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PSB-1

WORKING PAPER FOR PROVINCIAL SELECTION BOARD

Department of Elementary & Secondary Education, Government of KhyberPukhtunkhwa

1	Nomenclature of the post/Basic Scale	Principal/ SS BS-18 GHS/GHSS/ Comp. High School/ RITE & other equivalent posts in the teaching Cadre (BPS-18)
2	Service/Group/ Cadre	Provincial Education Service Group B-18 Officers of Teaching Cadre (Men Section)
3	Sanctioned Strength of the Cadre	Sanctioned Posts in settle area (Annex A &B) =1296 Sanctioned Posts in merged districts (Annex C) =146 New Sanctioned Posts in BS-18 (Annex D) = 20 Total Sanctioned Posts in BS-18 =1462

	<i>Direct</i>	<i>Promotion</i>
i. Percentage of Share	20%	80%
ii. No. of posts allocated to each category	292	1170
iii. Present occupancy position	267	1083
iv. No. of Vacancies in each category	25	87

v.	How did the vacancy (ies) under promotion quota accrue and since when?	<p>i. Newly sanctioned posts as mentioned in para-3 =20</p> <p>ii. Promotions BS-18 to BS-19(Annex-E) =27</p> <p>iii. Retirements/ Deaths in BS-18(Annex-F) =21</p> <p>iv. Conditionally vacant posts due to retirement in BS-18(Annex-G) =19</p> <p style="text-align: right;">Total =+87</p> <p style="text-align: right;">Conditionally Retired officers in BS-18 = (-19)</p> <p style="text-align: right;">Net to be promoted =+68</p>
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vi. Recruitment Rules	<p>Notification No.SO(G)/S&LD (1-28/2003/Vol-II, dated April 9, 2004. (Annex H):</p> <p>a. Eighty percent (80%) by promotion on the basis of seniority cum fitness from amongst: Headmasters Government High Schools/ Subject Specialists/ Government Comprehensive High School/Government Higher Secondary Schools and others equivalent posts in B-17 with five years' service as such.</p> <p>b. Twenty percent (20%) by initial recruitment</p>
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vii. Required length of service.	05 Years in BPS-17
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viii. Whether to be promoted on regular basis or appointment on acting charge basis?	On regular basis.
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ix. Mandatory training, if any.	No mandatory training is required
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x. Minimum required score on CEI	50
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Deputy Director (Establishment)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

Secretary to Govt:of
Khyber Pakhtunkhwa Elementary &
Secondary Education Department

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PANEL OF OFFICERS FOR CONSIDERATION

PSB-II

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
S.#	SL#	Name of Officers with Qualification	D/O Birth	Date of 1st; Entry in Edu; Dept;	Date of Apptt./promoti on to B-17	Date of regular Apptt./promoti on to the present scale	Whether fulfill the prescribed length of service	Quantified Score	Missing PERs if any	Disciplinary proceedings if any	Case (if any) in any court of law including NAB/Pleabarga ning with NAB	Mandatory Training for promotion	Research Papers	Present Posting	Remarks
1	1	MR. AMJAD ALI MA.B.ED	10.02.1972	26.05.1999	24.5.2018	24.5.2018	Yes	70	No	No	No	NA	NA	SS English GHSS mMohabat Abad Mardan	Deferred in the previous PSB meeting held on 17-05-2019 due to missing PERs and non completion of prescribed length of service for regular/acting charge basis appointment. Now he is eligible for appointment on acting charge basis in BS-18
2	2	Naqib Ahmad Jan SS (Urdu)	01.06.1977	17/07/2008	17/07/2008	17/07/2008	Yes	Nil	2008 to 2019	yes	No	NA	NA	SS GHSS Baidara Swat	Deferred in the previous PSB meeting held on 17-05-2019 due to under Departmental Inquiry/Dual service. The PERs are also not yet received.
3	3	Muhammad Amin SS Physics	05.10.78	06.04.1999	25.02.2011	25.02.2011	Yes	70	No	No	No	NA	NA	SS GHSS Yanik D.I.Khan	Deferred in the previous PSB meeting held on 17-05-2019 due to missing PERs. Now completed PERs and Eligible for Promotion to BS-18 on regular basis.
4	4	Muhammad Shakeel SS Chemistry	28.02.1982	16.08.2010	16.08.2010	16.08.2010	Yes	70	No	No	No	NA	NA	SS GHSS Ramak D.I.Khan	Deferred in the previous PSB meeting held on 17-05-2019 due to grant of study leave from 01.09.2016 to 31.08.2018. Now he has resumed his duty on 01.09.2019 & he is eligible for promotion to BS-18 on regular basis.
5	5	Adalat Khan SS Economics	20.04.1976	12.01.2010	12.01.2010	12.01.2010	Yes	70	No	No	No	NA	NA	SS GHSS NO.1 Mardan	Deferred in the previous PSB meeting held on 17-05-2019 due to Missing PERs. Now completed PERs and Eligible for Promotion to BS-18 on regular basis.

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6	6	Akhtar Zaman SS English	02.03.1977	24.02.2011	24.02.2011	24.02.2011	Yes	71	No	No	No	NA	NA	SS FATA	Deferred in the previous PSB meeting held on 17-05-2019 due to missing PERs. Now completed PERs and Eligible for Promotion to BS-18 on regular basis.
7	7	Hashmat Ali SS Chemistry	12.04.1978	24.02.2011	24.02.2011	24.02.2011	Yes	74	No	No	No	NA	NA	SS GHSS Sandovi Shangla	Deferred in the previous PSB meeting held on 17-05-2019 due to missing PERs. Now completed PERs and Eligible for Promotion to BS-18 on regular basis.
8	8	Akbar Jan SS English	15.08.1978	16.11.2007	24.02.2011	24.02.2011	Yes	70	No	No	No	NA	NA	SS GHSS Mayar Dir (Low)	Eligible for Promotion To BS-18 on regular basis.
9	9	Qaisar Shah SS H/Civics	01.03.1981	15.02.2007	06.01.2011	06.01.2011	Yes	74	No	No	No	NA	NA	SS GHSS Bareela Haripur	Eligible for Promotion To BS-18 on regular basis.
10	10	Muhammad Tayyab SS English	10.04.1981	28.02.2011	24.02.2011	24.02.2011	Yes	74	No	No	No	NA	NA	SS GHSS Landi Kachi Kohat	Eligible for Promotion To BS-18 on regular basis.
11	11	Inam Ullah SS PS	28.04.1981	11.09.2008	12.01.2010	12.01.2010	Yes	80	No	No	No	NA	NA	SS GHSS Barawal Bandi Dir(U)	Eligible for Promotion To BS-18 on regular basis.
12	12	Imran Hameed SS English	10.07.1981	24.02.2011	24.02.2011	24.02.2011	Yes	70	No	No	No	NA	NA	SS GHSS Abdul Khel D.I.Khan	Eligible for Promotion To BS-18 on regular basis.
13	13	Shah Nawaz Khan SS English	03.04.1982	01.03.2011	24.02.2011	24.02.2011	Yes	71	No	No	No	NA	NA	SSGHSS Mohri Badhen Abbottabad	Eligible for Promotion To BS-18 on regular basis.
14	14	Muhammad Kashif Khan SS PS	12.09.1982	12.01.2010	12.01.2010	12.01.2010	Yes	76	No	No	No	NA	NA	Assistant Director, Directorate of Education FATA	Eligible for Promotion To BS-18 on regular basis.
15	15	Muhammad Ishaq SS English	01.10.1982	24.02.2011	24.02.2011	24.02.2011	Yes	70	No	No	No	NA	NA	SS FATA	Eligible for Promotion To BS-18 on regular basis.

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Khyber Pakhtunkhwa

16	16	Hashmat Ullah Khan SS Economics	05.02.1983	01.02.2010	12.01.2010	12.01.2010	Yes	70	No	No	No	NA	NA	SS FATA	Eligible for Promotion To BS-18 on regular basis.
17	17	Saeed Ahmad SS PS	25.02.1983	02.02.2010	12.01.2010	12.01.2010	Yes	70	No	No	No	NA	NA	SS GCET Mir Ali NWA	Eligible for Promotion To BS-18 on regular basis.
18	18	Tariq Ali SS Economics	16.06.1983	12.01.2010	12.01.2010	12.01.2010	Yes	70	No	No	No	NA	NA	SS FATA	Eligible for Promotion To BS-18 on regular basis.
19	19	Anwar Khan SS Bio	10.03.1982	24.02.2011	24.02.2011	24.02.2011	Yes	74	No	No	No	NA	NA	SS GHSS Mayar Jandol Dir (Low)	Eligible for Promotion To BS-18 on regular basis.
20	20	Shan Ullah Khan SS PS	16.01.1964	03.03.1982	12.01.2010	12.01.2010	Yes	74	No	No	No	NA	NA	SS GHSS NO.1 Kohat	Eligible for Promotion To BS-18 on regular basis.
21	21	Muhammad Rizaz SS English	02.02.1979	24.02.2011	24.02.2011	24.02.2011	Yes	73	No	No	No	NA	NA	RITE Bannu	Eligible for Promotion To BS-18 on regular basis.
22	22	Farid Ullah SS English	29.03.1980	24.02.2011	24.02.2011	24.02.2011	Yes	70	No	No	No	NA	NA	GATTTC Peshawar	Eligible for Promotion To BS-18 on regular basis.
23	23	Farmanullah SS English	10.03.1982	24.02.2011	24.02.2011	24.02.2011	Yes	76	No	No	No	NA	NA	SS GHSS Sheringal Dir(Upper)	Eligible for Promotion To BS-18 on regular basis.
24	24	Ibad Ullah SS PS	22.03.1967	01.04.1986	10.01.2011	10.01.2011	Yes	74	No	No	No	NA	NA	SS GHSS Daiola Abbottabad	Eligible for Promotion To BS-18 on regular basis.
25	25	Azam Jan SS PS	01.01.1969	17.10.1989	12.01.2010	12.01.2010	Yes	74	No	No	No	NA	NA	SS FATA	Eligible for Promotion To BS-18 on regular basis.
26	27	Muhammad Nasim SS Maths	02.01.1969	07.11.1994	10.01.2011	10.01.2011	Yes	74	No	No	No	NA	NA	SS GHSS Landi Kachi Kohat	Eligible for Promotion To BS-18 on regular basis.
27	28	Muhammad Zubair Khan SS PS	02.04.1969	18.05.1992	12.01.2010	12.01.2010	Yes	73	No	No	No	NA	NA	SS GHSS Hakim Haved Bannu	Eligible for Promotion To BS-18 on regular basis.
28	30	Muhammad Akhtar Khan SS Chemistry	02.02.1970	01.02.2002	16.08.2010	16.08.2010	Yes	80	No	No	No	NA	NA	SS GHSS Kakotri Haripur	Eligible for Promotion To BS-18 on regular basis.
29	31	Zafar Iqbal SS PS	13.06.1970	01.07.1997	12.01.2010	12.01.2010	Yes	78	No	No	No	NA	NA	SS GHSS Olandar Shangla	Eligible for Promotion To BS-18 on regular basis.

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30	32	Ahsan Ullah S/O Altaullah SS PS	03.03.1972	01.04.1992	12.01.2010	12.01.2010	Yes	70	No	No	No	NA	NA	SS GHSS Shahgram Chitral	Eligible for Promotion To BS-18 on regular basis.
31	33	Muhammad Nauman Shabbir SS English	27.02.1973	24.02.2011	24.02.2011	24.02.2011	Yes	79	No	No	No	NA	NA	RITE D.I.Khan	Eligible for Promotion To BS-18 on regular basis.
32	34	Nadeem Akbar SS Statistics	03.04.1974	16.08.2010	16.08.2010	16.08.2010	Yes	70	No	No	No	NA	NA	SS GHSS Parhanna Mansehra	Eligible for Promotion To BS-18 on regular basis.
33	35	Syed Shah Hassan SS English	07.04.1975	01.11.2005	06.01.2011	06.01.2011	Yes	70	No	No	No	NA	NA	SS GHSS Haithan Mardan	Eligible for Promotion To BS-18 on regular basis.
34	36	Shabir Muhammad SS PS	10.06.1975	28.08.1995	10.01.2011	10.01.2011	Yes	78	No	No	No	NA	NA	SS GHSS Shahpur Shangla	Eligible for Promotion To BS-18 on regular basis.
35	37	Shakeeb Ahmad SS English	16.11.1975	01.03.2011	24.02.2011	24.02.2011	Yes	76	No	No	No	NA	NA	GATTTC Peshawar	Eligible for Promotion To BS-18 on regular basis.
36	38	Shah Hassan SS PS	10.06.1976	21.7.2003	12.01.2010	12.01.2010	Yes	72	No	No	No	NA	NA	SS GHSS Manga Mardan	Eligible for Promotion To BS-18 on regular basis.
37	39	Asif Ali SS PS	02.09.1976	12.01.2010	12.01.2010	12.01.2010	Yes	71	No	No	No	NA	NA	SS GHSS Channi Swabi	Eligible for Promotion To BS-18 on regular basis.
38	40	Abdul Majeed S/O Shadi Khan	20.1.1977	04/12/2003	24/2/2011	24/2/2011	Yes	70	No	No	No	NA	NA	SS GHSS Rahmani Khel D.I.Khan	Eligible for Promotion To BS-18 on regular basis.
39	42	Riaz Iqbal SS English	08.03.1979	24.02.2011	24.02.2011	24.02.2011	Yes	70	No	No	No	NA	NA	SS GHSS Kalu Khan Swabi	Eligible for Promotion To BS-18 on regular basis.
40	43	Ashfaq Ahmad SS Chemistry	11.04.1979	16.08.2010	16.08.2010	16.08.2010	Yes	76	No	No	No	NA	NA	SS GHSS Tajwal Abbottabad	Eligible for Promotion To BS-18 on regular basis.
41	44	Farid Ullah Shah SS Statistics	15.04.1979	16.08.2010	16.08.2010	16.08.2010	Yes	71	No	No	No	NA	NA	SS GHSS Dallen Hangu	Eligible for Promotion To BS-18 on regular basis.
42	45	Syed Muhammad Aamir SS English	31.12.1980	01/09/2010	24.02.2011	24.02.2011	Yes	77	No	No	No	NA	NA	RITE Peshawar	Eligible for Promotion To BS-18 on regular basis.


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43	46	Khaminat Shah SS English	03.01.1982	14.02.2011	14.02.2011	14.02.2011	Yes	76	No	No	No	NA	NA	SS FATA	Eligible for Promotion To BS-18 on regular basis.
44	47	Sher Ayaz Khan s/o Akbar Razi SS Statistics	22.05.1982	16.08.2010	16.08.2010	16.08.2010	Yes	71	No	No	No	NA	NA	SS GHSS Shahgram Chitral	Eligible for Promotion To BS-18 on regular basis.
45	48	Wajid Ali SS Statistics	21.05.1983	01.09.2010	16.08.2010	16.08.2010	Yes	70	No	No	No	NA	NA	SS GHSS Ghari Habibullah Mansehra	Eligible for Promotion To BS-18 on regular basis.
46	49	Sajid Ghaffar SS English	01.03.1978	25.02.2011	24.02.2011	24.02.2011	Yes	73	No	No	No	NA	NA	SS GHSS Charaki Kohat	Eligible for Promotion To BS-18 on regular basis.
47	50	Dr. Fazli Rabbi, Ph.d SS Statistics	13.03.1973	13.12.1999	16.08.2010	16.08.2010	Yes	76	No	No	No	NA	NA	SS GHSS Mansabdar Swabi	Eligible for Promotion To BS-18 on regular basis.
48	51	Amjad Ali SS English	15.05.1973	24.02.2011	24.02.2011	24.02.2011	Yes	70	No	No	No	NA	NA	SS GHSS Kakori Haripur	Eligible for Promotion To BS-18 on regular basis.
49	52	Ali Muhammad SS His cum Civics	06.01.1974	24.02.2011	24.02.2011	24.02.2011	Yes	73	No	No	No	NA	NA	SS GHSS Darband Manshra	Eligible for Promotion To BS-18 on regular basis.
50	53	Shahid Ur Rahman SS Economics	12.12.1974	10.04.1999	12.01.2010	12.01.2010	Yes	71	No	No	No	NA	NA	SS GHSS Shahgram Chitral	Eligible for Promotion To BS-18 on regular basis.
51	54	Amjad Khan SS English	02.04.1975	24.02.2011	24.02.2011	24.02.2011	Yes	70	No	No	No	NA	NA	SS GHSS Yank D.I.Khan	Eligible for Promotion To BS-18 on regular basis.
52	56	Amir Zeb SS Economics	01.01.1997	12.01.2010	12.01.2010	12.01.2010	Yes	72	No	No	No	NA	NA	SS GHSS Shahpur Shangla	Eligible for Promotion To BS-18 on regular basis.
53	57	Zamrad Khan SS Economics	10.03.1977	12.01.2010	12.01.2010	12.01.2010	Yes	73	No	No	No	NA	NA	SS GHSS Bagh Maldan Dir(Low)	Eligible for Promotion To BS-18 on regular basis.
54	58	Muhammad Karim SS English	25.05.1977	24.02.2011	24.02.2011	24.02.2011	Yes	70	No	No	No	NA	NA	SS FATA	Eligible for Promotion To BS-18 on regular basis.


