules, he was awarded seniority No. from the date of passing B.Ed Examination i.e 16.4.1998. He was awarded graded pay with effect from 12-9-1990 from the date of induction on the basis of passing M.Sc (Agn) while his service was not regularized with effect from the date of his induction in service i.e 12-9-1990 due to not passing B.Ed examination. After passing B.Ed Examination, his services were regularized with effect from 16.4.1998 in the light of the government instructions /orders.

Moreover the regularization of service and award of seniority number are purely made against SET post on the basis of B.Ed and not on other qualification under the rules. Hence the teacher concerned has already been awarded seniority list number with effect from the date of his passing B.Ed Examination and he has also been awarded upgradation from BPS-16 to BPS-17 on the basis of regular service against SET post.

Deputy Director (Establishment)  
E&SE Khyber Pakhtunkhwa, Peshawar

Encls: No. 3772-74

Copy forwarded for information to the:-

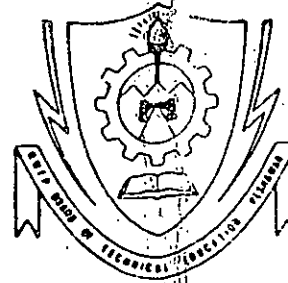
1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Mr. Fayaz Ali SET GMS Shahi Gul F.R.Lakki
3. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar

Deputy Director (Establishment)  
E&SE Khyber Pakhtunkhwa, Peshawar

30/1/2013

Sr. No. 0044

Roll No. 4



**N.W.F.P. BOARD OF TECHNICAL EDUCATION PESHAWAR**  
**DIPLOMA IN VOCATIONAL TEACHER TRAINING**  
**SESSION 1978**  
**ANNUAL**

This is to certify that Mr./Miss/Mrs. AMIR REHMAN  
Son/Daughter of Mr. MUNIR KHAN  
Registered No. AGRO/77-055 of the Government Agro Technical Teachers Training  
Centre, Peshawar, has successfully completed the one year prescribed programme of Vocational  
Teacher Training and has passed the Examination held by the N.W.F.P Board of Technical  
Education, in the month of AUGUST, 1978 and secured 1217/2000 & "B" Grade.

The Candidate has qualified in the following field.

- |                               |                              |
|-------------------------------|------------------------------|
| 1. <del>Industrial Arts</del> | 3. <del>Home Economics</del> |
| 2. Agriculture                | 4. Commerce                  |

In recognition thereof, this Diploma is awarded to him/her on the 8th day of APRIL at Peshawar.

This Diploma is Issued without any erasing/over writing.

Abdul Latif  
SECRETARY

M. A. Khan

GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE  
EDUCATION DEPARTMENT

NOTIFICATION

Dated Peshawar the, 28th December, 1983.

No. Agro-Tech:I-14/81 Rules 1.T.— In pursuance of the provisions contained in (2) of Rule (3) of North-West Frontier Province Civil Servants (Appointment, Promotions and Transfer) Rules, 1975 and in consultation with Services and General Administration Department and the Finance Department, the Education Department hereby lays down the mode of recruitment, qualification and other conditions specified in column 3 to 5 of the Appendix Notification, which shall be applicable to posts in the Education Department (School Cadets) North-West Frontier Province specified in column 2 of the said Appendix.

For  
the  
Director  
of  
Education  
Peshawar

## APPENDIX

Nomenclature of posts	Minimum qualification for appointment by initial recruitment	Age limit for Initial Recruitment	Method of Recruitment
2	3	4	5

18 years to 35 years.

By initial recruitment.

C.T. AGROTECHNICAL  
TEACHER

(a) Industrial Arts

(a) Secondary School Certificate from a recognised Board with:—

- (i) Two year's training in technical subject from any Government run Industrial, Technical or Vocational Institute or Centre; or
- (ii) One year's training in technical subject from any Government run Industrial, Technical or Vocational Institute or Centre plus nine-months training from Government Agrotechnical Teachers Training Centre of the level of C.T. Agrotechnical (Industrial Arts); or

(b) F.A./F.Sc. from a recognised Board plus nine-months training from Government Agrotechnical Teachers training Centre of the level of C.T. Agrotechnical (Industrial Arts).

