

24<sup>th</sup> April, 2023

24<sup>th</sup> April has been declared as public holiday on account of Eid-UI-Fitr, therefore, the case is adjourned. To come up for the same on 15.05.2023.



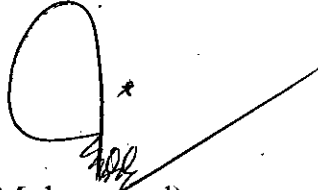
**Reader**

07.12.2022

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

Learned counsel for the appellant requested for adjournment on  
the ground that he has not made preparation for arguments.  
Adjourned. To come up for arguments on restoration application on  
11.01.2023 before D.B.

SCANNED  
K. S. T  
Peshawar



(Mian Muhammad)  
Member (E)



(Salah-ud-Din)  
Member (J)

11.01.2023

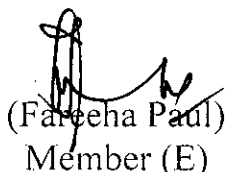
Petitioner present through counsel.

Muhammad Adeel Butt, learned Additional  
Advocate General for respondents present.

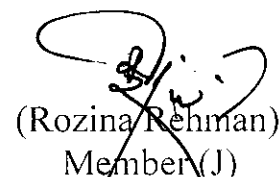
Arguments on the application heard. Record  
perused.

Application in hand was submitted seeking  
restoration of appeal which was dismissed in default for  
non-prosecution vide order dated 18.12.2019 and the instant  
application seeking restoration of appeal was submitted on  
31.01.2020.

In this view of the matter, this application for  
restoration of appeal is accepted. Appeal stands restored. It  
be registered on its old number. Case is adjourned to  
24.04.2023 for arguments on main appeal before D.B.



(Fareeha Paul)  
Member (E)




(Rozina Rehman)  
Member (J)

01.09.2022

Clerk of learned counsel for the appellant present.  
Mr. Naseer Ud Din Shah, Assistant Advocate General for  
the respondents present.

Learned Member (Judicial) Mrs. Rozina Rehman is  
on leave, therefore, arguments could not be heard.  
Adjourned. To come up for arguments on restoration  
application on 28.10.2022 before the D.B.

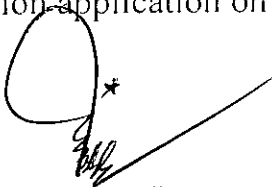


(Salah-Ud-Din)  
Member(J)

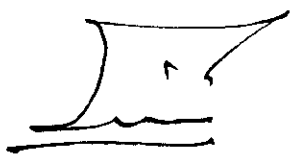
28.10.2022

Petitioner in person present. Mr. Naseer-ud-Din Shah, Assistant  
Advocate General for the respondents present.

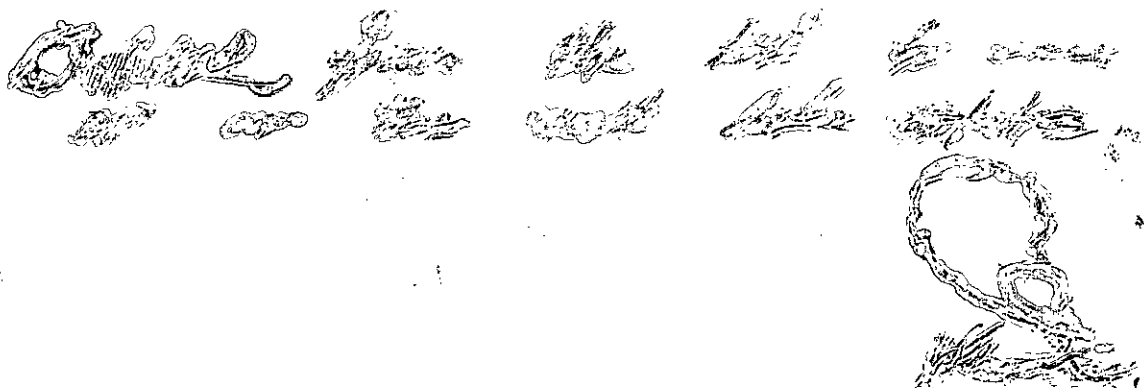
Petitioner requested for adjournment on the ground that his  
counsel is indisposed of today. Adjourned. To come up for arguments  
on restoration application on 07.12.2022 before the D.B.



(Mian Muhammad)  
Member (E)



(Salah-Ud-Din)  
Member (J)



DFA

Restoration

11.01.2023

Petitioner present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

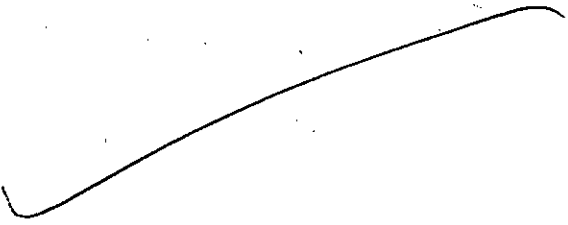
Arguments on the application heard. Record perused.

Application in hand was submitted seeking restoration of appeal which was dismissed in default for non-prosecution vide order dated 18.12.2019 and the instant application seeking restoration of appeal was submitted on 31.01.2020.

In this view of the matter, this application for restoration of appeal is accepted. Appeal stands restored. It be registered on its old number. Case is adjourned to 24.04.2022 for arguments on main appeal before D.B.

(Fareeha Paul)  
Member (E)

(Rozina Rehman)  
Member (J)



**Restoration Application No. 731/2022**

05.01.2023

Counsel for the appellant present.

Muhammad Riaz Khan Paindakhel learned Assistant Advocate General for the respondents present.

Learned counsel for the appellant submitted an application <sup>seeking</sup> for withdrawal of the restoration application as the appellant <sup>has already been</sup> reinstated in service vide office order dated 12.12.2022.

In view of the above, instant restoration application is hereby dismissed as withdrawn. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

05.01.2023

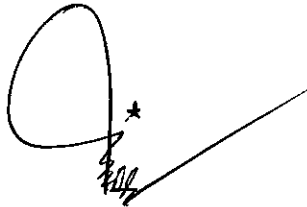
(Fareeha Paul)  
Member (E)  
(Camp Court Swat)

(Rozina Rehman)  
Member (J)  
(Camp Court Swat)

11.04.2022

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

Petitioner sought adjournment on the ground that learned counsel is unable to appear for arguments due to his illness. Adjourned. Last opportunity granted. To come up for reply as well as arguments on restoration application before the D.B on 21.06.2022.



(Mian Muhammad)  
Member(E)



(Salah Ud Din)  
Member(J)

21.06.2022

Petitioner in person present. Mr. Faheem, Assistant alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present and sought time for submission of reply/comments on restoration application. Last opportunity given. To come up for reply/comments as well as arguments on restoration application on 12.09.2022 before the D.B.



(Fareeha Paul)  
Member (E)

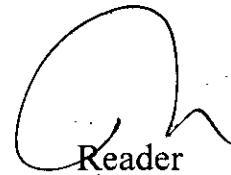


(Salah-ud-Din)  
Member (J)

*[Faint handwritten notes at the bottom of the page, possibly bleed-through from the reverse side.]*

28.04.2021

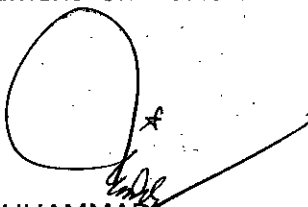
Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 24.08.2021 for the same as before.


  
Reader

24.08.2021

Nemo for the petitioner present. Mr. Muhammad Rasheed, DDA for the respondents present.

Previous date was changed on Reader note, therefore, notice of prosecution of application be issued to the petitioner as well as learned counsel for the petitioner. To come up for reply as well as argument on restoration application before the D.B on 27.12.2021.

  
(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

Due to winter vacation the case is adjourned to

27/12/2021

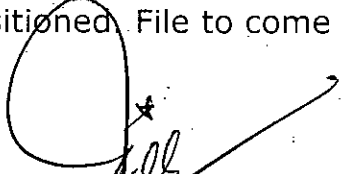
Due to ~~vacation of the Tribunal~~ the case is adjourned to come up for the same as before on 11/4/2022

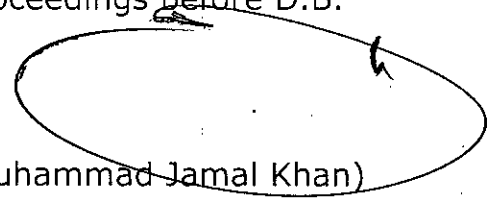
  
Reader

25.09.2020

Petitioner is present in person. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents is also present.

It is to be noted that last two adjournments were made due to prevalence of COVID-19, therefore, respondents be noticed for 25.11.2020 and at the same time original record be also requisitioned. File to come up for further proceedings before D.B.

