

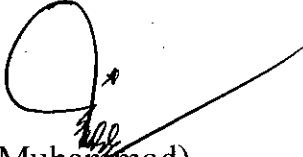
13.01.2023

Clerk of learned counsel for the appellant present.

Mr. Muhammad Jan, District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 20.04.2023 before the D.B.

SCANNED
KPST
PESHAWAR



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

20.04.2023

Counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

The Worthy Chairman is on leave today, the bench is, therefore incomplete. To come up for arguments on 22.06.2023 before the D.B. Parcha Peshi given to the parties.



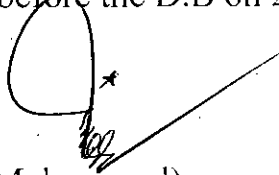
(FAREEH PAUL)
Member (E)

Fazle Subhan P.S

18.10.2022

Appellant in person present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments before the D.B on 24.11.2022.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

24.11.2022

Appellant alongwith counsel present.

Muhammad Jan learned District Attorney alongwith Latif Ahmad ADEO for the respondents present.

Counsel for the appellant requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments on 13.01.2022 before D.B.



(Fareeha Paul)
Member (E)




(Rozina Rehman)
Member (J)

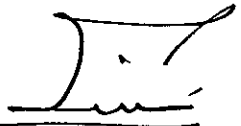
SCANNED
KPST
Peshawar

21.06.2022

Appellant alongwith his counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

After hearing learned counsel for the parties at certain length, it transpired that the appellant has placed reliance on seniority list pertaining to the year 2010-11 attached with the appeal as annexure-F, while on the other hand, respondents have categorically mentioned in para-2 of their reply/comments that the seniority list so attached by the appellant is neither numbered nor signed, therefore, the same is having no legal effect. In this scenario respondents are directed to produce seniority list of Junior Clerks pertaining to the year 2010-11 and to come up for arguments on 02.09.2022 before the D.B.



(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

02.09.2022

Appellant in person present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned Member (Judicial) Ms. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up arguments on 18.10.2022 before the D.B.


(Salah-Ud-Din)
Member (Judicial)

28.12.2021


Due to Winter Vacations, the case is adjourned to 13. 04 2022 for the same as before.


READER

13.04.2022

Appellant in person present. Syed Naseer Ud Din Shah,
Asst: AG for respondents present.

Written comments on behalf of respondents have been submitted through office which is available on file. A copy of the same is handed over to the appellant. Appellant sought adjournment to file rejoinder. To come up for rejoinder as well as arguments before the D.B on 21.06.2022.


(Mian Muhammad)
Member(E)


(Salah Ud Din)
Member(J)

Appellant Deposited
Security & Process Fee

[Handwritten signature]
5/10/21

and process fee within 10 days. Thereafter, notices be issued to the respondent No. 1 for submission of written reply/comments in office within 10 days after receipt of notice, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 28.12.2021 before the D.B.

[Handwritten signature]
Chairman

13.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 03.08.2021 for the same as before.


Reader

03.08.2021

Appellant present in person. Preliminary arguments heard.

After raising some questions including that of limitation vide order dated 22.07.2020 on this appeal, pre-admission notice was given to the respondents for 01.10.2020 but on the next date request for adjournment was made on behalf of both the parties in order to examine the last order of the Tribunal and prepare the case in light of that. After adjournment of the proceedings on next date, the representative of the respondents No. 2 & 3 has submitted written reply on 13.01.2021, followed by direction to issue notice to the remaining respondents 13.04.2021. Next date was adjourned due to Note Reader for today. When pre-admission notice has already been given and two of the respondents has filed written reply, there seems no workable reason to keep the appeal in the course of preliminary hearing. Therefore, this appeal is admitted for full hearing, subject to all legal objections including that of limitation to be determined during course of full hearing. The appellant is directed to deposit security

01.10.2020

Counsel for the appellant and Addl. AG for the respondents present.

A request for adjournment is made by both the learned counsel for the parties in order to examine the last order of Tribunal and prepare the case in light thereof. Adjourned to 28.10.2020 before S.B.


Chairman

28.10.2020

Appellant in person present.

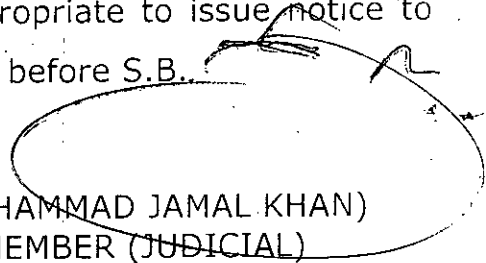
Lawyers are on general strike, therefore, case is adjourned to 13.01.2021 before S.B.


(Rozina Rehman)
Member (J)

13.01.2021

Appellant is present in person. Mr. Wisal Muhammad, ADO, on behalf of respondent No. 3 is also present.

Representative of respondent No. 3 submitted reply on behalf of the said respondent which is placed on file. Perusal of the record reveals that notice has already been issued to respondent No. 3 as regard remaining respondents they have not been issued notice. It is deemed appropriate to issue notice to remaining respondents for 13.04.2021 before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

department Execution Petition No. 16/2016 was filed for implementing the judgment dated 06.10.2015 and it was during the pendency of that execution petition that seniority list of Senior Clerks was issued on 31.07.2019 whereby name of the appellant was placed above Sartaj Ali, Saeed Anwar and Muhammad Dawood. Learned counsel for the appellant contends that since the aforesaid three officials have been promoted earlier than the appellant, therefore, his current position in the seniority list would not give him any service benefits unless and until his promotion is antedated to the post of Senior Clerk with effect from 24.03.2012.

3. The departmental appeal filed for redressal of the issue resulted in failure vide rejection order of the authority dated 06.03.2020, no grounds were assigned for arriving at the above mentioned conclusion hence, the instant present service appeal.

4. As for the period of limitation the learned counsel for the appellant placed reliance on 2002 PLC (C.S.) 1388 citation (a) where it was held by the Punjab Services Tribunal that representation and appeal filed by the civil servant against his grievance though was late, but in matter of promotion, pay and other emolument, limitation would not foreclosed his right accrued to him. Since the important question of limitation besides other, are involved, it is deemed appropriate to issue respondents pre-admission notice for 01.10.2020.

(MUHAMMAD JAMAL KHAN)
MEMBER

2982

22.07.2020

Mr. Taimur Ali Khan, Advocate, for appellant and appellant himself, are present. Learned counsel for the appellant contends that since appointment of appellant as a Junior Clerk in the Education Department his name has invariably been placed at serial No. 03 of the seniority list whereas the names of Sartaj Ali, Saeed Anwar and Muhammad Dawood were mentioned at serial No. 4, 5 & 6 of the referred to list. Surprisingly, in the seniority list issued on 14.03.2012 appellant has been mentioned at serial no. 90 while Sartaj Ali, Saeed Anwar and Muhammad Dawood were referred to at serial No. 2, 3 & 4 where-after within a short span of ten days of the preparation of seniority list they were promoted by virtue of order dated 24.03.2012. The matter was agitated through Service Appeal No. 806/2012 in this Service Tribunal which was decided on 06.10.2015 by partially accepting the appeal by rendering the seniority list as ineffective upon the rights of appellant simultaneously directing the authority to prepare a revised seniority list in accordance with law and rules by placing the appellant at his right and due position while keeping in view the date of his appointment/post cadre.

2. It was during the course of pendency of Service Appeal that appellant was promoted to the post of Senior Clerk on the strength of order dated 28.05.2014 but with immediate effect instead from the due date 24.03.2012 when his juniors were promoted. That due to non-compliance of the judgment by the

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- **5893** /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/06/2020	<p>The appeal of Syed Muhammad Jan resubmitted today by Mr. Taimur Ali Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p><i>Zosnell</i> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21/07/2020</u>.</p> <p><i>Chairman</i> CHAIRMAN</p>
	21.07.2020	<p>Mr. Taimur Ali Khan, Advocate, for the appellant and appellant himself are present. Arguments heard. To come up for order on 22.07.2020.</p> <p>(MUHAMMAD JAMAL KHAN) MEMBER</p>


SCANNED
KPST
Peshawar

The appeal of Mr. Syed Muhammad Jan, Senior Clerk, GHS No. 1 Charsadda received today i.e. 21.04.2020 by Mr. Taimur Ali Khan, Advocate is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Index of the appeal is not attached with the appeal which may be placed on it.
- 2- Copy of impugned order is not attached with the appeal which may be placed on it.
- 3- Copy of departmental appeal is illegible which may be replaced by legible/better one.
- 4- Copy of rejection order of departmental appeal is not attached with the appeal which may be placed on it.
- 5- Affidavit in r/o appellant is not attached with the appeal which may be placed on it.
- 6- Wakalat Nama is not attached with the appeal which may be placed on it.
- 7- Four more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.
- 8- Memorandum of appeal is unsigned which may be got signed.
- 9- Annexures of the appeal may be flagged.
- 10- Annexures of the appeal may be attested.

No. 1027 /S.T,

Dt. 21-04 /2020



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

21/4/2020

Taimur Ali Khan Adv/Pesh.

Respected Sir,


Please allowed 15 days more for
resubmission of the case


4/5/13.

⑮ days further Extended.

Respected Sir,

- 1- Removed as index is prepare.
- 2- copy of impugned order is attached at page-29 to 22.
- 3- Removed by better one.
- 4- copy of rejection order is attached at page-29
- 5- I have not make an affidavit


4/5/2020

6. Wakalat Name is attached at page - 30

7 - Removed

8 - Removed

9 - Removed

10 - Removed

Resubmitted after compliance

[Signature]

Page

No.

[Faint, mostly illegible handwritten notes and scribbles covering the lower half of the page]

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. **5893** /2020

Syed Muhammad Jan

V/S

Education Deptt:

INDEX

S. No.	Documents	Annexure	P. No.
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02	Copy of seniority list	A	06-09
03	Copies of seniority list and promotion order dated 24.03.2012	B&C	10-14
04	Copy of judgment dated 06.10.2015	\ D	15-18
05	Copy of order dated 28.05.2014	E	19-22
06	Copy of seniority list	F	23-24
07	Copies of departmental appeal and rejection order dated 06.3.2020	G&H	25-29
08	Vaklat Nama	-----	30

APPELLANT

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

Bilour plaza, Peshawar cantt:
Cell# 0333-950916

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

5893

APPEAL NO. _____/2020

Syed Muhammad Jan,
Senior Clerk, GHS No.1, Charsadda.

