

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

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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

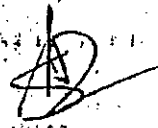
... For private respondents.


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.



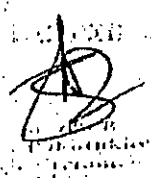
  
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2. Brief facts of the case are that the appellants were inducted in the Education Department as Subject Specialist on contract basis in the year 2005. It was in the year 2009 when the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009 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 Islamiat, 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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(107)

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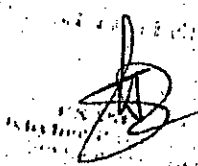
under Section 35(3)(a)(b) of Khyber Pakhtunkhwa Public Service Commission Regulations 2003, which is hereby reproduced for ready reference:

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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

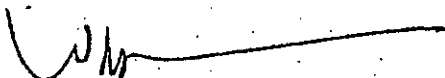
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Act ibid as per provisions contained in Section 4 of the Act ibid. No order as to costs. File be consigned to the record room.

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ANNOUNCED.  
17.11.2020

  
(Attiq ur Rehman Wazir)  
Member (E)

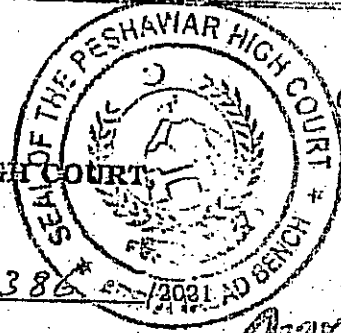
  
(Rozina Rehman)  
Member (J)

Secretary  
  
MEMBER  
Chyner Bahadur  
Service Tribunal  
Peshawar

Date of Prescription of Application 26/4/23  
Number of page 08  
Copying Fee 50/-  
Page 5/2  
26/4/23  
26/4/22



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BEFORE HON'BLE THE PESHAWAR HIGH COURT  
ABBOTTABAD BENCH.

Writ Petition # 386/2021

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 Battgram.
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 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 Muhammad 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 Sherid Hotth Mardan.
15. Shamshad Khan s/o Fatch Rahim SS Physics GHSS Shariki Hoti Mardan.
16. Muhtamim Shah s/o Sharif Khan SS English GHSS Bakhsali 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 Sakha 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. Mehmood-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.
26. Saecd Ahmad s/o Ghulam Sarwar SS PS NWA.
27. Zamrad Khan s/o Lal Said SS Economics GHSS Malakand.

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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  
27/12/21

- (34)
- (116)
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. Ihsan Ullah 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 Manshra.
  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 Musalimabad.
  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 Beer Haripur.
  37. M. Akhtar Khan s/o M. Farid Khan SS Chemistry GHSS Bagra Haripur.
  38. Abdul Majced 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 Balfa Manshra.
  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

15/03/21

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

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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. 17<sup>th</sup> May, 2019.
4. That, due to inclusion of certain "Ghost Employces" 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 PSE'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 Afd. Bench  
 Authorized Under Sec: 75 Evid Ordns.

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 PESHAWAR HIGH COURT  
 ISHOPATABAD BENCH 2/3

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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 affected 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 entitle 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,

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

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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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EXAMINER  
30 DEC 2024  
Peshawar High Court Ald. Bench  
Authorized Under Sec. 75 Evid Ordns.

30 DEC 2024  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABOTTABAD BENCH  
27/12

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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  
*[Signature]*  
Peshawar High Court Ald. Bench  
Authorized Under Sec: 75 Evld Ordns

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ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  
02/12/21

