

28th March, 2023

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. Last opportunity given. To come up for arguments on 26.05.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
K. S. T.
Peshawar



(Salah-ud-Din)
Member (J)



(Kalim Arshad Khan)
Chairman

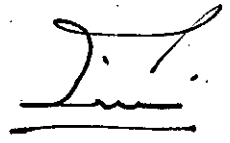
01.06.2022

Learned counsel for the appellant present. Mr. Riaz Khan Painsdakhel, Assistant Advocate General alongwith Mr. Hayat Khan A.D for the respondents present.

Learned Assistant Advocate General requested for adjournment on the ground that the brief of the instant appeal was handed over to him very late, therefore, he could not make preparation for arguments. Adjourned. Last opportunity granted. To come up for arguments on 08.08.2022 before D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

8.8.2022

Due to the Public Holiday the case is adjourned to 8-11-22



Reader

08.11.2022

Clerk of counsel for the appellant present.

Naseer Ud Din Shah learned Assistant Advocate General for the respondents present.

Former requested for adjournment on the ground that learned counsel for the appellant is busy in hon'ble Peshawar High Court. Last chance is given. To come up for arguments on 26.12.2022 before D.B.



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)

26-12-2022

Due to winter vacation, the case is adjourned to 28-3-22 before the same.




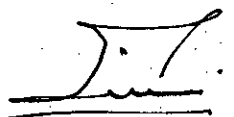
Reader

31.08.2021

Mr. Noor Muhammad Khattak, Advocate for the appellant present and submitted fresh Wakalat Nama on behalf of the appellant, which is placed on file. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has been engaged today and not gone through the record. Adjourned. To come up for arguments before the D.B on 20.10.2021. Appellant is directed to submit member copy on or before the date fixed.


(ATIQU UR REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)


20.10.2021

Junior to counsel for appellant present.

Muhammad Rasheed learned Deputy District Attorney for respondents present.

Former made a request for adjournment as senior counsel is not available today. Opportunity is granted. To come up for arguments on 01.12.2021 before D.B.


(Atiq-Ur-Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

01.12.2021 Due to non-availability of DB, the case is adjourned to 08-02-2022.

8-2-2022

Due to retirement of the Honorable Chairman the case is adjourned to come up for the same as before on 1-6-2022


Reader

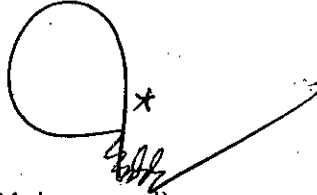

Reader

15.03.2021

Appellant in person and Mr. Muhammad Rashid, DDA
for the respondents present.

Former requests for adjournment as his learned counsel
is engaged before the Hon'able Peshawar High Court,
Peshawar today.

Adjourned to 29.04.2021 before D.B.



(Mian Muhammad)
Member(E)



Chairman

29-4-21

*Due to COVID-19, the case is adjourned
to 31-8-2021 for the same.*

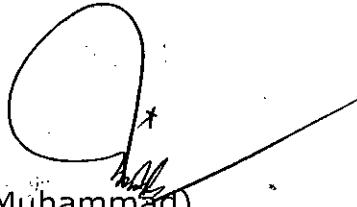


Chairman

20.10.2020

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

Arguments have been heard and the issues requiring resolution have not been addressed requiring further deliberation and arguments and since the Members of the High Court as well as of the District Bar Association Peshawar are observing strike today therefore, the case is adjourned to 10-12-2020 on which to come up for re-arguments before D.B.



(Mian Muhammad)
Member (Executive)



(Muhammad Jamal Khan)
Member (Judicial)

10.12.2020

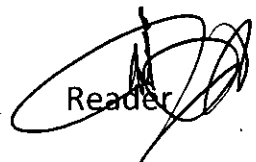
Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General, for the respondents is also present. Due to COVID-19, the case is adjourned to 08.02.2021 before D.B.



READER

08.02.2021

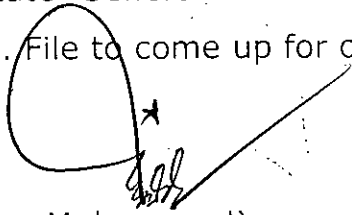
Due to pandemic of Covid-19, the case is adjourned to 14.02.2021 for the same.

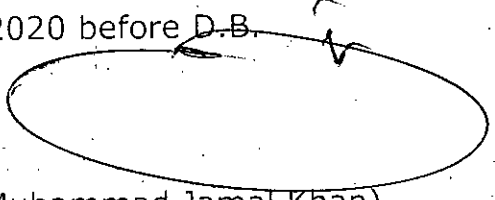


Reader

21.09.2020

Appellant himself alongwith Mr. Muhammad Asif Yousafzai, Advocate are present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents is also present. Arguments heard. File to come up for order on 01.10.2020 before D.B.

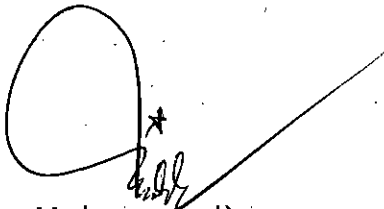

(Mian Muhammad)
Member (Executive)

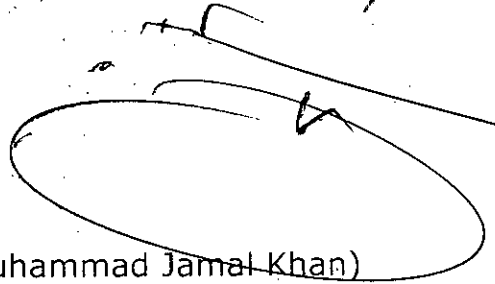

(Muhammad Jamal Khan)
Member (Judicial)

01.10.2020

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

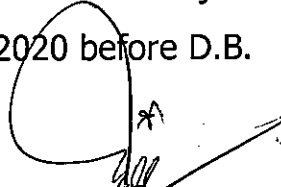
Although arguments of the learned counsel have been heard and gone through the record however, there are issues requiring explanation, deliberation and further consideration, therefore, the case is adjourned for resolutions of the issues involved. To come up for order on 20.10.2020 before D.B.