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 District Office
 District Government
 District Government

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55	59	Nasib Khan SS Statistics	03.09.1977	17.08.2010	16.08.2010	16.08.2010	Yes	72	No	No	No	NA	NA	SS GHSS Ziarat Mascom Abbottabad	Eligible for Promotion To BS-18 on regular basis.
56	60	Muhtamim Shah SS English	21.02.1978	24.02.2011	24.02.2011	24.02.2011	Yes	72	No	No	No	NA	NA	SS GHSS Ghazi Kot Buner	Eligible for Promotion To BS-18 on regular basis.
57	61	Gohar Zaman SS Statistics	06.03.1978	16.08.2010	16.08.2010	16.08.2010	Yes	70	No	No	No	NA	NA	SS GHSS Mori Bhen Abbottabad	Eligible for Promotion To BS-18 on regular basis.
58	62	Wali Dad Khan SS Statistics	11.09.1978	17.08.2010	16.08.2010	16.08.2010	Yes	70	No	No	No	NA	NA	SS GHSS Madyan Swat	Eligible for Promotion To BS-18 on regular basis.
59	63	Iqbal Sher SS English	02.11.1981	24.02.2011	24.02.2011	24.02.2011	Yes	71	No	No	No	NA	NA	SS GHSS Batara Buner	Eligible for Promotion To BS-18 on regular basis.
60	64	Amir Hamza SS English	20.01.1982	24.02.2011	24.02.2011	24.02.2011	Yes	73	No	No	No	NA	NA	RITE Chitral	Eligible for Promotion To BS-18 on regular basis.
61	65	Muhammad Rizwan SS English	05.04.1982	24.02.2011	24.02.2011	24.02.2011	Yes	78	No	No	No	NA	NA	SS GHSS Haripur	Eligible for Promotion To BS-18 on regular basis.
62	66	Mehmood ur Rahman SS Biology	12.02.1972	16.08.2010	16.08.2010	16.08.2010	Yes	73	No	No	No	NA	NA	SS GHSS Beer Haripur	Eligible for Promotion To BS-18 on regular basis.
63	67	Tariq Ahmad SS Economics	01.01.1980	02.12.2006	10.01.2011	10.01.2011	Yes	80	No	No	No	NA	NA	SS GHSS Olandar Shangla	Eligible for Promotion To BS-18 on regular basis.
64	68	Saif Ur Rahman SS Chemistry	11.01.1978	01.11.2005	24.02.2011	24.02.2011	Yes	78	No	No	No	NA	NA	SS GHSS Beer Haripur	Eligible for Promotion To BS-18 on regular basis.
65	69	Muhammad Ilyas SS English	20.04.1979	24.02.2011	24.02.2011	24.02.2011	Yes	70	No	No	No	NA	NA	SS FATA	Eligible for Promotion To BS-18 on regular basis.
66	70	Shamshad Khan SS Physics	25.01.1980	25.02.2011	25.02.2011	25.02.2011	Yes	71	No	No	No	NA	NA	RITE (M) Haripur	Eligible for Promotion To BS-18 on regular basis.
67	71	Mian Ijaz Mustafa SS Economics	29.01.1973	29.12.1994	12.01.2010	12.01.2010	Yes	70	No	No	No	NA	NA	SS GHSS Karori Mansehra	Eligible for Promotion To BS-18 on regular basis.


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 Education, Government of Punjab
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63	72	Saleh Shah MA Bed	03.02.1961	05/03/1979	20/01/2010	20/01/2010	Yes	75	No	No	No	NA	NA	HM B-17 service placed at the disposal of DE FATA	Eligible for Promotion To BS-18 on regular basis.
69	73	Habib ur Rehman BSc Bed	01.02.1962	15/02/1984	27/03/2010	27/03/2010	Yes	70	No	No	No	NA	NA	HM B-17 service placed at the disposal of DE FATA	Eligible for Promotion To BS-18 on regular basis.
70	74	Johar Khan MA Bed	03.07.1961	18/04/1985	27/03/2010	27/03/2010	Yes	Nil	2014 to 2019	No	No	NA	NA	HM B-17 service placed at the disposal of DE FATA	Not Eligible for Promotion to BS-18, due non availability pers for the year 2010 to 2019
71	76	Muhammad Hanif MA BEd	14.03.1963	18/04/1985	27/03/2010	27/03/2010	Yes	73	No	No	No	NA	NA	HM GHS Samiandar Ghari NSR	Eligible for Promotion To BS-18 on regular basis.
72	78	Salim Khan BSc BEd	02.02.1961	04/10/1984	27/03/2010	27/03/2010	Yes	Nil	2010 to 2019	No	No	NA	NA	HM GHS Jaroba NSR	Not Eligible for Promotion to BS-18, due non availability pers for the year 2010 to 2019
73	79	Reeyat Khan MA BEd	01.01.1961	04/05/1981	27/03/2010	27/03/2010	Yes	70	2019	No	No	NA	NA	HM GHS Tora Stana Kohat	Not Eligible for Promotion to BS-18, due non availability pers for the year 2019
74	81	Faiz ur Rehman BA BEd	25.06.1964	11/12/1985	27/03/2010	27/03/2010	Yes	Nil	2010 to 2019	No	No	NA	NA	HM GHS Takwar DIK	Not Eligible for Promotion to BS-18, due non availability pers for the year 2010 to 2019
75	82	Abdur Rahim BSc BEd	01.01.1961	10/10/1985	27/03/2010	27/03/2010	Yes	Nil	2010 to 2019	No	No	NA	NA	HM GHS Bazid Khel Kohat	Not Eligible for Promotion to BS-18, due non availability pers for the year 2010 to 2019
76	84	Zahid Khan MA BEd	15.03.1961	07/04/1979	27/03/2010	27/03/2010	Yes	70	2019	No	No	NA	NA	HM B-17 service placed at the disposal of DE FATA	Not Eligible for Promotion to BS-18, due non availability pers for the year 2019
77	85	Dilshad Ahmad MA Bed	21.09.1961	27/11/1985	27/03/2010	27/03/2010	Yes	Nil	2010 to 2019	No	No	NA	NA	HM GHS Jamra Ghazi Haripur	Not Eligible for Promotion to BS-18, due non availability pers for the year 2010 to 2019

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78	86	Muhammad Niaz BSc BEd	14.04.1964	22/03/1986	27/03/2010	27/03/2010	Yes	70	No	No	No	NA	NA	HM GHS Hukamzad Dardariz Bannu	Eligible for Promotion To BS-18 on regular basis.
79	87	Hafiz Muhammad Saddiq BA BEd	15.04.1962	02/12/1984	27/03/2010	27/03/2010	Yes	Nil	2010 to 2019	No	No	NA	NA	HM B-17 service placed at the disposal of DE FATA	Not Eligible for Promotion to BS- 18, due non availability pers for the year 2010 to 2019
80	88	Ali Muhammad BSc MEd	29.10.1962	10/05/1986	27/03/2010	27/03/2010	Yes	79	No	No	No	NA	NA	HM GHS Takro Dir (L)	Eligible for Promotion To BS-18 on regular basis.
81	89	Dur Jan MA BEd	04.01.1962	15/07/1986	27/03/2010	27/03/2010	Yes	Nil	2010 to 2019	No	No	NA	NA	HM B-17 service placed at the disposal of DE FATA	Not Eligible for Promotion to BS- 18, due non availability pers for the year 2010 to 2019
82	90	Sami ur Rehman BSc MEd	26.03.1963	20/02/1986	27/03/2010	27/03/2010	Yes	70	No	No	No	NA	NA	HM GHS Khoral NSR	Eligible for Promotion To BS-18 on regular basis.
83	91	Ghandal Khan BSc BEd	15.12.1962	27/11/1985	27/03/2010	27/03/2010	Yes	72	No	No	No	NA	NA	HM GHS Amatkhel Peshawar	Eligible for Promotion To BS-18 on regular basis.
84	92	Akhtar Zaman BSc BEd	15.01.1961	29/10/1985	27/03/2010	27/03/2010	Yes	77	No	No	No	NA	NA	HM GHS Jani Khel Bannu	Eligible for Promotion To BS-18 on regular basis.
85	94	Fazal Muhammad BA BEd	13.03.1961	15/10/1981	27/03/2010	27/03/2010	Yes	70 Nil	2010 to 2019	No	No	NA	NA	HM GHS Marhatl Banda NSR	Not Eligible for Promotion to BS- 18, due non availability pers for the year 2010 to 2019
86	95	Hidayat ul Haq BSc BEd	06.04.1961	01/12/1986	27/03/2010	27/03/2010	Yes	70	No	No	No	NA	NA	HM GHS Adamzal NSR	Eligible for Promotion To BS-18 on regular basis.
87	96	Ghulam Sarwar MA/B.Ed.	17.08.1963	01/12/1986	27/03/2010	27/03/2010	Yes	71	No	No	No	NA	NA	HM GHS Azakhel Mattani Peshawar	Eligible for Promotion To BS-18 on regular basis.
88	97	Muhammad Islam MA BEd	20.03.1964	15/01/1987	27/03/2010	27/03/2010	Yes	Nil	2010 to 2019	No	No	NA	NA	HM GHS Ghazi Khan Buner	Not Eligible for Promotion to BS- 18, due non availability pers for the year 2010 to 2019

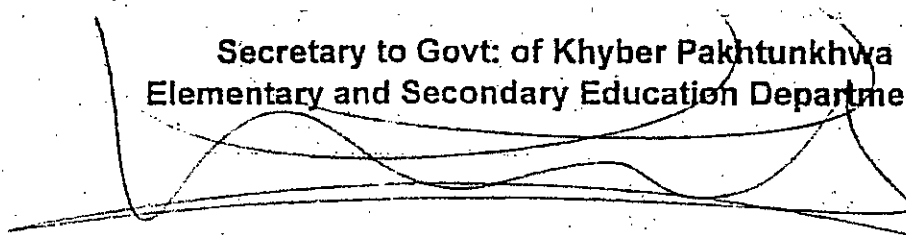
Deputy Director
Elementary Education

98	Hameed Ullah MA M	02.04.1962	10/11/1986	27/03/2010	27/03/2010	Yes	70	No	No	No	NA	NA	HM GHS Talaband Peshawar	Eligible for Promotion To BS-18 on regular basis.
100	Payo Gul MA BEd	07.04.1961	19/01/1987	27/03/2010	27/03/2010	Yes	Nil	2010 to 2019	No	No	NA	NA	HM service placed at the disposal of OE FATA	Not Eligible for Promotion to BS 18, due non availability pers for the year 2010 to 2019

CERTIFICATE:

1. Certified that the officers included in the panel from Sr. No. 1 to 90 are eligible in all respects & possess the requisite length of service required for promotion from B-17 to B-18 on acting charge/regular basis except S.No.2,74,78,79,81,82,84,85,87,89, 97 & 100 in the panel are not eligible for promotion due to missing PERs/ Departmental Inquiry.
2. Certified that the officers at seniority numbers 75,77, 80,83, 93 & 99 in the seniority list have retired from their services and the officers at seniority numbers 26,29, 41 & 55 in the seniority list have been appointed in BPS-18 through KPSC vide notification No SO(SM)E&SED/3-2/2017/Recruitment of 204 male Principals dated May 05, 2020 and assumed charge as Principal/V.Principal/SS in BS-18.
3. It is also certified that no disciplinary action/proceedings for criminal charges in any court of law are pending against any of the officers included in the panel

Deputy Director (Etab:) 
Directorate of Elementary and Secondary
Education Khyber Pakhtunkhwa

Secretary to Govt: of Khyber Pakhtunkhwa
Elementary and Secondary Education Department 

(98)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

(108)

Service Appeal No.126/2019

Date of Institution ... 28.01.2019
Date of Decision 17.11.2020

Siraj Khan S/O Akbar Shah Subject Specialist (BPS-17) of Elementary & Secondary Education Department, Peshawar.

... (Appellant)

VERSUS

1. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar & 431 Others.

... (Respondents)

Ijaz Ali Sabi,
Advocate

... For appellant.

Muhammad Jan,
Deputy District Attorney

... For Official respondents.

Amin ur Rehman Yusufzai,
Advocate

... For private respondents.

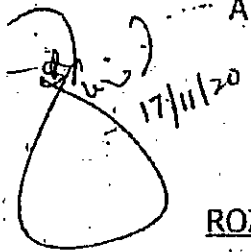
ROZINA REHMAN
ATIQU-UR-REHMAN WAZIR

... MEMBER (J)
... MEMBER (E)

JUDGMENT

ROZINA REHMAN, MEMBER (J) : This judgment is intended to dispose of Eight connected service appeals including the present one bearing No.126/2019, titled Siraj Khan Vs. The Director Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar and others, as common question of law and facts are involved therein.

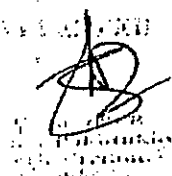



17/11/20

(106)

2. Brief facts of the case are that the appellants were inducted in the Education Department as Subject Specialist on contract basis in the year 2005. It was in the year 2009 when the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009 was enacted and services of the employees, who were employed on adhoc or on contract basis, were regularized. As per mandate of the Act, the services of the appellants were regularized w.e.f 24.09.2009 vide notification dated 31.05.2010. The Khyber Pakhtunkhwa Public Service Commission vide notification dated 15.09.2010 recommended to the Provincial Government for appointment of 58 Subject Specialist in Islamiyat, through another notification dated 11.06.2010, 13 Subject Specialist in Urdu, through notification dated 14.01.2020, 35 Subject Specialist in History-cum-Civics, similarly on 27.03.2010 respondents issued another notification whereby 242 male S.E.Ts were promoted to the post of Headmaster on regular basis. The respondent No.1 placed respondents No.4 to 434 senior to the appellants vide seniority list dated 13.12.2017, therefore, appellants submitted departmental representation within 30 days which was not responded to, therefore, appellants approached the Hon'ble Peshawar High Court for redressal of their grievances as by then the Service Tribunal was not functional due to the retirement of its Chairman. Case was entertained by the Hon'ble Peshawar High Court which was later on transmitted to the Tribunal and after transmission of the record, appellants were directed to submit individual service appeals hence 7 service appeals were filed.

3. Learned counsel for appellants submits that the appellants have been performing their duties as Subject Specialist since 2005 and continued the same till 31.12.2008 and 24.10.2009, therefore, their seniority is to be


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reckoned from 31.12.2008 whereas respondents No.4 to 434 whose recommendations were made in the year 2010 much after the commencement of the KP Employees (Regularization of Services) Act, 2009, therefore, their seniority is to be reckoned from the date when they were recommended to the subject cadre on regular basis. He submitted that placing the respondent No.4 to 434 senior to the appellants is illegal against law and facts. He submitted that those recommendees could be made senior to the appellants whose recommendations were made prior to the commencement of the Act i.e. KP Employees (Regularization of Services) Act, 2009, i.e. from 24.10.2009 (Date of publication in the official gazette) and as against this crystal clear language of the statute, respondents have placed private respondents senior to the appellants whose recommendations were made much after the commencement of the Act. He contended that final seniority list is illegal, unlawful and has defeated the cause of justice.