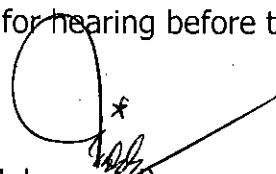
  
(Mian Muhammad)  
Member (Executive)

  
(Muhammad Jamal Khan)  
Member (Judicial)

25.11.2020

Petitioner in person and Addl. AG for the respondents present.

Former requests for adjournment as his learned counsel is not feeling well today. Adjourned to 29.01.2021 for hearing before the D.B.

  
(Mian Muhammad)  
Member(E)

  
Chairman

29.01.2021

Mr. Shah Nawaz Advocate on behalf of learned counsel for the petitioner and Addl. AG for respondents present.

Former requests for adjournment due to bereavement in the family of learned senior counsel.

Adjourned to 28.04.2021 before D.B.

  
(Atiq Ur Rehman Wazir)  
Member(E)

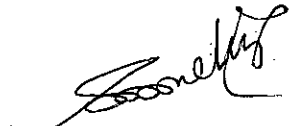


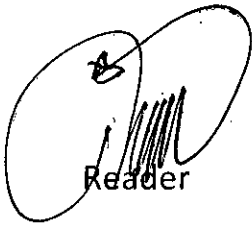
  
Chairman



Form-A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Appeal's Restoration Application No. 42 /2020

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	10.02.2020	<p>The application for restoration of appeal No. 416/2012 submitted by Mr. Yasir Saleem Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2		<p>This restoration application is entrusted to D.Bench to be put up there on <u>20-04-20</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	21.04.2020	<p>Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 27.07.2020 before D.B.</p> <p style="text-align: right;"> Reader</p>
	27.07.2020	<p>Due to COVID19, the case is adjourned to 25.09.2020 for the same as before.</p> <p style="text-align: right;"> Reader</p>

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

C.M. 39 /2020

IN

APPEAL NO 1264/ **2015**

Sherullah Khan ----- Applicant/Appellant

Versus


Chief Secretary KP & others ----- Respondents

I N D E X .

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<u>S.No.</u>	<u>Description of documents</u>	<u>Annex:</u>	<u>P.No.</u>
1.	Application for Restoration with affidavit		1-2
2.	Copy of order dt 18.12.2019	A	3-4

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IBADUR RAHMAN  
Advocate High Court  
Peshawar

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



C.M. 39 /2020

IN

APPEAL NO 1264 / **2015**

Sherullah Khan ----- Applicant/ Appellant

**V**ersus

Chief Secretary KP & others ----- Respondents

**APPLICATION FOR RESTORATION OF APPEAL**

Respectfully sheweth:

Applicant submits as under:

1. That above titled Appeal was fixed before this honourable Tribunal on 18.12.2019.
2. That the titled appeal was dismissed in default on subject noted date due to the non-availability of the council.
3. That on the date fixed a closed relative of the counsel for the applicant/appellant and the counsel went to attend his Jinaza due to which the counsel could not appear in the court when the case was called.
4. That the appellant has precious interest in the appeal.
5. That the application is well within time.
6. That the alleged absence was not intentional but due to the reason as mentioned above.

7. That there is no bar to restore the appeal of the appellant.

It is, therefore, prayed that the titled appeal may graciously be restored.

Appellant/ applicant

Through:

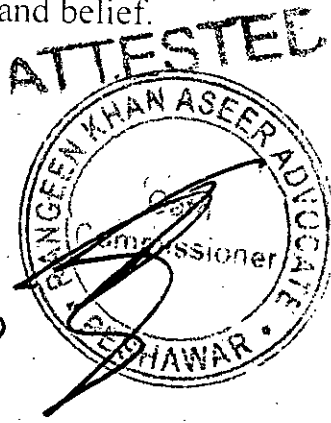
**IBADUR RAHMAN**

Advocate High Court

Peshawar.

**AFFIDAVIT.**

Stated on oath that the above contents are true and correct to the best of my knowledge and belief.



23/01/2020

DEPONENT



**BEFOR THE HON'BLE SERVICES TRIBUNAL KHYBER  
PAKHTUNKHWA, PESHAWAR.**

*Appeal No. 1264/2015*

Sherullah Khan Assistant Director (Admn) working as Deputy Director  
(Admn) DCTE, Khyber Pakhtunkhwa, Abbottabad.

..... Appellant.

Versus

**E.W.F. Province  
Service Tribunal**  
Diary No. 1346  
Dated 11-11-2015

1. The Chief Secretary to Government of Khyber Pakhtunkhwa.
2. The Secretary to Government of Khyber Pakhtunkhwa, E&SE Department.
3. The Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.

..... Respondents.

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL ACT, 1974 FOR REGULAR PROMOTION  
FROM THE POST OF ASSISTANT DIRECTOR ADMN BPS 17 TO  
THE POST OF DEPUTY DIRECTOR BPS-18 REGULAR  
MINISTERIAL CADRE.**

Respectfully Shewet,

The appellant contends as under:-

**FACTS.**

1. That the appellant was promoted from the post of Budget & Accounts Officer (BS-16) to the post of Assistant Director (Admn) BPS-17 on 29-08-2014 and is working against the post of Deputy Director (Admn) BPS-18.
2. That two (02) posts of Deputy Director (BPS-18) regular for ministerial cadre in Elementary & Secondary Education Department are lying vacant which as per Service Rules are to be filled in by promotion of Assistant Director BPS-17.
3. The appellant being at Serial No.1 of the Seniority List, is competent under the Rules to be promoted to the post of Deputy Director BPS-18 regular, therefore, in this regard, on 13-08-2015 he submitted an application before the respondents Copy of the application is attached herewith as Annexure-A.
4. That till the expiry of the stipulated period i.e. 90 days, the respondents have failed to pass any order on the said application, hence the instant appeal before this august Tribunal.

*11/11/15*

**GROUNDS.**

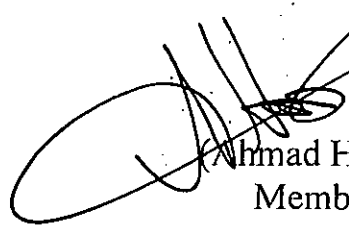
**ATTESTED.**

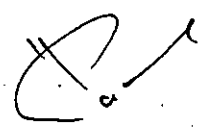
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

That there are two posts of Assistant Director (Admn) BPS-17 for ministerial cadre in the Khyber Pakhtunkhwa Elementary & Secondary Education Department and on one of the same, the appellant is working as Assistant Director (Admn) and is placed at S.No.2 of the Seniority List and two posts of Deputy Director BPS-18 regular for ministerial cadre are to be filled in by promotion of Assistant Director BPS-17 Copy of Seniority list/Service Rules attached herewith as Annexure-B and C.

18.12.2019

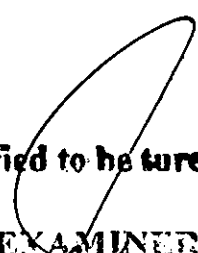
Appellant absent. Learned counsel for the appellant absent. Mr. Riaz Paindakheil learned Assistant Advocate General present. Case called but neither the appellant nor his counsel turned up. Consequently the present service appeal is hereby dismissed in default. No order as to costs. File be consigned to the record room.

  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

ANNOUNCED.  
18.12.2019

Certified to be true copy

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

20-12-2019

Date of Presentation of Application \_\_\_\_\_

Number of Words \_\_\_\_\_ 800

Copying Fee \_\_\_\_\_ 10

Urgent \_\_\_\_\_ 4

Total \_\_\_\_\_ 10

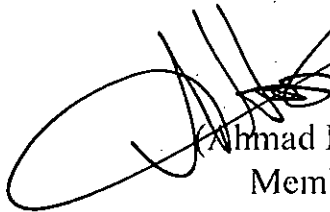
Name of Copyist \_\_\_\_\_

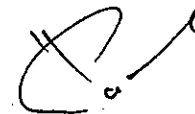
Date of Completion of Copy \_\_\_\_\_ 16-1-2020

Date of Delivery of Copy \_\_\_\_\_ 16-1-2020

18.12.2019

Appellant absent. Learned counsel for the appellant absent.  
Mr. Riaz Paindakheil learned Assistant Advocate General present.  
Case called but neither the appellant nor his counsel turned up.  
Consequently the present service appeal is hereby dismissed in  
default. No order as to costs. File be consigned to the record room.

  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

ANNOUNCED.  
18.12.2019

13.6.2019

The Bench is incomplete, therefore, the case is adjourn for arguments on 06.08.2019 before D.B.

  
Reader

06.08.2019

Nemo for appellant. Mr. Ziaullah, DDA for respondents present.

On the last date of hearing instant matter was adjourned on the strength of reader note. The appellant, therefore, shall be sent fresh notice for appearance <sup>for</sup> on the next date of hearing.