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

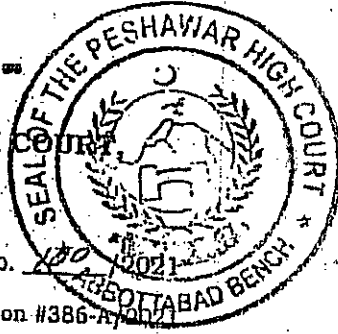
Date of Order or Proceedings	ORDER OR PROCEEDINGS WITH SIGNATURE OF JUDGE/JUDGES	
31.03.2021	1	2
	WP No. 386-A/2021	
	Present:- Mr. Muhammad Waqas, Advocate for the petitioners.	
	<p>***</p> <p><b>MOHAMMAD IBRAHIM KHAN, J.-</b> At the very outset, learned counsel for the petitioners submitted that the 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>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 style="text-align: right;">JUDGE</p> <p style="text-align: right;">JUDGE</p>	

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EXAMINER  
3.0 DEC 2021  
Peshawar High Court, Abbottabad Bench  
Authorized Under Sec-75 Encl Ordns

Hon'ble Justice Muhammad Ibrahim Khan  
Hon'ble Justice Shokat Ahmad

71 ANNEX S

BEFORE HON'BLE THE PESHAWAR HIGH COURT  
ABBOTTABAD BENCH.



COC Petition No. 120/2021

Writ Petition #386-A/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.

..... 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.

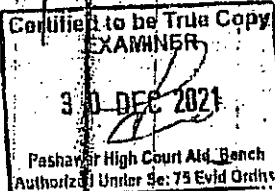
Respectfully Shewethl

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.



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

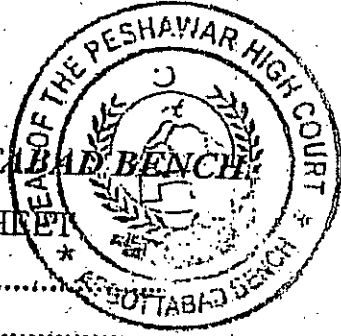
  
(MUHAMMAD WAQAS)

Advocate High Court,  
Office No.1 New TMA Plaza,  
Near Fawara Chowk Abbottabad  
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ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  
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EXAMINER  
30 DEC 2021  
Peshawar High Court Add. Bench  
Authorized Under Sec: 75 Evid O-1

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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>

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

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**BEFORE THE KHEBER 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 Battgram.
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 RITE 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 Fatch Rahim SS Physics GHSS Sharki Hoti Mardan.
15. Muhtamin Shah s/o Sharif Khan SS English GHSS Bahdshahi 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 though 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. 17<sup>th</sup> 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 17-05-20219. (*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

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direction to respondent No.1 to decide departmental appeal within period of one month vide 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 vide 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 appellant 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 act 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 mal-fide reasons or due to arbitrary act of competent authority, would entitled 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, officer 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 Hon'ble court has jurisdiction to entertain and adjudicate upon instant service appeal.

**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. 290 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)

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

VERSUS

Siraj Khan & others (in CA 290)  
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)  
Jainal ud Din & others (in CA 296)

... Respondent(s)

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

For Private Respondents : Mr. Aftab Alam Yousif, ASC

For KPK : Mr. Zahid Yousuf Qurashi, Addl. AG  
Sindh 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

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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 24<sup>th</sup> October 2009. Pursuant to the Act, the services of employees of KP government appointed on contract or *ad hoc* basis, holding the posts on 31<sup>st</sup> 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 KPSPSC). 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 KPSPSC on 15<sup>th</sup> 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 11<sup>th</sup> 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

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

"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 Act, 2009 as per provisions contained in Section 4 of the Act 2009. 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 name 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 31<sup>st</sup> December, 2000 or till the

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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 interests 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 officiality in such service or cadre:

Provided that if the date of continuous officiality 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)

5. Perusal of the above provisions of the Act would reveal that the contract and adhoc employees, holding the post on 31<sup>st</sup> December 2008 till the commencement of the Act shall be deemed to have been appointed on regular basis w.e.f. 24<sup>th</sup> 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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Senior Counsel  
Supreme Court of Pakistan  
Islamabad

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were recommended by the KPPSC 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 KPPSC on 15<sup>th</sup> 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 KPPSC 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 alongwith 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 KPSC, 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 KPSC 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 KPSC, 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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Islamabad