(APPELLANT)

VERSUS

1. The Secretary (E&SE) KPK, Peshawar.
2. The Director (E&SE) KPK, Peshawar.
3. The District Education Officer (Male) Charsadda.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 APPEAL AGAINST THE ORDER DATED 06.03.2020, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS AND AGAINST THE ORDER DATED 28.05.2014, WHEREBY THE APPELLANT WAS PROMOTED AS SENIOR CLERK WITH IMMEDIATE EFFECT INSTEAD OF DUE DATE I.E 24.03.2012 "THE DATE ON WHICH JUNIORS TO THE APPELLANT WERE PROMOTED TO THE POST OF SENIOR CLERK.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE REJECTION ORDER DATED 06.03.2020 MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY KINDLY BE CONSIDERED FOR PROMOTION TO THE POST OF SENIOR CLERK BY ANTEDATING HIS PROMOTION WITH EFFECT FROM 24.03.2012, "THE DATE ON WHICH HIS JUNIORS WERE PROMOTED TO THE POST OF SENIOR CLERK" BY MODIFYING THE PROMOTION ORDER DATED 28.05.2014 TO THE EXTENT OF THE APPELLANT WITH ALL BACK AND CONSEQUENTIAL SERVICE BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was appointed as Junior Clerk in Education Department on 27.11.1986 and since his appointment, the appellant is performing his duty with great devotion and honest, whatsoever assigned to him and no complaint has been filed against him regarding his performance.
2. That final seniority list of junior clerk of District Charsadda was issued, whereby the appellant was shown at S. No.3 of that list, while Sartaj Ali, Said Anwar and Muhammad Daud were shown at S.No. 4,5,&6 respectively as the date of appointment of the appellant was 1986, while those were appointed in the year 1987. **(Copy of seniority list of 2012 is attached as Annexure-A)**
3. That another seniority list of junior clerks of District Charsadda was issued on 14.03.2012, wherein the appellant was surprisingly shown at S. No. 90 while Sartaj Ali, Said Anwar and Muhammad Daud were shown at S.No. 2,3&4 respectively and within 10 days of issuing of that seniority list, Sartaj Ali, Said Anwar and Muhammad Daud were promoted to the post of senior clerk vide order dated 24.03.2012. **(Copies of seniority list and promotion order dated 24.03.2012 are attached as Annexure-B&C)**
4. That as the appellant aggrieved from the seniority list issued on 14.03.2012 and the promotion order dated 24.03.2012, therefore he filed Service Appeal No.806/2012 in the Honourable Service Tribunal which was decided on 06.10.2015. The Tribunal partially accepted the appeal, set aside the impugned seniority list and directed that revised seniority list as per law and rules should be effected by the competent authority whereby the appellant be placed at his right and due position in accordance with the date of his regular appointment in the post/cadre. **(Copy of judgment dated 06.10.2015 is attached as Annexure-D)**
5. That during the proceeding of that service appeal, the appellant was promoted to the post of senior clerk vide order dated 28.05.2014, but with immediate effect instead from due i.e 24.03.2012, the date on which the juniors to the appellant were promoted. **(Copy of order dated 28.05.2014 is attached as Annexure-E)**

6. That as the department did not implement the judgment of the Service Tribunal, therefore, the appellant filed Execution Petition No.16/2016 for implementation of judgment dated 06.10.2015 and during the pending of Execution Petition, tentative seniority of senior clerk was issued on 31.07.2019, wherein the seniority of the appellant was revised and the name of the appellant was placed above Sartaj Ali, Said Anwar and Muhammad Daud in that seniority list, but due to earlier promotion of Sartaj Ali, Said Anwar and Muhammad Daud to the post of senior clerk, this seniority position will not give any benefit to the appellant without antedating the promotion of the appellant to the post of senior clerk w.e.from 24.03.2012, the date when the promotion of Sartaj Ali, Said Anwar and Muhammad Daud were promoted. **(Copy of seniority list is attached as Annexure-F)**
7. That the appellant filed departmental appeal against the order dated 28.05.2014, whereby the appellant was promoted to the post of senior clerk with immediate effect instead of his due date i.e 24.03.2012, the date when juniors to the appellant namely Sartaj Ali, Said Anwar and Muhammad Daud were promoted to the post of senior clerk, which was rejected on 06.03.2020 for no good grounds. **(Copies of departmental appeal and rejection order dated 06.3.2020 are attached as Annexure-G&H)**
8. That the appellant has no other remedy except to file the present service appeal for redressal of his grievance on the following grounds amongst others.

GROUND:

- A) That the order dated 06.02.2020 and 28.05.2014 are against the law, rules, facts, norms of justice and material on record, therefore order dated 06.02.2020 is liable to be set aside and the order dated 28.05.2014 is liable to be modified to extent of the appellant by antedating his promotion with effect from 24.03.2012, the date when juniors to the appellant namely Sartaj Ali, Said Anwar and Muhammad Daud were promoted.
- B) That the appellant was at S. No.3, while Sartaj Ali, Said Anwar and Muhammad Daud S.No. 4,5,&6 respectively, but despite that they were promoted to the post of senior clerk on 24.03.2012, while the appellant was promoted 28.05.2014, therefore the order dated

28.05.2014 is required to be antedated with effect from 24.03.2014, the date when his junior were promoted to senior clerk to meet the ends of justice.

- C) That the department revised the seniority list of senior clerk issued on 31.07.2019 on the basis of the judgment dated 06.10.2015, in which the date of appointment of the appellant was considered as 1986 and his name was also placed above the Sartaj Ali, Said Anwar and Muhammad Daud, which shows that the department admit the stance of the appellant, but this revised and corrected seniority will give benefit to the appellant only, if the promotion of the appellant is antedated w.e. from 24.03.2012.
- D) That the appellant was appointed as junior Clerk in 1986, while Sartaj Ali, Said Anwar and Muhammad Daud were appointed in the year 1987, which shows that the appellant was senior to them which was also reflected from the seniority list, but the appellant was not promoted to the post of senior clerk along with Sartaj Ali, Said Anwar and Muhammad Daud and promoted after two years and now the grievance can only be redressed only if the promotion of the appellant is antedated w.e. from 24.03.2012.
- E) That the appellant was appointed in the year 1986, while Sartaj Ali, Said Anwar and Muhammad Daud were appointed in the year 1987, but despite that they being juniors to the appellant were promoted on 24.03.2012 and the appellant was promoted after two years on 28.05.2014, which is violation of law and rules.
- F) That the appellant has good service record, but despite that juniors to the appellant were promoted in 2012, while the appellant was promoted in 2014, which is against the norms of justice and fair play.
- G) That depriving the appellant from his legal right of promotion to the post of senior clerk from due date i.e 24.03.2012 will also affect his future promotion, which will cause great financial loss in the shape of pension and other monetary benefits.
- H) That the appellant was not treated in accordance with the law and rule and has been deprived from his legal right of promotion from due date in arbitrary manner.
- I) That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

S. M. Jan

APPELLANT
Syed Muhammad Jan

THROUGH:

Taimur Ali Khan

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,

Asad Mahmood

(ASAD MAHMOOD)
ADVOCATE HIGH COURT

Annexure *QA* *AB*

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&S) EDUCATION CHARSADDA
FINAL SENORITY LIST OF JUNIOR CLERK IN DISTRICT CHARSADDA

S.No.	Name/Designation	Father Name	Address	D/B Birht	D/O 1st Apptt:	Remarks	Taking O/C Chd;
1	Kausar Ali	Bahadar Khan	GHSS Utmanzai	6/2/1964	8/11/1986	S/G Holdr	1/7/1987
2	Naqib Ahmad	Muhammad Shah	GHSS Nisatta	10/11/1968	1/12/1986	do	14-11-1987
3	S.Muhammad Jan	S.Fazli Rabbi	GHS No-1 Chd	2/2/1960	2/12/1986	do	1/3/1996
4	Sartaj	Raham Dad	GHSS Dargai	16-10-1968	7/1/1987	do	26-6-1987
5	Said Anwar	Noor-Haleem	DDO(M)Chd	10/4/1968	18-2-1987	do	1/3/1990
6	Muhammad Daud	Abdur Rauf	GGHS Daulat Pura	2/3/1967	11/5/1987	do	11/5/1987
7	Muhammad Amin	Abdur Rahman	GHS No-1 Tangi	15-9-1960	1/9/1987	do	11/10/2001
8	Inayat Ullah	Amir Nawaz	GHS Boobak	10/11/1957	9/9/1987	do	22-3-1990
9	Naseeb Gul	Hamid Gul	GHS Katozai	13-5-1967	16-9-1987	do	16-9-1987
10	Ayub Khan	Sardar Khan	GHS Mirzadher	13-9-1958	18-10-1987	Nil	23-4-1998
11	Syed Bukhar Shah	Abdur Rahman	GHS Ibrahimzai	7/2/1969	21-11-1987	Nil	21-11-1987
12	Shoukat Khan	Rahmat Ullah	GHS Battagram	5/3/1969	7/2/1988	Nil	15-9-2000
13	Nisar Mohammad	Ashraf-ud-din	GHS Gul Abad	1/5/1960	1/3/1988	Nil	1/3/1988
14	Gohar Ali	Hayat Gul	GHS Ghazgi	1/9/1966	2/3/1988	Nil	1/9/1997
15	Shah Jehan	Khaista Gul	GHSS Dosehra	14-3-1969	12/3/1988	Nil	12/3/1988
16	Muhammad Tariq	Firoz Din	GHSS Umerzai	14-4-1969	21-4-1988	Nil	21-6-1997
17	Alam Jan	Muhammad Jan	GHS Tangi-2	18-4-1963	10/9/1988	Nil	13-11-1988
18	Khalid Khan	Sherdil Khan	DDO(M)Tangi	10/12/1965	12/9/1988		12/11/1988
19	Wajid Ali	Abdul Maroof	GHS Shakar Dhand	1/1/1965	8/11/1988		8/11/1988
20	Anwar-ul-Haq	Zain-ul-Haq	GHS D.S.Khan	7/7/1967	1/12/1988		1/12/1988
21	Amjid Ali	Ihsan-ud-Din	GHSS Turnab	9/4/1967	18-4-1989		6/9/2001
22	Fazli Subhan	Raheem Ullah	GHS Shakoore	28-6-1966	23-1-1989		28-9-1989
23	Roohul Amin	Abdul Ghafoor	GGHS S.A. Abad	19-4-1956	11/10/1989		1/1/2002
24	Mohammad Iqbal	Tila Mohammad	GHSS Dosehra	21-12-1966	24-12-89		1/10/1999
25	Musharaf Shah	Umer Shah	GHSS Sherpao	8/2/1965	24-4-1990		24-4-1990
26	Waheed Ullah	Rahmat Ullah	GGHS Tangi	1/9/1971	24-4-1990		1/12/1995
27	Sajid Ali	Fazli Hakeem	GGHS Boobak	4/10/1971	4/8/1990		4/8/1990
28	Mumtaz Khan	Noor Akbar	GGHS Daulat Pura	1/4/1969	9/8/1990		31-3-2001
29	Mohammad Ishaq	Bakhtawar	GGHS Rajjar	18-11-1971	17-10-1990		12/8/1999
30	Mumtaz Ahmad	Ghulam Sarwar	GGHS Prang	10/9/1950	10/11/1990		17-4-2001