(Mian Muhammad)
Member (Executive)


(Muhammad Jamal Khan)
Member (Judicial)

17.02.2020

Counsel for the appellant present. Addl: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned To come up for arguments on 31.03.2020 before D.B.




Member



Member

31.03.2020

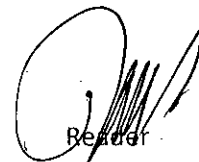
Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 23.06.2020 before D.B.



Reader

23.06.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 21.09.2020 before D.B.




Reader

24.10.2019

Appellant in person and Mr. Ziaullah, Deputy District Attorney for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned to 10.12.2019 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

10.12.2019

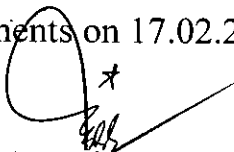
Lawyers are on strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up for further proceedings/arguments on 13.02.2020 before D.B.


Member


Member

13.02.2020

Junior to counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney present. Junior to counsel for the appellant seeks adjournment as senior learned counsel for the appellant is not available. Adjourned by way of last chance. To come up for arguments on 17.02.2020 before D.B.


Member


Member

03.05.2019

Appellant alongwith his counsel and Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned to 18.06.2019 for arguments before D.B.

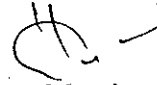

(AHMAD HASSAN)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

18.06.2019

Junior to learned counsel for the appellant present. Mr. Riaz Painsa Kheil learned Assistant Advocate General present. Junior to counsel for the appellant seeks adjournment as senior learned counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 07.08.2019 before D.B.


Member


Member

07.08.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Learned counsel for the appellant submitted additional documents and seeks adjournment. Adjourned by way of last chance. To come up for arguments on 24.10.2019 before D.B.


Member


Member

26.10.2018

Due to retirement of Hon'able Chairman, the Tribunal is defunct. Therefore, the case is adjourned for the same on 11.12.2018 before D.B.


Reader

11.12.2018

None for the appellant present. Mr. Ziaullah, DDA for respondents present. Adjourned. To come up for arguments on 31.01.2019 before D.B.


Member


Member

31.01.2019

Junior to counsel for the appellant and Mr. Usman Ghani learned District Attorney present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 19.03.2019 before D.B.


Member


Member

19.03.2019

Counsel for the appellant and Mr. Ziaullah, DDA for respondents present.

Learned counsel for the appellant requests for a date falling on Friday in order to ensure the availability of learned senior counsel for the appellant.

Adjourned to 03.05.2019 before D.B.


Member


Chairman

06.04.2018

Counsel for the appellant and Addl: AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned: To come up for arguments on 11.06.2018 before D.B.



(Ahmad Hassan)
Member


(M. Hamid Mughal)
Member

11.06.2018


Learned counsel for the appellant and Mr. Zia Ullah, learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 30.07.2018 before D.B



(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

30.07.2018

Appellant absent. Learned counsel for the appellant is also absent. However, junior counsel for the appellant present and requested for adjournment. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Adjourned. To come up for arguments on 20.09.2018 before D.B.


(Ahmad Hassan)
Member (E)


(Muhammad Hamid Mughal)
Member (J)

20.09.2018


Since ~~20~~ September 2018 has been declared as public holiday on account of Muharam Ul Haram. Therefore, the case is adjourned. To come up for the same on

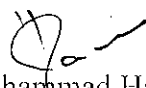
26-10-2018


Reader

17.10.2017

Clerk of the counsel for appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General for the respondents present. Clerk of the counsel for appellant seeks adjournment due to non availability of his senior counsel. Adjourn. To come up for arguments on 26.12.2017 before D.B.


(Ahmad Hassan)
Member (E)


(Muhammad Hamid Mughal)
Member (J)

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 16.02.2018 before the D.B.

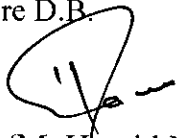

Member


Chairman

16.02.2018

Counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 06.04.2018 before D.B.


(Ahmad Hassan)
Member(E)


(M. Hamid Mughal)
Member(J)

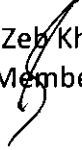
21.03.2017

Appellant in person and Mr. Muhammad Jan, GP for respondents present. Due to non-availability of D.B arguments could not be heard. Adjourned. To come up for arguments on 20.07.2017 before D.B.


Chairman

20.07.2017

Appellant in person present. Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 08.09.2017 before D.B.


(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

8/9/2017

Agent to counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Arguments could not be heard due to non-availability of DB. To come up for arguments on 17/10/2017 before DB.


(Muhammad Hamid Mughal)
MEMBER

12.07.2016

Counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Rejoinder submitted copy of which is handed over to the learned GP. To come up for arguments on 27.10.2016.



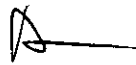
Member



Member

27.10.2016

Appellant with counsel and Mr. Hameed ur Rehman, AD(Lit) alongwith Mr. Muhammad Jan, GP for respondents present. Counsel for the appellant requested for adjournment. Adjournment granted. To come up for arguments on 01.03.2017.



(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

01.03.2017

Appellant with counsel and Mr. Daud Jan, Superintendent alongwith Mr. Muhammad Jan, Government Pleader for respondents present. Learned counsel for appellant requested for adjournment. Adjournment granted. To come up for arguments on 21.03.2017 before D.B.



(AHMAD HASSAN)
MEMBER



(ASHFAQUE TAJ)
MEMBER

6

30.09.2015

None present for appellant. Mr. Khurshid Khan, SO alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 2.12.2015 before S.B.


Chairman

02.12.2015

Appellant with counsel, M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Addl: A.G for respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. Last opportunity is extended subject to payment of cost of Rs. 500/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost on 28.3.2016 before S.B.