4. Conversely, learned counsel for respondents (128 in number) submitted that applications were invited from the eligible candidates for the post of Subject Specialist (BPS-17) by KPPSC vide advertisement dated 26.01.2009 and that the answering respondents being eligible, were recommended by the KPPSC vide different office letters in 15 intervals. They were appointed by the competent authority vide different notifications and that after issuance of the final recommendation dated 17.05.2010 KPPSC issued inter-se seniority of all the recommendees w.e.f 27.06.2009 till 17.05.2010 in order of merit on 13.08.2011 and in view of Section-35 (3)(a)(b) of KPPSC Regulations, 2003. He submitted that tentative seniority list was issued on 31.12.2016 in pursuance of inter-se seniority list dated

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13.08.2011 of KPPSC. He contended that the appellants filed objections against the tentative seniority list which were considered at appropriate level and the competent authority constituted appellate committee to decide the matter in accordance with law, resultantly recommendees of advertisement No.01/2009 i.e. the present answering respondents whose appointment orders were issued from 12.01.2010 to 25.02.2011 were declared senior to the appellants because being contract employees, appellants were regularized on 31.05.2010, much later than first appointment order of the answering respondents on 12.01.2010, therefore, objections were rejected where-after revised/updated final seniority list was issued.

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5. Learned DDA also submitted that the appellants were not regularized till the passing of Act of 2009 against the S.S post and that the said Act of 2009 was mainly for the induction of adhoc Subject Specialist of 2009 batch and not for the Subject Specialist of 2005 in the Department, therefore, the stand of appellants was baseless and that the seniority list dated 13.12.2017 was, therefore, legal and liable to be maintained. It was, therefore, submitted that the service appeals filed by the appellants may be dismissed with cost.

6. Arguments of parties and record available before us transpire that there are two sets of laws involved in this particular case i.e. Section 35 of Public Service Commission Khyber Pakhtunkhwa Regulations, 2003 and Section 4 of Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009. Provincial Public Service Commission (PPSC) have designed its regulations only to safeguard inter se seniority of its own recommendees,

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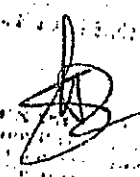
under Section 35(3)(a)(b) of Khyber Pakhtunkhwa Public Service Commission Regulations 2003, which is hereby reproduced for ready reference:

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"where a large number of subjects/specialists are included in an advertisement, recommendations may not be pended till finalization of the entire batch but instead zonal allocation be worked out subject wise and recommendation conveyed to the department without indicating to them the zonal allocation and the inter se seniority. In recommendations to the department, it shall be made clear that the inter se seniority of the recommendee is linked with other subjects and the overall merit position and zonal adjustment will be intimated on the completion of interviews in all subjects. The chronological order of the recommendees shall not confer any right of seniority".

7. By doing so, they have well defended seniority of those recommended by Commission but at the same time ignored seniority of those, who are appointed otherwise. In the instant case, Public Service Commission issued Piecemeal recommendations of more than 400 candidates in more than 15 batches spreading over a period of one year and finally prepared final merit list combining all these batches into a single batch after a period of another one year in order to safeguard their inter se seniority and accordingly their seniority was counted from the date, the first batch was recommended, which ultimately disturbed the seniority of those appointed otherwise. The contention of the appellants that their services were regularized on 24.09.2009 and those recommended by the

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Commission before 24.09.2009 are surely senior to them, but those recommended after 24.09.2009 shall not be placed senior to them, as it is very clearly enunciated vide Section 4 of Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009, which is reproduced as under:

(10)

4.....(1) "Determination of seniority: the employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service or on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendations of the Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment".

8. It was noted that the respondents made their job easy for themselves by invoking jurisdiction of Section 35 of Public Service Commission Regulations, 2003 and combined many batches into one batch, but ignoring the fact that during such long period, seniority of those appointed otherwise would suffer. Inter se seniority among those recommended by Commission can only be retained, when en block order is issued, whereas the Commission as well as respondents issued piecemeal orders spreading over a period of more than one year, infringed seniority of those appointed otherwise including the appellants for no fault of them. Public Service Commission on requisition placed to it, recommend panel of persons in order of merit, but do not determine their seniority, rather it is

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the respondent department to determine their seniority in order of merit assigned by the Commission only if en bloc order is issued. In this case, piecemeal orders created an anomaly, which shall not be removed at the cost of the rights of appellants. The respondents persistently defend their act of omission under the cover of Section 35 of Public Service Commission Regulations 2003, simultaneously violating Section 4 of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009, which is not justifiable. It also needs to be clarified that Section 4-A of the Act ibid provides that:

"Notwithstanding anything to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have overriding effect and the provision of any such law or rule to the extent of inconsistency to this Act shall cease to have effect".

9. Moreover Act is a law made by the Parliament or State Legislature, whereas Regulations are generally made by an executive authority in exercise of powers conferred by an Act, so in this particular case, provisions of this Act shall have overriding effect over Regulations.

10. In view of the situation, appeals are accepted, the impugned Seniority list dated 13.12.2017 stands set aside with directions to respondent department to correct/modify the Impugned seniority list and the persons whose services were regularized vide notification dated 31.05.2010 w.e.f 24.09.2009 under the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009 shall be placed senior to all those persons recommended by the Commission after the commencement of the

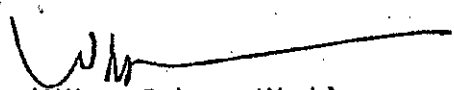
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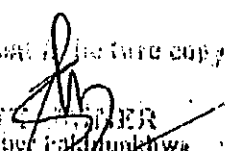
Act ibid as per provisions contained in Section 4 of the Act ibid. No order as to costs. File be consigned to the record room.

(113)

ANNOUNCED.
17.11.2020

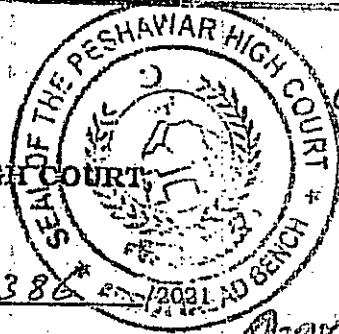

(Attiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

Original / true copy

SECRETARY
Peshawar

Date of Presentation of Application: 26/4/23
Number of pages: page 08
Copying Fee: 50/-
Agent: S/R
45/-
26/4/23
26/4/22

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BEFORE HON'BLE THE PESHAWAR HIGH COURT
ABBOTTABAD BENCH.

Writ Petition # 386/2021 AD BENCH

1. Shabir Muhammad s/o Mustafa SS PS (BPS-17) presently posted at GHSS Peshora Battagram.
2. Ashfaq Ahmed S/O Abdul Salam SS chemistry (BPS-17) currently posted at GHSS Bahali Manshra.
3. Ibadullah s/o Qazi Zia Ullah SS PS (BPS-17) currently posted at GHS Mehran Battgram.
4. Muhammad Rizwan Muhammad Siddique SS English GCMHSS No:1 Haripur.
5. Dr. Fazli Rabbi s/o Mir Muhamamd Phd. SS Statistics GHSS Mansabdar Swabi.
6. Muhammad Nauman Shabbir s/o Shabbir Ahmad SS English RITE Bannu.
7. Farid Ullah Shah s/o Syed Aslam SS Statistics GHSS Bangi Khan Bannu.
8. Muhammad Ilyas s/o Muhammad Akram SS English SS English GHSS Mazdor Abad Takhtbai.
9. Khaminat Shah s/o Gul Bahdshah SS English GHSS Mandoori Kohat.
10. Amjad Khan s/o Muhammad Rasool Khan SS English GHSS Amandi Umer Khan Bannu.
11. Syed Muhamamd Amir s/o Syed Muhammad Younas SS English GHSS Rashakai Nowshera.
12. Anwar Khan s/o Muhammad Abdus Sami SS Biology GHS Kabal Swat.
13. Inamullah s/o Safi-ur-rehman SS Pakistan studies GHSS Barawal Bandi Dir (U).
14. Syed Shah Hassan s/o Syed Anwar Hassan SS English GHSS Sherki Hotth Mardan.
15. Shamshad Khan s/o Patch Rahim SS Physics GHSS Shariki Hoti Mardan.
16. Muhtamim Shah s/o Sharif Khan SS English GHSS Bakhshali Mardan.
17. Tariq Ahmed s/o Ahmed Sher SS Economics GHSS Sandevi Shangla.
18. Muhammad Zubair Khan s/o Ahmad Shah SS Pak Study GHSS Tappi Kanda Karak.
19. Akbar Jan s/o Ahmad Jan SS English GHSS Ziarat Talash Dir (L).
20. Farman Ullah s/o Hakim Ullah SS English GHSS Sakhu Kot Malakand.
21. Riaz Iqbal s/o Jehanzeb SS English GHSS Kalu Khan Swabi.
22. Azam Jan s/o Jamazan SS Pak Study GHSS Bagra Haripur Presently posted at GHSS Mohari Bedbhen Abbottabad.
23. Mahmood-ur-Rehman s/o Hafiz Muhammad Idrees SS Biology GHSS Harno Abbottabad.
24. Asif Ali s/o Muhammad Afsar SS Pak Study GHSS Dobian Swabi.
25. Shah Hassan s/o Shah Hussain SS Pak Study GHSS Sher Garh Mardan.
- Saeed Ahmad s/o Ghulam Sarwar SS PS NWA.
- Zamrad Khan s/o Lal Said SS Economics GHSS Malakand.

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EXAMINER
3 DEC 2021
Peshawar High Court Ad. Bench
Authorized Under Sp: 75 Evid Ordnc

FILED TO
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD
27/12/21

- 60
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28. Muhammad ishaq s/o Rahim Khan SS English GHSS Pinda Khel Bannu.
 29. Faridullah s/o Abdul Jabbar SS English GHSS Hazar Khwani.
 30. IhsanUllah s/o Atta Ullah SS Pak study GHSS Ayun Chitral.
 31. Gohar Zaman s/o s/o Rafi-uz-Zaman SS Statistics GHSS Khorai DI Khan.
 32. Ali Muhammad s/o s/o Muhammad Yaqub SS His Cum Civics GHS Kajla Manshehra.
 33. Muhammad Riaz s/o Amir Muhammad SS English GHSS Tappi Kanda Karak.
 34. Muhammad Nasim s/o Muhammad Khan SS Maths presently posted at GHSS Muslaimabad.
 35. Qaisar Shah s/o Faqir Shah SS History cum Civics SS GHSS Siri Kot Haripur.
 36. Zafar Iqbal s/o Noor Muhammad SS Pak Study GHSS Becr Haripur.
 37. M. Akhtar Khan s/o M. Farid Khan SS Chemistry GHSS Bagra Haripur.
 38. Abdul Majeed s/o Shadi Khan SS History cum Civics GHSS No.3 Mechan Khel Lakki.
 39. Tariq Ali s/o Noor Sarwar SS Economics GHSS Kalaya Orakzal Agency.
 40. Sajid Ghaffar s/o Muhammad ghaffar SS English Dabli lawaghar Karak.
 41. Muhammad Tayyab s/o Muhammad Naccem SS English GHSS Tehkal Peshawar.
 42. Hashmatullah s/o Rasool Bahadur SS Economic GHSS KOTkha Muhammad Khan Bannu.
 43. Mian Ejaz Mustafa s/o Qazi Syed. Mukhtarullah SS Economics GHSS Balla Manshehra.
 44. Saif-ur-Rehman s/o Muhammad Ashraf SS Chemistry GHSS Sarai Saleh Haripur.
 45. Muhammad kareem s/o Sahib Gul SS English GHSS Domel Bannu.

..... Petitioners

Versus

1. Government of KPK through its chief Secretary, Peshawar.
2. Provincial Selection Board Through Respondent No.1.
3. Secretary Elementary and Secondary Education, Peshawar.
4. Director Elementary and Secondary Education, Peshawar KPK.
5. Secretary Finance, Government of KPK, Peshawar.

..... Respondents

FILED TODAY

ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH

16/03/21

WRIT PETITION UNDER ARTICLE
199 OF THE CONSTITUTION OF
PAKISTAN, 1973 AS AMENDED
UPTO DATE.

RE FILED TODAY

ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH

Respectfully Sheweth

The brief facts necessitated the instant service Writ petition are as under: -

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3-0 DEC 2021
Peshawar High Court Atd. Bench
Authorized Under Sec: 75 Evid Ord.

(65)

(115)

1. That the Petitioners are Civil Servants and performing their duties in Education Department in BPS-17 as Subject Specialist.
2. That, the Petitioners have been declared and as "eligible" and "fit" for promotion in all respects and possesses the requisite length of service required for promotion from BPS-17 to 18.
3. That, the Petitioners have fulfilled all the criteria on regular basis and have considered qualified for promotion on regular basis and recommended for same by Respondent No.3 for Provincial Selection Board's meeting i.e. 17th May, 2019.
4. That, due to inclusion of certain "Ghost Employees" in seniority list, i.e. who either not joined the department or left the department or died or retired or resigned from department, the Petitioner has been deferred from promotion.
5. That, the counterparts in supersessions of Petitioners' right have been promoted from BPS-17 to 18 through impugned PSB's meeting held on 17-05-2019. (Copies of Seniority list, list of panel of officers for consideration and minutes of meetings are attached as annexure "A", "B" and "C").
6. That, the Petitioners' despite being eligible and availability of vacant posts in BPS-18 have not been promoted by Respondent No.2/PSB in subsequent meeting held on 23-09-2019. The Petitioner being aggrieved preferred Writ petition/representation before Respondent No.1 on 23-12-2019, which is still pending adjudication. (Copy of minutes of meeting dated 23-09-2019 and representation dated 23-12-2019 are attached as annexure "D" and "E").
7. That, the case of Petitioners for promotion from BPS-17 to 18 was also deferred/ held abeyance in next PSB's meeting without any rhyme and reason.

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EXAMINER
3 DEC 2021
Peshawar High Court Atd. Bench
Authorized Under Sec 75 Evid Ordns.

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ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH 12/3

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- 8. That, the case of Petitioners was not taken up in PSB's subsequent meetings on 12-06-2020, which is based upon mala-fide, discriminatory, against the fair play, law and administration of justice and depicts the sheer negligence of respondents to deprive the Petitioners from their legitimate right of promotion along with ancillary benefits. (Copy of agenda for PSB meeting of 12-06-2020 is attached as annexure "F")
- 9. That the Petitioner being aggrieved are filing instant service Writ petition, inter-alia, on the following grounds:

Grounds:

- i. That, the Petitioners are eligible in all respects with requisite length of service required for promotion from BPS-17 to 18 i.e. Five-year service in BPS-17 and non-consideration of respondents for promotion from due date i.e. 17.05.2019 despite availability of vacant posts is illegal, unjustified, based upon malice, discriminatory, arbitrary and against the principles of natural justice. Whereas, the Petitioners are entitled to be promoted from their due date i.e. 17-05-2019 with all consequential and financial benefits.
- ii. That, inclusion of "Ghost Employees" in the list, is act of gross negligence of Respondents No. 3 and 4 and the Petitioners' right shall not be allowed to affect by negligent act of Respondents.
- iii. That Hon'ble Supreme Court has held in case of Managing Director WAPDA and others versus Muhammad Luqman as under,

"Promotion — Vested right of Employee — Where the Rules, regulations and policy had been framed for regulating appointment and promotion, any breach or deviation from them for mal-fide reasons or due to arbitrary act of competent authority, would entitled an aggrieved person to challenge the same".

- iv. That, Hon'ble Islamabad High Court also held the same in "Syed Ijaz Hussain versus Federation of Pakistan as,

ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABOTTABAD CAMPUS

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EXAMINER
30 DEC 2021
Peshawar High Court Atd. Bench
Authorized Under Sec. 75 Evid Order

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"Civil Servant has vested legal right to be considered for promotion in accordance with law"

- v. That, the promotion of counterparts and deferment/held abeyance of promotion of Petitioners without any legal justification renders sheer discrimination, which is against the spirit of constitution of Pakistan, 1973.
- vi. That, Art. 3 envisages elimination of every sort of exploitation, whereas Art. 4 ensure that every citizen shall be dealt in accordance with law, while Art. 10-A guarantees due process in proceedings and Art. 25 safeguards equality.
- vii. That, the promotion of counterparts and deferment of petitioners due to inclusion of Ghost Employees from due date against vacant posts in the list amounts to sheer discrimination and exploitation.
- viii. That, the Respondent No.2/ Provincial Selection Board in its meeting on 17-05-2020 made promotions in BPS-18 of 44 incumbents out of 102 available vacant posts.
- ix. That, under sec. 24(A) of the General Clauses act, 1897,

"Where a power to make any order or give any direction is conferred on any authority, office or person such power shall be exercised reasonably, fairly, justly"

- x. That, respondents are under constitutional and legal obligation to act justly and fairly with respect of all employees under their patronage and employment.

That, Petitioner despite being declared "eligible" and "Fit" but deprived from promotion against available vacant posts have vested legal right to be promoted.

- xii. That, the Petitioners have been illegally and unlawfully deprived from their legitimate right of promotion without any reason or justification.