Arum

ROMAN KHAN
 Advocate High Court
 Distt: Courts Charsadda

(16) (7)

31	Abdul Lateef	Khair Mohammad	GGHSS Umerzai	1/1/1963	13-11-1990		1/6/1991
32	Ejaz	Munawar Shah	GHSS Utmanzai	15-4-1974	2/12/1990		1/1/2004
33	Noor Saleem	Muslim Khan	GHS Dalazak	20-4-1971	22-12-1990		1/12/1993
34	Fazli Ghafar	Fazli Akbar	DDO(F)Chd	28-4-1970	30-12-1990		1/11/1995
35	Rustam Khan	Fazli Rokhan	GGHS Jamat	5/5/1972	1/1/1991		11/3/2003
36	Sultan Ali	Jamrooz Khan	EDO Chd	15-6-1970	1/1/1991		1/1/1991
37	Arshid Hussain	Sharif Hussain	GHS M.Nari	3/9/1970	3/1/1991		25-7-1997
38	Saeed Ahmad	Rasheed Ahmad	GHS Rajjar No-2	12/2/1971	7/1/1991		14-11-1992
39	Muhammad Anwar	Raham Din	GHS Halimzai	10/1/1967	15-1-1991		1/11/1998
40	Fakhri Alam	Shamrooz Khan	DDO(M)Chd	20-1-1971	15-1-1991		1/6/1995
41	Ishtiaq Ahmad	Maaz Ullah	DDO(F)Tangi	30-11-1970	18-11-1991		18-8-1991
42	Asif Jan	Nazeer Gul	GGHS Harichand	1/5/1973	1/5/1991		1/5/1991
43	Shuja-ud-Din	Siraj-ud-Din	GHS Shabqader	15-2-1969	20-5-1991		1/4/2001
44	Abdul Nasir	Amir Zada	GGHS Sarki Mulya	30-11-1961	10/6/1991		10/4/2001
45	Fazli Elahi	Haider Khan	GHS Ambadher	1/1/1969	16-6-1991		1/2/1996
46	Akbar Jan	Ehsan Ullah Khan	GGHSS Umerzai	3/4/1969	18-8-1991		18-8-1991
47	Wajid Ali	Sher ali	GHS Babra	20-8-1967	17-9-1991		1/6/1997
48	Mazhar Hussain	Zain-ul-Abideen	EDO Chd	3/4/1971	8/12/1991		2/10/2001
49	Jehan Zeb	Shamrooz Khan	GHS Ghzgi	1/5/1967	16-1-1992		16-1-1992
50	Iftihar Ahmad	Ali Khan	GHSS Dosehra	4/11/1969	30-3-1992		30-3-1992
51	Tajamul Shah	Laiq Shah	GHS G.H.Gul	2/3/1960	24-4-1992		1/1/1996
52	Mohammad Sulimai	Zahir Mohammad	GGHS Utmanzai	13-4-1971	27-4-1992		25-1-1997
53	Sardar Karim	Firdos Khan	GHS Zarbab Garhi	22-4-1971	14-5-1992		14-5-1992
54	Ghani-ur-Rahman	Said Rahman	GHS Soor Kamar	18-3-1968	15-9-1992		15-9-1992
55	Mohammad Wisal	Hamzallah Khan	GHS Prang	3/10/1971	1/10/1992		1/1/1998
56	Anjid Ali	Salim Khan	GHS Utmanzai-2	15-4-1971	27-12-1992		27-12-1992
57	Sartaj	Israr-ud-Din	EDO Chd	10/11/1970	23-2-1993		25-10-2004
58	Shoukat Hussain	Gul Mohammad	GHS No-1 Chd	15-5-1951	1/4/1993		1/4/1993
59	Mohammad Javid	Said Ullah	GHS Chd Khas	3/3/1972	8/5/1993		8/5/1993
60	Mukhtaram Khan	Haya-ud-Din	DDO(F)Tangi	10/3/1973	5/9/1994		1/6/1995
61	Bashir Ahmad	Rashid Ahmad	GHSS Fassanzai	8/4/1972	11/8/1994		1/6/1995
62	Saimon Jan	Munawar Shah	GHS Rajjar No-1	7/4/1975	19-12-1994		1/11/1998
63	Zulfiqar Ali	Shoukat Ali	GHS Hajizai	1/1/1968	4/1/1995		4/1/1995
64	Mir Alam Khan	Agha Mir	GHS Kangra	11/2/1970	23-8-1995		23-8-1995
65	S.Muntazim Shah	Kiramat Shah	GHSS Sherpao	6/1/1972	24-8-1995		24-8-1995

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66	Zubair Gul	Rahim Gul	DDO(F)Tangi	9/12/1973	31-8-1995		
67	Naseer Ahmad	Abdul Wahab	GHS Mandani	18-4-1973	1/1/1995		3/9/1995
68	Izhar Ullah	Bashir Ullah	GHSS Utmanzai	8/5/1972	1/9/1995		1/1/1995
69	Rafi Ullah	Badshah Gul	GHS Khawaja Haw	1/3/1975	1/9/1995		4/2/1995
70	Wajid Gul	Rahmat Gul	GHS Mardhand	21-10-1972	2/9/1995		1/9/1995
71	Mohammad Ikram	Mujahid Khan	GHSS Sherpao	13-4-1975	2/9/1995		2/9/1995
72	Tariq Zada	Sahib Zada	GHSS Dosehra	3/6/1973	23-9-1995		2/9/1995
73	Zuhrab Gul	Amin Gul	GHSS Dhakki	10/11/1973	12/10/1995		23-9-1995
74	Anjid Ali	M.Shah Ali	GGHS Dhakki	4/11/1973	1/11/1995		12/10/1995
75	Shahid Ali	Sabzali	GHSS Sherpao	10/2/1977	1/11/1995		1/5/2000
76	Mohammad Islam	Bakhtyar Mohanum	GHS Shodag	28-2-1976	15-11-1995		1/11/1995
77	Yar Mohammad	Ajab Khan	GHS Behlola	1/1/1965	21-11-1995		15-11-1995
78	Atlas Khan	Gul Pasand	GHSS Dosehra	10/4/1976	30-1-1996		21-11-1995
79	wasi Ullah	mohammad Ibrahi	GHS Gul-Abad	30-11-1968	5/3/1995		20-7-2000
80	Said Anwar	Akbar Khan	GHS Rajjar	10/9/1970	13-4-1996		5/3/1995
81	Mohammad Ibrar	Sahib Zada	GHSS Utmanzai	25-4-1976	14-4-1996		13-4-1995
82	Manzoorul Hasan	Mohamad Sadiq	GHSS Dargai	26-3-1996	13-6-1996		5/6/2000
83	Saleem Khan	Shams Khan	GGHS Nisatta	14-3-1971	23-6-1996		13-6-1995
84	Shah Faisal	Usman-e-Ghani	EDO Chd	10/4/1974	4/7/1996		1/4/2000
85	Qabil Shah	Salih Mohammad	GHS Bari Band	20-4-1974	9/7/1996		4/7/1995
86	Arab Gul	Wahid Gul	GGHS Sheikh Kili	10/1/1978	1/9/1996		9/7/1995
87	Shah Saud	Jamshid Khan	GGHS Turnagzai	2/5/1978	2/10/1996		1/6/2000
88	Dastar Ali	Sherbaz Khan	DDO(F)Chd	1/10/1969	3/10/1996		12/10/1995
89	Inam Ullah Jan	Rahmat Ullah	GHS Mani Khela	15-4-1969	9/10/1996		3/10/1995
90	Ghazi Khan	Roshan Khan	GGHS Sherpao	10/3/1969	2/11/1996		9/10/1995
91	Maaz Ullah	Hidayat Ullah	GHS Geedar	5/10/1972	23-6-1997		2/11/1995
92	Nasir Shah	Noor Shah	GHSS Turnab	15-1-1975	24-6-1997		23-6-1995
93	Waheedur Rahman	Fazli Rahman	GGHS Utmanzai	7/8/1977	24-6-1997		24-6-1995
94	Farid Khan	Hassan Khan	GHS Wardaga	1/4/1976	24-6-1997		24-6-1995
95	Hakim Khan	Nasir Khan	GHSS Umerzai	22-4-1970	25-6-1997		24-6-1995
96	Gouhar Rahman	Saifur Rahman	GHS Kharaki	9/2/1975	28-6-97		25-6-1995
97	Talmeed Jan	Riazat Khan	GHS Turangzai	20-1-1976	28-6-1997		28-6-1995
98	Ajmal Khan	Safdar Gul	GHS Mian Essa	1/10/1972	30-6-1997		28-6-1995
99	Ishtiaq Khan	Jaffar Khan	GHS No-1 Chd	1/5/1977	1/7/1997		30-6-1995
100	Mir Alam Khan	Said Ahmad	EDO Chd	18-1-1971	1/7/1997		1/7/1995

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101	Mansoor Ali	Abdul Ghafar	GGHSS.A.Abad	20-11-1972	1/7/1997		1/7/1997
102	Fazli Malik	Halim Gul	GHS Harichand	5/12/1974	1/7/1997		1/7/1997
103	Muhammad Naeem	Zainul Abdin	GHSS Hassanzai	15-5-1977	1/7/1997		1/7/1997
104	Fayaz Khan	Feroz Khan	GHS MM Khel-I	20-5-1976	1/7/1997		1/7/1997
105	Asghar Jan	Habib Ullah	GGHS Boobak	17-5-1972	17-7-1997		17-7-1997
106	Ajmal Khan	Bahader Sher	GHS SKF	1/10/1974	26-10-1997		29-10-1997
107	Sardar Shah	Tor Khan	GHSS Turnab	11/6/1966	26-3-1998		29-9-2001
108	Sana Ullah	Musafar Khan	GHSS Turnab	1/1/1978	30-5-1999		1/10/2001

EXECUTIVE DISTRICT OFFICER
E&SE CHARSADDA

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OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&SE) CHARSADDA
 FINAL SENIORITY LIST OF JUNIOR CLERKS IN DISTRICT CHARSADDA 2010-2011