Chairman

28.03.2016

Counsel for the appellant, M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Assistant AG for respondents present. Written reply submitted. Cost of Rs. 500/- paid and receipt thereof obtained. The appeal is assigned to D.B for rejoinder and final hearing for 12.7.2016.


Chairman

3.
Reader Note:

30.12.2014

Clerk of counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned 11.03.2015 for the same.

SCANNED
KPST
Peshawar


Reader

11.03.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was entitled to be considered for promotion to the office of Superintendent (BPS-16) but vide impugned order dated 28.05.2014 he was posted as Senior Scale Stenographer(BPS-16) which order was challenged in the departmental appeal on 17.06.2014 which remained un-responded and hence the present service appeal on 15.10.2014.

Appellate Court
Security - Process Fee



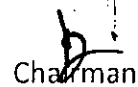
Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 25.06.2015 before S.B.


Chairman

5

25.06.2015

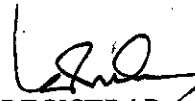

Counsel for the appellant and Mr. Khurshid Khan, SO for respondent No. 1 alongwith Addl: A.G for all respondents present. Requested for adjournment. To come up for written reply/comments on 30.9.2015 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1235/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	15/10/2014	<p>The appeal of Mr. Murtaza Khan presented today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	21-10-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>30-12-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1235 OF ²⁰¹⁴~~2021~~

Murtoza Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

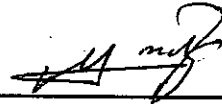
Education Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Murtoza Khan

Do hereby appoint and constitute **NOOR MUHAMMAD KHATTAK, 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 cost. 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.

Dated. ___/___/2021



CLIENT

ACCEPTED

NOOR MUHAMMAD KHATTAK


KAMRAN KHAN


SAID KHAN


UMAR FAROOQ MOHMAND


&
HAIDER KHAN
ADVOCATE

OFFICE:

Flat No.4, 2ND Floor,
Juma Khan plaza near
FATA secretariat, warsak road
Peshawar City.
Mobile No.0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

1235/14

Appeal No. 290/2014.

Mr. Murtaza Khan

V/S

Education Department.

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S.No.	Documents.	Annexure	Page No.
1.	Memo of Appeal.		01-05.
2.	Copy of Circular (03.11.1983).	-A-	06
3.	Copy of Rules.	-B-	07-09
4.	Copy of Tribunal Judgment (20.5.2006).	-C-	10-18
5.	Copy of Supreme Courts Judgment (20.10.2006)	-D-	19-22
6.	Copy of Tribunal's Judgment (15.01.2007)	-E-	23-29
7.	Copy of Supreme Court's Judgment (9.4.2009)	-F-	30-31
8.	Copy of letter (27.6.2011)	-G-	32
9.	Copy of order (13.07.2011)	-H-	33
10.	Copy of Joint Appeal.	-I-	34-35
11.	Copy of High Court Order dated 27.6.2012	-J-	36-37
12.	Copy of order sheet (06.11.2012)	-K-	38
13.	Copy of order (26.11.2012)	-L-	39-41
14.	Copy of Appeal.	-M-	42-46
15.	Copy Service Appeal No. 754/2013	-M-I-	47-52
16.	Copy of order (28.05.2014)	-N-	53
17.	Copy of appeal.	-O-	54-55.
18.	Copy of Promotion orders	-P-	56-70.
19.	Copy of letter (10.07.2012)	-Q-	71
20.	Copy of letter (12.07.2012)	-R-	72
21.	Copy of Seniority List of Higher Education.	-S-	73-77.
22.	Copy of Rules (12.9.2003).	-T-	78-79
23.	Copy of Technical Education Rules.	-U-	80-85.
24.	Wakalat Nama		86.

APPELLANT

Murtaza Khan.

THROUGH :

(M. ASIF YOUSAFZAI).
ADVOCATE, PESHAWAR.

12 SAM-965

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 1235 /2014

Murtaza Khan, Stenographer,
GATTTC Gul Bahar Peshawar City.....Appellant.

VERSUS

- 1- The Secretary Education (E&SE), KPK Peshawar.
- 2- The Secretary Establishment & Admin: KPK Peshawar.
- 3- The Director Education (E&SE) KPK Peshawar.
- 4- The Director Curriculum & Teacher Education Abbottabad.

.....Respondents.

APPEAL UNDER SECTION 4 OF THE KPK
SERVICE TRIBUNALS ACT 1974 AGAINST
THE ORDER DATED. 28.05.2014 PASSED
BY RESPONDENT NO.3 AND AGAINST NOT
TAKING ANY ACTION ON THE
DEPARTMENTAL APPEAL OF THE
APPELLANT WITHIN STATUTORY PERIOD.

PRAYER:

That on acceptance of this appeal the order dated. 28.05.2014 may be set-aside and the respondents may be directed to consider the appellant for promotion to superintendant cadre from his due date by maintaining joint seniority list of Office Asstt; and Stenographers for the purpose of promotion to the post of Superintendent in light of Respondent No.2 letter dated. 27.6.2011 and 10.7.2012. Rules of 1978 and Supreme Court's judgment reported as 2012 PLC(CS) 1285 with all back and consequential

benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of appellant.

R.SHEWETH.