Adjourned to 09.10.2019 before D.B.

  
Member

  
Chairman

9-10-2019

Due to tour of Honble Member to camp court Swat the case is adjourned to 18/12/19.

  
Reader



30.11.2018

Junior to counsel for the appellant and Mr. Ziaullah, DDA for the respondents present.


A request for adjournment is made at the bar on the ground of engagement of learned senior counsel for appellant before the Hon'ble High Court. Adjourned to 23.01.2019 for arguments before the D.B.

  
Member

  
Chairman

23.01.2019

Junior counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is busy before the Hon'ble Peshawar High Court, Peshawar and cannot attend the Tribunal today. Adjourned to 29.03.2019 for arguments before D.B.

  
(HUSSAIN SHAH)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

29.03.2019

Mr. Mati ur Rehman, Advocate on behalf of learned counsel for the appellant and Mr. Ziaullah, DDA for respondents present.

Formal<sup>er</sup> requests for adjournment as senior counsel for the appellant is engaged in family bereavement.

Adjourned to 13.06.2019 for arguments before D.B.

  
Member

  
Chairman

25.04.2018


Counsel for the appellant and Addl: AG for respondents present. Due to retirement of the worthy Chairman, the Tribunal is incomplete, therefore the case is adjourned. To come up for arguments on 10.07.2018 before D.B.

  
Reader

10.07.2018

Appellant in person present and submitted Wakalat Nama. Mr. Ziaullah, DDA for respondents present. Appellant is directed to submit membership copy of the instant appeal. Appellant made a request for adjournment. Granted. To come up final hearing on 21.08.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

21.08.2018

Due to Bidul Azha vacation,  
the case is adjourned to 17-10-2018.

  
Reader

17.10.2018

Clerk to counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Clerk to counsel for the appellant seeks adjournment that his counsel is not in attendance. Adjourned. To come up for arguments on 30.11.2018 before D.B.


  
Member

  
Member

31.05.2017

Clerk of the counsel for appellant Mr. Muhammad Adeel Butt, Additional AG for the respondent present. Clerk of the counsel for appellant requested for adjournment. Adjourned. To come up for arguments on 25.09.2017 before D.B.

(Gul Zohb Khan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

25.09.2017

Clerk to counsel for the appellant and Mr. Muhammad Jan, DDA for respondents present. Since learned Member (Mr. Ahmad Hassan) is on leave, therefore, arguments could not be heard. To come up for arguments on 26.12.2017 before D.B.

  
Chairman

26.12.2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Counsel for the appellant seeks adjournment. Granted. To come up for arguments 22.02.2018 before the D.B.

  
Member

  
Chairman

22.02.2018

Due to none availability of D.B the case is adjourned. To come up on 25.04.2018 before D.B

  
Member

11.08.2016

Appellant in person and Additional AG for respondents present. Rejoinder not submitted and requested for further time to submit rejoinder. Request accepted. To come up for rejoinder and arguments on 5-12-16

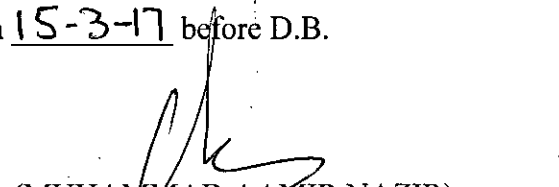
  
Member

  
Member

05.12.2016

Counsel for the appellant and Mr. Muhammad Jan, GP for the respondents present. Learned counsel for the appellant submitted rejoinder, copy whereof handed over to learned GP. Learned counsel for the appellant also submitted application for correction of designation of the appellant which is placed on file. To come up for arguments on application as well as arguments on main appeal on 15-3-17 before D.B.

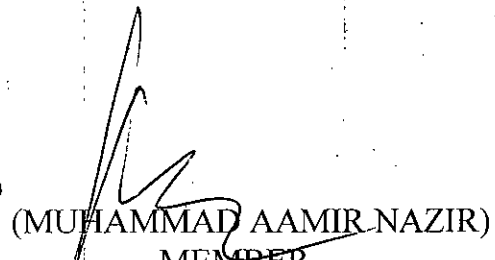
  
(ASHFAQUE TAJ)  
MEMBER

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

15.03.2017


Appellant in person and Addl:AG for respondents present. Appellant submitted an application for adjournment. Application allowed. To come up for arguments on 31.05.2017 before D.B.

  
(ASHFAQUE TAJ)  
MEMBER

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

24.11.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant is serving as Assistant Director in Education Department in BPS-17 and eligible for promotion to BPS-18 as Deputy Director. That despite availability of vacant post of Deputy Director since 2013 the appellant is not considered for promotion against the same despite departmental appeal dated 7.8.2015 which was not responded and hence the instant service appeal on 11.11.2015.

Appellant Deposited  
Security & Process Fee  


That the appellant is entitled to be considered for promotion to the vacant position of Deputy Director.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 3.3.2016 before S.B.

  
Chairman

03.03.2016

Counsel for the appellant, M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Assistant AG for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 28.4.2016 before S.B.

  
Chairman

28.4.2016



Appellant in person and Mr. Khurshid Khan, SO and Hameedur Rahman, A.D(Litigation) for the respondents present. Written statement submitted. The appeal is assigned to D.B for rejoinder and final hearing for 11.08.2016.

  
Chairman

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 1264/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	11.11.2015	<p>The appeal of Mr. Sher Ullah presented today by Mr. Mehboob Ali Khan Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p> REGISTRAR</p>
2		<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>24-11-15</u>.</p> <p> CHAIRMAN</p>

**BEFOR THE HON'BLE SERVICES TRIBUNAL KHYBER**  
**PAKHTUNKHWA, PESHAWAR.**

*Appeal No. 1264/2015*  
**Sherullah Khan**

**Versus**

**The Chief Secretary to Government of Khyber Pakhtunkhwa & others.**

**INDEX**

S.No.	Description of Documents	Annexure	Pages
1	Memo of appeal alongwith affidavit	-	1-3
2	Addresses of parties	-	4
3	Copy of Seniority list of B & AOs	-	5-7
4	Copy of Promotion order of Assistant Director	-	8
5	Copy of Departmental appeal.	A	9
6	Copy of Service Rules	B	10-12
7	Copy of Seniority list of Assistant Director BPS-17 Regular.	C	13-14
8	Copy of Promotion Policy.	D	15-16
9	Copy of working papers for length of service	E	17
10	Wakalat Nama	-	-

Petitioner

Through

  
(MEHBOOB ALI KHAN)  
Advocate, High Court Peshawar.  
Cell No.0300-5908467

Dated 11 / 11 /2015

**BEFOR THE HON'BLE SERVICES TRIBUNAL KHYBER  
PAKHTUNKHWA, PESHAWAR.**

Sherullah Khan Assistant Director (Admn) working as Deputy Director (Admn) DCTE, Khyber Pakhtunkhwa, Abbottabad.

..... Appellant.

Versus

1. The Chief Secretary to Government of Khyber Pakhtunkhwa.
2. The Secretary to Government of Khyber Pakhtunkhwa, E&SE Department.
3. The Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.

..... Respondents.

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL ACT, 1974 FOR REGULAR PROMOTION  
FROM THE POST OF ASSISTANT DIRECTOR ADMN BPS 17 TO  
THE POST OF DEPUTY DIRECTOR BPS-18 REGULAR  
MINISTERIAL CADRE.**

Respectfully Shewet,

The appellant contends as under:-

**FACTS.**

1. That the appellant was promoted from the post of Budget & Accounts Officer (BS-16) to the post of Assistant Director (Admn) BPS-17 on 29-08-2014 and is working against the post of Deputy Director (Admn) BPS-18.
2. That two (02) posts of Deputy Director (BPS-18) regular for ministerial cadre in Elementary & Secondary Education Department are lying vacant which as per Service Rules are to be filled in by promotion of Assistant Director BPS-17.
3. The appellant being at Serial No.1 of the Seniority List, is competent under the Rules to be promoted to the post of Deputy Director BPS-18 regular, therefore, in this regard, on 13-08-2015 he submitted an application before the respondents Copy of the application is attached herewith as Annexure-A.
4. That till the expiry of the stipulated period i.e. 90 days, the respondents have failed to pass any order on the said application, hence the instant appeal before this august Tribunal.

**GROUND.**

- A. That there are two posts of Assistant Director (Admn) BPS-17 for ministerial cadre in the Khyber Pakhtunkhwa Elementary & Secondary Education Department and on one of the same, the appellant is working as Assistant Director (Admn) and is placed at S.No.2 of the Seniority List and two posts of Deputy Director BPS-18 regular for ministerial cadre are to be filled in by promotion of Assistant Director BPS-17 Copy of Seniority list/Service Rules attached herewith as Annexure-B and C.