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S.NO	NAME	FATHER NAME	ADDRESS	DATE OF BIRTH	DATED OF 1ST APPOINTMENT	DATED OF TAKING OVER CHARGE AS J CLERK IN DISTRICT CHD/ E&SE DEPT	Remarks
1	Kausar Ali	Bhadar Khan	GHSS Uman Zai	06.02.1964	08.11.1986	16.09.1987	
2	Saraj	Raham Dad	GHSS Dargai	16.10.1968	07.01.1987	28.06.1987	
3	Saeed Anwar	Noor Halim	DDO(M)Chd	10.04.1968	18.02.1987	01.03.1990	
4	Muhammad Daud	Abdur Rauf	GGHS Daulai Pura	02.03.1967	11.05.1987	11.05.1987	
5	Inayatullah	Anir Nawas	GHS Boobak	10.11.1957	09.09.1987	22.03.1990	
6	Naseeb Gul	Hamid Gul	GHS Kalo Zai	13.05.1967	16.09.1987	23.12.1990	
7	Ayub Khan	Sardar Khan	GHSS Tarnab	13.09.1958	14.10.1987	18.10.1987	
8	Syed Bukhari Shah	Abdur Rahman	GHS Ibrahim Zai	07.02.1969	21.11.1987	21.11.1987	
9	Shaukat Khan	Rahmatullah	GHS Balagram	05.03.1969	07.02.1988	13.09.2000	
10	Nisar Muhammad	Ashrafud Din	GHS Gul Abad Mera	01.05.1960	01.03.1988	01.03.1988	
11	Gauhar Ali	Hayat Gul	GHS Ghazir	01.09.1966	02.03.1988	01.09.1987	
12	Muhammad Shah Jehan	Khaista Gul	GHSS Dosehra	14.03.1969	12.03.1988	12.03.1988	
13	Muhammad Tariq	Feroz Din	GHS Khwaja-Hawas	14.04.1969	21.04.1988	21.06.1987	
14	Alam Jan	Muhammad Jan	GHS No.2 Tangi	18.04.1963	10.09.1988	13.11.1988	
15	Khalid Khan	Sherdil Khan	GHS No.2 Turang Zai	10.12.1965	12.09.1988	12.11.1988	
16	Anwarul Haq	Zairul Haq	GHS Dheri Sikandar Khan	07.07.1967	01.12.1988	01.12.1988	
17	Fazli Subhan	Farinujalsh	GHS Shakoor	23.06.1960	23.09.1988	23.09.1988	
18	Muhammad Iqbal	Tila Muhammad	GHSS Doshra	21.12.1966	24.12.1989	01.10.1989	
19	Shahid Gul	Raheem Gul	GGHSS Uman Zai	01.05.1968	23.03.1990	01.07.2001	
20	Musafar Shah	Umar Shah	GHSS Sher Pao	08.02.1965	24.04.1990	24.04.1990	
21	Waheedullah	Refatullah	GGHS Tangi	01.09.1971	24.04.1990	24.04.1990	
22	Sajid Ali	Fazli Hakim	GGHS Boobak	10.04.1971	04.08.1990	04.08.1990	

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23	Mumtaz Khan	Noor Akbar	GHSS Dosehra	01 04 1969	09 08 1990	01.04.2001
24	Muhammad Ishaq	Bakhtiar		18 11 1971	17 10 1990	12.08.1999
25	Abdul Latif	Khair Muhammad	GGHSS Umar Zai	01 01 1963	13 11 1990	01 06 1992
26	Noor Saleem	Muslim Khan	GHS Dalzak	20 04 1971	16 11 1990	23.11.1993
27	Sultan Ali	Jamroz Khan	EDO(E&SE)Chd	15 06 1970	01 01 1991	01.01.1991
28	Arshad Hussain	Sharif Hussain	GHS Muhammad Nari	03 09 1970	03.01.1991	25.07.1997
29	Muhammad Anwar	Ranam Din	GHS No 2 M M.Khel	10 01 1967	15 01 1991	01.11.1998
30	Fakhre Alam	Shamroz Khan	DDO(M)Chd	20 10 1971	15 01 1991	01 06 1995
31	Asif Jan	Nazir Gul	GHSS Hari Chand	01 05 1973	01.05.1991	01.05.1991
32	Shujaud Din	Sirajud Din	GHS S.K.F	15 02 1969	19 05 1991	01.04.2001
33	Abdul Nasir	Amir Zada	GGHS Sarki-Mulayan	30 11 1961	10 06 1991	10.04.2001
34	Fazli Ilahi	Haider Khan	GHS Agra	01 01 1969	16 06 1991	01.02.1996
35	Akram Jan	Ihsanullah Khan	GGHSS Umar Zai	03 04 1969	18 08 1991	18.08.1991
36	Wajid Ali	Sher Ali	GHS Babara	20 08 1967	17 09 1991	01.06.1997
37	Ishtiaq Ahmad	Mazazullah	GHSS Umar Zai	30 11 1970	18 11 1991	18.08.1991
38	Jehan Zeb	Shamroz Khan	GHS Gandheri	01 05 1967	16 01 1992	16.01.1992
39	Iftikhar Ahmad	Ali Khan	GHSS Doshera	04 11 1969	30 03 1992	30.03.1992
40	Hayat Bad Shah	Muhammad Badshah	GHS Kot Baba	02 09 1972	02 04 1992	02.04.1992
41	Tajjamul Shah	Laiq Shah	GHS GHGul	02 03 1960	20 04 1992	01.01.1996
42	Muhammad Suliman	Zaheer Muhammad	GGHSS Utman Zai	13 04 1971	24 04 1992	25.01.1997
43	Sardar Kareem	Firdos Khan	GHS Zarbab Garhi	22 04 1971	14 05 1992	14.05.1992
44	Ghaniur.Rahman	Said Rahman	GHS Soor Kamar	14 03 1968	15 09 1992	15.09.1992/17 97
45	Muhammad Wisal	Hamdurah Khan	GHS Sati Abad	03 10 1971	01 10 1992	01.01.1998
46	Amjid Ali	Saleem Khan	GHS Utmanzai-2	15 04 1971	27 12 1992	27.12.1992
47	Muhammad Javed	Saeedullah	GHS Charsadda Khas	03 03 1972	08 05 1993	08.05.1993
48	Asghar Jan	Habibullah	GGCMHS Charsadda	17 05 1972	02 10 1993	03.03.1998
49	Bashir Ahmad	Rashid Ahmad	GHS Cheena	08 04 1972	11 08 1994	01.06.1995
50	Muhtam Jan	Hayauddin	DDO(F) Tangi	10 03 1973	05 09 1994	01.06.1995

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54	Saimoon Jan	Munawar Shah	GHS Rajjar-1	07 04 1975	19 12 1994	04 01 1995	04 01 1995
52	Zualliqar Ali	Shaukat Ali	GHS Hajizai	01 01 1968	04 01 1995	07 05 1995	07 05 1995
53	Miaz Gul	Fazli Malik	GHS Mian Easa	13 03 1968	07 05 1995	23 08 1995	23 08 1995
54	Mir Alam Khan	Agha Mir	GHS Kangre	11 02 1970	23 08 1995	23 08 1995	23 08 1995
55	Muhammad Ikram	Mujahid Khan	GHS Dhakki	13 05 1975	23 08 1995	24 08 1995	24 08 1995
56	Syed Munlazim Shah	Kiramat Shah	GHS Sher Pao	05 01 1972	24 08 1995	31 08 1995	31 08 1995
57	Zaubair Gul	Rahim Gul	DDO (M) Tangi	09 12 1973	31 08 1995	01 09 1995	01 09 1995
58	Nasir Ahmad	Abdul Wahab	GHS Mandani	18 04 1973	01 09 1995	01 09 1995	01 09 1995
59	Rafiqullah	Bad Shah Gul	GHS Sudday	01 03 1975	01 09 1995	01 09 1995	01 09 1995
60	Wajid Gul	Rahat Gul	GHS, Mardhand	21 10 1972	02 09 1995	02 09 1995	02 09 1995
61	Tariq Zada	Sahib Zada	GHS Dosehra	03 06 1973	23 09 1995	28 01 1998	28 01 1998
62	Zuhrab Gul	Aman Gul	GHS Dhakki	10 11 1973	12 10 1995	12 10 1995	12 10 1995
63	Shahid Ali	Sabz Ali	GHS Sher Pao	10 02 1977	01 11 1995	01 11 1995	01 11 1995
64	Muhammad Ismail	Bakhtiar Muhammad	GHS Shodag	28 02 1976	15 11 1995	15 11 1995	15 11 1995
65	Yar Muhammad	Ajab Khan	GHS Bahola	01 01 1965	21 11 1995	21 11 1995	21 11 1995
66	Wasiullah	Muhammad Ibrahim	GHS Gul Abad Tangi	30 11 1968	05 03 1996	05 03 1996	05 03 1996
67	Said Anwar Khan	Said Akbar Khan	GHS Jamroz Khan Killi	10 09 1970	13 04 1996	13 04 1996	13 04 1996
68	Manzoorul Hasan	Muhammad Siddiq	GHS Dargai	26 03 1976	02 06 1996	02 06 1996	02 06 1996
69	Qabil Shah	Salih Muhammad	GHS Bari Band	12 04 1974	09 07 1996	09 07 1996	09 07 1996
70	Inamullah Jan	Rahmatullah	GHS Mari Khela	15 04 1969	09 10 1996	09 10 1996	09 10 1996
71	Qaiser Shah	Abdul Wadood	GHS Prang	10 03 1974	31 10 1996	07 11 1996	07 11 1996
72	Nader Shah	Noor Shah	GHS Mirza Dher	15 01 1975	24 06 1997	24 06 1997	24 06 1997
73	Farid Khan	Muhammad Hasan	GHS Wardaga	01 04 1976	24 06 1997	24 06 1997	24 06 1997
74	Waheedur Rahman	Fazli Rahman	GGHSS Ulman, Zai	07 08 1977	24 06 1997	24 06 1997	24 06 1997
75	Gauhar Rahman	Safur Rahman	DDO(M) Tangi	09 02 1975	28 06 1997	28 06 1997	28 06 1997
76	Tahmeed Jan	Riazat Khan	GHS Ulman Zai	20 01 1976	28 06 1997	28 06 1997	28 06 1997
77	Fazli Malik	Haleem Gul	GHS Hari Chand	05 12 1974	01 07 1997	01 07 1997	01 07 1997
78	Ishfaq Khan	Jafar Khan	GHS No.1 Charsadda	01 05 1977	01 07 1997	01 07 1997	01 07 1997

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 Advocate High Court
 District Courts Charsadda

01 11 1998

01 11 1998

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79	Fayaz Khan	Feroz Khan	DDO(F) Tangri			
80	Ajmal Khan	Bahder Sher	GHS Haleem Zai	20.05.1976	03.07.1997	03.07.1997
81	Amjid Ali	Ihsan Uddin	GCMHS Turangzai	01.10.1974	29.10.1997	29.10.1997
93	Sardar Shah	Toor Khan	GHS Mir Zai	09.04.1967	18.09.1989	06.09.2001
82	Mazhar Hussain	Zainul Abideen	GGHSS-Rajjar	11.01.1966	29.09.2001	29.09.2001
83	Muhammad Aman	Abdur Rahman	GHS No. 1 Tangri	03.04.1971	08.12.1991	02.10.2001
84	Roohul Amin	Abdur Ghafor	GGHS Shah Afzal	15.09.1960	01.09.1987	11.10.2001
85	Rustem Khan	Fazli Rohan	DDO(F) Charsadda	19.04.1956	11.10.1989	01.01.2002
86	Ijaz	Munawar Shah	EDO(E&SE)Chd	05.05.1972	01.01.1991	11.03.2003
87	Muhammad Hamayun	Khyaud Din	GHS. Aba Zai	15.04.1974	02.12.1990	01.01.2004
88	Sartaj	Israr Uddin	EDO(E&SE)Chd	16.02.1975	18.09.1995	01.09.2004
89	Naqib Ashmad	Muhammadf Shah	GHS Zahid Abad	10.11.1970	23.02.1993	25.10.2004
✓ 90	S. Muhammad Jan	S. Fazli Rabi	GHS No. 1 Charsadda	10.11.1968	01.12.1986	17.08.2006
91	Ajmal Khan	Safdar Gul	DDO(F) Chd	02.04.1960	02.12.1986	01.07.2007
92	Masood Badshah	Mehir Bad Shah	GHS No. 2 Rajjar	01.10.1972	23.06.1999	
				01.05.1964	28.03.1992	31.03.2009

Endst No. 5673 / Dated 14/03 /2012

Copy to the..