- 1- That the appellant joined the Education Deptt; in the year 1987 as Stenographer in BPS-12. The appellant since then has been performing his duties with devotion and honesty and there are no complaints against the appellant what so ever. This means the appellant has more than 26 years service at his credit with good record throughout.
- 2- That it is also worth to mention here that the Finance Deptt: vide its Circular dated. 3.11.1983 had re-designated the posts of Steno Typist/ Junior Scale Stenographers Grade-II and Junior Scale Stenographers Grade-I as Stenographers and placed in BPS-12, w.e.from 1.7.1983. Copy of the Circular is attached as Annexure – A.
- 3- That as the respondent No.3 office was not following the Rules of 1978 in its true sense due to which neither the appellant nor any other steno grapher has been promoted as superintendant despite the fact the service length of the stenographers was much longer than that of Office Asstt: Thus the stenographers were kept deprived from the benefits of promotion for long long period. Copy of rules of 1978 is attached as Annexure – B.
- 4- That due to above discrepancies the appellant along with some other Stenographers filed a service appeal bearing NO.824/2004 in this august Tribunal. The august Tribunal finally accepted the appeal on 20.5.2006 with the directions to the respondents to amend the Rules in light of Finance Deptt; Circular dated: 3.11.1983 within three months. Copy of the judgment is attached as Annexure – C.
- 5- That against that judgment, the affectees went in appeal before the Supreme Court and the august Supreme Court 20.10.2006 remanded the appeals back to the Service Tribunal for decision afresh on merits. Copy of the judgment is attached as Annexure – D.
- 6- That the tribunal again decided the appeals on 15.1.2007 and dismissed the appeals. The appellant went in appeal before the august Supreme Court of Pakistan against the judgment of the Tribunal and the august Supreme Court of Pakistan granted leave to appeal on 9.4.2009. Copies of the judgments are attached as Annexure – E & F.

- 7- That during the pendency of appeal before the august Supreme Court, the Establishment Deptt: took a serious view about the misconceptions of the Deptts; and the said letter was also sent to the Higher Education Deptt: in which it was clearly mentioned that "the Deptt: is required to prepare joint seniority lists of Asstt: and stenographers from the date of regular appointments and disciplinary action should be taken against those responsible for failure to implement the decision taken in meeting dated. 5.3.2008." Thus in light of above Circular of the Establishment Deptt; the appeal of the appellant before the august Supreme Court was not pressed and the appeal were dismissed on 13.7.2011. Copies of letter and order are attached as Annexure – G & H.
- 8- That as the Education Deptt; was not resolving the issue in light of establishment letter, mentioned above, despite of proper appeal, therefore, the appellant and his colleague stenographers filed a writ petition No.1387-P/2012 in the august High Court, Peshawar. The said writ petition was heard on 27.6.2012 and the respondent Deptt; was directed to decide the joint application of the petitioners in light of establishment Circular within one month. Copies of appeal and order are attached as Annexure – I & J.
- 9- That even then the respondent Deptt: was not deciding the above mentioned application, therefore , the appellant gain filed contempt of court petition in the august High Court and on 6.11.2012 august High Court again directed the respondent Deptt: to decide the joint application in light of Establishment Deptt; Circular within one month positively. There after the respondent No.3 passed the impugned order on 26.11.2012 which was communicated to appellant on 6.12.2012 by the respondent No.3. The appellant forth with filed departmental appeal on 2.1.2013 against the order dated. 26.11.2012 and waited for statutory period but no reply has been received by the appellant so far. Thus against that attitude of the respondents the appeal No. 754/2013 is subjudice before this august Tribunal. Copies of orders, appeal and service appeal are attached as Annexure – K, L,M.& M-1.
- 10- That despite the pendency. The appellant has wrongly been promoted in violation of Rules of 1978 as Sr. Scale Stenographer BPS-16 in a wrong cadre and to damage his cause in appeal No. 754/2013, vide order dated. 28.5.2014 despite the fact that the appellant has already been in BPS-16 since 2011. However the appellant filed departmental appeal on 17.06.2014 and waited for statutory period but no reply has been received to appellant so far. Copies of order and appeal are attached as Annexure – N, O.

- 11- That now the appellant comes to this august Tribunal on the following grounds amongst the others.

GROUND:

- A- That the order dated. 28.05.2014. of respondent No.3 and not taking any action on the appeal of appellant within statutory period is against the law, Rules norms of justice and material on record.
- B- That the appellant has not been given his due right according to Rules of 1978 and in light of judgment of Apex Court reported as 2012 PLC(CS) 1285, because the appellant has his due right in accordance with Rules of 1978, when junior to him Office Asstts: were promoted as superintendants in violation of principles of seniority as evident from Annexure – Q & R with the appeal.
- C- That the respondents have promoted more than 226 junior Office Asstts; under wrong interpretation of Rules of 1978 due to which the whole career of the appellant has been suffered by keeping him deprive from promotion to the superintendants cadre. Copies of the orders are attached as Annexure – P-1 to _____.
- D- That the post of Superintendent is required to be filled in by promotion from amongst the Office Asstts;/Head Clerk/Stenographers on joint seniority basis. Therefore the respondents are legally bound to prepare joint seniority list if Office Asstts: & Stenographers from the date of their regular appointments.
- E- That the respondent Education Deptt: was also directed by the Establishment Deptt: to finalize the issue in light of earlier Circular dated. 27.6.2012 but even then the respondent Education Deptt; is not doing his legal duty and is continuously keeping deprive the appellant from his rights and benefits of promotion. Copy of the letter is attached as Annexure – Q & R.
- F- That it is also worth to mention here that the Director Education E&SE is so adamant that despite of the directions of Establishment Deptt; and the Secretary of The Deptt; not following the rules and continuously keeping the appellant deprived from his legal rights of promotion for which he is waiting for the last 26 years.
- G- That he appellant has been working as Stenographer for the last more than 26 years has not been given any promotion till date due to improper

exercise of rules by the respondents department.

- H- That the appellant has not been treated according to law and rules because in the rules the word stenographer is mentioned for promotion to the post of superintendent but the respondents are not considering the appellant for promotion.
- I- That even the stenographers are kept deprive from the benefits of promotion to the post of superintendent because the respondent department has promoted 226 Office Asstt; during the short period and erroneously included the Sr. Scale Stenographer (B-16) with the Asstt; instead of Stenographers who are actually mentioned in the rules.
- J- That the attitude and conduct of the respondents is also in violation of the Rule-17 of the APT Rules, 1989 which amounts to an arbitrary act on the part of the respondents.
- K- That the conduct of the respondents department is also discriminatory because in all other line departments such as Sport, Higher Education , Tech; Education etc prepare joint seniority list of office assistant and stenographers on the basis of date of regular appointment/promotion whereas no such practice has been adopted by the respondent department. Copies of the rules are attached as Annexure – S, T & U.
- L- That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

APPELLANT

 MURTAZA KHAN

THROUGH:

(M. ASIF YOUSAFZAI)
 ADVOCATE,

COPY OF LETTER NO.FD(SR-I) 1-67/82-II Dated 3-11-1983 from the Secretary to Govt of NWFP Finance Department Peshawar address to all the Admn Secretaries all Head of Attached Department & others .