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3-0 DEC 2024
Peshawar High Court Ald. Bench
Authorized Under Sec. 75 Evld Ordns.

3-11-24 TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABOTTEBAD BENCH
24/12

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- xiii. That, the invaluable rights of the applicant are involved.
- xiv. That, this Hon'ble court has jurisdiction to entertain and adjudicate upon instant service Writ petition.

PRAYER:

In the light of foregoing facts of the case and submissions, it is therefore most humbly prayed that on acceptance of instant Writ Petition, the Petitioners may kindly be declared "Eligible" and "Fit" for promotion from their due date of promotion i.e. 17-05-2019 and the Respondents may kindly be directed to promote the Petitioners from their due date of promotion i.e. 17-05-2019 with all consequential and financial benefits at earliest.

And any other writ, order or relief deems proper and fit in the light of circumstances of the case may kindly be passed in favour of Petitioner.

Interim Relief:

In the meanwhile, Respondents may kindly be restrained to promote any other person in the supersession of petitioners' right till final adjudication of titled writ petition.

Dated: 8-3 /2021

Through

[Signature]
(PETITIONERS)
[Signature]

(MUHAMMAD WAQAS)

Advocate High Court,
Office No.1 New TMA Plaza,
Near Fawara Chowk Abbottabad
(Mob # 03135871510)

Certificate:

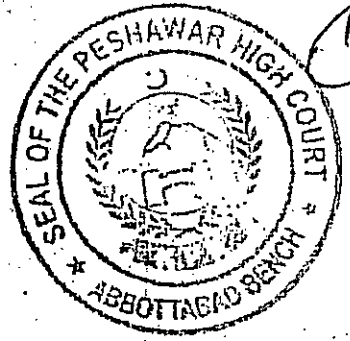
Certified that no other/prior writ petition has been filed or decided. Memo of writ petition has been sent along with Pre-Submission Notices.

[Signature]
(Petitioner)

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EXAMINER
3-0-DEC 2021
Peshawar High Court Aid. Bench
Authorized Under Sec: 75 Evid Ordns

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ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
07/3

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PESHAWAR HIGH COURT,
ABBOTTABAD BENCH
FORM 'A'
FORM OF ORDER SHEET

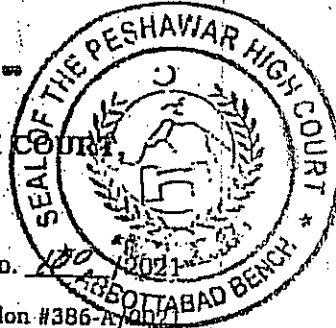
Date of Order or Proceedings	ORDER OR PROCEEDINGS WITH SIGNATURE OF JUDGE/JUDGES
31.03.2021	<p data-bbox="603 733 874 791"><u>WP No. 386-A/2021</u></p> <p data-bbox="603 801 1276 902">Present:- Mr. Muhammad Waqas, Advocate for the petitioners.</p> <p data-bbox="592 967 1276 1431">MOHAMMAD IBRAHIM KHAN, J.- At the very outset, learned counsel for the petitioners submitted that the departmental representation of the petitioners is pending before respondent No. 1 and he would be satisfied, if direction is issued to the respondent No. 1 to decide the same within a shortest possible time.</p> <p data-bbox="561 1446 1276 1716">2. In view of the above, this petition stands disposed of with direction to respondent No. 1 to decide the departmental representation of the petitioners, within a month, in accordance with law.</p> <p data-bbox="962 1809 1141 1884">JUDGE</p> <p data-bbox="947 1968 1135 2051">JUDGE</p>

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EXAMINER
30 DEC 2021
Peshawar High Court Aid. Bench
Authorized Under Sec-75 Evd Ordnc

Hon'ble Justice Mohammad Ibrahim Khan
Hon'ble Justice Shaukat Ahmad

71 ANNEX 5

BEFORE HON'BLE THE PESHAWAR HIGH COURT
ABBOTTABAD BENCH.



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COC Petition No. 100

Writ Petition #386-A/21

1. Shabir Muhammad s/o Mustafa SS PS (BPS-17) presently posted at GHSS Peshora Battagram.
2. Ashfaq Ahmed S/O Abdul Salam SS chemistry (BPS-17) currently posted at GHSS Bahali Manshra.
3. Ibadullah s/o Qazi Zia Ullah SS PS (BPS-17) currently posted at GHS Mehran Battgram.

..... Petitioners

Versus

Dr. Kazim Niaz Chief Secretary Government of KPK, Peshawar.

..... Respondent

**PETITION UNDER ARTICLE 204 OF
THE CONSTITUTION OF PAKISTAN,
1973 AS AMENDED UPTO DATE.**

Respectfully Sheweth:

The brief facts necessitated the instant petition are as under: -

1. That the Petitioners filed W.P. No. 386-A/21 titled "Shabir Muhammad versus Government of KPK through its Chief Secretary and others" before this Hon'ble Court, (Copy of writ petition is attached as annexure "A").
2. That, this Hon'ble Court vide order dated 31-03-2021 pleased to direct the respondent to decide the departmental appeal of the petitioners within a period of one month but unfortunately the same has not been decided till date. (Copy of writ Order dated 31-03-2021 is attached as annexure "B").
3. That the Petitioner being aggrieved are filling instant petition, inter-alia, on the following grounds:

Grounds:

- i. That the act of respondent is contumacious, derogatory and based upon willful disobedience. Hence, the contempt of court proceedings shall be initiated against him.

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EXAMINER
30 DEC 2021
Peshawar High Court Atd Bench
Authorized Under Sec: 75 Evid Ordnc

No. 386-A/21
-06-21
FILED TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH

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- ii. That the act of the respondent is against the Articles of the constitution of Pakistan, which is based upon exploitation, inequality and discriminatory in nature.
- iii. That the constitution of Pakistan guarantees the safeguard against discrimination in services, exploitation and ensures equality among citizens.
- iv. That the applicants/petitioners are entitled for promotion from their due date i.e. 17-05-2019.
- v. That the order of this Hon'ble Court has binding effect and respondent is bound to implement the order of this Hon'ble Court.
- vi. That this Hon'ble Court has power to initiate the contempt of court petition and may take legal action against the contemnor.
- vii. That the Pre-submission notice has been served upon the respondent.

PRAYER:

It is, therefore, most humbly prayed that on acceptance of instant application, contempt of court proceedings may graciously be initiated against the respondent and may kindly prosecute accordingly; further it is also humbly prayed that respondents may kindly be directed to promote the petitioners from their due date i.e. 17-05-2019 along with fine, cost and special cost.

Dated: 17-06-2021


(PETITIONERS)

Through

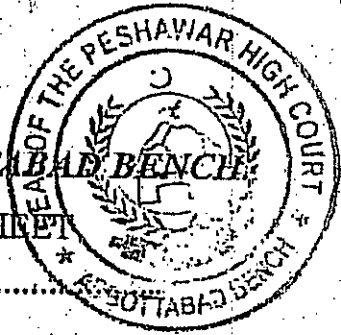

(MUHAMMAD WAQAS)

Advocate High Court,
Office No.1 New TMA Plaza,
Near Fawara Chowk Abbottabad
(Mob # 03135871510)

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ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
21/1/21

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EXAMINER
30 DEC 2021
Peshawar High Court Atd. Bench
Authorized Under Sec: 75 Evid Ord

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PESHAWAR HIGH COURT, ABBOTTABAD BENCH
FORM OF ORDER SHEET

Court of.....
Case No.....of.....

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
08.12.2021.	<p><u>COC No. 100-A/2021.</u></p> <p>Present; Mr. Muhammad Waqas, Advocate for petitioner.</p> <p>***</p> <p><u>MOHAMMAD IBRAHIM KHAN, J.</u> Learned counsel for petitioner at the very outset requested for withdrawal of the instant petition in order to the approach proper forum.</p> <p>Order accordingly.</p> <p><i>[Signature]</i> JUDGE</p> <p><i>[Signature]</i> JUDGE</p>

Certified to be True Copy
EXAMINER
3-D DEC 2021
Peshawar High Court/Attd. Bench
Authorized Under Sec: 75 Extd Ordns.

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**BEFORE THE KHBER PUKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.
(CAMP AT ABBOTTABAD)**

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Service Appeal # _____/2021

1. Shabir Muhammad s/o Mustafa SS PS (BPS-17) presently posted at GHSS Peshora Battagram.
2. Ashfaq Ahmed S/O Abdul Salam SS chemistry (BPS-17) currently posted at GHSS Bahali Mansehra.
3. Ibadullah s/o Qazi Zia Ullah SS PS (BPS-17) currently posted at GHS Mehran Battagram.
4. Muhammad Rizwan Muhammad Siddique SS English GCMHSS No.1 Haripur.
5. Dr. Fazli Rabbi s/o Mir Muhammad Phd. SS Statistics GHSS Mansabdar Swabi.
6. Muhammad Nauman Shabbir s/o Shabbir Ahmad SS English RTE Bannu.
7. Muhammad Ilyas s/o Muhammad Akram SS English SS English GHSS Mazdor Abad Takhtbai.
8. Khaminat Shah s/o Gul Bahdshah SS English GHSS Mandoori Kohat.
9. Amjad Khan s/o Muhammad rasool Khan SS English GHSS Amandi Umer Khan Bannu.
10. Syed Muhammad Amir s/o Syed Muhammad younas SS English GHSS Rashakai Nowshera.
11. Anwar Khan s/o Muhammad Abdus Sami SS Biology GHS Kabal Swat.
12. Inamullah s/o Safi-ur-rehman SS Pakistan studies GHSS Barawal Bandi Dir (U).
13. Syed Shah Hassan s/o Syed Anwar Hassan SS English GHSS Sherki Hotth Mardan.
14. Shamshad Khan s/o Fateh Rahim SS Physics GHSS Sharki Hoti Mardan.
15. Muhtamim Shah s/o Sharif Khan SS English GHSS Bakhshali Mardan.
16. Tariq Ahmed s/o Ahmed Sher SS Economics GHSS Sandovi Shangla.
17. Muhammad Zubair s/o Ahmad Shah SS Pak Study GHSS Tappi Kanda Karak.
18. Akbar Jan s/o Ahmad jan SS English GHSS Ziarat Talash Dir (L).
19. Farman Ullah s/o Hakim Ullah SS English GHSS SakhaKot Malakand.
20. Riaz Iqbal s/o Jehanzeb SS English GHSS Kalu Khan Swabi.
21. Azam Jan s/o Jamazan SS Pak Study GHSS Bagra Haripur Presently posted at GHSS Mohari Bedbhen Abbottabad.
22. Mehmood-ur-Rehman s/o Hafiz Muhammad Idrees SS Biology GHSS Harno Abbottabad.
23. Asif Ali s/o Muhammad Afsar SS Pak Study GHSS Dobian Swabi.
24. Shah Hassan s/o Shah Hussain SS Pak Study GHSS Sher Garh Mardan.
25. Saeed Ahmad s/o Ghulam Sarwar SS PS NWA.
26. Zammurad Khan s/o Lal Said SS Economics GHSS Malakand.

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27. Muhammad Ishaq s/o Rahim Khan SS English GHSS Pinda Khel Bannu.
28. Faridullah s/o Abdul Jabbar SS English GHSS Hazar Khwani.
29. IhsanUllah s/o Atta Ullah SS Pak study GHSS Ayun Chitral.
30. Gohar Zaman s/o s/o Rafi-uz-Zaman SS Statistics GHSS Khorai DI Khan.
31. Ali Muhammad s/o s/o Muhamad Yaqub SS His Cum Civics GHS Kajla Mansehra.
32. Muhammad Riaz s/o Amir Muhammad SS English GHSS Tappi Kanda Karak.
33. Muhammad Nasim s/o Muhammad Khan SS Maths presently posted at GHSS Muslaimabad.
34. Qaisar Shah s/o Faqir Shah SS History cum Civics SS GHSS Siri Kot Haripur.
35. Zafar Iqbal s/o Noor Muhammad SS Pak Study GHSS Beer Haripur.
36. M. Akhtar Khan s/o M. Farid Khan SS Chemistry GHSS Bagra Haripur.
37. Abdul Majeed s/o Shadi Khan SS History cum Civics GHSS No.3 Mechan Khel Lakki.
38. Tariq Ali s/o Noor Sarwar SS Economics GHSS Kalaya Orakzai Agency.
39. Sajid Ghaffar SS English Karak.
40. Muhammad Tayyab SS English GHSS Tehkal Peshawar.
41. Hashmatullah s/o Rasool Bahadur SS Economic GHSS Kotkha Muhammad Khan Bannu.
42. Mian Ejaz Mustafa s/o Qazi Syed Mukhtarullah SS Economics GHSS Baffa Mansehra.
43. Saif-ur-Rehman s/o Muhammad Ashraf SS Chemistry GHSS Sarai Saleh Haripur.
44. Muhammad kareem s/o Sahib Gul SS English GHSS Domel Bannu.

..... Appellants

Versus

1. Government of KPK through its chief Secretary, Peshawar.
2. Provincial Selection Board through Respondent No.1.
3. Secretary Elementary and Secondary Education, Peshawar.
4. Director Elementary and Secondary Education, Peshawar KPK.
5. Secretary Finance, Government of KPK, Peshawar.

..... Respondents -

**SERVICE APPEAL U/S 4 OF THE
KP SERVICE TRIBUNAL ACT, 1974.**

Respectfully Shewethl

The brief facts necessitated the instant service appeal are:-

1. That the Appellants are Civil Servants and performing their duties in Education Department in BPS-17 as Subject Specialist.
2. That, the appellants have been declared by the competent authorities "Fit" and "eligible" for promotion in all respects

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and possesses the requisite length of service required for promotion from BPS-17 to 18.

3. That, the appellants have fulfilled all the criteria on regular basis and have considered qualified for promotion on regular basis and recommended for it by Respondent No.3 for Provincial Selection Board's meeting i.e. 17th May, 2019:
4. That, due to inclusion of certain "Ghost Employees" in seniority list, i.e. who either not joined the department or left the department or died or retired or resigned from department; the appellant has been deferred from promotion.
5. That, the counterparts of appellants have been promoted from BPS-17 to 18 through impugned PSB's meeting held on 17-05-2019. Whereas, instant appellants were declined/deferred due to inclusion of ghost employees in seniority list, which has adversely effected the legitimate vested right of appellants of promotion in BPS-18 since 17-05-2019. *(Copies of Seniority list, list of panel of officers for consideration and minutes of meetings are attached as annexure "A", "B" and "C").*
6. That, the appellants despite being eligible and availability of vacant posts in BPS-18 have not been promoted by Respondent No.2/PSB in subsequent meeting held on 23-09-2019. The appellant being aggrieved preferred appeal/representation before Respondent-No.1 on 23-12-2019, which is still pending adjudication. *(Copy of minutes of meeting dated 23-09-2019 and representation dated 23-12-2019 are attached as annexure "D" and "E").*
7. That, the case of appellants for promotion from BPS-17 to 18 was also deferred/ held abeyance in next PSB's meeting without any rhyme and reason.
8. That, the case of appellants was not taken up in PSB's subsequent meetings on 12-06-2020, which is based upon mala-fide, discriminatory, against the fair play, law and administration of justice and depicts the sheer negligence of respondents to deprive the appellants from their legitimate right of promotion along with ancillary benefits. *(Copy of agenda for PSB meeting of 12-06-2020 is attached as annexure "F").*
9. That, the appellants being aggrieved preferred writ petition-bearing No. 386-A/2021 before Hon'ble Peshawar High Court Abbottabad Bench, Which was disposed of with the

(14)

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direction to respondent No.1 to decide departmental appeal within period of one month vides order dated 31-03-2021. (Copies of W.P. No. 386-A/2021 and Order sheet dated 31-03-2021 are attached as annexure "F").

10. That, the Respondent No.1 has been miserably failed to oblige the worthy direction ibid of Hon'ble PHC Abbottabad Bench; feeling aggrieved moved COC petition bearing No. 100-A/2021 and was directed by Hon'ble PHC Abbottabad Bench to submit reply fortnight, But Respondent No.1 failed to comply with the said order. However, the Hon'ble PHC Abbottabad Bench vides its order sheet dated 08-12-2021 pleased to direct and permit to approach this Hon'ble Tribunal. Hence, the instant Service Appeal. (Copies of COC and order sheets are attached as annexure "G").