- 1 All the Principal / Head Masters/ Head Mistresses GHSS/ GGHSS/ GHS GGHS in District Charsadda
- 2 Deputy District Officer (E&SE) (M/F) Charsadda & Tangri
- 3 All Junior Clerks Concerned
- 4 Superintendent (Male) Local Offices
- 5 Office File

NOUMAN KHAN
Advocate High Court
Distt: Courts Charsadda

EXECUTIVE DISTRICT OFFICER,
(E&SE) CHARASADDA

Annexure

14

23

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&SE)

A

ORDER.

Consequent upon the recommendations of Departmental Committee in its meeting held in the office of Executive District Officer E&SE Charsadda on 22/3/2012, the following Junior Clerks working in BPS-7 are hereby promoted to the posts of Senior Clerks BPS-9 against the vacant posts mentioned against each w.e.from 22.3.2012.

S.No.	Name of official with address	Posted at	Remarks
1	Kausar Ali Junior Clerk working against S/Clerk post at EDO (E&SE) Charsadda.	Senior Clerk O/O EDO E&SE CHD	Against S/Clerk post already occupied by him
2	Sartaj Junior Clerk working against S/Clerk post at DDO Male E&SE Charsadda.	Senior/Clerk at DDO Male E&SE Charsadda	Against S/Clerk post already occupied by him
3 ✓	Saeed Anwar Junior Clerk O/O DDO(M)E&SE Charsadda.	Senior Clerk O/O DDO(M)E&SE Tangi	Against vacant post.
4 ✓	Muhammad Daud Junior Clerk GGHS Daulat Pura Charsadda	Senior Clerk GGHS, Dargai Charsadda.	Against vacant post.

Charge reports should be submitted to all concerned.

(Attaullah Khan)
Executive District Officer
E&SE Charsadda.

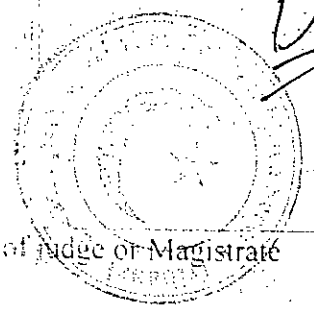
Encl: No: 5987-94 / Dated 24/03/2012

Copy for information and necessary action to the :-

1. District Accounts Officer Charsadda.
2. District Coordination Officer Charsadda.
3. Principal/Headmistress concerned.
4. Dy Distt officer Male E&SE Charsadda and Tangi.
5. District Officer Male E&SE Charsadda.
6. Officials concerned.
7. Office file.

Executive District Officer
E&SE Charsadda.

D 15



S.No. Date of order proceedings

Order or other proceedings with signature of Judge or Magistrate

1 2

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO.806/2012

(Syed Muhammad Jan-vs- Govt. of Khyber Pakhtunkhwa, through Secretary Education, Peshawar and others).

JUDGMENT

ABDUL LATIF, MEMBER:

06.10.2015

Counsel for the appellant (Mr. Nauman Khan, Advocate) M/S. Khurshid Khan, SO, Javed Ahmad, Supdt and Wisal Muhammad, ADO, alongwith Mr. Ziaullah, Government Pleader for official respondents present.

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2. The instant appeal has been filed by the appellant under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act-1974 against the revised seniority list of Junior Clerks in District Charasadda for the year 2010-2011 issued by respondent No. 4 and promotion order of private respondents No. 5 to 7 dated 24.03.2012 made by respondent, No.4. The appellant has prayed that on acceptance of the instant appeal the seniority list for the year 2010-2011 and promotion order of respondents No. 5 to 7 dated 24.03.2012 may be cancelled and appellant may be promoted to the post of senior clerk with all benefits.

APPEAL FILED

Signature of Abdul Latif, Member

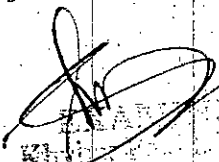
3. Brief facts giving rise to the instant appeal are that the appellant was appointed as Junior Clerk (BPS-5) in Education Department District

Charsadda on 27.11.1986. That the appellant served in different schools in District Charsadda. That on 31.05.2005 the appellant was transferred to Govt Post Graduate College Charsadda, where-after he was transferred to GHS Shakardhand. That respondent issued a revised seniority list for the year 2010-2011 in which appellant was placed at S.No.90, instead of S.No.3. That on the basis of revised seniority list respondents No. 5 to 7 were promoted to the post of senior clerks illegally. That the appellant filed a departmental appeal before the competent authority i.e respondent No.4 which was not responded, hence the instant appeal.

4. Counsel for the appellant argued that promotion orders of private respondents No. 5 to 7 dated 24.3.2012 and seniority list for the year 2010-2011 made by respondents No. 4 were illegal, without lawful authority and hence not maintainable under the law. He submitted that Junior Clerks promoted vide the impugned order were junior to the appellant in the date of appointment and had been wrongly promoted to Senior Clerks in violation of substantive rights of promotion and terms and conditions of service of the appellant. He further argued that transfer of the appellant to Post Graduate College Charsadda by respondent No. 3 was made in the public interest and appellant being a dutiful and responsible Civil Servants complied with the said order. He further argued that on retransfer of the appellant to the Elementary & Secondary Education Department in the same District i.e District Charsadda, fixation of his seniority at the bottom was against the provisions of the Civil Servant Act, 1973 and the rules made there under. He further argued that the appellant never requested for transfer to any outside cadre nor was he permanently absorbed/ adjusted in alien cadre, hence mere temporary transfer on administrative grounds by the respondent No. 3 could not deprive him of his valuable rights of service and seniority in his cadre. He

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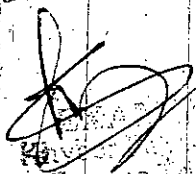

 HONORABLE
 MEMBER FOR
 Service Tribunal,
 Peshawar

prayed that valuable rights of the appellant and his terms and conditions of service were violated, the appellant was deprived of his due place in the seniority and his rights of promotion were usurped by promotion of official junior to him. hence by accepting the appeal, the impugned orders may be set aside and the appellant may be give his due place in the seniority list of Junior Clerks ahead of all the private respondents.

5. The learned Government Pleader argued on behalf of official respondents No. 1 to 4 that the appellant did not raise any objections to his transfer dated 31.5.2005 on college side where he was placed on provincial cadre and after his retransfer he was rightly placed at the bottom of the cadre of Junior Clerks in the District. He argued that appellant lost rights to his seniority in his own cadre due to absence from the school cadre and the seniority of the said cadre was maintained on the basis of District. Moreover, the appellant was transferred to school side from the college side after bifurcation and was correctly placed in the revised seniority. He prayed that the appeal being devoid of any merits may be dismissed.

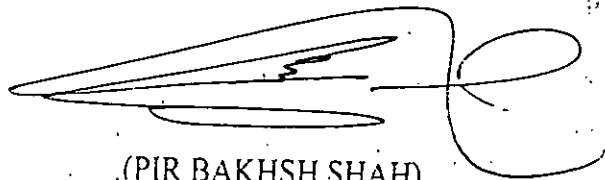
6. Arguments of learned counsel for the appellant and counsel for the official respondents No. 1 to 4 heard at length and record perused with their assistance.

7. From perusal of the record of the case it transpired that the appellant was appointed as Junior Clerk (BPS-5) by the District Education Officer. (Male) Charsadda on 27.11.1986. At the relevant time he was working against the post of Senior Clerk in Govt. Higher Secondary School Charsadda No. 1 when the District-Coordination Office, Charsadda vide order dated 31.5.2005 posted him as Junior Clerk in Govt. Post Graduate College Charsadda in the public interest. There is nothing on record that any specific request was made by the appellant for the said

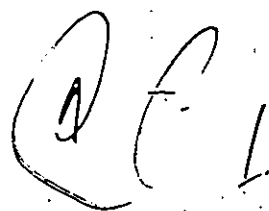
ATTESTED

Service Tribunal,
Peshawar

(B)

transfer to the college side which is alien to the cadre of the appellant nor does the record suggests that any specific terms and conditions of transfer were given to the appellant for such a transfer. The acceptance of the same order of transfer thus appears to be out of sheer obedience and service discipline on the part of the appellant in terms of Section-10 of the Khyber Pakhtunkhwa Civil Servant Act, 1973. On re-transfer to his School cadre against the cadre post of Junior Clerk he could not be considered as alien in the cadre and could not be deprived of the rightful place in the seniority in his parent cadre particularly when he had not severed his ties with the parent cadre, nor did he get absorbed in the College cadre in the absence of such order of permanent absorption. It is also ironical to note that private respondents did not take the instant appeal seriously and were placed ex-parte due to non-pursuance of the case. In the circumstances, the appeal is partially accepted by setting aside impugned seniority list of 2010-2011 dated 14.03.2012 notified by the respondent No.4. Revised seniority as per law and rules shall be effected by the competent authority where the appellant be placed at his right and due position in accordance with the date of his regular appointment in the post/cadre. parties are left to bear their own costs. File be consigned to the record.



(PIR BAKHSH SHAH)
MEMBER



(ABDUL LATIF)
MEMBER

ANNOUNCED
06.10.2015

Date of Presentation of Application 15/6/2020
 Number of Words 1600
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 Date of Delivery of Copy 13/6/2020

Consented to be true copy
 Peshawar

E1

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR.