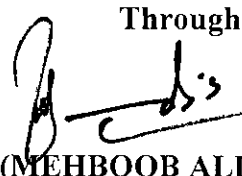



- 2
- B. That as per Promotion Policy half of the service in BS-16 and one fourth in Basic Scale lower than 16, if any shall be counted as service in Basic Scale - 17 for promotion to the post of Basic Scale -18 copy of the Promotion Policy is attached herewith as Annexure-D.
- C. That as the criteria laid down in the Promotion Policy, referred to above, the appellant is entitled to be promoted from the post of Assistant Director (Admn) BPS-17 to the post of Deputy Director BPS-18 regular, which fact is also supported by the working papers, already worked out by the department. Copy of the working papers is attached herewith as Annexure E.
- D. That ignoring the promotion of the appellant from the post of Assistant Director (Adm,n) BPS-17 to the post of Deputy Director BPS-18 regular is based on surmise, conjectures, clear cut violation of law on the subject, nepotism, personal like and dislike, illegally benefiting out of merit junior most of irrelevant cadre and ineffective and inoperative upon the right of the appellant.
- E. That the cause of action arose to the appellant to file the instant appeal, firstly, when he came to know about the vacation of the subject posts and, secondly, when his application for promotion to the said post was not acceded to till the expiry of the stipulated period for the same.
- F. That the appellant seeks the permission of this Hon'ble Tribunal to claim further grounds at the time of hearing.

**PRAYER.**

It is very humbly prayed that on acceptance of the instant appeal, the respondents may be directed to promote the appellant from the post of Assistant Director (Admn) B-17 to the vacant post of Deputy Director BPS-18 regular from the date of vacation of post with all back benefits.

Any other consequential relief which this Honorable Court/Tribunal deems fit and proper under the circumstances of the case may also be granted.

Appellant  
Through  
  
(MEHBOOB ALI KHAN)  
Advocate High Court,  
Peshawar.

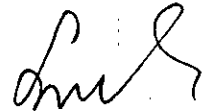
  
11/11/15.

**BEFOR THE HON'BLE SERVICES TRIBUNAL KHYBER  
PAKHTUNKHWA, PESHAWAR.**

**Sherullah Khan....Versus.....Chief Secretary to Government of  
Khyber Pakhtunkhwa etc.**

**AFFIDAVIT.**

I, Sherullah, appellant, do hereby solemnly affirm and declare that the contents of my services appeal, titled above, are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.



**DEPONENT**

Dated   //   /11/2015.

**BEFOR THE HON'BLE SERVICES TRIBUNAL KHYBER  
PAKHTUNKHWA, PESHAWAR.**

Sherullah Khan....Versus.....Chief Secretary to Government of  
Khyber Pakhtunkhwa etc.

**MEMO OF PARTIES ADDRESSES.**

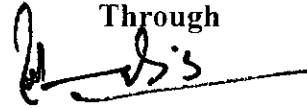
**APPELLANT.**

Sherullah Khan Assistant Director (Admn) Directorate of Elementary &  
Secondary Education, Khyber Pakhtunkhwa, Peshawar.

**RESPONDENTS.**

1. The Chief Secretary to Government of Khyber Pakhtunkhwa.
2. The Secretary Government of Khyber Pakhtunkhwa, E&SE  
Deptt:
3. The Director Elementary & Secondary Education, Khyber  
Pakhtunkhwa, Peshawar.

Appellant  
Through



(MEHBOOB ALI KHAN)  
Advocate High Court,  
Peshawar.

Dated     // /11/2015.

5

①

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER  
PAKHTUNKHWA PESHAWAR.

NOTIFICATION.

Final List of Budget & Accounts Officer (BPS-16) working in and under the Directorate Elementary & Secondary Education, DCTE, FATA & PITE, Khyber Pakhtunkhwa, as stood on 31-08-2013 is hereby approved.

The said seniority list was ~~herby~~ notified for the information of all concerned to lodge appeal /objection (if any).

The above seniority list can be seen/checked on the website of E&SE Department Khyber Pakhtunkhwa given below: -

<http://kpese.gov.pk>

DIRECTOR  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar.

Endst No 3638-59/F.No.A-23/S.List/B&AO/DD(F&A) Dated Pesh the 25/2/2014.

Copy of the above is forwarded for information

and n/action to the:-

1. Director Curriculum & Teachers Education Khyber Pakhtunkhwa Abbottabad.
2. Director PITE Peshawar.
3. Director of Education (FATA) Peshawar.
4. All District Education Officers (M&F) in Khyber Pakhtunkhwa.
5. Cashier Local Directorate.
6. P/S to Secretary to Government of Khyber Pakhtunkhwa E&SE Department Peshawar.
7. Deputy Director EMIS Govt of Khyber Pakhtunkhwa E&SE Department with the request to up-load the attached Seniority List of Assistants and Senior Scale Stenographer on web page of E&SE Department.
8. PA to Director E&SE Khyber Pakhtunkhwa, Peshawar.

*Attached.  
Lds*

" *25/2*  
Deputy Director (F&A)  
(E&SE) Khyber Pakhtunkhwa Peshawar

7

Sl. No.	Name of Candidate	Name of Parent	Designation	Qualification	Date of Birth	Place of Birth	Date of Birth	Date of Birth	Remarks
24	Muhammad Zafar	Abdul Ghaffar	DEO (F) Malakand	Matric	04-03-1955	Malakand	17-07-1974	31-07-2013	By Promotion
25	Latifur Rehman	Hanayun	DEO (F) Chitral	Matric	15-05-1954	Chitral	10-01-1974	31-07-2013	By Promotion
26	Shafqat Malik	Gulistan	DEO (F) Haripur	Matric	01-01-1956	Abbotabad	10-06-1974	31-07-2013	By Promotion
27	Liaqat Ali	Nousher Khan	DEO (M) Buner	Matric	09-05-1954	Mardan	15-10-1974	31-07-2013	By Promotion
28	Muhammad Ali	Fateh Muhammad	DEO (F) Battagram	Matric	04-09-1954	Mardan	11-01-1974	31-07-2013	By Promotion
29	Muhammad Amin	Rehmani Gul	DEO (M) Swat	Matric	25-11-1954	Swat	11-04-1974	31-07-2013	By Promotion
30	Abdul Majeed	Muhammad Khan	DEO (F) Kohat	Matric	12-04-1956	Kohat	12-04-1974	31-07-2013	By Promotion
31	Abdur Rashid	Mudasir Shah	DEO (F) NSR	Matric	12-01-1956	Mardan	01-02-1974	31-07-2013	By Promotion
32	Zahoor Ali	Habib Khan	DEO (M) Karak	Matric	06-01-1955	Peshawar	16-01-1975	31-07-2013	By Promotion
33	Khog Badshah	Abdul Mutalib	DEO (M) Shangla	Matric	16-02-1955	Malakand	03-01-1975	31-07-2013	By Promotion
34	Haroonur Rashid	Maqbulur Rehman	DEO (M) Battagram	Matric	11-04-1957	Haripur	29-06-1975	31-07-2013	By Promotion
35	Fazali Rehman	Ainul Qazat	DEO (F) Lakki	Matric	05-10-1955	Chitral	07-01-1975	31-07-2013	By Promotion
36	Ubaidullah	Abdullah Jan	DEO (M) Kohat	Matric	07-01-1956	Kohat	07-12-1975	31-07-2013	By Promotion
37	Walayat Khan	Baz Muhammad	DEO (M) Mansehra	Matric	15-01-1956	Peshawar	09-11-1975	31-07-2013	By Promotion
38	Faridullah	Fatehullah	DE FATA Peshawar	Matric	06-12-1956	Peshawar	13-09-1975	31-07-2013	By Promotion
39	Ihsanullah	Hanimullah	DEO (F) Buner	Matric	03-03-1958	Mardan	18-09-1975	31-07-2013	By Promotion
40	Abdul Sattar	Abdul Rashid	DEO (F) Shangla	Matric	04-01-1957	Swat	15-10-1975	31-07-2013	By Promotion
41	Adam Sher	Juma Gul	DEO (M) Dir	Matric	02-12-1953	Dir	17-11-1975	31-07-2013	By Promotion
42	Jamilur Rehman	Khalilur Rehman	DEO (F) Mansehra	Matric	15-04-1956	Mansehra	17-11-1975	31-07-2013	By Promotion
43	Ghulam Muhammad	Muhammad Umer	DEO (M) Torghar	Matric	15-12-1955	Malakand	20-11-1975	31-07-2013	By Promotion
44	Jehan Zeb	Abdur Rehman	DEO (F) Swabi	BA	02-03-1961	Swabi	08-10-1981	31-07-2013	By Promotion
45	Mukhtiar Khan	Ghulam Sarwar	DEO (M) Charsadda	BA	16-10-1962	Peshawar	17-10-1981	31-07-2013	By Promotion