11. That the appellants being aggrieved are filing instant service appeal, inter-alia, on the following grounds:

Grounds:

- i. That, the Appellants are eligible in all respects with requisite length of service required for promotion from BPS-17 to 18 i.e. Five year service in BPS-17 and non-consideration of respondents for promotion from due date i.e. 17.05.2019 despite availability of vacant posts is illegal, unjustified, based upon malice, discriminatory, arbitrary and against the principles of natural justice. Whereas, the appellants are entitled to be promoted from their due date i.e. 17.05.2019 with all consequential and financial benefits.
- ii. That, inclusion of "Ghost Employees" in the list, is a result of gross negligence of Respondents No. 3 and 4 and administration of justice and principles of natural justice require that the appellants' right shall not be defeated by negligence of Respondents from due date.
- iii. That Hon'ble Supreme Court has held in case of Managing Director WAPDA and others versus Muhammad Luqman as under,

*"Promotion — Vested right of Employee —
Where the Rules, regulations and policy had
been framed for regulating appointment and
promotion any breach or deviation from
them for extraneous reasons or due to arbitrary
act of competent authority, would entitle an
aggrieved person to challenge the same".*

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iv. That, Hon'ble Islamabad High Court also held the same in "Syed Ijaz Hussain versus Federation of Pakistan as,

"Civil Servant has vested legal right to be considered for promotion in accordance with law".

v. That, the promotion of counterparts/juniors and deferment/held abeyance of promotion of appellants without any legal justification renders sheer discrimination, which is against the spirit of constitution of Pakistan, 1973.

vi. That, Art. 3 envisages elimination of every sort of exploitation, whereas Art. 4 ensure that every citizen shall be dealt in accordance with law, while Art. 10-A guarantees due process in proceedings and Art. 25 safeguards equality.

vii. That, under sec. 24(A) of the General Clauses act, 1897,

"Where a power to make any order or give any direction is conferred on any authority, office or person such power shall be exercised reasonably, fairly, justly".

viii. That, respondents are under constitutional and legal obligation to act justly and fairly with respect of all employees under their patronage and employment.

ix. That, appellant despite being declared "Fit" and "eligible" but deprived from promotion against available vacant posts have vested legal right to be promoted.

x. That, the instant service appeal implicates financial matter as well as recurring cause of action.

xi. That, Government can undo her wrong-done and there is no period of limitation against it.

xii. That the case of appellants squarely falls within the ambit of "legitimate Expectation" and "Locus Poenitentiae"

xiii. That, the appellants have been illegally and unlawfully deprived from their legitimate right of promotion without any reason or justification.

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xiv. That, the invaluable rights of the applicant are involved.

xv. That, this Honble court has jurisdiction to entertain and adjudicate upon instant service appeal.

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PRAYER:

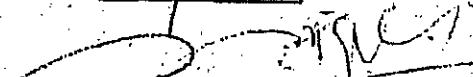
In the light of foregoing facts of the case and submissions, it is therefore most humbly prayed that on acceptance of instant service appeal, the appellants may kindly be declared eligible for promotion from their due date of promotion i.e. 17-05-2019 and the Respondents may kindly be directed to promote the appellants from their due date of promotion i.e. 17-05-2019 with all consequential benefits.

And any other writ, order or relief deems proper and fit in the light of circumstances of the case may kindly be passed in favour of appellant.

Dated: 29/12/2021

Through


(APPELLANTS)


(MUHAMMAD WAQAS)

Advocate High Court,
Office No.1 New TMA Plaza,
Near Fawara Chowk Abbottabad
(Mob # 03135871510)

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE SAJJAD ALI SHAH
MR. JUSTICE JAMAL KHAN MANDOKHAIL

Civil Appeals No. 298 to 297 of 2022
(On appeal from the judgments of the Khyber
Pakhtunkhwa Service Tribunal dated
17.11.2020 in Service Appeal Nos. 126, 127,
129, 131 of 2019 and 805 of 2018)

Baloch Zamin & others (in all appeals) ... Appellant(s)

VERSUS

Siraj Khan & others (in CA 298)
Inayat ur Rehman & others (in CA 291)
M. Rafi and others (in CA 292)
Guld Ayub & others (in CA 293)
Dost Muhammad & others (in CA 294)
Zarif Shad & others (in CA 295)
Jawal ud Din & others (in CA 296)

... Respondent(s)

For the Appellant(s) : Mr. Muhammad Shoaib Shalheen, ASC
(in all appeals)

For Private Respondents : Mr. Aftab Alam Yasir, ASC

For KPK : Mr. Zahid Yousaf Qureshi, Addl. AG
Shahid Iqbal, L.O. (KPPSC)

Date of Hearing : 02.06.2022

JUDGMENT

Jamal Khan Mandokhail, J. We intend to dispose of all these appeals through this judgment as the question of law in all the appeals is common and these are directed against a consolidated judgment dated 17.11.2020 passed by the Khyber Pakhtunkhwa Service Tribunal, Peshawar.

2. Facts in brief are that the respondent No.1 was appointed as Subject Specialist on contract basis in

ATTESTED

Senior Court Associate
Supreme Court of Pakistan
Islamabad

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the Education Department of Khyber Pakhtunkhwa (KP), in the year 2005. The KP government promulgated the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009 (the Act), on 24th October 2009. Pursuant to the Act, the services of employees of KP government appointed on contract or *ad hoc* basis, holding the posts on 31st December 2008 till the promulgation of the Act were regularized, consequently, services of the respondent No.1 were also regularized.

3. It is important to mention here that before promulgation of the Act, the education department KP invited applications from suitable candidates for appointing them against different posts of Subject Specialist. The process was started by the Khyber Pakhtunkhwa Public Service Commission (the KPPSC). In view of the fact that the candidates were large in number, therefore, it could not be possible to recommend all the candidates at one go. Consequently, the KPPSC on 15th September 2009 recommended the first batch for their appointment. The process of recommendation was continued and ultimately it was completed when the last batch was recommended on 11th June 2010. The official respondents issued a seniority list, whereby the appellants were placed senior to the respondent No.1 and others, vide seniority list dated 13.12.2017. The respondent No.1 feeling aggrieved, filed a departmental appeal, which remained un-responded, as such, he approached the learned Peshawar High Court because of the fact that by that time, the Khyber Pakhtunkhwa Service Tribunal (the Tribunal) was not functioning. When the Tribunal started functioning, the learned High Court referred the matter to it for adjudication and decision. The Tribunal asked the respondent No.1 to file proper memo of appeal, which he did and the appeal was registered

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Senior Court Associate
Supreme Court of Pakistan
Islamabad

Accordingly, after hearing the parties, the Tribunal allowed the appeal of the respondent No. 1 in the following terms:

"10. In view of the allegation, appeals are accepted, the impugned Seniority list dated 13.12.2017 stands set aside with directions to respondent department to correct/modify the impugned seniority list and the persons whose services were regularized vide notification dated 31.05.2010 w.e.f. 24.09.2009 under the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009 shall be placed under to all those persons recommended by the Commission after the commencement of the Act 1981 as per provisions contained in Section 4 of the Act 1981. No order as to costs. File to be consigned to the record room."

4. The appellants filed civil petitions which were converted into appeals, by means of the order dated 10.03.2022, which is reproduced herein below:

"After hearing the learned counsel for the parties, and in the facts and circumstances of the case, we find it appropriate to grant leave to appeal in the instant petitions to examine the question as to what, in terms of section 4 of Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009, and the other relevant law and regulation, would be the point of initiation of recommendations by the Khyber Pakhtunkhwa Public Service Commission ("KPPSC"), and as to when in fact such initiation commenced in respect of the petitioners."

2. At this point in time, Mr. Muhammad Shoaib Shaheen, the learned counsel for the petitioners requests to the Court to allow him to implead KPPSC in this case. The request is allowed. The amended memo of petition be accordingly filed within a week, so that notices be issued to KPPSC for a date after four weeks."

5. Heard the learned counsel for the parties and have perused the record. The controversy between the parties revolves around Sections 3 and 4 of the Act, which are reproduced herein below:

"3. Regularization of services of certain employees.—All employees including recommendees of the High Court appointed on contract or adhoc basis and holding that post on 31st December, 2000 or till the

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Supreme Court of Pakistan
Islamabad

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commencement of this Act shall be deemed to have been validly appointed on regular basis having the same qualification and experience for a regular post:

Provided that the service promotion quota of all service cadres shall not be affected.

4. Determination of seniority.—(1) The employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority inter se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

Provided that if the date of continuous officiation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

(Emphasis supplied)

6. Perusal of the above provisions of the Act would reveal that the contract and *ad hoc* employees, holding the post on 31st December 2008 till the commencement of the Act shall be deemed to have been appointed on regular basis w.e.f. 24th September 2009, i.e., the date of the promulgating of the Act. The issue between the private parties in the appeals is with regard to the determination of their seniority. According to section 4 of the Act, the employees whose services are regularized pursuant to the Act, "shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment." Through this section, the lawmakers have given preference to those employees, who

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were recommended by the KPSC for their appointment, before the promulgation of the act, irrespective of their actual date of appointment.

7. The first batch of the employees was recommended by the KPSC on 15th September 2010, before the commencement of the Act, whereas, because of bulk of the candidates, the recommendations of rest of the candidates were made on different dates, after the commencement of the Act. The question before us is that rest of the candidates, who were recommended by the KPSC for their appointments, after the commencement of the Act, would get the benefit of section 4 of the Act or otherwise? The relevant provisions of the Act are required to be read along with Section 35(3)(a) and (b) of the Khyber Pakhtunkhwa Public Service Commission Regulations, 2003 (the Regulations), which are reproduced herein below:

"35. RECOMMENDATIONS.

(1) —

(2) —

(3) (a) Where a large number of subjects/specialties are included in an advertisement, recommendations may not be pending till the finalization of the entire batch but instead zonal allocation be worked out subject-wise and recommendation conveyed to the Department without indicating to them the zonal allocation and the inter-se-seniority. In recommendations to the Department it shall be made clear that the inter-se-seniority of the recommendee is linked with other subjects and the overall merit position and zonal adjustment will be intimated on the completion of interviews in all subjects.

(b) The combined merit list shall be against a particular advertisement where by the posts were advertised collectively but recommendations were staggered due to interview schedule or any other reason."

8. In clause (a) of sub-section (1) of section 35 of the Regulations, it has been clarified that where a large

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number of candidates apply for a large number of posts, the recommendations may not be pending till the finalization of the entire batch. In case the recommendation of any batch is made, in the first instance, following by recommending other batches of the candidates for their appointment, the *inter se* seniority shall be on the basis of their merits, determined by the KPPSC, without taking into account the dates of recommendations. The intention of the law-makers is very much clear that in case of more than one candidate, if the recommendation of the commission is withheld or delayed in respect of one or more candidates, for want of completion of the process or for any other reason, beyond the control of the candidates, the recommendations of the commission made subsequently on different dates, are to be considered to have been made by the commission on the dates, when first recommendation was made. Under such circumstances, the date of the recommendations of the first batch, sent to the competent authority for the appointment shall be considered as the date of recommendation for all.

9. Admittedly, the recommendation of the first batch amongst the appellants were made by the KPPSC to the competent authority on 15.09.2009, whereas the Act was promulgated on 24.10.2009, therefore, the recommendations of all the appellants shall be deemed to have been made to the competent authority prior to the commencement of the Act, irrespective of the subsequent recommendations and dates of their appointments. Hence, the services of those employees, which were regularized pursuant to the Act, shall rank junior to those candidates, whose recommendations were made by the KPPSC, prior to the commencement of the Act. The department while constructing the seniority list was right.

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Supreme Court of Pakistan
Islamabad

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in placing the appellants senior to those who were regularized pursuant to the Act. The list has wrongly been reversed by the Tribunal, which amounts to mis-interpretation of the relevant provisions of law, which is an illegality, on the basis whereof, the judgment impugned is not sustainable.

These are the reasons for our short order dated 02.06.2022, which is reproduced herein below;

"For the reasons to be recorded separately, all these appeals are allowed and the orders of the Khyber Pakhtunkhwa Service Tribunal, Peshawar are set aside."

Sd/- J
Sd/- J



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Senior Court Associate
Supreme Court of Pakistan
Islamabad

1144/2022

Citation: _____ (Civil/Criminal)

Date of Presentation: 21/6/22

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No of Pages: 21

Regulation Fee (Rs): 500

Copy Fee In: 1302

Court Fee Stamp: 1802

Date of Commencement: 22/6/22

Date of Delivery of Copy: _____

Compared by: _____

Received by: _____

REVISED AND UPDATED (FINAL) SENIORITY LIST OF SUBJECT SPECIALISTS/HEAD MASTERS MALE (B-17) TEACHING CADRE OF
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR AS STOOD ON 31-07-2022.

Compiled in the light of Decision of Honorable Supreme Court Of Pakistan dated 02.06.2022 rendered in Civil Appeal NO
290,291,292,293,294,295,296,297 of 2022

S.#	Name of Officers with Qualification	D/O Birth	Domicile	Date of 1st; Entry in Edu	Regular appoint/promotion to the present post			Present Designation/Place of Posting	Remarks
					Regular: Date/ KPPSC Recom: Date	BS	Method of Recruitment		
1	Irshad Hussain	01.04.1979	Kurram Agency	19.10.2007	19.10.2007	17	D/Selectee	SS(State) GHSS Shalozan Kurram	Reinstated in service w.e.f 02.03.2020 with all back benefits vide Notification NO SO(SM)E&SED/4-24/2016/Irshad Hussain dated 12.01.2022 Previously he was appointed as SS (State) vide Notification NO SO(S)3-2/2006/SS(Male) dated 19.10.2007 (through KPPSC). Major Penalty of Termination from Service imposed upon him vide No SO(SM)E&SED/4-24/2016/Irshad Hussain dated 02.03.2020.
2	Dr. Muhammad Amin S/O Ghulam Hassan PhD SS Physics	05.10.1978	D.I.Khan	06-04-1999	25-02-2011	17	D/Selectee	SS GHSS NO 2 Islamia D.I.Khan	SO(S/M)E&SED/3-2/2011/ SS Physics(Male) dated 25.02.2011(Merit 01/2009)
3	Dr. Muhammad Shakeel S/o Ghulam Farid PhD SS Chemistry	28.02.1982	D.I.Khan	16-08-2010	16-08-2010	17	D/Selectee	SS GHSS Darban Khurd D.I.Khan	SO(S)3-2/2004/(Male) dated 16.08.2010(Merit 01/2009)
4	Adalat Khan S/o Amir Nawab SS Economics	20.04.1976	Mardan	12-01-2010	12-01-2010 27-06-2009	17	D/Selectee	SS GHSS Chamtar Mardan	SO(S) E&SE/3-2/2009/Recruitment SS(Male) dated 12.01.2010(Merit 01/2009)
5	Akhtar Zaman S/o Awal Ayaz Khan SS English	02.03.1977	FR Bannu	14-02-2011	14-02-2011	17	D/Selectee	SS GHSS Karak	SO(S/M) E&SED/3-2/2011/Various SS (BS-17) (Male) dated 23.12.2010(Merit 01/2009)
6	Hashmat Ali S/o Sultani Rome SS Chemistry	12.04.1978	Shangla	24-02-2011	24-02-2011	17	D/Selectee	SS GHSS Barryan Shangla	SO(S/M) E&SED/3-2/2011/Various SS (BS-17) (Male) dated 23.12.2010(Merit 01/2009)
7	Akbar Jan S/o Ahmad Jan SS English	15.08.1978	Dir	16-11-2007	24-02-2011	17	D/Selectee	SS GHSS Ziarat Talash Dir (Low)	SO(S/M) E&SED/3-2/2011/Various SS (BS-17) (Male) dated 23.12.2010(Merit 01/2009)
8	Qaisar Shah S/o Faqir Shah SS History Cum Civics	01.03.1981	Haripur	15-02-2007	06-01-2011	17	D/Selectee	SS GHSS Sari Kot Haripur	SO(S/M) E&SED/3-2/2010/SS- His cum-Civics(Male) dated 06.01.2010(Merit 01/2009)
9	Muhammad Tayyab S/o Muhammad Naeem SS English	10.04.1981	Peshawar	28-02-2011	24-02-2011	17	D/Selectee	SS GHSS Tehkal Bala Peshawar	SO(S/M) E&SED/3-2/2011/Various SS (BS-17) (Male) dated 23.12.2010(Merit 01/2009)
10	Inam Ullah S/o Safi ur Rahman SS Pak Study	28.04.1981	Dir	11-09-2008	12-01-2010 20-08-2009	17	D/Selectee	SS GHSS Barawal Bandi Dir(U)	SO(S) E&SE/3-2/2009/Recruitment SS(Male) dated 12.01.2010(Merit 01/2009)
11	Imran Hameed S/o Abdul Hameed SS English	10.07.1981	D.I.Khan	24-02-2011	24-02-2011	17	D/Selectee	SS GHSS Kachi Paind Khan D.I.Khan	SO(S/M) E&SED/3-2/2011/Various SS (BS-17) (Male) dated 23.12.2010(Merit 01/2009)
12	Shah Nawaz Khan S/o Hazrat Said SS English	03.04.1982	Charsadda	01-03-2011	24-02-2011	17	D/Selectee	SS GHSS Dargai Charsadda	SO(S/M) E&SED/3-2/2011/Various SS (BS-17) (Male) dated 23.12.2010(Merit 01/2009)
13	Muhammad Kashif Khan S/o Muhammad Hayat SS Pak Study	12.09.1982	Mohmand Agency	12-01-2010	12-01-2010 20-08-2009	17	D/Selectee	GHSS Painsi Lalma Khyber	SO(S) E&SE/3-2/2009/Recruitment SS(Male) dated 12.01.2010(Merit 01/2009)
14	Muhammad Ishaq S/o Rahim Khan SS English	01.10.1982	FR Bannu	24-02-2011	24-02-2011	17	D/Selectee	GHSS Painsi Khel Bannu	SO(S/M) E&SED/3-2/2011/Various SS (BS-17) (Male) dated 23.12.2010(Merit 01/2009)
15	Hashmat Ullah Khan S/o Rasool Bahadar SS Economics	05.02.1983	FR Bannu	01-02-2010	12-01-2010 27-06-2009	17	D/Selectee	GHSS Kotka Muhammad Khan Bannu	SO(S) E&SE/3-2/2009/Recruitment SS(Male) dated 12.01.2010(Merit 01/2009)
16	Saeed Ahmad S/o Ghulam Sarwar SS Pak Study	25.02.1983	NWA	02-02-2010	12-01-2010 20-08-2009	17	D/Selectee	SS GCET Mir Ali NWA	SO(S) E&SE/3-2/2009/Recruitment SS(Male) dated 12.01.2010(Merit 01/2009)
17	Tariq Ali S/o Noor Sarwar SS Economics	16.06.1983	Orakzai Agency	12-01-2010	12-01-2010 13-08-2009	17	D/Selectee	GHSS Kahya Orakzai	SO(S) E&SE/3-2/2009/Recruitment SS(Male) dated 12.01.2010(Merit 01/2009)