(b) Agriculture

(a) Secondary School Certificate from a recognised Board with one year training in Agriculture from a Government Institute or Centre plus nine-months training from Government Agrotechnical Teachers Training Centre of the level of C.T. Agrotechnical (Agriculture); or

(b) F.Sc. Agriculture from Government University; or

(c) F.A./F.Sc. from a recognised Board plus nine-months training from Government Agrotechnical Teachers Training Centre of the level of C.T. Agrotechnical (Agriculture); or

(c) Home Economics

- (a) F.Sc. (Home Economics) from a recognised Board plus short-in-service training from Government Agrotechnical Teachers Training Centre; or
- (b) C.T./S.V. (Home Economics) from any Government Training School or College; or
- (c) F.A./F.Sc. from a recognised Board plus nine-months' training from Government Agrotechnical Teachers Training Centre of the level of C.T. Agrotechnical (Home Economics); or
- (d) Secondary School Certificate from a recognised Board with one year Vocational Training from any Government or Government's recognised Training Centre or Institute plus nine-months' training from Government Agrotechnical Teachers Training Centre of the level of C.T. Agrotechnical (Home Economics).

VOCATIONAL SUBJECT  
TEACHERS

(a) Agriculture

- (a) B.Sc. Agriculture from a recognised University plus B.Ed. or
- (b) B.Sc. Agriculture from a recognised University plus Vocational Teachers Training Diploma in Agriculture from Government Agrotechnical Teachers Training Centre.

18 years to 35 years.

By initial recruitment.

(b) Home Economics

- (a) B.Sc. (Home Economics) from a recognised University plus B.Ed. or
- (b) B.Sc. (Home Economics) plus Vocational Teachers Training Diploma in Home Economics from Government Agrotechnical Teachers Training Centre; or
- (c) Secondary School Certificate from a recognised Board with:—
  - (i) 3-years Post-matric Diploma in Home Economics from Women Polytechnic Institute; plus\*
  - (ii) Vocational Teachers Training diploma in Home Economics from Government Agrotechnical Teachers Training Centre.

\*The word "Plus" substituted vide Notification No. Agro-Tech: 1-14/81-Rules C.T., dated 5.2.1984.

1	2	3	4	5
(c) Commerce		(a) B.Com from a recognised University with— (i) B.Ed; or (ii) Vocational Teachers Training Diploma in Commerce from Government Agrotechnical Teachers Training Centre; or (b) *D.Com plus B.A. from a recognised University with Vocational Teachers Training Diploma in Commerce from Government Agrotechnical Teachers Training Centre.		
(d) Industrial Arts		(a) B.Tech. from a recognised University/Institute; or (b) Secondary School Certificate from a recognised Board with Post-Matric Diploma from Polytechnic or equivalent qualification of Industrial Arts plus Vocational Teachers Training Diploma in Industrial Arts from Government Agrotechnical Teachers Training Centre; or (c) B.A. from a recognised University with 2-Years Certificate in Industrial Arts Education from T.T.C., Faisalabad plus Vocational Teachers Training Diploma in Industrial Arts from Government Agrotechnical Teachers Training Centre.		

The word "D.Com" has been substituted vide Notification No. Agro-Tech: 1-14/81-C.T. Rules, dated 5.2.1