Subject:- A SCHEME OF BASIC SCALES AND FRANGE BENIFITIES OF PROVINCIAL CIVIL SERVANTS (1983)

I am directed to refer to the post of Stenographers (S.No.1 &2) under the heading "Government Department, and Organizations" and "Secretariat Department" in annexure-II (page-4) of Finance Department's Circular letter No.FD (SR-I) 1-67/82, dated 25 August 1983 and to say that consequent upon the award of BS-12 to Steno Typist/ Junior Scale Stenographer Grade-II and Junior Scale Stenographer Grade-I with effect from 01-07-1983, It is has been decided to REDESIGNATE all these posts as "STENOGRAPHER" with effect from the same date.

2- It has also been decided to merge the posts of Senior Scale Stenographers mentioned as S.No.3 under the heading "Secretariat Department" of the mentioned annexure with the posts of PERSONAL ASSISTANTS and to allow Selection Grade-16 at 25% of their combined strength with effect from 1st July 1983. While working out the Selection Grade posts at the combined strength the number of existing posts of Private Secretaries in BS-16 shall also be accounted for.

3- Annexure- II to this Departments circular letter No.FD (SR-I) 1-67/82, dated 24-8-1983 may kindly be amended accordingly.

Your obedient servant

Sd-----
Muhammad Amin
Additional Finance Secretary-I
Govt: of NWFP Finance Department

Endst:No.as above.

Copy forwarded for information to:

1-3, All concerned.

Sd-----
Muhammad Siddique Khattak
Deputy Secretary-(Regulation)
Govt: of NWFP Finance Department

No. As Above

Copy to all concerned.

Sd-----
(IFTIKHAR HUSSAIN)
Section Officer (SR-I)

B-740

North West Frontier Province - Education Department

Dated Peshawar the, 9-5-1978.

Notification.

No.S.O © 5-2/70 (E). In exercise of the Power conferred by sub-rule (2) of Rule 3 of the North West Frontier Province Civil Servant (Appointment promotion and Transfer) Rules - 1975, and in consultation with the Information, Services and General Administration Department and the Finance Department, the Education Department is pleased to lay down the method of Appointment, qualification and other conditions specified in column 3 and 6 of the Appendix to this notification, which shall be applicable to posts borne on the Ad ministerial establishment of the Education Department specified in column 2 of the Appendix.

Captain Aftab Ahmad Khan
Secretary to Government of
North West Frontier Province,
Education Department.

Endst: No.S, O (Coll) 5-2/70 (E) . Dated Peshawar the, 9-5-1978.

1. The Secretary, Services and General Administration Department, Government of NWFP, Peshawar.
2. The Secretary to Government of NWFP Finance Deptt. Peshawar.
3. The Secretary to Government of NWFP Law Department, Peshawar.
4. The Secretary to NWFP, Public Service Commission, Peshawar.
5. The Manager, Government Printing Press, Peshawar, with the request that the Notification alongwith the appendix, may please be published in the next issue of Provincial Gazette and one hundred spare copies of the same may also be supplied to the Director Education, NWFP Peshawar, for further distribution. The printing Press may also arrange its publication for sale purpose according to the requirement.
6. The Director of Education, NWFP, Peshawar.
7. The Accountant General, NWFP, Peshawar.

\$\$ Saleem Janbaz \$\$

(Syed Noor Badshah)
Section Officer (Colleges)
Government of NWFP. Edu: Deptt:

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APPENDIX

METHOD OF APPOINTMENT, QUALIFICATION AND OTHER CONDITIONS
APPLICABLE TO MINISTERIAL POSTS IN THE EDUCATION DEPARTMENT

Sr. No.	Womenculture of the post	Minimum Qualification Prescribed for Appointment by Initial Recruitment and Transfer	Minimum Qualifications for Appointment and Promotion	Age Limit for Appointment by Initial Recruitment	Method of Appointment
1.	2	3	4	5	6
1.	Administrative Officer / Assistant Director (Colleges) / Assistant Lecturer (School)				By promotion on the basis of seniority – Cum – Fitness from amongst holder the post of Assistant Director establishment and Assistant Accounts Officer
2.	Assistant Director Establishment / Assistant Accounts Officer				By Promotion on the basis of seniority –cum–fitness from amongst the holders of the posts of Superintendents.
3.	Superintendents				By p. omotion on the basis of seniority –cum–fitness from amongst the holders of the posts of Assistants / Head Clerks Steonographers
4.	Assistants / Head Clerk	Degree from a recognized University		Not less than 19 years and not more than 25 years	(i) 25% by initial recruitment and (ii) 75% by promotion on the basis of seniority –cum–fitness from amongst the holders of the posts of Senior Clerks.

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1.	2	3	4	5	6
5.1.	Senior Clerk				By promotion on the basis of seniority - Cum - Fitness from amongst holders the posts of Junior Clerks / Asstt; Store Keepers / Laboratory Asstt./Junior Libraries By initial recruitment
6.	Junior Clerk / Assistant Store Keepers Library Assistant / Junior Librarian	a. Matriculation or equivalent qualification from a recognized University / Board with Science group fro Laboratory Assistant b. Speed of 25 words per minute in English typing		Not less from 18 years and not more than 25 years	
7.	Stenographers	a. Matriculation or equivalent qualification from a recognized University / Board. b. - Speed of 100 words per minute in short hand in English and 45 words per minutes in typing	Not less than 16 years and not more than 25 years		i. 25% by initial recruitment and ii. 75 % by promotion on the basis of seniority -cum-fitness from amongst the holders of the posts of Steno Typist
8.	Steno - Typist	a. Matriculation or equivalent qualification from a recognized University / Board. b. Speed of 80 words per minute in short hand in English and 35 words per minute in typing.		Not less than 18 years and not more than 25 years	By initial recruitment.
		c.			

BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR



Appeal No: 823/2004

Date of institution - 18.10.2004 ✓
Date of decision - 20.05.2006 ✓

Aziz Muhammad, Stenographer,
Directorate of Higher Education,
NWFP, Peshawar..... (Appellant)

VERSUS

Secretary Education (S&L) NWFP Peshawar
Director of Education (S&L) NWFP Peshawar
Director Higher Education NWFP Peshawar
Muhammad Nacem, Superintendent, DDO
Education (F) Wami, Dir and 20 others..... (Respondents)

Mr. Khushdil Khan and
Mr. M. Asif Yousafzai, Advocates..... For appellants.
Mr. Zaffar Abbas Mirza, Acting Govt. Pleader... For respondents 1-3.
Mr. Ijaz Anwar and
Mr. Abdul Hameed Khan, Advocates..... For private
Respondents.

MR. ABDUL KARIM QASURIA..... MEMBER
MR. FAIZULLAH KHAN KHATTAK..... MEMBER

JUDGMENT

ABDUL KARIM QASURIA, MEMBER :- This appeal has
been filed by the appellant against the order dated 29.5.2004 with the
prayer that the impugned order may be set aside and the respondents

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PESHAWAR

be directed to consider and promote him being senior most and eligible but not considered and to amend the rules and procedure if any whereby the Stenographers are placed at the bottom of Assistants while drawing the joint seniority list of Assistants BS-11 and Stenographers BS-12 for promotion to the next higher scale of Superintendent and to fix the seniority of Stenographers from the first date of appointment at the proper place and number alongwith Assistants while drawing the joint seniority for promotion to the post of Superintendent.

Brief facts of the case are that the appellant was appointed as Stenographer in BS-12 by the competent authority on 23.11.1988. The posts of Steno. Typist were redesignated as Stenographer and were given BPS-12 by the Government on 20.11.1983 w.e.f. 1.7.1983. In the appointment rules no amendment has been made and the post of Steno Typist still exists. In these rules, the method of promotion to the post of Superintendent is also mentioned. Whenever, promotion to the post of Superintendent is made, a joint seniority list of Assistants and Stenographers is to be drawn but without any order, notification or notified method, the Stenographers are to be placed at the bottom of the Assistants who are more than 300 persons and as such the Stenographers despite having seniority and fitness are not benefited

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from promotion to the post of Superintendent for a long period. According to the said illegal procedure respondents Nos. 1 to 2 have been promoted on 29.5.2004 despite the fact that they were junior to the appellant. Against this and not considering the appellant for promotion the appellant submitted a departmental appeal which has not been responded so far.

3. The appellant has assailed the impugned order on the grounds that the method/way through which the appellant has been discriminated and deprived of his right of promotion is against law, facts, natural justice and material on record, therefore, not tenable. The Assistants is a separate cadre carried BPS-11 and Stenographers is a separate cadre carries BS-12 with selection grade 5 and it is injustice to keep the Stenographers at the bottom below the ES-11 Assistants. The respondents in a way treats the appellant par with the Senior Clerks because first Senior Clerks are promoted to the post of Assistant and then the Stenographers are placed at the bottom of the list in which the names of newly promoted Senior Clerks included. The word Stenographer is mentioned in the rules without any grade etc and thus the most Stenographers BS-12 are kept deprived of the benefits of promotion. Before promotion both the cadres have separate seniority list and while drawing joint seniority list of Assistants and

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PWFP Service Tribunal
Peshawar.

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Stenographers the seniority to the Stenographers is not given from the date of appointment which is against the rules of seniority. The scale of Stenographers is higher than that of Assistants and also have more service length but despite that the Stenographers are placed at the bottom of joint seniority list; which is against the principles of justice and rules of seniority. The rules, procedure and method of promotion are against the Constitution and the appellant has not been given/guaranteed the equal protection and equality of all citizens and as such the rules, method and procedure by placing the stenographers at the bottom of the Assistants is not tenable. In other departments such as Sports etc, in the joint seniority list, seniority is given from the first date of appointment as per rules mentioned therein.

4. The respondents filed their written reply in which the content of the appellant was refuted while the appellant filed the replication rebutting the objections raised by the respondents.

5. Counsel for the appellant argued that the appellant was appointed as Stenographer on 23.11.1988. The post of Stenographers has been re-designated by the Government in BS-12 vide finance Department letter dated 20.11.1983. w.e.f. 1.7.1983. It was argued that no amendments in the Ministerial Establishment Rules 1978 of the Education Department, have been made as per circular letter of

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 Service Tribunal
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Finance Department which has resulted in deprivation of Stenographers, as now there are two kind of stenographers in BS-12 and BS-15. It was argued that under the existing rules of 1978 joint seniority list of Assistants and Stenographers is maintained but in the combined list the seniority to the Stenographers is not given from the first date of appoint which has adversely affected the rights of stenographers including the appellant. It was further argued that recent promotion of the respondents under the old rules have deprived the appellant from their due right of seniority and subsequent promotion.

6. The learned AGP argued that the appellant was appointed as Steno Typist in BS-12 and as per service rules of 1978 Steno Typist is regularly promoted as Stenographer in BS-15. Joint seniority list of stenographer from their date of promotion to the post of stenographer BS-15 and assistants is maintained for promotion to the post of Superintendent. It was also argued that 33% selection grade in BS-16 is provided to the Stenographer while the list provided by the appellants of Steno Typist BS-12. The AGP further argued that the post of Steno Typist exists in all the existing attached offices and the same position exists in the respondent department. It was also pointed out that this position has not been objected by the appellant in the list

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issued in 2001. It was further argued that Assistant is a senior cadre than Steno in BS-12 for the reason that Stenographers BS-15 have been brought on the joint seniority list with Assistants. It was stated that promotion of the respondents have been made under the rules.