NOTIFICATION

Consequent upon the recommendations of the Departmental Promotion Committee (DPC) in its meeting held on 20-05-2014, the following Junior Clerks (B-07) working in and under the E&SE Deptt. Khyber Pakhtunkhwa /FATA/DCT&E/PIT are hereby promoted/adjusted as Senior Clerk BPS-09 on regular basis in the interest of public service with immediate effect:-

S.No	Name	Address	Adjusted at	Remarks
1	Rahman Ullah J/Clerk	GHS Bagh-Dush Khel Dir Lower	S/Clerk GHS Serai Bala (Talash)	Against vacant post
2	Sultan Perviz J/Clerk	GHS Lolownai Shangla	S/Clerk GHSS Khwaza khela Swat	Against vacant post
3	Muhammad Faheem J/Clerk	GHS Teri Karak	S/Clerk DEO (M) Karak	Against vacant post
4	Sultani Room J/Clerk	GGHS Mian Baringola Dir Lower	S/Clerk DEO (M) Dir Lower	Against vacant post
5	Muhammad Saeed J/Clerk	GHSS Shah Salim Karak	S/Clerk GHSS Shah Salim Karak	Against vacant post
6	Rahmat Hussain ASK J/Clerk	GHS Kirman Kuram Agency	S/Clerk Services placed at the disposal of DE FATA	For further Adjustment
7	Muhammad Umer Khan J/Clerk	GHSS Jehagiri Karak	S/Clerk GHSS Bogara Karak	Against vacant post
8	Sibtul Hassan Shah	GGHS No.8 Sherazi D.I.Khan	GHSS Kachi Pland Khan D.I.Khan	Against vacant post
9	MUHAMMAD AYAZ KHAN J/Clerk	GHS Ghazni Khel Lakki	S/Clerk GHSS Landiwah Lakki	Against vacant post
10	Manzoor Hussain J/Clerk	GHS Gurguri Karak	S/Clerk GHSS Nari Panoos Karak	Against vacant post
11	Muhammad Rashid J/Clerk	GHSS Spin Khak NSR	S/Clerk GHSS Dak Ismail Khel Nowshera	Against vacant post
12	Sardar Zulfiqar J/Clerk	GGHS Bandi Mera AAbad	S/Clerk DEO (M) Abbottabad	Against vacant post
13	Muhammad Khurshid J/Clerk	GHSS Pirpai NSR	S/Clerk GHSS Manki Sharif NSR	Against vacant post
14	Muhammad Javed J/Clerk	GGHS Sajikot (Chehr) AAbad	S/Clerk GHS Mori Bedbhen A/Abad	Against vacant post
15	Badshah Gul J/Clerk	GHS Khader Khel Kohat	S/Clerk DEO (F) Kohat	Against vacant post
16	Dakhil Badshah J/Clerk	GGHS Bazid khel Karak	S/Clerk GHSS Karak	Against vacant post
17	Sanat Khan J/Clerk	GHSS Jandari Karak	S/Clerk GHSS Jandri Karak	Against vacant post
18	Ayaz Hussain J/Clerk	GGHS Palosa Kimari Karak	S/Clerk GHSS Chanda Khurram Karak	Against vacant post
19	Haroon Khan J/Clerk	GGHS Dhodial AAbad	S/Clerk DCTE Abbottabad	Against vacant post

3 20

20	AEDUL MANAN J/Clerk	GHS Inzargai Mkd	S/Clerk SDEO (M) Swat Ranizai Mkd	Against vacant post
21	Abdul Qayyum J/Clerk	GHS Tarnawal A/Abad	S/Clerk DCTE Abbottabad	Against vacant post
22	Shamroz Muhammad J/Clerk	GGHS Aziz Bang A/Abad	S/Clerk RITE (M) Haripur	Against vacant post
23	Munirullah J/Clerk	GHS Paimal Sharif Battagram	S/Clerk DEO (F) Battagram	Against vacant post
24	S. Abrar Hussain Shah J/Clerk	GGHSS Kakul A/Abad	S/Clerk GGHSS Kakul A/Abad	Against vacant post
25	Muhammad Zaman	SDEO (M) Abbottabad	S/Clerk DEO (M) Abbottabad	Against vacant post
25	Safdar Zaman J/Clerk	GGHS Samandar Katha A/Abad	S/Clerk GHSS Bagnotar A/Abad	Against vacant post
27	Umar Rashad J/Clerk	GHS Chuprial Swat	S/Clerk GHS Matta Swat	Against vacant post
28	Sardar Muhammad Salceem J/Clerk	GGHS Mullach/A/Abad	S/Clerk GHSS Khanspur Ayubia A/Abad	Against vacant post
29	Mahnat ullah J/Clerk	GGHS Nari Panoos Karak	S/Clerk GCPE Karak	Against vacant post
30	Awal Sardar J/Clerk	GHS Tettar khel Karak	S/Clerk GHSS Warana Karak	Against vacant post
31	Ali Akbar J/Clerk	GHS Chamtalai Swat	S/Clerk DEO (M) Swat	Against vacant post
32	Fazal Wahab J/Clerk	GHS No. 3 Mingora Swat	S/Clerk DEO (M) Swat	Against vacant post
33	Nisar Mehmood J/Clerk	GHS Shamoza Swat	S/Clerk GHSS Shamoza Swat	Against vacant post
34	Zahoor ullah J/Clerk	GGHS Ismaila Swabi	S/Clerk SDEO (F) Topi Swabi	Against vacant post
35	Muhammad Jameel J/Clerk	GGHS Upper Kehal A/Abad	S/Clerk GHSS Lora Abbottabad	Against vacant post
36	Yar Khan J/Clerk	DE&SE K.P Peshawar	S/Clerk DE&SE K.P. Peshawar	Against vacant post
37	Syed Muhammad J/Clerk Jan	GHS Shakar Dhand charsadda.	S/Clerk GGHSS Shabqadar Fort Charsadda	Against vacant post
38	Amir Awais Khan J/Clerk	GHS Khungi Dir Lower	S/Clerk SDEO (M) Dir Lower	Against vacant post
39	MUSHTAQ ALI J/Clerk	GHSS No. 4. Pesh city	S/Clerk DEO (M) Battagram	Against vacant post
40	BAKHTIAR KHAN J/Clerk	GHS Hassan Garhi Peshawar	S/Clerk GHSS No.3 Peshawar City	Against vacant post
41	Muhammad Irshad J/Clerk	DEO (F) Abbottabad	S/Clerk SDEO (M) A/Abad	Against vacant post
42	NAVEED ANWAR J/Clerk	GHS Pakha Ghulam Peshawar	S/Clerk GHS Daag Peshawar	Against vacant post
43	Momin Khan J/Clerk	GGHS Khurram Karak	S/Clerk DEO (M) Karak	Against vacant post
44	ABDUR REHMAN J/Clerk	DE&SE K.P	S/Clerk GHSS No.3 Peshawar city	Against vacant post
45	Sher Ahmad J/Clerk	GHS Kanju Swat	S/Clerk GHSS Mingora Swat	Against vacant post

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46	Muhammad Naseer	Nagri Tutial Aabad	S/Clerk GHSS Lora A/Abad.	Against vacant post
47	Ghulam Noorani J/Clerk	GGHS Bandi Ditudan AAbad	S/Clerk RITE (F) Abbottabad	Against vacant post
48	S.AKBAR SHAH J/Clerk	GHS Wadpaga Peshawar.	S/Clerk GGHS Akbarpura	Against vacant post
49	Khanwaiz J/Clerk	GHS No.2 Haveelinn Aabad	S/Clerk DEO (M) Abbottabad	Against vacant post
50	UMAR GUL J/Clerk	GGHS Pakha Ghulam Pesh	S/Clerk GHSS Sufaid Sang. Peshawar	Against vacant post
51	Zahir Shah J/Clerk	GGHS Panr Mingora Swat	S/Clerk DEO (M) Swat	Against vacant post
52	Mujahidullah J/Clerk	GGHS Islamia collegiate Pesh	S/Clerk GGHS Hayat Abad Peshawar	Against vacant post
53	Liaq-Khan J/Clerk	GGHS Thand Koi Swabi	S/Clerk GHSS Ayub Khan Kalay Swabi	Against vacant post
54	MUHAMMAD HAMAYUN J/Clerk	DEO (M) Peshawar	S/Clerk GHSS Musazai Peshawar	Against vacant post
55	Amir Hussain J/Clerk	GGHS Turlandi Swabi	S/Clerk GGHS Kalu Khan Swabi	Against vacant post
56	S.USMAN SHAH J/Clerk	GHS Wadpaga Peshawar	S/Clerk GHSS Akbarpura Nowshera.	Against vacant post

CONSEQUENTIAL TRANSFER.

In Consequent to above, the posting/transfer in respect of following officials are hereby ordered on their own pay & BPS in the interest of public service with immediate effect:-

S.No	Name/Designation	From	To	Remarks
1	Muhammad Hanif S/Clerk	DE&SE K.P Peshawar	GTHSS Gulbahar Peshawar	Against vacant post
2	Mr. Kifayat Shah Junior Clerk	GGHS Shankar Mahal District Mardan (under transfer at the disposal of DEO (M) Abbottabad	GGHS Aziz Bhang Abbottabad	Against vacant post
3	Musarat Hussin J/Clerk	GHS Sufaid Dheri Academy Town Peshawar	GGHS Islamia collegiate Peshawar	Against vacant post
4	Muhammad Ayaz S/Clerk	GGHSS Dak Ismail Khel Nowshera	GGHSS Rashakai	Against vacant post
5	Mahboob J/Clerk	DEO (F) Peshawar	GHS Pakha Ghulam Peshawar	Against vacant post

Note:- 1. Charge reports should be submitted to all concerned.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.


Endst No 4015-4040/F.No.A-23/MS/Promotion/S/Clerk/2014/DD (F&A) Dated

28/05/2014

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

22

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Director of Education (FATA) Peshawar.
3. Director Curriculum & Teachers Education Khyber Pakhtunkhwa Abbottabad.
4. Director PITE Peshawar.
5. Section Officer-I, CM Secretariat Khyber Pakhtunkhwa Peshawar.
6. Section Officer Primary E&SE Department Govt Khyber Pakhtunkhwa.
7. DEOs (M&F) concerned.
8. SDEO (M&F) concerned.
9. Agency Education Officer concerned.
10. District Accounts Officer concerned.
11. Principals concerned.
12. Officials concerned.
13. Cashier (Local Office)
14. M/File.
15. PA to Director (E&SE) Khyber Pakhtunkhwa Peshawar.
16. PA to Additional Director (Estab) Local Directorate


Assistant Director (Admin)
(E&SE) Khyber Pakhtunkhwa Peshawar

28/5/2014

F 23

OFFICE OF THE EXECUTIVE DISTRICT EDUCATION OFFICER (E.S.) EDUCATION CHARSADDA

IN PURSUANCE OF THE DIRECTIONS ISSUED BY THE HON'BLE KPK SERVICE TRIBUNAL IN EXECUTION PETITION
NO.16/2016 ON DATED 11-08-2017 TITLED SYED MUHAMMAD JAN VS GOVT OF KPK THE REVISED/CORRECTED SENIORITY LIST
OF 2000-2011 DATED 13-03-2012 OF THE JUNIOR CLERKS IN DISTRICT CHARSADDA.