1144/2022

Civil/Criminal

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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 Battyang 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 Sbah 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 Paing 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 Paindi 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 Painda 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 Kalva Orakzai	SO(S) E&SE/3-2/2009/Recruitment SS(Male) dated 12.01.2010(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		
18	Anwar Khan S/o Muhammad Abdqis 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 Shka 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 A.abad	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 A.abad	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 Akhar S/o Ali Akbar Khan SS Statistics	03.04.1974	Abbottabad	16-08-2010	16-08-2010	17	D/Selectee	SS GHSS Farhinna 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	Shahir 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	GSUHSS 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 Hassan 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 H/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	03.03.1979	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)

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 Recon: 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 Budshah SS English	03.01.1982	Orakzai Agency	14-02-2011	14-02-2011	17	D/Selectee	GHSS Mandoori, 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	Mansehra	01-09-2010	16-08-2010	17	D/Selectee	SS GHSS Ghari Habibullah Mansehra	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 Lavaghar 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 Akhar 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	Mansehra	24-02-2011	24-02-2011	17	D/Selectee	GHS Kajla Mansehra	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 Batai Khazakheh 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 Sakhtakot 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	Muhamim 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 Chamtaik 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 Safeh 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
					Regular: Date/ KPPSC Reccom: Date	BS	Method of Recruitment		
62	Muhammad Ilyas 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&SED/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&SED/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 Gul 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 Puyan 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 Sheikh 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 Khel 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 Kachi 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 Mahdani 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	Atta Ulfah 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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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	HS	Method of Recruitment		
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 Rushid 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 Agerai 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 Mastuj 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.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 unfil.
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 Muhammad Kalim Zeb M.Sc/M.EdSS Chemistry	06.05.1977	Mansehra	16-04-2007	24-09-2009	17	By Regularization	GHSS Shierpur Mansehra	do

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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		
3247	MUHAMMAD BASHARAT	01.01.1976	Mansehra	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 Mansehra	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 Tall 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	ALTAF HUSSAIN	05.04.1980	Chorsadda	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	SAJEEB GUL	08.03.1974	Mardan	02-09-2010	12-02-2020	17	By promotion	SS (Economics) BS-17 GHSS Gargala 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. 091-9223533, Email: eschoolmale@gmail.com

Peshawar, Dated 13<sup>th</sup> 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	Shall 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	Haslam 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	Amjad 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 Basit Siddiqui	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 Besharat	184	Karim Ullah Khan
101.	Ashfaq Ahmad	143	Bakht Zamin Shah	185	Arif Hameed
102.	Syed Muhammad Amir	144	Sajid Ali	186	Alli 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	Ikrām ul Haq	204	Hafeez Ullah
121.	Mehmood ur Rahman	163	Israrullah Khan	205	Inayat Ullah
122.	Tariq Ahmad	164	Muhammad Waseem	206	Asad Ullah
123.	Saif Ur Rahman	165	Mushtaq Ali	207	S. Saeed Ud Din
124.	Muhammad Ilyas	166	Tariq Habib	208	Tarveer Hussain
125.	Shamshad Khan	167	Sajjad Ahmad	209	Ehsan Ahmad Danish
126.	Mian Ijaz Mustafa	168	Anwarullah	210	Muhammad Asif
127.	Muhammad Hanif	169	Musrrat Naeem	211	Ghulam Wazir
128.	Falaz 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	Muhammd Imran Khan	216	Siraj Uddin
133.	Abdur Rashid	175	Sadidq Ur Rehman	217	Sajman
134.	Tayab Nawaz	176	Fahim Nawaz	218	Sajjad Khan
135.	Ifikhar Ahmad	177	Manzoor Hussain	219	Zia Ur Rehman

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*Nawaz*

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	Alif 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.