Attached.  
A.S.'s

Director Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

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FINAL SENIORITY LIST OF BUDGET OFFICERS (B&AO) IN PUNJAB AND ORDINARY OFFICERS IN STATE OF PUNJAB & SECONDARY  
EDUCATION DEPARTMENT, KHYBER PAKHTUNKHWA PREPARATORY TO 31.8.2013

S/#	Name of Officer	Father's Name	Place of present Posting	Academic Qualification	Date of Birth	Municipality	Date of 1st entry into Govt- Service	Regular Promotion to the Present Post	Remarks
1	Ghulam Sarwar	Muhammad Suleman	DEO (M) A/Abad	BA	06-03-1956	Abbottabad	01-02-1979	11-01-1988	By Promotion
2	Sherullah	Karim Ullah	DEO (F) Mardan	BA	13-11-1955	Mardan	20-04-1980	01-06-1992	By Promotion
3	Umar Nawaz	Muhammad Salim Khan	DEO (M) Bannu	M.com	01-01-1961	Bannu	13-10-1984	25-01-2001	By Promotion
4	Musharaf Ali	Murtaza Ali	DE & SE Khyber Pakhtunkhwa Peshawar	BA	22-07-1962	Peshawar	04-03-1985	25-01-2001	By Promotion
5	Nasir Khan	Aminullah	DEO (M) NSR	BA	10-05-1960	Swabi	19-02-1979	31-07-2013	By Promotion
6	Muhammad Azam	Khalil-ur-Rehman	D C TE A/Abad	MA	01-01-1961	Mansehra	08-08-1979	31-07-2013	By Promotion
7	Inamullah	Muhammad Bakhsh	DEO (M) D/I/Khan	M/BA	01-01-1956	D/I/Khan	11-07-1974	31-07-2013	By Promotion
8	Muhammad Ayub	Munir Khan	DEO (M) Haripur	BA	04-03-1954	Haripur	12-08-1973	31-07-2013	By Promotion
9	Sadiqullah	Amanullah	DEO (M) Chitral	Matric	06-01-1960	Chitral	25-08-1987	31-07-2013	By Promotion
10	Karim Shah	Wadan Shah	DEO (M) Mardan	BA	20-02-1958	Mardan	01-09-1987	31-07-2013	By Promotion
11	Adalat Khan	Mehbaran Shah	DEO (F) Charsadda	BA	02-01-1964	Peshawar	01-09-1987	31-07-2013	By Promotion
12	Taza Khan	Sargand Khan	DEO (F) Dir Lower	BA	15-06-1955	Dir	20-10-1979	31-07-2013	By Promotion
13	Ghulam Sarwar	Misri Khan	DCTE Abbottabad	MA	16-11-1956	Abbottabad	04-11-1979	31-07-2013	By Promotion
14	Zakir Khan	Faqir Khan	DEO (F) Abbottabad	Matric	03-01-1957	Abbottabad	21-03-1979	31-07-2013	By Promotion
15	Fazal Shah	Fazali Karim	DEO (F) Hangu.	Matric	20-05-1957	Peshawar	05-02-1981	31-07-2013	By Promotion
16	Munirullah Shah	Mian Dilbar	DEO (F) Peshawar	BA	06-01-1964	Peshawar	20-12-1989	31-07-2013	By Promotion
17	Muhammad Ali	Lal Sardar	DEO (M) Hangu	BA	02-12-1966	Karak	20-12-1989	31-07-2013	By Promotion
18	Waliullah	Abdul Qahar	DEO (M) Swabi	MA	01-04-1954	Swabi	31-05-1973	31-07-2013	By Promotion
19	Mr. Sultan Ahmad	Rab Nawaz	DEO (F) DIK	FA	04-05-1954	D.I.Khan	03-05-1973	31-07-2013	By Promotion
20	Amin Jan	Saadullah Jan	DEO (M) Peshawar	BA	03-01-1966	Peshawar	22-12-1990	31-07-2013	By Promotion
21	Shamsul Islam	Sher Aziz	DEO (F) Dir Upper	Matric	19-04-1954	Chitral	20-01-1974	31-07-2013	By Promotion
22	Rehmatullah	Niamat Ullah	DEO (F) Tank	Matric	01-05-1954	D/I/Khan	01-06-1974	31-07-2013	By Promotion

Attested.  
Rashid



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 29-08-2014

NOTIFICATION

NO(PE)/2-6/DPC Meeting/ B&AO from BS-16 TO BS 17/2014: On the recommendation of Departmental Promotion Committee meeting held on 02-07-2014, the competent authority is pleased to promote the following Budget & Accounts Officers (BS-16) to the posts of Assistant Director (BS-17) on regular basis with immediate effect:-

Name of officer/ Designation	Promoted as:
Ghulam Sarwar B&AO (BS-16) office of DEO (M) Abbottabad.	Assistant Director (BS-17).
Sherullah B&AO(BS-16) office of DEO (F) Mardan.	Assistant Director (BS-17).

They will be on probation for a period of one year, extendable for another term of one year as specified in Rule-15 of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) Rules, 1989.

Consequent upon their promotion to the post mentioned above they are posted / adjusted as under

Name of officer/ Designation	Place of posting.
Ghulam Sarwar B&AO (BS-16) DEO (M) Abbottabad.	Assistant Director (Administration) (BS-17) in the Directorate of E&SE, Peshawar against the vacant post.
Sherullah B&AO(BS-16) DEO (F) Mardan	Assistant Director (Finance & Accounts) (BS-17) in the Directorate of E&SE, Peshawar against the vacant post.

SECRETARY

No. & date as above.

Forwarded to

- The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
- The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
- The Accountant General Khyber Pakhtunkhwa, Peshawar.
- PSC to Chief Secretary to Govt. of Khyber Pakhtunkhwa.
- The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
- District Accounts Officers Abbottabad/ Mardan.
- PS to Secretary E&SE Department.
- Officers concerned.
- Office File.

*Attended.*  
*W.S.*

*[Signature]*  
(ZAMIN KHAN MOMAND)  
SECTION OFFICER (PRIMARY)

The Secretary to  
Govt of Khyber Pakhtunkhwa  
Elementary & Secondary Edu: Department  
Peshawar

Director Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar.

DEPARTMENTAL APPEAL FOR REGULAR PROMOTION FROM  
ASSISTANT DIRECTOR (ADMN) BPS NO-17 REGULAR TO THE POST OF  
DEPUTY DIRECTOR BPS NO. 18 REGULAR (MINISTERIAL CADRE).

I have the honour to request that:-

There are 02 Assistant Directors BPS-17 posts for ministerial cadre in E&SE Department which are filled on seniority basis out of B&AO,s and therefore I am promoted and working as Assistant Director (Admn) BPS-17 regular in E&SE Department Khyber Pakhtunkhwa Peshawar and at S.No. 02 of the seniority list of Assistant Director BPS-17 regular of the ministerial cadre copies attached.

There are 02 posts of Deputy Director BPS-18 regular for ministerial cadre in E&SE Department as per service rules (copy attached) and these 02 Deputy Director BPS-18 posts of ministerial cadre are to be filled up by promotion of Assistant director BPS-17 as per attached service rules.

Promotion Policy very clearly define and allow the length of serves by including half of the service in grade 16 and one fourth in grades lower than BPS No. Gazetted as service in grade 17.(Copy attached)

As such I am due for promotion to the post of Deputy Director BPS-18 regular but my promotion case is not processing and depriving me of my legal right due to nepotism and personal like and dislike and illegally benefiting out of merit Junior most and irrelevant cadre persons.

So, I am retiring at the age of 60 years on 12.11.2015, and therefore request your honour to please process my case for promotion as Deputy Director BPS 18 regular of the ministerial cadre and oblige otherwise I will be compelled to knock the door of honorable Court please.

Thank you sir,

Your,s goodiently

*(Signature)*  
7/8/2015

(S.M.B. ULLAH)  
Assistant Director (Admn)  
E&SE Directorate Peshawar

733  
13/8/2015

*(Signature)*  
S's





GOVERNMENT OF KHYBER PAKHTUNKHWA  
 ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
 Peshawar, dated the 28<sup>th</sup> January, 2013.

**NOTIFICATION**

No SO(PE)/4-10/SSRC/Ministerial Staff/2013- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, and in supersession of all rules issued in this behalf to the extent of the Elementary and Secondary Education Department the (E&SE Department) in consultation with the Establishment Department and Finance Department hereby lays down the method of recruitment, qualifications and other conditions specified in Column 3 to 5 of the Appendix to this Notification which shall be applicable to the posts borne on the ministerial establishment in the Elementary and Secondary Education Department specified in Column No.2 of the said Appendix.