S.No	Name	F/Name	Address	D/O Birth	D/O 1st Appn	Remarks	Taking O/G Chd
	Kausar Ali	Bahadar Khan	GHS Umanzai	06-02-64	08-11-86	SRG Holder	01-07-87
	S. Muhammad Jan	S. Fazli Rabhri	GHS No.1 Chd	02-04-60	02-12-86	do	01-03-69
	S. Muhammad Jan	S. Fazli Rabhri	GHS No.1 Chd	02-04-60	02-12-86	do	01-03-69
	Saud Anwar	Noor Hakeem	DDO (M) Chd	10-01-68	18-02-87	do	26-06-87
	Mohammad Daud	Ahmad Roud	GGHS Daulat Pura	02-03-67	11-05-87	do	01-03-90
	Imayat Ullah	Amir Nawaz	GHS Babulak	10-11-57	09-09-87	do	11-05-87
	Naseeb Gul	Hamid Gul	GHS Katozai	13-05-67	16-09-87	do	22-03-90
	Ayub Khan	Sardar Khan	GHS Mirzadher	13-09-58	18-10-87	Nil	16-09-87
	Syed Bukhari Shah	Abdur Rahman	GHS Ibrahimzai	07-02-69	21-11-87	Nil	23-04-98
	Shoukat Khan	Rahmat Dik F	GHS Battagram	05-03-69	07-02-88	Nil	21-11-87
	Nisar Mohammad	Ashraf ul Din	GHS Gul Abad	01-05-60	01-03-88	Nil	15-09-00
	Gohar Ali	Hayat Gul	GHS Ghazgi	01-09-66	02-03-88	Nil	01-03-88
	Shah Jahan	Khaista Gul	GHSS Dosehra	14-03-69	12-03-88	Nil	01-09-97
	Muhammad Tariq	Pirroz Din	GHSS Umerzai	14-04-69	21-04-88	Nil	12-03-88
	Alan Jan	Muhammad Jan	GHS No.2 Tangi	18-04-63	10-09-88	Nil	21-06-97
	Khalid Khan	Sherdil Khan	DDO (M) Tangi	10-12-65	12-09-88	Nil	13-11-88
	Anwar Ul Haq	Zain Ul Haq	GHS D. Sikandar Khan	07-07-67	01-12-88		12-11-88
	Fazli Subhan	Rahem Ullah	GHS Shakoer	28-06-66	23-09-89		01-12-88
	Muhammad Iqbal	Tila Muhammad	GHSS Dosehra	21-12-66	24-12-89		28-09-89
	Shahid Gul	Rahim Gul	GGHSS Umerzai	01-05-68	23-03-90		01-10-99
	Musafir Shah	Umer Shah	GHSS Sherpao	08-02-65	24-04-90		01-07-01
	Waheed Ullah	Rahmat Ullah	GGHS Tangi	01-09-71	24-04-90		24-04-90
	Sajid Ali	Fazli Hakeem	GGHS Bodbak	04-10-71	04-08-90		01-12-95
	Mumtaz Khan	Noor Akbar	GGHS Daulat Pura	01-04-69	09-08-90		04-08-90
	Muhammad Ishaq	Bakhtawar	GGHS Rajjar	18-01-71	17-10-90		31-03-01
	Abdul Latif	Khair Muhammad	GGHSS Umerzai	01-01-63	13-11-90		12-08-99
	Noor Salim	Muslim Khan	GHS Dalazak	20-04-71	16-11-90		01-06-92
	Sultan Ali	Jamroz Khan	EDO (E&SE) Chd	15-06-70	01-01-91		23-11-93
	Arshad Hussain	Sharif Hussain	GHS Muhammad Jan	03-09-70	03-01-91		01-01-91
	Muhammad Anwar	Raham Din	GHS No.2 M.M. Khe	10-01-67	15-01-91		25-07-97
	Fakhr Alam	Shamroz Khan	DDO (M) Chd	20-10-71	15-01-91		01-11-98
	Asif Jan	Nazir Gul	GHSS Hanchand	01-05-73	01-05-91		01-06-95
	Shujaud Din	Sirajud Din	GHS SKF	15-02-69	19-05-91		01-05-91
	Abdul Nasir	Amir Zada	GGHS Sarki Mulyan	30-11-61	10-06-91		01-04-01
	Fazli Iqbal	Haider Khan	GHS Agra	01-01-69	16-06-91		10-04-01
	Akram Jan	Ihsanullah Khan	GGHSS Umerzai	03-04-69	18-08-91		01-02-96
	Wajid Ali	Sher Ali	GHS Babara	20-08-67	17-09-91		18-08-91
	Ishfaq Ahmad	Muaz Ullah	GHSS Umerzai	30-11-70	18-11-91		01-06-97
							18-08-91

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F

79	Fayez Khan	Feroz Khan	BDO(F) Tangi	20.05.1976	01.07.1997	03.07.1997
80	Ajmal Khan	Bandar Sher	GHS Malsam Zai	01.10.1974	17.10.1997	29.10.1997
81	Azjad Ali	Insan Uddin	GGHSS Turahozai	03.04.1967	14.09.1999	05.09.2001
82	Sardar Shah	Toor Khan	GHS Mir Zai	11.01.1966	29.09.2001	29.09.2001
83	Mazhar Hussain	Zaimul Abideen	GGHSS Rajar	03.04.1971	08.12.1991	02.10.2001
84	Muhammad Aman	Abdul Rahman	GHS No 1 Tangi	15.09.1930	01.09.1999	11.10.2001
85	Roohul Amin	Abdul Ghafoor	GGHS Shah Alzal	19.04.1956	11.10.1989	01.01.2002
86	Rustem Khan	Fazli Rohan	DDO(F) Charsadda	05.05.1972	01.01.1991	11.03.2003
87	Ijaz	Munawar Shah	DDO(F) Charsadda	15.04.1974	02.12.1990	01.01.2004
88	Muhammad Hamayun	Khyat Din	GHS Aba Zai	16.02.1975	18.09.1995	01.09.2004
89	Sartaj	Israr Uddin	EDO(E&SE)Chd	10.11.1970	23.02.1993	25.10.2004
90	Nazib Ashmad	Muhammadi Shah	GHS Zahid Abad	10.11.1968	01.12.1988	17.08.2005
91	Muhammad Jan	S Fiaz Rabi	GHS No 1 Charsadda	02-04-1960	02.12.1988	01.07.2007
92	Ajmal Khan	Saidar Gul	BDO(F) Chd	01.10.1972	23.05.1999	
93	Masood Badshah	Mahir Bad Shah	GHS No 2 Rajar	01.05.1964	28.03.1992	31.03.2009

Encl No 5673 / Dated 14/03/2012

Copy to the:-

- 1 All the Principal / Head Masters/ Head Mistresses GHSS/ GGHSS/ GHS,GGHS in District Charsadda
- 2 Deputy District Officer (E&SE) (M/F) Charsadda & Tangi
- 3 All Junior Clerks Concerned.
- 4 Superintendent (Male) Local Offices
- 5 Office File

EXECUTIVE DISTRICT OFFICER
(E&SE) CHARSADDA

To

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

2061

11/10/19

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 28.05.2014, WHEREBY THE APPELLANT WAS PROMOTED AS SENIOR CLERK WITH IMMEDIATE EFFECT INSTEAD OF DUE DATE I.E 24.03.2012 "THE DATE ON WHICH JUNIORS TO THE APPELLANT WERE PROMOTED TO THE POST OF SENIOR CLERK".

RESPECTED SIR,

Most humbly it is submitted:

1. That the appellant was appointed as Junior Clerk in Education Department on 27.11.1986 and since his appointment, the appellant is performing his duty with great devotion and honest, whatsoever assigned to him and no complaint has been filed against him regarding his performance.
2. That final seniority list of junior clerk of District Charsadda was issued, whereby the appellant was shown at S. No.3 of that list, while Sartaj Ali, Said Anwar and Muhammad Daud were shown at S.No. 4,5,&6 respectively as the date of appointment of the appellant was 1986, while those were appointed in the year 1987. (Copy of seniority list is attached as Annexure-A)
3. That another final seniority list of 2010-2011 of junior clerks of District Charsadda was issued on 14.03.2012, wherein the appellant was surprisingly shown at S. No. 90, while Sartaj Ali, Said Anwar and Muhammad Daud were shown at S.No. 2,3&4 respectively and within 10 days of issuing of that seniority list, promotion to the post of senior clerk has done vide order dated 24.03.2012 in which juniors to the appellant namely Sartaj Ali, Said Anwar and Muhammad Daud were promoted.(Copy of seniority list and promotion order dated 24.03.2012 are attached as Annexure-B&C)
4. That as the appellant aggrieved from the seniority list issued in the year 2011-2012 and the promotion order dated 24.03.2012, therefore

he filed service appeal No.806/2012 in the Honourable Service Tribunal which was decide on 06.10.2015. The Tribunal partially accepted the appeal, set aside the impugned seniority list of 2010-2011 and directed that revised seniority list as per law and rules should be effected by the competent authority whereby the appellant be placed at his right and due position in accordance with the date of his regular appointment in the post/cadre. **(Copy of judgment dated 06.10.2015 is attached as Annexure-D)**

5. That during the proceeding of that service appeal, the appellant was promoted to the post of senior clerk vide order dated 28.05.2014, but with immediate effect instead from due i.e 24.03.2012, the date on which the juniors to the appellant were promoted. **(Copy of order dated 28.05.2014 is attached as Annexure-E)**

6. That as the department did not implement the judgment of the Service, therefore, the appellant filed execution petition No.16/2016 for implementation of judgment dated 06.10.2015 and during the pending of execution petition, tentative seniority of senior clerk was issued on 31.07.2019, wherein the seniority of the appellant was revised and the name of the appellant was placed above Sartaj Ali, Said Anwar and Muhammad Daud in that seniority list, but due to earlier promotion of Sartaj Ali, Said Anwar and Muhammad Daud to the post of senior clerk, this seniority position will not give any benefit to the appellant without antedating the promotion of the appellant to the post of senior clerk w.e.from 24.03.2012, the date when the promotion of Sartaj Ali, Said Anwar and Muhammad Daud were promoted. **(Copy of seniority list is attached as Annexure-F)**

7. That the appellant wants to file this departmental appeal against the order dated 28.05.2014, whereby the appellant was promoted to the post of senior clerk with immediate effect instead of his due date i.e 24.03.2012, the date when juniors to the appellant namely Sartaj Ali, Said Anwar and Muhammad Daud were promoted to the post of senior clerk on the following grounds amongst others.

GROUND:

A) That the order dated 28.05.2014 is against the law, rules, facts, norms of justice and material on record, therefore order dated 28.05.2014 is liable to be modified to extent of the appellant by antedating his promotion with effect from 24.03.2012, the date when juniors to the

appellant namely Sartaj Ali, Said Anwar and Muhammad Daud were promoted.

