


FORM OF ORDERSHEET

Court of _____

Misc. application No. 316/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	18/05/2023	<p>The Misc. application in appeal no. 537/2023 submitted today by Noor Muhammad Khattak Advocate. It is fixed for hearing before Single Bench at Peshawar on _____ . Original file be requisitioned.</p> <p>By the order of Chairman  For REGISTRAR</p>

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

Misc. Application No. 316/2023

CM NO. _____/2023

IN

APPEAL NO. 537/2023

NIAMAT ALI VS GOVT.OF KPK

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APPELLANT/APPLICANT

Through:


NOOR MOHAMMAD KHATTAK,
ADVOCATE
SUPREME COURT OF PAKISTAN

-1-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR
Misc. Application No. 316/2023
C.M. NO. _____/2023

IN
APPEAL NO. 537/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5431
Dated 18/5/2023

Mr. Niamat Ali, CT (BPS-15),
GHSS Malakkhel, Kotkay District Shangla..... **Appellant/Applicant**

VS

- 1- The Secretary Elementary and Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer, District Shangla.
- 4- Khair ur Rehman, Certified Teacher GMS Bazar Kot District Shangla.
- 5- Jamshid Ali Certified Teacher GMS, District Shangla.
- 6- Sohrab khan Certified Teacher GMS, District Shangla.
- 7- Bahkt Zaman, Certified Teacher GMS Martoba, District Shangla.
- 8- Muhammad Nabi Certified Teacher GMS Towa, District Shangla.

..... **RESPONDENTS**

APPLICATION FOR RESTRAINING THE RESPONDENTS NOT TO PROMOTE THE PRIVATE RESPONDENTS ON THE BASIS OF IMPUGNED SENIORITY LIST TILL THE DISPOSAL OF THE MENTIONED APPEAL.

R.SHEWETH:

1. That, the above mentioned appeal is pending adjudication before this honorable Tribunal which is fixed for 14.06.2023.
2. That the applicant had filed the titled appeal against the impugned seniority list dated 20.09.2022 wherein notice had been issued to the respondents.
3. That on the basis of impugned seniority list the official respondents are promoting the private respondents who are juniors to the appellant/applicant and if they were promoted the valuable rights of the appellant would at stake. Copy of the documents are attached as annexure**A.**
4. That, all the three ingredients required for grant of stay are in favor of the appellant.

5. That, any other ground would be taken at the time of arguments with prior permission of this Honorable Tribunal.

It is therefore, most humbly prayed that on acceptance of this application the respondents may kindly be restrained from promoting the private respondents to the post of SCT (BPS-16) till the disposal of the instant service appeal.

Dated: 16.05.2023


APPELLANT/APPLICANT
NIAMAT ALI

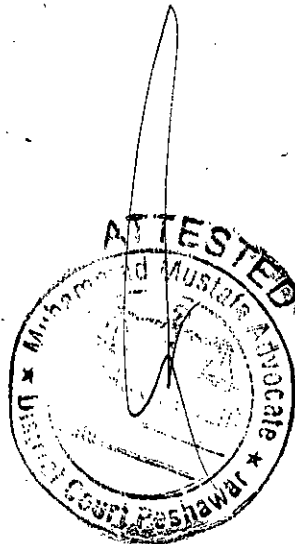
THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE, SUPREME COURT

AFFIDAVIT

I **Niamat Ali** S/o Ahmad Ali R/o Kotkay Shangla, do hereby solemnly affirm that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.


DEPONENT





"A" - 3-

Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

No: 4350-4406 F.No Promotion of CT, etc TO SCT/Estab-I M.

Dated: Peshawar the ___/05/2023.

To

All District Education Officers (M/F)
Khyber Pakhtunkhwa

Subject:- DPC/PRE-DPC MEETING FOR THE PROMOTION OF CL, AT, TT & DM (BPS-15) TO THE POST OF SCT, SAT, STT & SDM (BPS-16)

I am directed to refer to the subject noted above and to ask you that a meeting of the Departmental Promotion Committee has been scheduled to be held on 14-06-2023 in this directorate for the promotion of subject matter.

I am, further, directed to ask you to attend the Pre-DPC Meetings as per the following schedule along with Personal files, working papers, final seniority list of all Cadres and relevant documents.

S No	Date	Day	Name of District
1	05-06-2023	Monday	1. Abbottabad 2. Haripur 3. Battagram 4. Shangla.
2	06-06-2023	Tuesday	1. Manshera 2. Kolai Pallas 3. Kohistan Lower 4. Kohistan Upper 5. Tor Ghar
3	07-06-2023	Wednesday	1. Buner 2. Swabi 3. Nowshera 4. Malakand 5. Charsadda
4	08-06-2023	Thursday	1. Dir Upper 2. Dir Lower 3. Swat 4. Chitral Upper 5. Chitral Lower
5	09-06-2023	Friday	1. Peshawar 2. D.I Khan 3. Tank 4. Karak 5. Kohat
6.	12-06-2023	Monday	1. Hangu 2. Lakki Marwat 3. Bannu 4. Mardan

Furthermore, after completion of Pre-DPC meetings, all DEOs are requested to attend the final meeting of Departmental Promotion Committee on 14-06-2023

15/5/23
Assistant Director (Estab-I, M)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.