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

**Execution Petition No.187/2012 in S/A No.1236/2011**

Fayyaz Ali Khan SST (FR) Bannu.....Petitioner

VS

Secretary E&SE Department Govt. of Khyber Pakhtunkhwa & others.....Respondents

**APPLICATION FOR THE SUBMISSION OF IMPLEMENTATION REPORT IN THE TITLED  
PETITION ON BEHALF OF THE RESPONDENT**

The Respondents submit as under:-


1. That the titled petition is pending in Execution for the Judgment dated 27-04-2012 of this Honorable Tribunal in the above mentioned Service appeal. On the last date of hearing the Respondent Department was directed for submission of implementation report dully supported by relevant documents, service rules, notifications etc. & is fixed for today.
2. That the appellant namely Fayaz Ali of GMS Gumbati (FR. Bannu) was appointed against the SET (Agriculture) in BPS-15 vide appointment order No: 35923-30 dated 12/9/1990 on purely temporary basis being an untrained SET teacher. **(Copy of the Oder Dated 12/09/1990 is attached as Annx-A)**
3. That the appellant has been allowed Graded Pay from the date of his 1<sup>st</sup> appointment dated 12/9/1990 seniority w.e.f 16/04/1998 on passing his B,Ed & 6-advance increments on acquiring higher qualification of M.Sc. in Agriculture.
4. That aggrieved from the impugned order dated 16/4/1998, the appellant has filed a Service Appeal No: 1236/2016 before this Honorable Tribunal for the grant of seniority w.e.f. his date of 1<sup>st</sup> appointment dated 12/9/1990 instead of 16/4/1998 (from the date of passing B.Ed. examination).
5. That the case of the appellant was decided on *ex-party basis* vide judgment dated 27/4/2012 with the directions to the Respondent Department as *"to consider the seniority of the appellant from the date of his appointment as per law, rules & he may be treated at par with his other colleagues & may be not discriminated"*.
6. That the appellant has filed an Execution Petition No: 187/2012 before this Honorable Tribunal for the implementation of Judgment dated 27/4/2012 which is still pending adjudication in the Honorable Service Tribunal for the date fixed as 27/07/2021, before the Learned Bench-I today.
7. That the appellant has placed reliance on a case under titled Amir Rehman Ex-SET Vs Govt, with the plea that the Respondent Department has allowed seniority to the said SST from the date of his 1<sup>st</sup> appointment as an untrained SET whereas, perusal of the seniority list as stood on 01/04/2006 with reference to the serial No.09 of SETs would show that Mr. Amir Rehman Ex-SET was appointed as SET on 01/12/1975 as an untrained SET & on obtaining professional qualification in 1978, he has been allowed seniority w.e.f. 31/08/1978.



8. That this Honorable Service Tribunal has passed Judgement dated 03/01/2019 in service appeal No.1002/2015 case titled Fazal Inayat shah Ex-SET Vs Govt. of KPK & others having the same question of law and facts as the present case. Vide the said Judgment, the appellant has been allowed seniority against the SET B-16 post from the date of passing B.Ed i.e. 02-07-1986 instead of 1<sup>st</sup> appointment i.e. 02/06/1976 which was implemented by the Respondent Department vide Notification dated 13/07/2020 in letter & spirit.
9. That in compliance of the Judgment dated 27/11/2012, the case of the appellant has been considered by the appellate committee of the Directorate E & SE Department, wherein the committee unanimously decided that appellant is not entitle for grant of seniority in question as the appellant had not acquired the prescribed professional qualification at the time of appointment mentioned in service rules of that time vide Notification No. Agro-Tech: 1-14/81 Rules Dated 28/12/1983. (Copy of the Notification dated 28/12/1983 is attached as Annx-B).

Now therefore, in compliance of the Judgment dated 27/4/2012, Passed by the Khyber Pakhtunkhwa Service Tribunal Peshawar in the titled appeal & in Exercise of the Powers conferred upon the undersigned under U/S-21 of General Clauses Act 1897, the appellant is hereby made **NOT ENTITLED** for the grant of seniority against the SST(G) Post w.e.f. the date of his 1<sup>st</sup> appointment dated 12/9/1990, in view of the Notification No: SO(PE)/2-6/DPC/09 dated Peshawar the 12/ 6/2009 issued by the Respondent No: 1 read with the Notification No: 2492-25/seniority/ promotion dated 30/01/2013, issued by the Director (E&SE) Department, Khyber Pakhtunkhwa & as per provision of Section-8 (4) Chapter-II of the NWFP now KPK Civil Servant Act 1973 with the submission that the Judgment dated 27/04/2012 may kindly be deemed to have been implemented & the petition in hand may be disposed of in the interest of justices please. (Copies of Notifications dated 12/06/2009 and 30/06/2013 are attached as Annx- C & D)

Dated 27 / 7 / 2020

  
DIRECTOR  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondents No: 1-3)

A

A

(4)

OFFICE OF THE DIRECTOR OF EDUCATION, FATA, N.W.F.P. PESHAWAR.