**APPENDIX -**

S. NO	NOMENCLATURE	MINIMUM QUALIFICATION AND EXPERIENCE FOR INITIAL APPOINTMENT OR BY TRANSFER	AGE LIMIT	METHOD OF RECRUITMENT (EXISTING)
1	2	3	4	5
1.	Deputy Director (Finance and Accounts) /Deputy Director (Administration) (BPS-18)			By promotion on the basis of seniority-cum-fitness from amongst the Assistant Directors (Finance and Accounts) & Assistant Directors (Administration) with at least five years service as such.
2.	Assistant Director (Finance and Accounts) / Assistant Director (Administration) (BPS-17)			By promotion on the basis of seniority cum fitness from amongst the Budget and Accounts Officers with at least two years service as such.
3.	Budget and Accounts Officer. (BPS-16)			By promotion on the basis of seniority cum fitness from amongst the Superintendents with at least two years service as such.
4.	Superintendent (BPS-16)			By promotion on the basis of seniority cum fitness amongst the holders of the posts of Assistants and Senior Scale Stenographers with at least five years service as such.
5.	Senior Scale	(i) At least Second Class Bachelor's Degree or equivalent	20 to 30	By promotion on the basis of seniority cum

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		(iii) Knowledge of Computer in using MS words and MS Excel		
6.	Assistant (BPS-14)	At least Second Class Bachelor's Degree from a recognized University	20 to 30 Years	(a) Twenty five per cent by promotion, on the basis of seniority-cum-fitness from amongst the Senior Clerks with at least five years service as such; and (b) Twenty five per cent by initial recruitment.
7.	Junior Scale Stenographers (BPS-14)	(i) Intermediate or equivalent qualifications from a recognized Board; (ii) Speed of Fifty words per minute in shorthand in English and Thirty Five words per minute in typing; and (iii) Knowledge of Computer in using MS words and MS Excel.	18 to 30 Years	By Initial recruitment
8.	Senior Clerks (BPS-09)			By promotion on the basis of seniority cum-fitness from amongst the Junior Clerks, Assistant Store Keepers and Laboratory Assistants with at least two years service as such.
9.	Junior Clerk/Assistant Store Keeper/Laboratory Assistant (BPS-07)	(i) For Junior Clerk / Assistant Store Keepers having at least Second Division in Secondary School Certificate or equivalent qualifications from a recognized Board and a speed of twenty five words per minute in typing; (ii) For Laboratory Assistants having at least Second Division in Secondary School Certificate or equivalent qualifications from a recognized Board with Science.	18 to 30 Years	(a) Thirty Three per cent by promotion, on the basis of seniority-cum-fitness from amongst the Daftaries, G/Operators, Qasids and Naib Qasids including other equivalent posts in the attached department /offices/institutions with at least Two years service as such and having qualification mentioned in column No. 3. (b) Sixty Seven per cent by initial recruitment Note: - For the purpose of promotion, there shall be maintained a joint seniority list of Daftaries, Gestetner Operators, Qasids, Naib Qasids etc. including other equivalent posts in the attached department /offices/institutions with reference to the dates of their regular appointment or acquiring Secondary School Certificate whichever is later.

13

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT**

Dated Peshawar the August 21, 2015

**NOTIFICATION**

**OSD(S/M)E&SED/4-24/2015/FSL/ AD/ BS-17:**

In exercise of powers conferred

under Sub Section (I) of Section-8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No.XVIII of 1973), the Final Seniority List of Male Assistant Director (Ministerial Staff) of Elementary & Secondary Education as it stood on 10-05-2015 is hereby notified for information of all concerned.


**Chief Secretary  
Khyber Pakhtunkhwa**

Order No. & Date:

Copy forwarded to the:

1. Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar. He is requested to circulate the final seniority list to all concerned.
2. Director, Curriculum & Teachers Education Khyber Pakhtunkhwa, Abbottabad.
3. Director, Education (FATA) Khyber Pakhtunkhwa, Peshawar.
4. All District Education Officers (Male) in Khyber Pakhtunkhwa.
5. Section Officer (Primary) E&SE Department Khyber Pakhtunkhwa.
6. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
7. In-charge EMISE E&SE Department.
8. Officer concerned.
9. Office order file

*Approved.*  
*W.S.*

  
**(MUJEEB-UR-REHMAN)  
SECTION OFFICER (SCHOOLS/MALE)**

14

**DEPARTMENT OF ELEMENTARY & SECONDARY EDUCATION GOVT OF KHYBER PAKHTUNKHWA, PESHAWAR**  
**MINISTERIAL SENIORITY LIST OF ASSISTANT DIRECTORS FINANCE & ACCOUNTS AND ASSISTANT DIRECTOR ADMN (B-17) UNDER THE DEPARTMENT OF**  
**ELEMENTARY & SECONDARY EDUCATION DEPARTMENT KHYBER PAKHTUNKHWA CORRECTED UPTO 1.09.2014**

S/#	Name of Officer	Father's Name	Place of present Posting	Academic Qualification	Date of Birth	Domicile	Date of 1st entry into Govt- Service	Regular Promotion to the Present Post read with Estab. code page 54 S.No. 03	
1	Ghulam Sarwar	Muhammad Suleman	Directorate (E&SE) Peshawar	BA	06-03-1956	Abbottabad	01-02-1979	1.09.2014	By Promotion
2	Sherullah	Khairullah	Directorate (E&SE) Peshawar	BA	13-11-1955	Mardan	20-04-1980	1.09.2014	By Promotion

**SECRETARY**  
**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

Endst.No. 4-24/2015/Se(9/M) /File No.A-23/MS.Seniory List/AD B-17 Dated Peshawar the 27/8/2015  
 Copy of the above is hereby forwarded to the:

1. Director of Curriculum & Teacher Education, Khyber Pakhtunkhwa, Abbottabad.
2. Director of Education (FATA), Peshawar.
3. Officers concerned.
3. P/S to the Secretary to the Govt. of Khyber Pakhtunkhwa, E&SE Deptt:  
 PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

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Note: - Certified that there only two posts of Assistant Directors B-17 regular for Ministerial Staff against which the above two officers have been promoted and working and the biodata/particulars shown against their names are correct and final.

*Handwritten signature*  
 Deputy Director (F&A)  
 E&SE Khyber  
 Pakhtunkhwa Peshawar

*Handwritten signature*  
 Section Officer (Primary)  
 E&SE Deptt Govt of Khyber Pakhtunkhwa

Promotion Policy

In order to consolidate the existing Promotion Policy, which is embodied in several circular letters issued in piecemeal from time to time, and to facilitate the line departments at every level in prompt processing of promotion cases of Provincial civil servants, it has been decided to issue the "North-West Frontier Province Civil Servants Promotion Policy, 2009" duly approved by the competent authority, for information and compliance by all concerned. This Policy will apply to promotions of all civil servants holding appointment on regular basis and will come into effect immediately. The Policy consists of the provisions given hereunder:-

I. Length of service.

(a) Minimum length of service for promotion to posts in various basic scales will be as under:

- Basic Scale 18 : 5 years' service in BS-17
- Basic Scale 19: 12 years' service in BS-17 & above
- Basic Scale 20: 17 years' service in BS-17 & above

No proposal for promotion shall be entertained unless the condition of the prescribed length of service is fulfilled.

(b) Service in the lower pay scales for promotion to BP-18 shall be counted as follows:

- (i) Half of the service in BS-16 and one fourth in Basic Scales lower than 16, if any, shall be counted as service in Basic Scale 17.
- (ii) Where initial recruitment takes place in Basic Scale 18 and 19, the length of service prescribed for promotion to higher Basic Scales shall be reduced as indicated below:

*[Handwritten signature]*

- Basic Scale 19 : 7 years' service in BS-18
- Basic Scale 20 : 10 years' service in BS-18 and above.  
or 3 years' service in BS-19.

II. Linking of promotion with training:

(a) Successful completion of the following trainings is mandatory for promotions of officers of the Provincial Civil Service / Provincial Management Service to various Basic Scales:

- Mid-Career Management Course at National Institute of Management (NIM) for promotion to BS-19
- Senior Management Course at National Management College, Lahore for promotion to BS-20
- National Management Course at National Management College, Lahore for promotion to BS-21

(b) This condition will not be applicable to civil servants in specialized cadres such as Doctors, Teachers, Professors, Research Scientists and incumbents of purely

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For the existing entries, in para-2, under "B - DEPARTMENTAL PROMOTION COMMITTEES", the following shall be substituted, namely:-

"The Departmental Promotion Committee shall make recommendations for appointment by promotion or transfer to posts in BPS-16 and BPS-17 and shall also assess fitness/suitability of officers for move-over from BPS-15 to BPS-16 or BPS-16 to BPS-17 or BPS-17 to BPS-18 or BPS-18 to BPS-19, as the case may be, and make its recommendations.