Endst: No. _____ /

Copy forwarded to the:-

1. Deputy Secretary/SO(PE) E&SE Khyber Pakhtunkhwa with the request to attend the DPC Meeting on 14-06-2023, Please.
2. P.A to Director E&SE Khyber Pakhtunkhwa.
3. Master File.

Attended

Assistant Director (Estab-I, M)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.



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

No. 3666-70 / F.No.03/DSC/DPC/Vol-01/Estab-1
Dated Peshawar the 05-05-2023


MOST URGENT

To
All District Education Officers
(Male & Female) Khyber Pakhtunkhwa

Subject: **INSTRUCTIONS REGARDING PROCESSING OF PROMOTION CASES
& HOLDING OF THE MEETING OF DPC/PSB**

Memo:

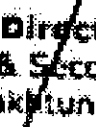
I am directed to refer to the subject cited above and to enclose herewith a copy of letter received from Section Officer (Management Cadre) vide No. SO(MC)/E&SED/2-3/2023/Promotion/Misc Dated: 05-05-2023 on the subject cited above along with self-explanatory letter of Section Officer (Policy) vide No. SO (Policy)/E&AD/2-3/General Dated: 04-04-2023, for further necessary action under the rules/policy please.


Assistant Director (Estab-1)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

Encls: No. _____

Copy forwarded to the: -

1. Section Officer (Management Cadre) w/r to his letter No. & Date as cited above.
2. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. PA to Additional Director (Female) Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. PA to Additional Director (Admin) Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
5. PA to Additional Director (NMDs) Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.


Assistant Director (Estab-1)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

Attested
14



4 B

5-5-

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

SERVICE APPEAL NO. 537 /2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 4012

Dated 2/3/2023

Mr. Niamat Ali, CT (BPS-15),
GHSS Malakkhel, Kotkay District Shangla.

..... APPELLANT

VERSUS

- 1- The Secretary Elementary and Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer, District Shangla.
- 4- Khair ur Rehman, Certified Teacher GMS Bazar Kot District Shangla.
- 5- Jamshid Ali Certified Teacher GMS, District Shangla.
- 6- Sohrab khan Certified Teacher GMS, District Shangla.
- 7- Bahkt Zaman, Certified Teacher GMS Martoba, District Shangla.
- 8- Muhammad Nabi Certified Teacher GMS Towa, District Shangla.

..... RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED SENIORITY LIST DATED 20.09.2022 WHERBY THE APPELANT HAS WRONGLY BEEN PLACED JUNIOR TO THE PRIVATE RESPONDENTS AND THE INACTION OF THE RESPONDENT DEPARTMENT BY NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal, the respondents may kindly be directed to modify/rectify the seniority list by placing appellant at his due position. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

Filed to day
Registrar
2/3/2023

R/SHEWETH:
ON FACTS:

Brief facts giving rise to the present appeal are as

under:-

ATTESTED

- 1- That the appellant was initially appointed as PTC on the basis of open merit vide order endorsement NO.3097-3167 dated 24-06-1997 through proper selection. Copy of the Appointment Order is attached as Annexure

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

A.

- 6 - 7 -

FORM OF ORDER SHEET

Court of _____

Case No. 537/2023



No. _____ Date of order proceedings _____

Order or other proceedings with signature of judge

19/03/2023

The appeal of Mr. Naimat Ali resubmitted today by Mr. Noor Muhammad Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 16-3-23. Parcha Peshi is given to appellant/counsel for the date fixed.

By the order of Chairman

REGISTRAR

16.03.2023

Learned counsel for the appellant present and requested for adjournment on the ground that he has not made preparation of the brief. Adjourned. To come up for preliminary hearing on 09.05.2023 before S.B. P.P given to learned counsel for the appellant.

(Muhammad Akbar Khan)
Member (E)

Certified to be true copy

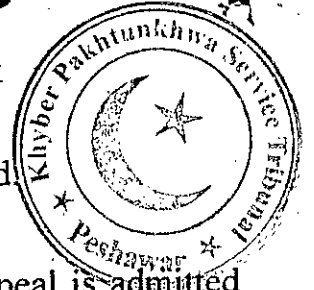
REGISTRAR
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

SCANNED
AT
Peshawar

09.05.2023

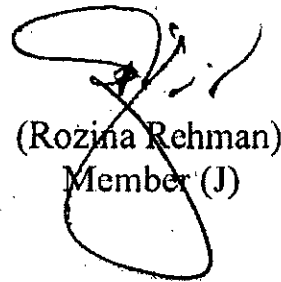
-7-8-
Appellant present through counsel.

Preliminary arguments heard. Record perused.



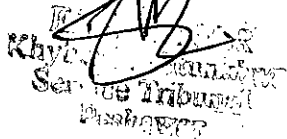
Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for reply/comments. To come up reply/comments on 15.06.2023 before S.B. Parcha Peshi given to the appellant.

Annexed with the memo of appeal is an application for restraining the respondents not to promote private respondents on the basis of impugned seniority list till the disposal of instant appeal. Notice of this application be issued to respondents.


(Rozina Rehman)
Member (J)

Original to the court copy

Mutazem Shah


Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 18/5/23
Number of Words Page 3
Copying Fee 15/-
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Date of _____ 18/5/23
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