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18	Anwar Khan S/o Muhammad Abdus Sami SS Biology	10.03.1982	Swat	24-02-2011	24-02-2011	17	D/Selectee	SS GHSS Kabal Swat	SO(S/M) E&SED/3-2/2011/Various SS (BS-17) (Male) dated 23.12.2010(Merit 01/2009)
19	Shan Ullah Khan S/o Hakim Khan SS Pak Study	16.01.1964	Kohat	04-03-1982	12-01-2010 20-08-2009	17	D/Selectee	GHSS Mandori Kohat	SO(S) E&SE/3-2/2009/Recruitment SS(Male) dated 12.01.2010(Merit 01/2009)
20	Muhammad Riaz S/o Amir Muhammad SS English	02.02.1979	Karak	24-02-2011	24-02-2011	17	D/Selectee	GHSS Tappi Kanda Karak	SO(S/M) E&SED/3-2/2011/Various SS (BS-17) (Male) dated 23.12.2010(Merit 01/2009)
21	Farid Ullah S/o Abdul Jabbar SS English	29.03.1980	Peshawar	24-02-2011	24-02-2011	17	D/Selectee	GHSS Hazar Khwani	SO(S/M) E&SED/3-2/2011/Various SS (BS-17) (Male) dated 23.12.2010(Merit 01/2009)
22	Farman Ullah S/o Hakim ullah SS English	10.03.1982	Malakand	24-02-2011	24-02-2011	17	D/Selectee	GHSS Sikha Kot Malakand	SO(S/M) E&SED/3-2/2011/Various SS (BS-17) (Male) dated 23.12.2010(Merit 01/2009)
23	Ibad Ullah S/o Qazi Ziaullah SS Pak Study	22.03.1967	Mansehra	01-04-1986	10-01-2011	17	D/Selectee	GHS Koleka Mansehra	SO(S/M)E&SED/3-2/2011/Various subject dated 10.01.2011(Merit 01/2009)
24	Azam Jan S/o Jamazan SS Pak Study	01.01.1969	SWA	17-10-1989	12-01-2010 20-08-2009	17	D/Selectee	GHSS Mohri Bed Bhen Aabad	SO(S) E&SE/3-2/2009/Recruitment SS(Male) dated 12.01.2010(Merit 01/2009)
25	Muhammad Nasim S/o Muhammad Khan SS Maths	02.01.1969	Abbottabad	07-11-1994	10-01-2011	17	D/Selectee	GHSS Muslimabad Aabad	SO(S/M)E&SED/3-2/2011/Various subject dated 10.01.2011(Merit 01/2009)
26	Muhammad Zubair Khan S/o Ahmad Shah SS Pak Study	02.04.1969	Karak	18-05-1992	12-01-2010 20-08-2009	17	D/Selectee	GHSS Tappi Kanda Karak	SO(S) E&SE/3-2/2009/Recruitment SS(Male) dated 12.01.2010(Merit 01/2009)
27	Muhammad Akhtar Khan S/o M Farid Khan SS Chemistry	02.02.1970	Haripur	01-02-2002	16-08-2010	17	D/Selectee	GHSS Bagra Haripur	SO(S)3-2/2004/(Male) dated 16.08.2010(Merit 01/2009)
28	Zafar Iqbal S/o Noor Muhammad SS Pak Study	13.06.1970	Haripur	01-07-1997	12-01-2010 20-08-2009	17	D/Selectee	GHSS Beer, Haripur	SO(S) E&SE/3-2/2009/Recruitment SS(Male) dated 12.01.2010(Merit 01/2009)
29	Ahsan Ullah S/o Atta Ullah SS Pak Study	03.03.1972	Chitral	01-04-1992	12-01-2010 20-08-2009	17	D/Selectee	GHSS Ayun Chitral	SO(S) E&SE/3-2/2009/Recruitment SS(Male) dated 12.01.2010(Merit 01/2009)
30	Muhammad Nauman Shabbir S/o Shabbir Ahmad SS English	27.02.1973	Bannu	24-02-2011	24-02-2011	17	D/Selectee	RITE Bannu	SO(S/M) E&SED/3-2/2011/Various SS (BS-17) (Male) dated 23.12.2010(Merit 01/2009)
31	Nadeem Akbar S/o Ali Akbar Khan SS Statistics	03.04.1974	Abbottabad	16-08-2010	16-08-2010	17	D/Selectee	SS GHSS Parhinna Mansehra	SO(S)3-2/2004/(Male) dated 16.08.2010(Merit 01/2009)
32	Syed Shah Hassan S/o Syed Anwar Hassan SS English	07.04.1975	Mardan	01-11-2005	06-01-2011	17	D/Selectee	SS GHSS Sherki Hoth Mardan	SO(S/M) E&SED/3-2/2011/Various SS (BS-17) (Male) dated 23.12.2010(Merit 01/2009)
33	Shabir Muhammad S/o Mustafa SS Pak Study	10.06.1975	Battagram	28-08-1995	10-01-2011	17	D/Selectee	GHSS Pashora Batagram	SO(S/M)E&SED/3-2/2011/Various subject dated 10.01.2011(Merit 01/2009)
34	Shakeeb Ahmad S/o Sami Ullah SS English	16.11.1975	Charsadda	01-03-2011	24-02-2011	17	D/Selectee	GSUHS No.1 Charsadda	SO(S/M) E&SED/3-2/2011/Various SS (BS-17) (Male) dated 23.12.2010(Merit 01/2009)
35	Shah Hasan S/o Shah Hussain SS Pak Study	10.06.1976	Mardan	21-07-2003	12-01-2010 20-08-2009	17	D/Selectee	SS GHSS Sher Garh Mardan	SO(S) E&SE/3-2/2009/Recruitment SS(Male) dated 12.01.2010(Merit 01/2009)
36	Asif Ali S/o Muhammad Afsar SS Pak Study	02.09.1976	Swabi	12-01-2010	12-01-2010 20-08-2009	17	D/Selectee	SS GHSS Dobian Swabi	SO(S) E&SE/3-2/2009/Recruitment SS(Male) dated 12.01.2010(Merit 01/2009)
37	Abdul Majeed s/o Shadi Khan SS II/C	20.01.1977	Lakki Marwat	04-12-2003	24-02-2011	17	D/Selectee	SS GHSS No.3 Mechan Khel Lakki Marwat	SO(S) E&SE/3-2/2009/Recruitment SS(Male) dated 12.01.2010(Merit 01/2009)
38	Riaz Iqbal S/o Jehanzeb SS English	08.03.1979	Swabi	24-02-2011	24-02-2011	17	D/Selectee	SS GHSS Kalu Khan Swabi	SO(S/M) E&SED/3-2/2011/Various SS (BS-17) (Male) dated 23.12.2010(Merit 01/2009)
39	Ashfaq Ahmad S/o Abdul Salam SS Chemistry	11.04.1979	Mansehra	16-08-2010	16-08-2010	17	D/Selectee	SS GHSS Behali Mansehra	SO(S)3-2/2004/(Male) dated 16.08.2010(Merit 01/2009)

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S.#	Name of Officers with Qualification	D/O Birth	Domicile	Date of 1st Entry in Edu	Regular appoint/promotion to the present post			Present Designation/Place of Posting	Remarks
					Regular: Date/ KPPSC Recom: Date	BS	Method of Recruitment		
40	Syed Muhammad Aamir S/o S Muhammad Younas SS English	31.12.1980	Mardan	01-09-2010	24-02-2011	17	D/Selectee	SS GHSS Rashakai Nowshera	SO(S/M) E&SED/3-2/2011/Various SS (BS-17) (Male) dated 23.12.2010(Merit 01/2009)
41	Khaminat Shah S/o Gul Badshah SS English	03.01.1982	Orakzai Agency	14-02-2011	14-02-2011	17	D/Selectee	GHSS Mandouri, Kohat	FS/E/100-83/1724-32 dated 14.02.2011(Merit 01/2009)
42	Sher Ayaz Khan s/o Akbar Razi SS Statistics	22.05.1982	Chitral	01-03-2008	16-08-2010	17	D/Selectee	GHSS Ayun Chitral	SO(S)3-2/2004/(Male) dated 16.08.2010(Merit 01/2009)
43	Wajid Ali S/o Ali Afsar SS Statistics	21.05.1983	Manshehra	01-09-2010	16-08-2010	17	D/Selectee	SS GHSS Ghari Habibullah Manshehra	SO(S)3-2/2004/(Male) dated 16.08.2010(Merit 01/2009)
44	Sajid Ghaffar S/o Muhammad Ghaffar SS English	01.03.1978	Karak	25-02-2011	24-02-2011	17	D/Selectee	SS GHSS Dabli Lawaghar Karak	SO(S/M) E&SED/3-2/2011/Various SS (BS-17) (Male) dated 23.12.2010(Merit 01/2009)
45	Dr. Fazli Rabbi S/o Mir Muhammad P. hd SS Statistics	13.03.1973	Nowshera	13-12-1999	16-08-2010	17	D/Selectee	SS GHSS Akbar pura Nowshera.	SO(S)3-2/2004/(Male) dated 16.08.2010(Merit 01/2009)
46	Amjad Ali S/o Mumtaz Ali SS English	15.05.1973	Swat	24-02-2011	24-02-2011	17	D/Selectee	GHSS Wazir Bagh Peshawar	SO(S/M) E&SED/3-2/2011/Various SS (BS-17) (Male) dated 23.12.2010(Merit 01/2009)
47	Ali Muhammad S/o Muhammad.Yaqoob SS His cum Civics (working as HM)	06.01.1974	Manshehra	24-02-2011	24-02-2011	17	D/Selectee	GHS Kajla Manshehra	SO(S/M) E&SED/3-2/2011/Various SS (BS-17) (Male) dated 23.12.2010(Merit 01/2009)
48	Shahid Ur Rahman S/o Abdul Ahad SS Economics	12.12.1974	Chitral	10-04-1999	12-01-2010 25-08-2009	17	D/Selectee	GHSS Baram Owir Chitral	SO(S) E&SE/3-2/2009/Recruitment SS(Male) dated 12.01.2010(Merit 01/2009)
49	Amjad Khan S/o Muhammad Rasool Khan SS English	02.04.1975	Bannu	24-02-2011	24-02-2011	17	D/Selectee	GHSS Amandi Umer Khan Bannu	SO(S/M) E&SED/3-2/2011/Various SS (BS-17) (Male) dated 23.12.2010(Merit 01/2009)
50	Amir Zeb S/o Jamshaid Khan SS Economics	01.01.1977	Swat	12-01-2010	12-01-2010 27-06-2009	17	D/Selectee	GHSS Batal Khazakhela Swat	SO(S) E&SE/3-2/2009/Recruitment SS(Male) dated 12.01.2010(Merit 01/2009)
51	Zamrad Khan S/o Lal Said SS Economics	10.03.1977	Malakand	12-01-2010	12-01-2010 10-08-2009	17	D/Selectee	GHSS Sakhakot Malakand	SO(S) E&SE/3-2/2009/Recruitment SS(Male) dated 12.01.2010(Merit 01/2009)
52	Nasib Khan S/o Daray Khan SS Statistics	03.09.1977	Lakki Marwat	17-08-2010	16-08-2010	17	D/Selectee	GHSS Garhi Sher Dad Pesahwar	SO(S)3-2/2004/(Male) dated 16.08.2010(Merit 01/2009)
53	Muhtamim Shah S/o Sharif Khan SS English	21.02.1978	Mardan	24-02-2011	24-02-2011	17	D/Selectee	GHSS Bakhshali Mardan	SO(S/M) E&SED/3-2/2011/Various SS (BS-17) (Male) dated 23.12.2010(Merit 01/2009)
54	Gohar Zaman S/o Rafi Uz Zaman SS Statistics	06.03.1978	D.I Khan	16-08-2010	16-08-2010	17	D/Selectee	GHSS Khorai DI Khan	SO(S)3-2/2004/(Male) dated 16.08.2010(Merit 01/2009)
55	Wali Dad Khan S/o Zardad Khan SS Statistics	11.09.1978	Khyber Agency	17-08-2010	16-08-2010	17	D/Selectee	GHSS Musazai	SO(S)3-2/2004/(Male) dated 16.08.2010(Merit 01/2009)
56	Iqbal Sher S/o Muhammad Ghafoor Khan SS English	02.11.1981	Swat	24-02-2011	24-02-2011	17	D/Selectee	GHSS Chamtalai Swat	SO(S/M) E&SED/3-2/2011/Various SS (BS-17) (Male) dated 23.12.2010(Merit 01/2009)
57	Amir Hamza S/o Hazrat Usman Mian SS English	20.01.1982	Swat	24-02-2011	24-02-2011	17	D/Selectee	GHSS Khwaza Khela Swat	SO(S/M) E&SED/3-2/2011/Various SS (BS-17) (Male) dated 23.12.2010(Merit 01/2009)
58	Muhammad Rizwan S/o Muhammad Sidique SS English	05.04.1982	Haripur	24-02-2011	24-02-2011	17	D/Selectee	GCMHSS No.1 Haripur	SO(S/M) E&SED/3-2/2011/Various SS (BS-17) (Male) dated 23.12.2010(Merit 01/2009)
59	Mehmood ur Rahman s/o Hafiz Muhammad Idrees SS Biology	12.02.1972	Haripur	16-08-2010	16-08-2010	17	D/Selectee	GHSS Harno Abbottabad	SO(S)3-2/2004/(Male) dated 16.08.2010(Merit 01/2009)
60	Tariq Ahmad S/o Ahmad Sher SS Economics	01.01.1980	Shangla	02-12-2006	10-01-2011	17	D/Selectee	GHSS Sandovi, Shangla	SO(S/M)E&SED/3-2/2011/Various subject dated 10.01.2011(Merit 01/2009)
61	Saif Ur Rahman S/o Muhammad Ashraf SS Chemistry	11.01.1978	Abbottabad	01-11-2005	24-02-2011	17	D/Selectee	GHSS Sarai Saleh Haripur	SO(S/M) E&SED/3-2/2011/Various SS (BS-17) (Male) dated 23.12.2010(Merit 01/2009)