ADJUSTMENT

In partial modification of this Directorate office orders issued under Endatt. No: 33723-303 dated 10.3.1990 & No: 34775-35073/A-1/CF/Apptt: dated 1/9/1990, the adjustment of the following teachers are hereby ordered in the interest of Public service with effect from the dates of their taking over charge in the schools as noted against their names:-

Sr. No.	Name & Qualification.	Adjusted at.	Remarks.
1.	Mr. Mohammad Ashraf S/O Payo Noor, MSc. BED, under appointment at GHS, Ara Khol (FR-Kohat).	GHS School Jaffar Khan Killi Khyber Agency.	Adjusted on the same terms & conditions Rs: 1165/- PM fixed (BPS-15) against the vacant Sc: Master post vaco. Wazir Khan, MSc. BED, transferred.
2.	Mr. Fiaz Ali Khan, MSc, SV, GHS School, Akhurwall FR-Kohat.	GHS School, Gulistan, Orakzai AGY.	Adjusted against the vacant Sc: Master post @ Rs: 1165/- PM (Fixed) BPS-15 plus usual allowances as admissib under the rules with effect from his taking over charge.

NOTE:-

- i- Charge reports should be submitted to all concerned (in duplicate).
- ii- No TA/DA is allowed.
- iii- Their apptt: against the SSB posts is being made purely on temporary basis & liable to revert on notice & assingng any reason.

35923-30

Endstt: No: \_\_\_\_\_

DIRECTOR OF EDUCATION,  
FATA, N.W.F.P. PESHAWAR.

Dated Peshawar, the 12/9/1990

Copy forwarded for information and n/a to the:-

- 1-3. Agency Education Officer, Khyber, Orakzai, & AHO, FR, Kohat.
- 4-6. Headmaster, GHS School, Gulistan (Orakzai), Jaffar Khan Killi (Khyber) & Ara Khol, FR, Kohat.
- 7-8. General File & P/File.

*Assured*

By: \_\_\_\_\_  
Director of Education,  
FATA, N.W.F.P. Peshawar.

149

**NOTIFICATION**

Dated Peshawar the, 28th December, 1983.

No. Agro-Tech:I-14/81 Rules N.T.— in pursuance of the provisions contained in (2) of Rule (3) of North-West Frontier Province Civil Servants (Appointment, Promotions and Transfer) Rules 1975 and in consultation with Services and General Administration Department and the Finance Department, the Education Department hereby lays down the recruitment, qualification and other conditions specified in column 3 to 5 of the Appendix Notification, which shall be applicable to posts in the Education Department (School Cadets) North-West Frontier Province specified in column 2 of the said Appendix.

For  
in  
the  
of  
and  
of

(c) Home Economics

- (a) F.Sc. (Home Economics) from a recognised Board plus short-in-service training from Government Agrotechnical Teachers Training Centre; or
- (b) C.T./S.V. (Home Economics) from any Government Training School or College; or
- (c) F.A./F.Sc. from a recognised Board plus nine-months' training from Government Agrotechnical Teachers Training Centre of the level of C.T. Agrotechnical (Home Economics); or
- (d) Secondary School Certificate from a recognised Board with one year Vocational Training from any Government or Government's recognised Training Centre or Institute plus nine-months' training from Government Agrotechnical Teachers Training Centre of the level of C.T. Agrotechnical (Home Economics).

2. VOCATIONAL SUBJECT  
TEACHERS—

(a) Agriculture

- (a) B.Sc. Agriculture from a recognised University plus B.Ed; or
- (b) B.Sc. Agriculture from a recognised University plus Vocational Teachers Training Diploma in Agriculture from Government Agrotechnical Teachers Training Centre.

18 years to 35 years.

By initial recruitment.

(b) Home Economics

- (a) B.Sc. (Home Economics) from a recognised University plus B.Ed; or
- (b) B.Sc. (Home Economics) plus Vocational Teachers Training Diploma in Home Economics from Government Agrotechnical Teachers Training Centre; or
- (c) Secondary School Certificate from a recognised Board with:—
  - (i) 3-years Post-matric Diploma in Home Economics from Women Polytechnic Institute; plus\*
  - (ii) Vocational Teachers Training diploma in Home Economics from Government Agrotechnical Teachers Training Centre.