(Authority S&GAD Letter No.SORI(S&GAD)4-1/75(Vol.II:) dt: 27.9.1997)

Minimum length of service for eligibility for promotion to various grades.

*Attested.*  
*1-23*

Consequent on the issue of the instructions contained in the Establishment Office Memorandum No.3/7/74-AR.II, dated the 27th August,1974, calling relaxation of service limits for the purpose of promotion to various grades, the Ministries/Divisions have been referring cases for according promotion in individual cases. With a view to minimizing such references it has been decided to issue the following further instructions:-

- (i) In the case of the senior most officer to be promoted to Grade 18, half of the service in Grade 16 and one-fourth in Grades lower than 16 formerly known as non-gazatted), if any, may be counted as service in grade 17.
- (ii) Where initial recruitment takes place in grades 18 and 19 the length of service prescribed for promotion to higher grades shall be reduced as indicated below:-

For Grade 19	-	7 years in Grade 18
For Grade 20	-	10 years service in Grade 18 and above.
		or
		3 years service in Grade 19 .

Reference: Establishment Division O.M No.3/7/74-AR.II, dated 6.2.75 circulated by NWFP vide G.S.O.S.III(S&GAD)1-29/75, dated 28.2.75.

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA, PESHAWAR**

**LENGTH OF NON-GAZZETTED AND GAZZETTED SERVICE IN R/O MR. GHULAM SARWAR ASSISTANT DIRECTOR (ADMN) AND MR. SHERULLAH ASSISTANT DIRECTOR (F&A) OF THE ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR.**

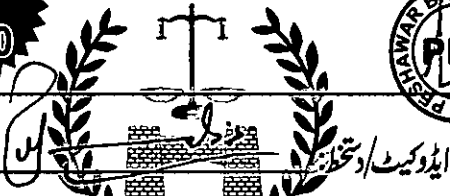
S.No.	Name	Desig:	Total Service on <b>Non-Gazetted posts</b>	Total service on <b>Gazetted posts</b>
1	Ghulam Sarwar	Assistant Director (Admn)	1.02.1979 to 21.05.1987 Senior Scale Stenographer and Supdt: (in those years these posts were non-Gazetted) 8 years 3 months	22.05.1987 to 29.10.1993 as Sr.Scl: Steno(S.G)/ASDEO (A) BPS-16 6 - 5 30.10.1993 to 31.08.2014 21 - 0 1.09.2014 to dated BPS-17 regular as Assistant Director (Admn)
<b>Total Service:</b>			<b>8 years 3 months</b>	<b>27 years &amp; 5 months</b>

S.No.	Name	Desig:	Total Service on Non-Gazetted posts	Total service on Gazetted posts
2	Sherullah	Assistant Director (F&A)	20.04.1980 to 30.06.1991 as Junior Clerk/Asstt/Supdt: (in those years these posts were non-Gazetted) 10 years 10 months	1.07.1991 to 29.10.1993 as ADEO Accounts BPS-16 2 - 3 30.10.1993 to 31.08.2014 20 - 10 As ADEO Account/B&AO BPS-17 (S.G) 1.09.2014 to dated BPS-17 regular as Assistant Director (F&A)
<b>Total Service:</b>			<b>10 years 10 months</b>	<b>23 years &amp; 1 month</b>

*[Handwritten signature]*

*[Handwritten signature]*  
Deputy Director (F&A)  
E&SE Khyber Pakhtunkhwa  
Peshawar

24751



تعمیرت  
10  
کروڑ

ایڈووکیٹ/دستخط  
بار کونسل ابار ایسوسی ایشن  
رابطہ نمبر: 5908467-0300

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: جسٹس صدیق سمر و سینیٹر ڈی ایچ بی بی سیٹھیا اور -

<p>منجانب: سینیٹر ڈی ایچ بی بی سیٹھیا -</p> 	<p>دعویٰ: مسٹر و سینیٹر ڈی ایچ بی بی سیٹھیا          علت: غلطی          مورثہ:           جرم:           تھانہ:   </p>
<b>بابت تحریر آگے</b>	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ حُماور  
 ان مقام شیبا و سینیٹر ڈی ایچ بی بی سیٹھیا کی طرف سے کی گئی ہے جو عمل مقرر  
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
 راضی نامہ کرنے و تقریر حالت و فیصلہ برعلت دینے جواب دعویٰ اقبال دعویٰ اور درخواست ازہر قسم کی تصدیق  
 زریں مدد منتظر کر کے کا اختیار ہوگا، نیز ضرورت میں پیروی یا باوجود کسی تکلیف یا اعتراض کی برآمدگی اور منسوخی، نیز  
 دائر کرنے اپیل نگرانی و پیروی کرنے کا اختیار ہوگا اور ضرورت میں مقدمہ مذکورہ کے کل یا جزوی  
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب  
 مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا سامنے ہر ذمہ منظر و قبول ہوگا دوران مقدمہ  
 میں جو خرچہ ہر جہان التوائے مقدمہ کے حساب سے ہوگا وہ وکیل موصوف وکیل کے لئے کا اختیار ہوگا کوئی تاریخ پیشی مقام  
 دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم:

الع بد \_\_\_\_\_ واہ شد \_\_\_\_\_ الع بد

مقام شیبا \_\_\_\_\_ accepted \_\_\_\_\_ کے لئے منظور ہے۔

ذیل



Service Appeal No: 1264/ 2015

**Sher Ullah Khan AD(Admn:) Directorate of Curriculum & Teachers  
Education Abbott Abad.**

....Appellant.

**VERSUS**

Secretary E&SE Department, Khyber Pakhtunkhwa & others.

.....Respondents

**JOINT PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS No: 1-3.**

Respectfully Sheweth :-

The Respondent submit as under:-

**PRELIMINARY OBJECTIONS.**

- 1 That the appellant has got no cause of action /locus standi .
- 2 That the instant Service Appeal is badly time barred.
- 3 That the appellant has concealed material facts from this Honorable Tribunal in the instant service appeal.
- 4 That the instant service appeal is based on malafide intentions.
- 5 That the appellant has not come to this Honorable Tribunal with clean hands.
- 6 That the appellant is entitled for the relief sought from this Honorable Tribunal .
- 7 That the instant Service Appeal is against the prevailing law & rules.
- 8 That the instant appeal is based on malafide intentions just to put extra pressure on the Respondents for gaining illegal service benefits.
- 9 That the appellant has been treated as per law & policy.
- 10 That the appeal is not maintainable in its present form.
- 11 That the appeal is bad for mis-joinder & non-joinder of the necessary parties.
- 12 That the instant Service Appeal is barred by law.
- 13 That the appellant is not competent to file the instant appeal against the respondents.
- 14 That the instant appeal is not maintainable in its present form.
- 15 That this Honorable Tribunal has got no jurisdictions to entertain the instant case.

**ON FACTS**

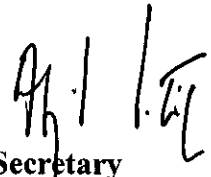
- 1 That Para-1 is incorrect & denied. The appellant has got retired from official service against the AD(Admn: ) post on completion of his 60 years of age /superannuation , hence the plea of the appellant regarding working against the Deputy Director post (Admn: ) as baseless & without any legal justification.


- 2 That Para-2 is incorrect & misleading on the grounds that there was no vacant post of Deputy Director (BPS-18) regular available for the ministerial staff of the Respondent Department upon which the appellant could be adjusted against the above mentioned post. Hence the stand of the appellant is also liable to be dismissed.
- 3 That Para-3 is also incorrect & denied. The appellant has got retired from the official service on attaining of 60 years of age on superannuation & was not entitled for the grant of promotion against the Deputy Director (Admn: ) BPS-18 under the shadow of ministerial staff, nor he has submitted any application for the grant of promotion against the above mentioned post to the Respondent Department till date.
- 4 That Para-4 is legal, the statement of the appellant is baseless as stated in Para-3 of the instant reply, hence the appeal of the appellant is liable to be dismissed on the following grounds inter alia :-

**ON GRONDS**

- A Incorrect & not admitted. The statement of the appellant is against the law, rules & policy as submitted in the foregoing Paras in the instant reply, hence the case of the appellant is of no legal force & liable to be dismissed.
- B Incorrect & not admitted .The statement of the appellant is baseless & is liable to be dismissed on the grounds that the is not entitled for the grant of promotion in BPS-18 against the Deputy Director (Admn:) post in terms of the prevailing policy of the Respondent Department.
- C Incorrect & denied. The statement of the appellant in this para is too baseless, hence liable to be rejected.
- D Incorrect and not admitted. The Respondent department has acted as per law, rules & policy in the instant case, wherein the appellant has been found unfit & even not eligible for the grant of promotion against the Deputy Director (Admn:) post in BPS-18 by the Respondents in the interest of justice.
- E Incorrect & denied. The appellant has got neither cause of action, nor he is an aggrieved person to file the instant Service Appeal before this Honorable Tribunal, hence is liable to be dismissed in favour of the Respondents.
- F Legal, the Respondents No: 1-3 seek leave of this Honorable Tribunal to submit additional grounds & case law / record at the time of arguments on main appeal on the date fixed before this Honorable Bench.