After listening to the parties, the Tribunal has also perused the Finance Department Circular letter dated 3.11.1983 in which the Steno Typist/Junior Scale Stenographer Grade-II and Junior Scale Stenographer Grade-I have been re-designated as Stenographers w.e.f. 1.7.1983. Moreover, vide the above referred letter the position explained in the attached Annexure of the letter is as follows :-

Government Departments and organizations.
(Posts common to different Departments)

		Revised scales w.e.f. 1.7.1983
Junior Scale Steno-grapher Grade-II/ Steno-typist	RNPS-8 (Rs. 370-16-514/ 18-640-22-900)	B-12 (Rs. 750-40-1550)
Junior Scale Steno-grapher Grade-I	RNPS-10 (Rs. 410-22-520/ 24-760-28-900)	B-12 (Rs. 750-40-1550)
Senior Scale Steno-grapher	RNPS-12 (Rs. 460-28-600/	B-15 (Rs. 900-55-2000)
		With 25% posts as a selection grade in B-16 (Rs. 1050-80-2250)

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EXAMINER
Service Tribunal
Peshawar

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370-16-514/
18-640-22-900
410-22-520/
24-760-28-900
460-28-600/
900-55-2000
1050-80-2250

1983, the issue of seniority and subsequent promotion, grievances of the Stenographers cadre vis-avis Assistants to the post of Superintendent cannot be resolved.

② The case is therefore, remanded to the respondent department with the direction to make new rules in light of the changed position as mentioned in the Finance Department letter dated 3.11.1983 within 3 months of the receipt of this judgment. The impugned promotion order/Notification dated 29.5.2004 is set aside while respondents are directed to defer the promotion of all the affected till the new rules are notified.

③ The instant appeal and Appeals No: 856/2004 Jamatullah, 825/2004 Abdul Latif, 826/2004 Zaffar Iqbal, 843/2004 Murtaza Khan Durran, 827/2004, 824/2004 Daud Jan, 828/2004 Noorul Amin, Stenographers Versus Secretary Education Department etc, having common question of law and of identical nature are disposed off in the same manner, except Appeal No. 759/2004 of Khanzeb which is for the amendment of rules and fixation of seniority. The respondents are directed to give the appellant (Khanzeb) proper seniority position in the seniority list after amending the 1978 Rules for the ministerial

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Service Tribunal
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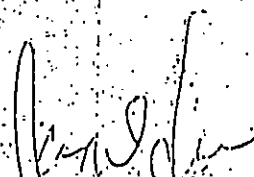
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Establishment of Education Department as per changed position of Stenographers cadre contained in the Finance Department circular letter dated 3.11.1983.

No order as to costs. File be consigned to the record after completion

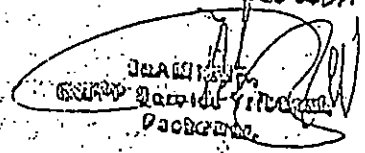
ANNOUNCED
20.05.2005


(FAIZULLAH KHAN KHATTAK)
MEMBER.


(ABDUL KARIM QASURIA)
MEMBER.

Date of Presentation of Applicant 20.5.06
Number of Words 3400
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Urgent —
Total 20/-
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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE SARDAR MUHAMMAD RAZA KHAN

MR. JUSTICE NASIR-UL-MULK

CIVIL PETITIONS NO.389-P TO 395-P & 575-P TO 583-P OF 2006.

CIVIL PETITIONS NO.389-P TO 395-P OF 2006.

(On appeal from the judgment dated 20.5.2006, passed by the NWFP Service Tribunal Peshawar in Appeal # 823, 824, 825, 826, 843, & 856 of 2004 respectively)

Jehangir Khan, Supdt, GDC, Kohat and five others...Petitioners in all CPs.

Versus

Aziz Muhammad, Stenographer Directorate of Higher Education, NWFP Peshawar and eighteen others.in CP 389-P of 2006.

Daud Jan, Stenographer Directorate of Education, (FATA) NWFP Peshawar and eighteen others.in CP 390-P of 2006.

Zafar Iqbal, Stenographer Directorate of Higher Education, NWFP Peshawar and eighteen others.in CP391-P of 2006.

Noor-ul-Amin, Stenographer Directorate of Higher Education, NWFP Peshawar and eighteen others.in CP 394-P of 2006.

Murtaza Khan, Stenographer Directorate of Higher Education, NWFP Peshawar and eighteen others.in CP 394-P of 2006.

Jamatullah, Stenographer Science Education Project-II, NWFP, B/Fund Building Peshawar Cantt. and seventeen others.in CP 395-P of 2006.

For the petitioners in all CPs: Mr.Javed A.Khan, ASC.

Respondent # 1 in CPs 389-P, 393-P, 394-P & 395-P of 2006. Present-in-Position.

Other respondents in CPs 389-P, 893-P, 394-P & 395-P of 2006: N.R.

All respondents in CPs 390-P, 391-P & 392-P of 2006: N.R.

CIVIL PETITIONS NO.389-P TO 395-P OF 2006.

(On appeal from the judgment dated 20.5.2006, passed by the NWFP Service Tribunal Peshawar in Appeal # 823, 759, 824, 825, 826, 827, 828, 843, & 856 of 2004 respectively)

Government of NWFP and two others.Petitioners in all CPs.

Versus

Aziz Muhammad, Stenographer Directorate of Higher Education, NWFP Peshawar and eighteen others.in CP 575-P of 2006.

Khan Zeb, Stenographer EDO (S&L) District Swat...in CP 576-P of 2006.

Daud Jan, Stenographer Directorate of Education, (FATA) NWFP Peshawar and eighteen others.in CP 577-P of 2006.

Abdul Latif, Stenographer Directorate of Higher Education, NWFP Peshawar.in CP 578-P of 2006.

Zafar Iqbal, Stenographer Directorate of Higher Education, NWFP Peshawar and eighteen others.in CP 579-P of 2006.

Tariq Shakeel, Stenographer Directorate of Higher Education, NWFP Peshawar.in CP 580-P of 2006.