\*The word "Plus" substituted vide Notification No. Agro-Tech: 1-14/81-Rules C.T., dated 5.2.1984.

APPENDIX

Nomenclature of posts	Minimum qualification for appointment by initial recruitment	Age limit for Initial Recruitment	Method of Recruitment
2	3	4	5

18 years to 35 years.

By initial recruitment.

**C.T. AGROTECHNICAL TEACHER**

(a) Industrial Arts

(a) Secondary School Certificate from a recognised Board with:—

- (i) Two year's training in technical subject from any Government run Industrial, Technical or Vocational Institute or Centre; or
- (ii) One year's training in technical subject from any Government run Industrial, Technical or Vocational Institute or Centre plus nine-months training from Government Agrotechnical Teachers Training Centre of the level of C.T. Agrotechnical (Industrial Arts); or

(b) F.A./F.Sc. from a recognised Board plus nine-months training from Government Agrotechnical Teachers training Centre of the level of C.T. Agrotechnical (Industrial Arts).

(b) Agriculture

(i) Secondary School Certificate from a recognised Board with one year training in Agriculture from a Government Institute or Centre plus nine-months training from Government Agrotechnical Teachers Training Centre of the level of C.T. Agrotechnical (Agriculture); or

(b) B.Sc. Agriculture from a recognised University; or

(c) F.A./F.Sc. from a recognised Board plus one year training in Agriculture from a Government Institute or Centre; or

(d) B.A./B.Sc. from a recognised University; or

(e) B.A./B.Sc. from a recognised University; or

1	2	3	4	5
(c) Commerce		(a) B.Com from a recognised University with— (i) B.Ed; or (ii) Vocational Teachers Training Diploma in Commerce from Government Agrotechnical Teachers Training Centre; or (b) *D.Com plus B.A. from a recognised University with Vocational Teachers Training Diploma in Commerce from Government Agrotechnical Teachers Training Centre.		
(d) Industrial Arts		(a) B.Tech. from a recognised University/Institute; or (b) Secondary School Certificate from a recognised Board with Post-Matric Diploma from Polytechnic or equivalent qualification of Industrial Arts plus Vocational Teachers Training Diploma in Industrial Arts from Government Agrotechnical Teachers Training Centre; or (c) B.A. from a recognised University with 2-Years Certificate in Industrial Arts Education from T.T.C., Faisalabad plus Vocational Teachers Training Diploma in Industrial Arts from Government Agrotechnical Teachers Training Centre.		

The words "D.Com" has been substituted vide Notification No. Agro/Tech: 1-14/81-C.T. Rules, dated 5.2.1

15

Directorate Elementary & Secondary  
Education Khyber Pakhtunkhwa Peshawar

No. \_\_\_\_\_ / File No. 16/A-88/Vol: B/SET

Dated Peshawar the 30/11 2013

To: The Director of Education (FATA),  
Warsak Road Peshawar

Subject:- ALLOTMENT OF SENIORITY LIST NO. IN THE LIGHT OF SERVICE  
TRIBUNAL DECISION DATED 27-4-2012 IN THE APPEAL NO. 1236/2011.

I am directed to refer to your letter No. 10503 dated 17-7-2012 and to request you to inform Mr. Fayaz Ali SET GMS Shahi Gul F.R.Lakki that he was appointed against SET post on fixed pay on the basis of M.Sc Agriculture on 12-9-1990. He passed E.Ed examination on 16-4-1998 and as per rules, he was awarded seniority No. from the date of passing B.Ed Examination i.e 16.4.1998. He was awarded graded pay with effect from 12-9-1990 from the date of induction on the basis of passing M.Sc (Agri) while his service was not regularized with effect from the date of his induction in service i.e 12-9-1990 due to not passing B.Ed examination. After passing B.Ed Examination, his services were regularized with effect from 16.4.1998 in the light of the government instructions /orders.