- B) That the appellant was at S. No.3, while Sartaj Ali, Said Anwar and Muhammad Daud S.No. 4,5,&6 respectively , but despite that they were promoted to the post of senior clerk on 24.03.2012, while the appellant was promoted 28.05.2014, therefore the order dated 28.05.2014 is required to be antedated with effect from 24.03.2014, the date when his junior were promoted to senior clerk to meet the ends of justice.
- C) That the department revised the seniority list of senior clerk issued on 31.07.2019 on the basis of the judgment dated 06.10.2015, in which the date of appointment of the appellant was consider as 1986 and his name was also placed above the Sartaj Ali, Said Anwar and Muhammad Daud, which shows that the department admit the stance of the appellant, but this revised and corrected seniority will give benefit to the appellant only, if the promotion of the appellant is antedated w.e.from 24.03.2012.
- D) That the appellant was appointed as junior Clerk in 1986, while Sartaj Ali, Said Anwar and Muhammad Daud were appointed in the year 1987, which shows that the appellant was senior to them which was also reflected from the seniority list, but the appellant was not promoted to the post of senior clerk along with Sartaj Ali, Said Anwar and Muhammad Daud and promoted after two years and now the grievance can only be redressed only if the promotion of the appellant is antedated w.e.from 24.03.2012.
- E) That the appellant was appointed in the year 1986, while Sartaj Ali, Said Anwar and Muhammad Daud were appointed in the year 1987, but despite that they being juniors to the appellant were promoted on 24.03.2012 and the appellant was promoted after two years on 28.05.2014, which is violation of law and rules.
- F) That the appellant has good service record, but despite that juniors to the appellant were promoted in 2012, while the appellant was promoted in 2014, which is against the norms of justice and fair play.
- G) That depriving the appellant from his legal right of promotion to the post of senior clerk from due date i.e 24.03.2012 will also affect his future promotion, which will cause great financial loss in the shape of pension and other monetary benefits.

H) That the appellant was not treated in accordance with the law and rule and has been deprived from his legal right of promotion from due date in arbitrary manner.

It is, therefore, most humbly requested that on the acceptance of the departmental appeal, the promotion of the appellant to the post of senior clerk may kindly be antedated with effect from 24.03.2012, "the date on which his juniors were promoted to the post of senior clerk" by modifying the promotion order dated 28.05.2014 to the extent of the appellant.

Date: 11.10.2019

S. M. Jan

APPELLANT

Syed Muhammad Jan
Senior Clerk, GHS No.1, Charsadda
Cell# 0311-9905583



H/29

NOTIFICATION

1. **WHEREAS**, Mr. Syed Muhammad Jan S/Clerk GHS No.1 District Charsadda filed service appeal 806/2012 before the learned KPK Service Tribunal for cancellation of promotion order dated 24/03/2012 and revise seniority list for the year 2010-2011 and promotion to the post of S/Clerk.
2. **AND WHEREAS**, the learned KPK Service Tribunal decided his appeal on 06/10/2015, in his favour and set aside the impugned seniority list of 2010-2011 dated 14/03/2012, the Hon: Service tribunal Khyber Pakhtunkhwa has partially accepted the appeal
3. **AND WHEREAS**, the appellant Mr. Syed Muhammad Jan was due to be placed in the S/List of J/Clerks in District Charsadda at S.No.2 issued vide 5673 dated 14/03/2012 instead of S.No 90 according to his 1st appointment as j/clerk.
4. **AND WHEREAS**, he has been promoted as S/Clerk vide this Directorate Notification issued under Endst No 4015-4040 dated 28/05/2014, and his seniority has been fixed with his counter parts vide notification No 431-36/Appeal/S.M Jan Senior Clerk/Charsadda dated 04/06/2018 and placed at S.No.510.A
5. **NOW, THEREFORE**, Director E&SE KP Competent authority has turned down his appeal for promotion with retrospective effect as promotion always takes place with immediate effect as per promotion policy 2009.

Director
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

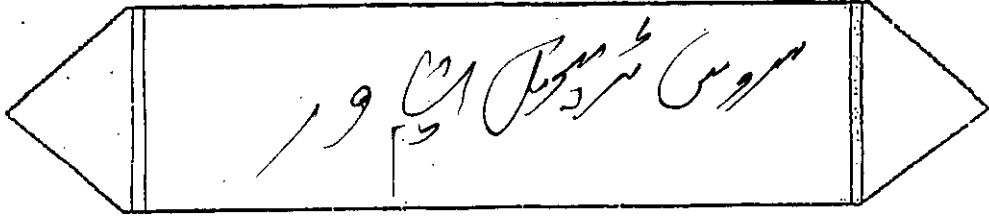
Endst: No. 5028-39 /F.No. /A-23/MS/Appeal/Muhammad Jan/Charsadda Dated
Peshawar the 06/3/2020.

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

- 1- District Education Officer (Male) Charsadda
- 2- District Account Officer Charsadda.
- 3- Appellant concerned.
- 4- PA to the Director E&SE Khyber Pakhtunkhwa Peshawar.

Assistant Director (Admn)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

بعدالت



2 جناب
بنام

موزع
مقدم
دعویٰ
جرم

باعث تحریر آنگہ

مقدمہ مذکورہ عنوان کے تحت اپنے طرف سے واسطے پیروی و جواب دہی وکیل کاروائی متعلقہ
 آج کے مقام پر ~~مقررہ کے اقرار کیا جاتا ہے۔~~ ~~کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار دیا گیا۔~~ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثیت فیصلہ برحلف دینے جناب وہی اور اقبال دعویٰ اور
 بہ صورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل نمائی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ نیا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا سنا لٹے
 پر اخذ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔
 کوئی تازہ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا اوکالت نامہ لکھ دیا کہ سند ہے۔

Attested
Accepted

Asst
Asst Mahmood

الرتوم

۵۔ ۱۰۔ ۱۰

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 5893/2020

Syed Muhammad Jan

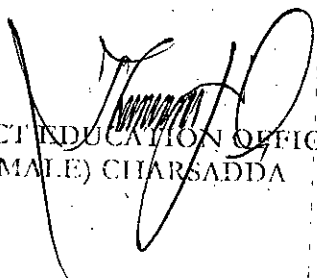
Vs.

Govt. of Khyber Pakhtunkhwa & others

Written comments on behalf of Respondent

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DISTRICT EDUCATION OFFICER
(MALE) CHARSADDA

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

Service Appeal No. 5893/2020

Syed Muhammad Jan

Vs.

Govt. of Khyber Pakhtunkhwa & others

Written comments on behalf of Respondent

Respectfully Sheweth:

Preliminary Objections:

- A. That the Appellant has no locus standi and cause of action.
- B. That the present Appeal is wrong, baseless and not maintainable, it shows no cause to be taken for adjudication, therefore, the Appeal is liable to be rejected/ dismissed.
- C. That the Appeal is unjustifiable, baseless, false, frivolous and vexatious. Hence the same is liable to be dismissed with the order of special compensatory costs in favour of Respondents.
- D. That no legal right of the appellant has been violated, therefore, the appellant has no right to file the instant appeal.
- E. That the Appellant is completely estopped/precluded by his own conduct to file this Appeal.
- G. That the Appellant has not come to this Hon' able Tribunal with clean hands. The Appeal also suffers from miss-statements and concealment of facts and as such the Appellant is not entitled to equitable relief.
- H. That the Appellant has no right to file the instant Appeal and the Hon' able Services Tribunal has got no jurisdiction to adjudicate upon and the Appeal is liable to be dismissed.
- I. That the instant appeal is barred by law and limitation.

PARA WISE REPLY ON FACTS:

1. That the Para as stated is subject to cogent evidence.
2. That the attached seniority list by the appellant with the appeal is neither signed nor numbered, therefore, this having no legal effect.
3. That the Para as stated is correct.

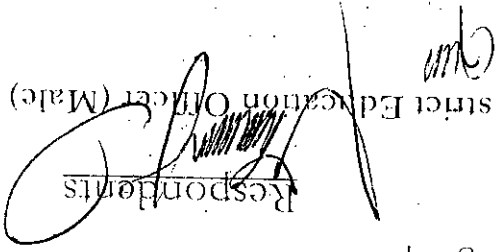
4. That the appellant was promoted to the post of Senior Clerk and has been placed at his proper place.
5. That according to Law & rules the promotion is always with immediate effect.
6. That the judgment of Honorable Service Tribunal had been impugned and the appellant had been placed at his proper place with immediate effect.
7. That as the grievance of the appellant had been redressed and had been placed at his proper place, therefore, the appeal is no of legal effect.
8. That as the issue had been once for all decided by this Honorable Tribunal, hence, agitating again and again is against the will the established principle of law of "Res-judicata" that once an issue is settled by a competent forum, agitating again is against law, therefore, the instant appeal is liable to be dismissed Inter alia on the following grounds amongst others.

PARA WISE REPLY ON GROUNDS

- A. That as the appellant was transferred from Directorate of Colleges to Directorate of Schools, hence, has been placed at the bottom in the seniority list. Further, there are many other employees who had been transferred from the Directorate of Colleges to the Directorate of Schools, of the appellant remained with counterparts. The appellant is not entitled for antedate promotion.
- B. As is replied in the above para No. A on grounds.
- C. That promotion can never be awarded as antedated, rather it is always with immediate effect.
- D. As is replied in the above para No. A on grounds.
- E. That the appellant served in the Directorate of Colleges and on his choice transferred to the Directorate of schools, therefore, his seniority was affected and had been placed at his proper place. The appellant had been also promoted to the post of senior clerk, therefore, can't agitate the issue again.
- F. That the Para as stated is incorrect, because the appellant is serving as senior clerk and is not entitled for antedate promotion.
- G. As is replied in the above Para No. E on grounds.
- H. As is replied in the above Para No. F on grounds.
- I. That the Answering Respondents seek permission to advance other grounds/arguments at the time of hearing of petition.

Respondents

District Education Officer (Male) Charasadda



Respondents

SECRETARY EDUCATION
(E&SE) PESHAWAR

Respondents 2

DIRECTOR
E&SE KPK PESHWAR

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 5893/2020

Syed Muhammad Jan

Vs.

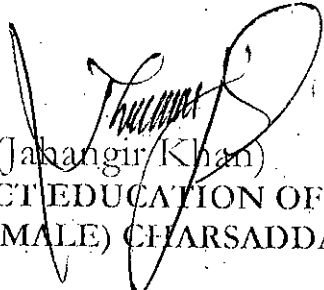
Govt. of Khyber Pakhtunkhwa & others

Written comments on behalf of Respondent

AFFIDAVIT

I Mr. Siraj Muhammad DEO (M) Charsadda do hereby solemnly affirm that the contents of the Para-wise comments submitted by respondents are true and correct and nothing has been concealed intentionally from this Hon' able court.

Deponent


(Jahangir Khan)
DISTRICT EDUCATION OFFICER
(MALE) CHARSADDA