



**GOVERNMENT OF KHYBER PAKHTUNKHWA ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT, CIVIL SECRETARIAT BLOCK A PESHAWAR**

NOTIFICATION

- Whereas**, the appellants namely Ghulam Sarwar & Sherullah Ex-Assistant Directors E&SE Khyber Pakhtunkhwa Peshawar have filed Service Appeal No. 4980-81/2021 under case titled Ghulam Sarwar etc. VS Chief Secretary & others under Section-4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the Notification dated 29-08-2014, whereby, the appellants have been promoted from BPS-16 to 17 as Assistant Directors with immediate effect i.e. 29-08-2014 instead of 08-01-1997, the date of availability of vacancy of the post of Assistant Director (BS-17).
- And whereas**, the afore-noted appeals of the appellants have been decided vide consolidated order/judgment dated 27-02-2023 by the Honorable Service Tribunal, Peshawar, whereby, the Respondent No.2/Secretary E&SE Department Khyber Pakhtunkhwa has been directed to dispose of the pending Departmental Appeals of the appellants afresh by sitting aside the notification dated 22-03-2021 on the ground of being not related to the main prayer of the appellants, within statutory period of one month from the receipt of the order/Judgment under reference.
- And whereas**, in this regard, Respondent No.3/Director E&SE Khyber Pakhtunkhwa has submitted a comprehensive report vide No.4404/A-23/MS-Appeal/Sher Ullah dated 10-12-2019 in response to this office letter dated 17-10-2019, whereby, contention of the appellants have been denied with the assertion that the grievances of appellants pertains to the period (1991) of Ex- Directorate of Education (schools) NWFP, Peshawar which was letter on, bifurcated into two separate entities i.e. Directorate of Secondary Education NWFP, Peshawar and Directorate of primary education NWFP, Peshawar. Moreover, the one, Mr, Fazle Khaliq (referred case of the appellant) was promoted to BS-17 on regular basis on different nomenclatures as Assistant Director (private school) not Assistant Director (Admin) in the erstwhile Directorate of education (schools) NWFP, Peshawar in the year 1990-91 under the service rules of Ministerial Establishment, notified in the year 1978, superseded vide Notification No.SO (PE)/4-10/SSR/Ministerial staff/2013 dated 28-01-2013.
- And whereas**, in the wake of retirement of Mr. Fazle Khaliq Assistant Director (the referred case of the appellant), the Directorate of Secondary Education NWFP, Peshawar and Directorate of Primary Education NWFP, Peshawar were devolved as a result of devolution of powers plan in the year 2001 & the Directorate of School & Literacy NWFP Peshawar now renamed as Directorate of E&SE Khyber Pakhtunkhwa Peshawar came into existence & since then all the appointments/promotion of all categories of Ministerial Cadre have been regulated under the Service Rules notified by E&SE Department vide Notification No.SO (PE)/4-10/SSRC/Ministerial staff/2013 dated 28-01-2013, whereunder, the appellants were also promoted as Assistant Director (Admn) & Assistant Director (F&A) in BS-17 on regular basis vide Notification dated 29-8-2014, hence, the very first promotees under the new/revised Service Rules dated 28-01-2013..

Now therefore, in compliance of the order/judgement dated 27-02-2023 of the Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar in Service Appeal No. 4980-81/2021 & having gone through the pro & contra evidences of the case on record, the undersigned being a competent authority, is of the considered view that the appellants namely Ghulam Sarwar & Sherullah Ex-Assistant Directors are not entitled for antedation of promotion as Assistant Directors (BS-17) w.e.f. 08-01-1997 in terms of Service Rules/Notification bearing Endst: No.SO(PE)/4-10/SSRC/Ministerial staff/2013 dated 28-01-2013 & hence their Departmental Appeals for promotion in question are hereby stand rejected with immediate effect in the interest of the justice.

Endst: No: 9-1

SECRETARY

Dated Peshawar the: 28/3/2023

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

- 1 Learned Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar.
- 2 Learned AAG, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
- 3 Deputy Director (Legal) E&SE Khyber Pakhtunkhwa Peshawar.
- 4 Officials concerned.
- 5 PS to Secretary E&SE Department Khyber Pakhtunkhwa Peshawar.
- 6 Master file.