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S.#	Name of Officers with Qualification	D/O Birth	Domicile	Date of 1st Entry in Edu	Regular appoint/promotion to the present post			Present Designation/Place of Posting	Remarks
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62	Muhammad Hiyas S/o Muhammad Akram SS English	20.04.1979	Mohmand Agency	24-02-2011	24-02-2011	17	D/Selectee	GHSS Mazdor Abad Takhtbai	SO(S/M) E&SE/3-2/2011/Various SS (BS-17) (Male) dated 23.12.2010(Merit 01/2009)
63	Shamshad Khan S/o Fateh Rahim SS Physics	25.01.1980	Mardan	25-02-2011	25-02-2011	17	D/Selectee	GHSS Sharki Hoti Mardan	SO(S/M)E&SE/3-2/2011/ SS Physics(Male) dated 25.02.2011(Merit 01/2009)
64	Mian Ejaz Mustafa S/o Qazi Syed Mukhtar Ullah SS-Economics	29.01.1973	Mansehra	29-12-1994	12-01-2010 25-08-2009	17	D/Selectee	GHSS Baffa Mansehra	SO(S) E&SE/3-2/2009/Recruitment SS(Male) dated 12.01.2010(Merit 01/2009)
65	Muhammad Hanif MA BED	14.03.1963	Mardan	18-04-1985	27-03-2010	17	By Promotion	HM GHS Tambulak Mardan	SO(PE)2-6/E&SE/DPC Meeting/2010: dated 27.03.2010
66	Faiz ur Rehman BA BED	25.06.1964	D.I.Khan	11-12-1985	27-03-2010	17	By Promotion	HM GHS Rodi Khel DI Khan	SO(PE)2-6/E&SE/DPC Meeting/2010: dated 27.03.2010
67	Ali Muhammad BSc MED	29.10.1962	Dir Lower	10-05-1986	27-03-2010	17	By Promotion	HM GHS Gui Muqam Dir Lower	SO(PE)2-6/E&SE/DPC Meeting/2010: dated 27.03.2010
68	Sami ur Rehman BSc MED	26.06.1963	Charsadda	20-07-1986	27-03-2010	17	By Promotion	HM GHS Wardaga Charsadda	SO(PE)2-6/E&SE/DPC Meeting/2010: dated 27.03.2010
69	Ghanda Khan BSc BED	15.12.1962	Peshawar	27-11-1985	27-03-2010	17	By Promotion	HM GHS Tehkal Payan Peshawar	SO(PE)2-6/E&SE/DPC Meeting/2010: dated 27.03.2010
70	Ghulam Sarwar MA/B.Ed.	17.08.1963	Peshawar	01-12-1986	24-05-2010	17	By Promotion	HM GHS Shekhi Muhammadi Peshawar	SO(PE)2-6/E&SE/DPC Meeting/2010: dated 24.05.2010
71	Muhammad Islam MA BED	20.03.1964	Swabi	15-01-1987	27-03-2010	17	By Promotion	HM GHS Spin Kani Swabi	SO(PE)2-6/E&SE/DPC Meeting/2010: dated 27.03.2010
72	Abdur Rashid MA BED	01.04.1964	D.I.Khan	13-06-1987	27-03-2010	17	By Promotion	SS GHSS Chaudhwan DI Khan	SO(PE)2-6/E&SE/DPC Meeting/2010: dated 27.03.2010
73	Tayab Nawaz MA M. Ed SS Islamiyat	14.08.1981	Peshawar	10-10-2007	24-09-2009	17	By Regularization	GHSS Musazai	NO.SO (G) E& S/1-85/2009/SS/ Contract Dated 31-05-2010 while 24/09/2009 has been put vide Khyber Pakhtunkhwa Service Tribunal Judgement Dated 17/11/2020 rendered in service appeal No 126/2019 Title Siraj Khan s/o Akbar Shah SS of E&SE Deptt v/s Director E&SE KPK wherein CPLA was considered as unfit.
74	Iftikhar Ahmad MA M.Ed SS Maths	01.08.1983	Lakki Marwat	14-07-2007	24-09-2009	17	By Regularization	GHSS Shahbaz Rhel Lakki Marwat	do
75	Muhammad Rafiq MA M. Ed SS Islamiyat	01.04.1979	D.I.Khan	02-01-2007	24-09-2009	17	By Regularization	GHSS Kech, D.I.Khan	do
76	Sher Bahadar Khan M.Sc./M.EdSS Chemistry	02.02.1981	Dir Lower	24-12-2008	24-09-2009	17	By Regularization	GHSS Serai Bala, Dir Lower	do
77	Irshad Ahmad MA M.Ed SS Maths	13.04.1982	Swat	26-12-2008	24-09-2009	17	By Regularization	GHSS Madain Swat	do
78	Muhammad Zahir M.Sc./M.EdSS Chemistry	01.10.1974	Kohat	14-04-2007	24-09-2009	17	By Regularization	GHSS Landi Kadli Kohat	do
79	Isa Khan M.Sc./M.EdSS Chemistry	25.05.1977	Mohmand Agency	01-09-2005	24-09-2009	17	By Regularization	GHS Mandani Charsadda	NO.SO (G) E& S/1-85/2009/SS/ Contract Dated 31-05-2010 while 24/09/2009 has been put vide Khyber Pakhtunkhwa Service Tribunal Judgement Dated 17/11/2020 rendered in service appeal No 126/2019 Title Siraj Khan s/o Akbar Shah SS of E&SE Deptt v/s Director E&SE KPK wherein CPLA was considered as unfit.
80	Arta Ullah MA M.Ed SS English	02.01.1979	Chitral	28-04-2007	24-09-2009	17	By Regularization	GHSS Drosh Chitral	do

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81	Iftikhar Ahmad M.Sc M.Ed SS Stats	10.03.1979	Charsadda	02-10-2007	24-09-2009	17	By Regularization	GHSS Tarnab Farm Peshawar	do
82	Fazli Rabbi MA M.Ed SS Islamiyat	20.09.1979	Swat	14-04-2007	24-09-2009	17	By Regularization	GHSS Baidara Swat	do
83	Ashfaq Ali M.Sc. M.Phil, M.EdSS Biology	10.04.1980	Swabi	14-11-2005	24-09-2009	17	By Regularization	GHSS Maneri Payan Swabi	do
84	Qazi Sajid Rashid MA M.Ed SS Islamiyat	01.03.1981	Haripur	24-09-2005	24-09-2009	17	By Regularization	GHSS Panian Haripur	do
85	Hussan Farosh M.Phil M.Ed SS Islamiyat	01.04.1981	Buner	14-04-2007	24-09-2009	17	By Regularization	GHSS Agarai Buner	do
86	Alamzeb S/O Amir Shah MA M.Ed SS Maths.	20.02.1983	Bajour Agency	24-09-2009	24-09-2009	17	By Regularization	GHSS Mian Kalay Dir Lower	do
87	Muhammad Riaz M.Sc M.Ed SS Stats	20.03.1984	D.I.Khan	26-12-2008	24-09-2009	17	By Regularization	GHSS Mandran Kalan, D.I.Khan	do
88	Abdur Rashid SS English	01.12.1973	Lakki	24-09-2009	24-09-2009	17	By Regularization	GHSS No-3 Michen khel Lakki Marwat	do
89	Haq Nawaz SS (Eng)	10.04.1979	Shangla	24-09-2009	24-09-2009	17	By Regularization	GHSS Sundovi Shangla	do
90	Muhammad Zahir Shah M.Sc./B.EdSS Chemistry	20.11.1979	Charsadda	14-04-2007	24-09-2009	17	By Regularization	GHSS Mandani Charsadda	do
91	Gul Dayub Khan MA/M.EdSS History cum Civics	06.09.1971	NWA	10-09-2005	24-09-2009	17	By Regularization	GHSS Tarnab Farm Peshawar	do
92	Haziq ur Rehman MA M.Ed SS Stats	15.03.1975	Karak	04-10-2007	24-09-2009	17	By Regularization	GHSS Sheikhan Peshawar	do
93	Ahmad Ghazi ud Din M.Sc./M.EdSS Biology	25.03.1978	Chitral	14-04-2007	24-09-2009	17	By Regularization	GHSS Garam Cheshama Chitral	do
94	Siraj Khan MA M.Ed SS Islamiyat	01.02.1980	Peshawar	10-09-2005	24-09-2009	17	By Regularization	GHSS Hayatabad Peshawar	do
95	Wahid Jan M.Sc./M.EdSS Biology	01.03.1980	Dir Lower	24-04-2007	24-09-2009	17	By Regularization	GHSS Hayaserai, Dir Lower	do
96	Syed Attaullah Jan M.Sc./M.EdSS Biology	01.04.1975	Chitral	14-04-2007	24-09-2009	17	By Regularization	GHSS Mastoj Upper Chitral	do
97	Hastam Khan MA M.Ed SS Urdu	05.02.1975	Nowshera	14-04-2007	24-09-2009	17	By Regularization	GHSS Khair Abad, Nowshera	do
98	Shoaib Gul M.Sc./M.EdSS Statistics	05.11.1976	Hangu	14-04-2007	24-09-2009	17	By Regularization	GHSS Doaba, Hangu	do
99	Zarif Shad MA M.Ed SS PS	13.12.1976	Dir Lower	24-09-2009	24-09-2009	17	By Regularization	GHSS Serai Bala, Dir Lower	NO.50-(G) E& S/1-85/2009/SS/ Contract Dated 31-05-2010 while 24/09/2009 has been put vide Khyber Pakhtunkhwa Service Tribunal Judgement Dated 17/11/2020 rendered in service appeal No 126/2019 Title Siraj Khan s/o Akhar as unfit.
100	Ghani Khan MA/M.EdSS History cum Civics	06.03.1977	Charsadda	04-05-2007	24-09-2009	17	By Regularization	GHSS Urmar Payan Peshawar	do
101	Malik Mubammad Kalim Zeb M.Sc/M.EdSS Chemistry	06.05.1977	Mansehra	16-04-2007	24-09-2009	17	By Regularization	GHS Sberpur Mansehra	do

S. #	Name of Officers with Qualification	D/O Birth	Domicile	Date of 1st Entry in Edu	Regular appoint/promotion to the present post			Present Designation/Place of Posting	Remarks
					Regular: Date/KPPSC Recom: Date	BS	Method of Recruitment		
3247	MUHAMMAD BASHARAT	01.01.1976	Manshra	05-09-2012	12-02-2020	17	By promotion	SS (Maths) BS-17 GHSS Thakot Battagram	SO(SM)E&SED/3-3/2020/promotion SST BS-16 to SS BS-17(teaching Cadre) Dated 12.02.2020
3248	QAMAR UZ ZAMAN SAJID	16.03.1976	Abbottabad	01-12-2011	12-02-2020	17	By promotion	SS (Physics) BS-17 GHSS Paimal Sharif Manshra	SO(SM)E&SED/3-3/2020/promotion SST BS-16 to SS BS-17(teaching Cadre) Dated 12.02.2020
3249	ABDUL HALEEM KHAN	03.03.1977	Swat	20-12-2011	12-02-2020	17	By promotion	SS (Physics) BS-17 GHSS Tail Swat	SO(SM)E&SED/3-3/2020/promotion SST BS-16 to SS BS-17(teaching Cadre) Dated 12.02.2020
3250	SHAHZAD AHMED	15.03.1977	Haripur	11-02-2006	12-02-2020	17	By promotion	SS (Physics) BS-17 GHSS Barkot Haripur	SO(SM)E&SED/3-3/2020/promotion SST BS-16 to SS BS-17(teaching Cadre) Dated 12.02.2020
3251	NOOR UL ANWAR KHAN	28.01.1979	Peshawar	03-03-2012	12-02-2020	17	By promotion	SS (Economics) BS-17 GHSS Narangi Swabi	SO(SM)E&SED/3-3/2020/promotion SST BS-16 to SS BS-17(teaching Cadre) Dated 12.02.2020
3252	SHAHID ALI KHAN	08.05.1979	Swat	30-09-2005	12-02-2020	17	By promotion	SS (Economics) BS-17 GHSS Barawal Swat	SO(SM)E&SED/3-3/2020/promotion SST BS-16 to SS BS-17(teaching Cadre) Dated 12.02.2020
3253	ALTAH HUSSAIN	05.04.1980	Charsadda	03-01-2012	12-02-2020	17	By promotion	SS (Economics) BS-17 GHSS Qasimi Mardan	SO(SM)E&SED/3-3/2020/promotion SST BS-16 to SS BS-17(teaching Cadre) Dated 12.02.2020
3254	SYED RAHMAN SHAH	05.09.1980	Peshawar	20-11-2004	12-02-2020	17	By promotion	SS (Economics) BS-17 GHSS Tarakai Swabi	SO(SM)E&SED/3-3/2020/promotion SST BS-16 to SS BS-17(teaching Cadre) Dated 12.02.2020
3255	MUHAMMAD SAIFULLAH KHAN	09.11.1983	Peshawar	17-03-2012	12-02-2020	17	By promotion	SS (Maths) BS-17 GHSS Regi Peshawar	SO(SM)E&SED/3-3/2020/promotion SST BS-16 to SS BS-17(teaching Cadre) Dated 12.02.2020
3256	SHAH HUSSAIN	03.03.1985	Dir Lower	30-11-2011	12-02-2020	17	By promotion	SS (Physics) BS-17 GHSS Mayar Dir Lower	SO(SM)E&SED/3-3/2020/promotion SST BS-16 to SS BS-17(teaching Cadre) Dated 12.02.2020
3257	KHALID ZAHEER KHAN	22.03.1979	Haripur	19-11-2007	12-02-2020	17	By promotion	SS (Maths) BS-17 GHSS Bagh Buner	SO(SM)E&SED/3-3/2020/promotion SST BS-16 to SS BS-17(teaching Cadre) Dated 12.02.2020
3258	ABDUL QAYUM KHAN	16.04.1976	Bannu	20-04-1999	12-02-2020	17	By promotion	SS (Economics) BS-17 GHSS Naryab Hangu	SO(SM)E&SED/3-3/2020/promotion SST BS-16 to SS BS-17(teaching Cadre) Dated 12.02.2020
3259	RAHMAN UL HAQ	01.01.1978	Bannu	10-03-2005	12-02-2020	17	By promotion	SS (Economics) BS-17 GHSS Lodhi Khel Hangu	SO(SM)E&SED/3-3/2020/promotion SST BS-16 to SS BS-17(teaching Cadre) Dated 12.02.2020
3260	SAJEED GUL	08.03.1974	Mardan	02-09-2010	12-02-2020	17	By promotion	SS (Economics) BS-17 GHSS Garwala Mardan	SO(SM)E&SED/3-3/2020/promotion SST BS-16 to SS BS-17(teaching Cadre) Dated 12.02.2020

CERTIFICATE

It is certified that the above seniority list is:

1. Widely circulated
2. Undisputed/Uncontroversial
3. No legislation is pending/involved

Deputy Director (Estab)
Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9723533 Email: gschoolsma@gmail.com

Peshawar: Dated 13th December, 2022.