*(Signature)*  
15.12.22  
(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 /2022

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 Battgram.
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 RITE Bannu.
7. Muhammad Ilyas s/o Muhammad Akram SS English SS English GHSS Mazdor Abad Takhtbal.
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 Kabul 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. Shamsad 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 Jarnazan 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. Zammitrad Khan s/o Lal Said SS Economics GHSS Malakand.

Certified to be true copy

Khyber Pukhtunkhwa  
Service Tribunal  
Peshawar



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20<sup>th</sup> 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 20<sup>th</sup> day of February, 2023.*

(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

Date of Presentation of Application 20/3/23  
 Number of Page 2  
 Copying Fee 10/-  
 Urgent 15/-  
 Total 25/-  
 Name of \_\_\_\_\_  
 Date of Copy Recd. 20/3/23  
 Date of Delivery of Copy 22/3/23

Certified to be true copy

**ER SAJJAD ALI**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

W (147)

No 981 Dated 10.01.2023

To

District Education Officer (Male)  
Upper Chitral

Subject: Departmental Appeal of  
Mr. Shahidur Rahman SS (Eco)  
GHSI Barun Swir Upper Chitral

R/Sir,

I have the honour to forward  
The Departmental Appeal of Mr.  
Shahidur Rahman SS Economics  
GHSI Barun Swir for necessary action  
Please.

Wahid

FROM  
GHSI Barun Swir  
Upper Chitral

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The Chief Secretary  
Khyber Pakhtunkhwa  
Peshawar

Subject: Departmental Appeal against the Impugned Promotions BS-17 to BS-18 Dated 13-12-2022 whereby the Appellant was Promoted with Immediate Effect Instead of 17-05-2019

R.S.H.

With extreme veneration, it is stated in your kind honor that we, SSI HNAs, were deprived of our due promotion in the PSM held on May 17, 2019 and September 25, 2019 on the available impugned vacant posts of BS-18 for a certain unjustifiable reason of the presence of the ghost SSI HNAs in the then seniority list. The ghost SSI HNAs of the seniority list included the 34 deceased and Department-left SSI HNAs. As such, the impugned department and respective is brought into your kind honor 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 PSM 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 SSI HNAs in the then seniority list which included deceased, retired, department-left and people who had not even joined the P.S.M. department. The remaining 58 posts were reserved for these ghost SSI HNAs.
2. Fulfilling the requested criteria of promotion, we were eligible for promotion in all respect for the vacated available one hundred and two (102) vacant posts of BS-18.
3. Unjustifiably, the Fifty Eight (58) posts were reserved for the ghost SSI HNAs and only 44 officers were promoted in the PSM on 17-05-2019.
4. Similarly, our case was once again submitted for promotion of 68 officers from BS-17 to BS-18 in the PSM meeting dated 23-09-2019 along with all documentary proofs. The case was decided to be promoted on consultation 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 SSI HNAs 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 SSI HNAs 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.

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

Shahid Ur Rahman SS (Economics)  
GHSS Baram Ober Upper Chinal  
Seniority No. 48

*Shahid Ur Rahman*  
10/6/2023

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**VAKALAT NAMA**

NO. \_\_\_\_\_ /2023

IN THE COURT OF KP Service Tribunal, Peshawar

Shahidul Rahman (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Education Department (Respondent)  
(Defendant)

I/We, Shahidul Rahman

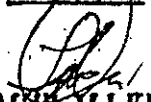
Do hereby appoint and constitute Taimur Ali Khan, Advocate High Court Peshawar, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other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

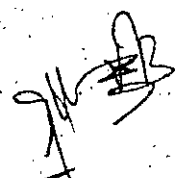
Dated \_\_\_\_\_ / 02

By Shahidul Rahman  
(CLIENT)

ACCEPTED



**TAIMUR ALI KHAN**  
Advocate High Court  
BC-10-4240  
CNIC: 17101-7395544-5  
Cell No. 0333-9390911



Shabir Ullah Torani  
Advocate

**OFFICE:**  
Room # FR-8, 4<sup>th</sup> Floor,  
Bilour Plaza, Peshawar,  
Cantt: Peshawar