**In view of the above made submissions, it is requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favor of the Respondent Department.**

  
 16/3/2016.  
**Secretary**  
 E&SE Department Khyber  
 Pakhtunkhwa, Peshawar  
 (Respondent No:1,2)

  
**Director**  
 E&SE Department Khyber  
 Pakhtunkhwa, Peshawar.  
 (Respondent No: 3)

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

Appeal No. 1264/2015

Sherullah Khan Assistant Director (Admn) at Directorate  
E&SE KPK Peshawar.

**VERSUS**

1. The Chief Secretary of Government of Khyber Pakhtunkhwa.
2. The Secretary to Government of Khyber Pakhtunkhwa,  
E&SE Department.
3. The Director Elementary and Secondary Education, Khyber  
Pakhtunkhwa.

**APPLCIATION FOR CORRECTION IN THE**  
**DESIGNATION / ADDRESS OF THE**  
**APPELLANT AT THE VERY OUTSET AND AT**  
**PARA NO. 1 OF THE FACTS OF THE APPEAL,**  
**AS ASSISTANT DIRECTOR (ADMN) AT**  
**DIRECTORATE E&SE KPK PESHAWAR**  
**INSTEAD OF DEPUTY DIRECTOR (ADMN)**  
**DCTE KPK ABBOTTABAD BEING CLERICAL /**  
**TYPOGRAPHICAL MISTAKE.**

**RESPECTFULLY SHEWETH,**

The appellent / petitioner contends as under:-

1. That the captioned appeal is pending/ before this  
Honourable Tribunal which is fixed for 11/08/2016.

2. That inadvertently due to some clerical / typographical mistake the address and designation of the appellant in front of his name, at the very outset of the appeal and Para No. 1 of the facts is mentioned as Deputy Director (Admn) DCTE KPK Abbottabad, instead of Assistant Director (Admn) at Directorate E&SE KPK Peshawar.
3. That there is no legal bar on the correction as prayed for.

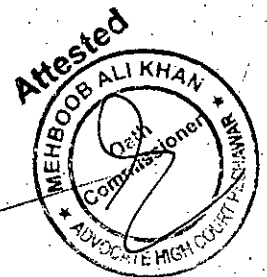
**It is very humbly prayed that on acceptance of the instant petition, the correction as prayed for may be ordered, accordingly.**

Through

Appellant



**Mehboob Ali Khan**  
Advocate, High Court,  
Peshawar.



**AFFIDAVIT**

I, Sherullah Khan Assistant Director (Admn) at Directorate E&SE KPK Peshawar, do hereby solemnly affirm and declare that the contents of my application are correct and true to the best of my knowledge and belief.



**DEPONENT**

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

Appeal No. 1264/2015

Sherullah Khan Assistant Director (Admn) at Directorate  
E&SE KPK Peshawar.

**VERSUS**

1. The Chief Secretary of Government of Khyber Pakhtunkhwa.
2. The Secretary to Government of Khyber Pakhtunkhwa,  
E&SE Department.
3. The Director Elementary and Secondary Education, Khyber  
Pakhtunkhwa.

**REJOINDER ON BEHALF OF THE APPELLANT.**

**PRELIMINARY OBJECTIONS:-**

All the preliminary objections raised by the respondents are incorrect and baseless and not in accordance with law and rules, rather the respondents are estopped to raise such objections due to their own conduct.

**ON FACTS:-**

1. Reply to Para No. 1 is incorrect, and denied. The appellant was in service and was working as Assistant Director (Admin) at Directorate Elementary and Secondary Education KPK Peshawar, and has filed this appeal during his service

and retired later on. As for as the designation is concerned, that being clerical / typographical mistake, had already been requested for correction please.

2. Reply to Para 2 is incorrect, misleading and against grounds realities and denied. Two posts of Deputy Directors BPS-18 were lying vacant from the date of its creation at Directorate of E&SE KPK Peshawar, and DCTE Abbottabad, as per service structure / rules notified vide Govt. of KPK E&SE Peshawar No. SO (PE)/4-10/SSRE/Ministerial Staff/2013 dated 28/01/2013.
3. Reply to Para 3 is also incorrect, and denied. While lodging this appeal the appellant was in service and was working as Assistant Director (Admin). The appellant was entitled for promotion as Deputy Director (F&A) BPS-18 as per service rules notified vide Govt. of KPK E&SE Department No. SO (PE) 4-10/SSRC/Ministerial Staff/2013 dated 28/01/2013. Furthermore, the appellant had applied through departmental appeal dated 07/08/2015 vide Dairy No. 733 dated 13/08/2015.
4. In reply to Para 4, the respondents department has admitted Para 4 of the appellant as "Legal" meaning that departmental appeal was filed by the appellant on 07/08/2015 duly diaried vide No. 733 dated 13/08/2015 which was not accepted to within 90

days. So far as the Para 3 of the appeal is concerned, the same is legal and based on factual grounds. As such reply of the respondent department is incorrect and denied being baseless.

**GROUNDS:-**

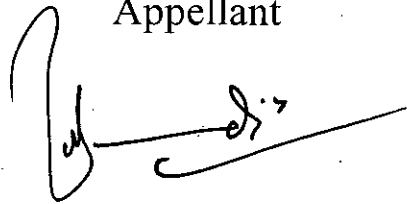
- A. Reply to ground A is incorrect and denied. The statement of the appellant is based on legal and factual grounds / policy and liable to be honoured by this Honourable Tribunal please.
- B. Reply to Ground B is also incorrect and denied. The appellant as per policy / rules is exactly/legally entitled for the grant of promotion as Deputy Director BPS-18 in term of prevailing policy of the respondents department.
- C. Reply to ground C is too incorrect and based on malafide hence denied.
- D. Reply to ground D is totally baseless, incorrect and denied. The respondent department has not acted as per law rules, policy in the instant case. Moreover, no departmental promotion committee, DPC/PSB has been arranged inspite of repeated requests of the appellant, what to talk of about the un-fit or non-eligibility of the appellant for the grant of promotion as Deputy Director BPS-18.

E. Reply to Ground E is equally incorrect and denied being baseless. Furthermore the appellant being exactly the aggrieved person has the right for filing the instant appeal, as such appeal of the appellant is liable to be accepted by this Honourable Tribunal please.

F. The appellant seek leave of this Honourable Tribunal to submit additional grounds and case law / record at the time of arguments on main appeal please.

**In view of the above submissions, it is prayed that this Honourable Tribunal may very kindly be pleased to accept the appeal of the appellant, directing the respondent to promote the appellant as Deputy Director (F&A) BPS-18 with all back benefits. Any other remedy/benefits which this Honourable Court deem fit in the interest of justice may be granted to the petitioner.**

Through

Appellant  


**Mehboob Ali Khan (Dagai)**  
Advocate, High Court, Peshawar.

**AFFIDAVIT**

I, Sherullah Khan Assistant Director (Admn) at Directorate E&SE KPK Peshawar, do hereby solemnly affirm and declare that the contents of instant REJOINER are correct and true to the best of my knowledge and belief.



**DEPONENT**



BEFORE THE HONOURABLE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR.

*Sherullah ...Vs.... Secretary Education*

APPLICATION FOR ADJOURNMENT.

Respectfully Sheweth:

1. That the captioned appeal is pending before this Hon'ble Tribunal which is fixed for 15.3.2017.
2. That counsel for appellant will be busy at Abbottabad Bench Abbottabad on the said date.

It is requested that proceedings in the captioned appeal may be adjourned to some other convenient date.

*Appellant*

Through:

*Mehboob Ali Khan Dagsai*

Dated: -13-3-2017.

(Mehboob Ali Khan Dagsai),  
Advocate High Court, Peshawar

بعدالت جناب KPR کوئی ٹریبونل لیٹاور

Appel No 1264/2015

2018ء منجانب ایڈوائس  
بنام امجد الحسن

شہداء اللہ خان

مورخہ  
مقدمہ  
دعویٰ  
جرم

### باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام لیٹاور کیلئے عباد الرحمن عثمان خان محمدی کفرارہ ایڈوائس لیٹاور

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زر میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے  
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے  
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
گے۔ کہ پیروی مذکور کریں۔ لہذا کالت نامہ لکھ دیا کہ سندر ہے۔

2018ء

ماہ جولائی

10

الرقوم

الع د گ و الع

مقام لیٹاور کے لئے منظور ہے۔

عدنان

شہداء اللہ خان (ایڈوائس)