NO.SO(SM)E&SED/3-1/2022/Promotion BS-17 to BS-18:- The Competent Authority on the recommendations of the Provincial Selection Board in its meeting held on 18-11-2022 is pleased to promote the following Head Masters/Subject Specialists (BS-17) to Principals/V.Principals/Senior Subject Specialists (BS-18) Teaching Cadre (Male) on regular basis, with immediate effect:-

S.No	Name of Officer	S.No	Name of Officer	S.No	Name of Officer
1.	Irshad Hussain	32	Gul Dayub Khan	63	Qadeer ullah
2.	Dr. Muhammad Amin	33	Haziq ur Rehman	64	M.Aziz Ud Din Khan
3.	Dr. Muhammad Shakeel	34	Ahmad Ghazi ud Din	65	Shallil Nawaz
4.	Adalat Khan	35	Siraj Khan	66	Muhammad Tariq
5.	Akhtar Zaman	36	Wahid Jan	67	Afsar Khan
6.	Hashmat Ali	37	Syed Attaullah Jan	68	Hafiz Mohammad Ali
7.	Akbar Jan	38	Hastam Khan	69	Syed Adnan Ahmad
8.	Qaisar Shah	39	Shoalb Gul	70	Muhammad Nasim
9.	Muhammad Tayyab	40	Zarif Shad	71	Haji Rehman
10.	Inam Ullah	41	Ghani Khan	72	M. Altaf Khan
11.	Imran Hameed	42	Malik Muhammad Kalim Zeb	73	Tariq Ur Rehman
12.	Shah Nawaz Khan	43	Muhammad Athar	74	haider Ali Khan
13.	Muhammad Kashif Khan	44	Amlad Hussain	75	Muhammad Zahoor
14.	Muhammad Ishaq	45	Zubair Ali Khan	76	S.Misbah Ur Rehman
15.	Hashmat Ullah Khan	46	Tahir Ullah Jan	77	Muhammad Daud
16.	Saeed Ahmad	47	Asad Ali	78	Naseer Ullah
17.	Tariq Ali	48	Muhammad Sajjad	79	Liaqath Ali
18.	Anwar Khan	49	Shafi Ullah	80	Khan Zeb
19.	Shan Ullah Khan	50	Attaullah	81	Israr Ahmad
20.	Muhammad Riaz	51	Abdul Jalal	82	Muhammad Farooq
21.	Farid Ullah	52	Iltaf Hussain	83	Israr Zamin Shah
22.	Farmanullah	53	Muhammad Saeed	84	Imran Khan
23.	Ibad Ullah	54	Muhammad Asif	85	Ghulam Dastagir
24.	Azam Jan	55	Muhammad Sajid	86	Zia ul Islam
25.	Muhammad Nasim	56	Muhammad Ayaz	87	Muhammad Arshad Iqbal
26.	Muhammad Zubair Khan	57	Muhammad Ismail	88	Muhammad Shakoor
27.	Muhammad Akhtar Khan	58	Abdul Waheed	89	Umar Farooq
28.	Zafar Iqbal	59	Abdul Siddiqui Basit	90	Farooq Zamir
29.	Ahsan Ullah S/O Attaullah	60	Sultan-ud-Din	91	Hidayat Hussain
30.	Muhammad Nauman Shabbir	61	Mian Abdul Malik	92	Murad Khan
31.	Nadeem Akbar	62	Muhammad Nasir Khan	93	Akbar Hussain

94	Syed Shah Hassan	136	Muhammad Ramzan	178	Mukammil Shah
95	Shabir Muhammad	137	Johar Ali	179	Azir Ur Rehman
96	Shakeeb Ahmad	138	Riaz Muhammad	180	Dr. Mohammad Sibtain
97	Shah Hassan	139	Inayat ur Rehman	181	Khalil Ullah
98	Asif Ali	140	Fazil Manan	182	Akhtar Nawaz Khan
99	Abdul Majeed S/O Shadi Khan	141	Sirajud Din	183	Muhammad Imran
100	Riaz Iqbal	142	Muhammad Basharat	184	Karim Ullah Khan
101	Ashfaq Ahmad	143	Bakht Zamin Shah	185	Arif Hameed
102	Syed Muhammad Aamir	144	Sajid Ali	186	All Jawhar
103	Khaminat Shah	145	Qamar Zaman	187	Mirzali Khan
104	Sher Ayaz Khan s/o Akbar Razi	146	Zaheer ul Haq	188	Muhammad Younas Khan
105	Wajid Ali	147	Fazal ur Rahman	189	Inamullah
106	Sajid Ghaffar	148	Muhammad Ismail	190	Aziz Ullah
107	Dr. Fazil Rabbi	149	Abid Ullah	191	Damsazi Khan
108	Amjad Ali	150	Afrasiyab	192	Muhtad Ullah
109	Ali Muhammad	151	Mazhar Elahi	193	Javed Musa
110	Shahid Ur Rahman	152	Muhammad Tariq Ullah	194	Saeed Ahmad
111	Amjad Khan	153	Rukhsar Ali Khan	195	Misbahud Din
112	Amir Zeb	154	Inam Ullah	196	Akbar Hussain
113	Zamrad Khan	155	Muhammad Zubair Khan	197	Asfandyar Khan
114	Nasib Khan	156	Hakim Ullah	198	Akhya Jan
115	Muhtamim Shah	157	Shah Muhammad	199	Gohar Ali
116	Gohar Zaman	158	Ilyas Ahmad	200	Muhammad Ashraf
117	Wali Dad Khan	159	Haji Muhammad	201	Imran Khan
118	Iqbal Sher	160	Mukhtar Ahmad	202	Shahriyar
119	Amir Hamza	161	Muhammad Salim	203	Fazal Malik
120	Muhammad Rizwan	162	Ikram ul Haq	204	Hafeez Ullah
121	Mehmood ur Rahman	163	Israrullah Khan	205	Innayat Ullah
122	Tariq Ahmad	164	Muhammad Waseem	206	Asad Ullah
123	Salf Ur Rahman	165	Mushtaq Ali	207	S. Saeed Ud Din
124	Muhammad Ilyas	166	Tariq Habib	208	Tanveer Hussain
125	Shamshad Khan	167	Sajjad Ahmad	209	Ehsan Ahmad Danish
126	Mian Ijaz Mustafa	168	Anwarullah	210	Muhammad Asif
127	Muhammad Hanif	169	Musrat Naeem	211	Ghulam Wazir
128	Falz ur Rehman	170	Jamalud Din	212	Gul Shah
129	Sami ur Rehman	171	Fazle Maula	213	Muhammad Ayub Khan
130	Ghandal Khan	172	Qabil Shah	214	Sajjad Ahmad
131	Ghulam Sarwar	173	Muhammad Azam	215	Javed Khan
132	Muhammad Islam	174	Muhammad Imran Khan	216	Siraj Uddin
133	Abdur Rashid	175	Sadidiq Ur Rehman	217	Salman
134	Tayab Nawaz	176	Fahim Nawaz	218	Sajjad Khan
135	Ifkhar Ahmad	177	Manzoor Hussain	219	Zia Ur Rehman

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Alaseer

220	Muhammad Rafiq	235	Hidayyat Ullah	250	Yasir Ali Khan
221	Sher Bahadar Khan	236	Muhammad Rafi	251	Muhammad Suleman
222	Irshad Ahmad	237	Muhammd Gul	252	Fazal Subhan
223	Muhammad Zahir	238	Samiul Wahab	253	Sharif Khan
224	Isa Khan	239	Atif Malik	254	Zahoor Ullah
225	Atta Ullah	240	Muhammad Nadeem Danish	255	Javed Khan
226	Ifikhar Ahmad	241	Sher Ali Khan	256	Arshad Ali
227	Fazli Rabbi	242	Ahmad Ali Shah	257	Khalid Mahmood
228	Ashfaq Ali	243	Sultan Yousaf	258	M. Anwar Khan
229	Qazi Sajid Rashid	244	Zia Ur Rehman	259	Muhammad Aslam
230	Hussan Farosh	245	Masood Nabi	260	Zahoor ul Islam
231	Alamzeb	246	Rizwan ullah	261	Atta ur Rehman Amjid
232	Muhammad Riaz	247	Hafiz Kaleem Ullah Jan	262	Arif Shah
233	Abdur Rashid	248	Saleem Ullah Khan	263	Sarbiland Khan
234	Haq Nawaz	249	Munsif Khan	264	Muhammad Javed

2. The officers on promotion will remain on probation for a period of one year, in terms of Section-6 (2) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule-15 (1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 and extendable for another one year with specific orders of Appointing Authority within two months of the expiry of first year of probation period as provided in Rule-15 (2) of Rules ibid.

3. The posting/transfer Notification in respect of the above officers will be issued later on.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA

E&SE DEPARTMENT

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), Concerned.
4. District Accounts Officer, Concerned.
5. PS to Minister E&SE Department, Khyber Pakhtunkhwa.
6. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
7. PA to Additional Secretary (Estab) E&SE Department.
8. Director, EMIS E&SE Department.
9. Officers concerned.
10. Office Order file.

(NASEER ABBAS KHALIL)
SECTION OFFICER (SCHOOLS MALE)

(1) ✓

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**BEFORE THE KHYBER PUKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.**
[CAMP AT ABBOTTABAD]

✓ 145

Service Appeal # 70 /2029

1. Shabir Muhammad s/o Mustafa SS PS (BPS-17) presently posted at GHSS Peshora Battagram.
2. Ashfaq Ahmed S/O Abdul Salam SS chemistry (BPS-17) currently posted at GHSS Bahali Mansehra.
3. Ibadullah s/o Qazi Zia Ullah SS PS (BPS-17) currently posted at GHS Mehran Battagram.
4. Muhammad Rizwan Muhammad Siddique SS English QCMHSS/No.1 Haripur.
5. Dr. Fazli Rabbi s/o Mir Muhammad Phd. SS Statistics GHSS Mansabdar Swabi.
6. Muhammad Nauman Shabbir s/o Shabbir Ahmad SS English RITE Bannu.
7. Muhammad Ilyas s/o Muhammad Akram SS English SS English GHSS Mazdor Abad Takhtbal.
8. Khaminal Shah s/o Gul Bahdshah SS English GHSS Mandoori Kohat.
9. Amjad Khan s/o Muhammad rasool Khan SS English GHSS Amandi Umer Khan Bannu.
10. Syed Muhammad Amir s/o Syed Muhammad younas SS English GHSS Rashakai Nowshera.
11. Anwar Khan s/o Muhammad Abdus Sami SS Biology GHS Kabul Swat.
12. Inamullah s/o Safi-ur-rehman SS Pakistan studies GHSS Borawal Bandi Dir (U).
13. Syed Shah Hassan s/o Syed Anwar Hassan SS English GHSS Sherki Hotth Mardan.
14. Sharshad Khan s/o Fatch Rahim SS Physics GHSS Sharki Hoti Mardan.
15. Muhtamim Shah s/o Sharif Khan SS English GHSS Bakhshali Mardan.
16. Tariq Ahmed s/o Ahmed Sher SS Economics GHSS Sandovi Shangla.
17. Muhammad Zubair s/o Ahmad Shah SS Pak Study GHSS Tappi Kanda Karak.
18. Akbar Jan s/o Ahmad jan SS English GHSS Ziarat Talash Dir (I).
19. Farman Ullah s/o Hakim Ullah SS English GHSS Sakha Kot Malakand.
20. Riaz Iqbal s/o Jehanzeb SS English GHSS Kalu Khan Swabi.
21. Azam Jan s/o Jafnazan SS Pak Study GHSS Bagra Haripur Presently posted at GHSS Mohari Bedbhen Abbottabad.
22. Mehmood-ur-Rehman s/o Hafiz Muhammad Idrees SS Biology GHSS Harno Abbottabad.
23. Asif Ali s/o Muhammad Afsar SS Pak Study GHSS Dobian Swabi.
24. Shah Hassan s/o Shah Hussain SS Pak Study GHSS Sher Garh Mardan.
25. Saeed Ahmad s/o Ghulam Sarwar SS PS NWA.
26. Zaminrad Khan s/o Lal Said SS Economics GHSS Malakand.

Certified to be true copy

E. M. J. D.
Khyber Pukhtunkhwa
Service Tribunal
Peshawar



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20th Feb, 2023

1. Learned counsel for the appellant present.
2. Learned counsel for the appellant produced copy of order bearing Endst: No. SO(SM)E&SED/3-1/2022/Promotion BS-17 to BS-18 dated 13.12.2022 and submits that the appellant has though been promoted to BS-18 but with immediate effect whereas the department ought to have promoted the appellant w.e.f. 17.05.2019 i.e. the date when his other colleagues were promoted. In this situation the learned counsel does not press this appeal as the appellant intends to challenge the notification referred to above by making an application to the concerned authority to consider the date of promotion of the appellant from 17.05.2019. He further submits that in case that application is not answered favourably, he would resort to further legal proceedings. The appeal is disposed of accordingly. The appellant is at liberty to make an application and challenge the order of the authority, if his grievance, are not redressed, which if he moved, will be decided in accordance with its own merits, law and rules. Consign.
3. *Pronounced in open court in Abbottabad and given under my hand and seal of the Tribunal this 20th day of February, 2023.*

(Signature)
 (Kalim Arshad Khan)
 Chairman
 Camp Court Abbottabad

Date of Presentation of Application 20/3/23
 Number of Pages 2
 Copying Fee 10/-
 Urgent 15/-
 Total 25/-
 Name of _____
 Date of Copy made 20/3/23
 Date of Delivery of Copy 25/3/23

Certified to be true copy

(Signature)
 EKSHANER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar



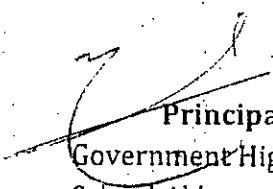
Endstt: No. 2913 Dated:- 23/12/2022

To,
The District Education Officer (M)
Nowshera

**SUBJECT:- DEPARTMENTAL APPEAL AGAINST THE IMPUGNED PROMOTION
BS-17 TO BS-18 (TC) DATED 13-12-2022**

Memo,

Enclosed please find herewith an original Appeal in respect of Dr. Fazli Rabbi Subject Specialist (Stat) of GHSS Akbarpura Nowshera for further submission to quarter concerned please.


Principal
Government Higher Secondary
School Akbarpura Nowshera

Endst: No. & Dated Even.
Copy for information to the:-
1. Master File.
2. Office Copy.

Principal
Government Higher Secondary
School Akbarpura Nowshera

(148)

To

The Chief Secretary
Khyber Pakhtunkhwa
Peshawar.

Through

Proper Channel

Subject:

**DEPARTMENTAL APPEAL AGAINST THE IMPUGNED PROMOTION
BS-17 TO BS-18 (TC) DATED 13-12-2022**

R/Sir,

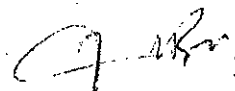
With extreme veneration, it is stated in your kind honor that we, SSs/HMs, were deprived of our due promotion in the PSB held on May 17, 2019 and September 23, 2019 on the available required vacant posts of BS-18 for a certain unjustifiable reason of the presence of the ghost SSs/HMs in the then seniority list. The ghost SSs/ HMs of the seniority list included the 58 deceased and Department-left SSs/ HMs. As such, the unjust deprivation and injustice is brought into your kind notice for remedial measures. The following details in this connection are offered in your kind honor;

1. The promotion case of 102 officers from BS-17 to BS-18 was submitted to the PSB meeting on 17-05-2019 and only 44 officers were promoted to BS-18. The rest of 58 were deprived due to the presence of the ghost SSs/ HMs in the then seniority list which included deceased, retired, and department-left and people who had not even joined the E&SE department. The remaining 58 posts were reserved for those ghosts SSs/HMs.
2. Fulfilling the required criteria of promotion, we were eligible for promotion in all respect for the verified available one hundred and two (102) vacant posts of BS-18.
3. Unjustifiably, the Fifty Eight (58) posts were reserved for the ghost SSs/ HMs and only 44 officers were promoted in the PSB on 17/05/2019.
4. Similarly, our case was once again submitted for promotion of 68 officers from BS-17 to BS-18 to the PSB meeting dated 23-09-2019 along with all documentary proofs. The case was decided to be processed on circulation but was not practically materialized. Again, we were deprived of our legitimate right without any rhyme and reason.
5. A writ petition was filed in the honorable High Court against this injustice and deprivation which was decided in favor of the deprived SSs/ HMs vide decision no. 386 dated 31/03/2021 but was not honored by the department.
6. After the prolonged period of 04 years, the deprived SSs/ HMs have now been promoted to BS-18 and their right can properly be ensured by considering their promotion from May 17, 2019. They have every right to be considered promoted from May 17, 2019 instead 13-12-2022.

On acceptance of this departmental appeal, the promotion order may be antedated and the appellant may be promoted from due date 17-05-2019 with all back and consequential benefits.

I will be grateful.

Yours Obediently

 22/12/2022

Dr. Fazli Rabbi SS (Statistics)
GHSS Akbar Pura Nowshera

Signature No. 45

VAKALAT NAMA

NO. _____/202

IN THE COURT OF KP Service Tribunal, Peshawar

Dr. Fazli Rabbi (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education department (Respondent)
(Defendant)

I/We, Dr. Fazli Rabbi

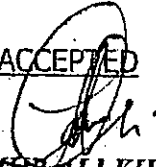
Do hereby appoint and constitute *Taimur Ali Khan, Advocate High Court Peshawar*, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

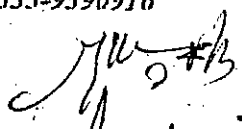
Dated _____/202


(CLIENT)

ACCEPTED


TAIMUR ALI KHAN
Advocate High Court
BC-10-4240
CNIC: 17101-7395544-5
Cell No. 0333-9390916

OFFICE:
Room # Fm-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar


Shahid Ullah Torani
Advocate Peshawar