Moreover the regularization of service and award of seniority number are purely made against SET post on the basis of B.Ed and not on other qualification under the rules. Hence the teacher concerned has already been awarded seniority list number with effect from the date of his passing B.Ed Examination and he has also been awarded upgradation from BPS-16 to BPS-17 on the basis of his regular service against SET post.

Deputy Director (Establishment)  
E&SE Khyber Pakhtunkhwa, Peshawar

Endst: No. 3772-74

Copy forwarded for information to the:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Mr. Fayaz Ali SET GMS Shahi Gul F.R.Lakki
3. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar

  
Deputy Director (Establishment)  
E&SE Khyber Pakhtunkhwa, Peshawar



GOVERNMENT OF NWFP  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

No. SO (PE)2-6/DPC/09,  
Dated Peshawar, the 12.6.2009

The Director  
Elementary & Secondary Education  
NWFP Peshawar

Subject:- REGULARIZATION/SENIORITY OF SETs.

I am directed to refer to your letter No. 3830/A-88/SET/Graded Pay/08, dated 6.11.2008 on the subject noted above and to state that although the judgment regarding Noor ul Hayat, Muhammad Ismail and Habib ur Rehman are "judgments in personam" and not "judgment in Rem" hence relief granted therein cannot be extended to others. However, as the batch wise/year wise policy of selection has been quashed with, therefore all such chronic cases of seniority and graded pay need to be decided uniformly.

2. So far as the Supreme Court of Pakistan judgment dated 6.9.2007 (in appeals No. 1081-1088 title Habib-ur-Rehman & others Vs Govt) is concerned, these appeals are allowed which means that all reliefs sought therein may be given to them. Therefore they may be given seniority/regularization from the date of passing B.Ed.Examination and Graded Pay from the date of induction as already granted to Mr. Muhammad Ismail (CP No. 898/06) which has been relied upon by Supreme Court of Pakistan in judgment dated 6.9.2007. Moreover, it is the judgment of a larger bench of seven judges including Chief Justice of Pakistan which is more authoritative in its nature and its non implementation will put the department in an awkward position in the shape of contempt of court.

3. The Director, being the appointing authority, is advised to settle the issue of seniority and graded pay of all 163 SETs by giving them seniority from the date of passing B.Ed Examination and Graded Pay from the date of induction (in the light of judgments of NWFP Service Tribunal and Supreme Court of Pakistan delivered at various times) within a month-time, uniformly, under intimation to this Department.

  
(ARIF JML)  
SECTION OFFICER (PRIMARY)



To  
The Director of Education,  
N.W.F.P., Peshawar.

NO.S.O.Est.(IV)-19/60-62 dated Lahore the 14-4-1970.

Subject:- ADVICE ABOUT THE QUALIFICATION OF AGRICULTURE TEACHER.

Memorandum:-

Ref: your D.O.No.79 dated 2-4-1969 and Memo: No.59797/A-167 dated 15-5-69, it had been decided in consultation with the Finance Deptt:

1. S.E.T and Agriculture Teacher is one and the same cadre and have joint seniority post.
2. B.Sc Agriculture with B.Ed training is eligible to be posted on Agriculture post/S.E.T and on all posts equal to S.E.T in the grade/pay scale No.220-15-400.
3. A teacher with qualification B.Sc Agri: only is entitled to six advance increments based on qualification of Agri: post as well as on all posts equal to S.E.T post.
4. B.Sc Agriculture with additional B.Ed qualification is also entitled to get the benefit of B.Ed training as Rs.10/- P.M. in the last pay scale w.e.from 14 October, 1955 and Rs.45/-P.M. in consolidated scale w.e.f-1.12.1962. Moreover, for M.A or M.Ed additional qualification, they can get advance increments allowed to all other teachers.
5. Agri: post and S.E.T post etc mentioned in col: No.1 of the Govt: Notification concerned are all equal and identical, therefore, a teacher with B.Sc Agri: qualifications etc can be transferred to S.E.T post on his own special pay scale based on his technical qualification.

Sd/- \*\*\*\*\*  
(S.Salim Wasti) S.O. (Est:IV).