Noor-ul-Amin, Stenographer Directorate of Higher Education, NWFP Peshawar.in CP 581-P of 2006.

Murtaza Khan, Stenographer Directorate of (S&L) NWFP Peshawar.in CP 582-P of 2006.

Jamatullah, Stenographer Science Education Project-II, NWFP, Peshawar.in CP 583-P of 2006.

For the petitioners

Nemo.

Respondent # 1 in CPs 575-P, 580-P to 583-P of 2006.

Present-in-Person.

Other respondents in CPs 575-P, 580-P to 583-P of 2006:

N.R.

All respondents in CPs 577-P, & 579-P of 2006:

N.R.

Date of hearing

20.10.2006.

JUDGMENT

SARDAR MUHAMMAD RAZA, J:- The petitioners in Civil Petitions # 389-P to 395 of 2006 are the Stenographers who were not considered for promotion to the post of Superintendent. Instead, the Assistants (respondents # 4 to 24) have been so promoted by order dated

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29.5.2004. The affectees preferred departmental appeals without success and hence filed appeals before the learned NWFP Service Tribunal.

2. The learned Tribunal vide judgment dated 20.5.2006 deferred all the disputed promotions and remanded the case to the department. The civil servants as well as the Government of NWFP have filed these petitions seeking leave to appeal from the judgment aforesaid.

3. The operative part of the impugned judgment reads as follows:-

“8. The Tribunal is of the firm view that until and unless the rules are not revised in light of Finance Department circular letter dated 3.11.1983, the issue of seniority and subsequent promotion, grievances of the stenographers cadre vis-à-vis Assistant to the post of Superintendent cannot be resolved.

9. The case is, therefore, remanded to the respondent department with the direction to make new rules in light of the changed position as mentioned in the Finance Department letter dated 3.11.1983 within 3 months of the receipt of this judgment. The impugned promotion order/Notification dated 29.5.2004 is set aside while respondents are directed to defer the promotion of all the affectees till the new rules are notified.”

4. The main grievance of the Government is that the learned Tribunal was supposed to have decided the matter in the light of the terms no jurisdiction at all to direct the Government to amend rules as also the terms and conditions of service. On the other hand, the petitioners/civil servants are aggrieved to the effect that in the wake of the prevailing situation, the learned Tribunal could have decided the fate of the Stenographers, in case it had adverted to the merits of the case.

5. Both the assertions are not without force. Even otherwise, it is quite apparent that the learned Tribunal has not discussed the merits of the case and has resorted to a conclusion that could not be arrived at. Learned

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counsel for the parties, during arguments, were unanimous on the point that the learned Tribunal ought to have decided the appeals on merits.

6. Consequently, all the petitions after conversion into appeals are accepted. the impugned judgment dated 20.5.2006 is set aside and the cases are remanded to the learned Tribunal to decide the same on merits. The status quo however, is to be maintained till then. As the matter of promotion is involved, the Tribunal shall decide the cases within one month from the receipt of this order.

Sd/- Sardar Muhammad Raza, J
Sd/- Nasir-ul-Mulk, J.

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BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 823/Neem/2004

Date of Institution..... 18.10.2006

Date of decision..... 15.1.2007



Aziz Muhammad, Stenographer,
Directorate of Higher Education,
NWFP, Peshawar.....(Appellant)

VERSUS

1. Secretary Education (S&E), NWFP, Peshawar.
2. Director of Education(S&L) NWFP, Peshawar.
3. Director Higher Education NWFP, Peshawar.
4. Muhammad Naeem, Superintendent DDO
Education(F)Wari, Dir and 20 others.....(Respondents)

MR. MUHAMMAD ASIF YOUSAFZIA,
Advocate For appellant.

MR. USMAN GHANI, A.G.P For respondents 1 to 3

MR. ABDUL HAMID KHAN,
Advocate For respondents 4 to 24

MR. MUHAMMAD UMAR AFRIDI, MEMBER
MR. ADALAT KHAN KHATTAK ATTESTED. MEMBER.

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JUDGMENT

MUHAMMAD UMAR AFRIDI, MEMBER; This appeal has been filed by the appellant against the order dated 29.5.2004 with the prayer that on acceptance of this appeal:-

(a) the impugned promotion order may be set aside and the respondents be directed to consider and promote him being senior most and eligible but not considered and to amend the rules and procedure if any whereby the Stenographers are placed at the bottom of Assistants while drawing the joint seniority list of Assistants BPS-11 and Stenographers BPS-12 for promotion to the next higher scale of Superintendent.

(b) The respondent department be directed to fix the seniority from the first date of appointment as Stenographer at proper place and number along with Assistants while drawing the joint seniority for promotion to the post of Superintendent.

(c) To grant any other remedy, which this Tribunal deems fit in favour of the appellant.

2. Brief facts of the case are that before 1.7.1983 there existed three categories of Stenographers. These were No.(i) Junior Scale Stenographer Grade-II/Steno typist (ii) Junior Scale Stenographer Grade-I and (iii) Senior Scale Stenographer. These were in the then Revised National Pay Scale-8, Revised National Pay Scale-10 and Revised National Pay Scale -12 respectively. The Government of NWFP Finance Department vide their letter No. FD (SR-I)1-67/82-II dated 31.1.1983 awarded B-12 to Steno typist/Junior Scale Stenographer Grade-II and Junior Scale Stenographer Grade-I w.e.f. 1.7.1983 and also decided to redesignated all these posts as "Stenographers" w.e.f the same date. Whereas the Senior Scale Stenographers were awarded

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B-15 w.e.f. 1.7.1983. On the other hand the scale of the office Assistant was RNPS-11 before July, 1983. They are even today in B-11.

3. The appellant was appointed as Stenographer in BPS-12 by the competent authority on 23.11.1988. The then Directorate Secondary Education NWFP Peshawar vide notification No. 4395-4594/A-23/S.List of Asstt.(B-11) and S/Grapher (B-15), dated 25.6.1999 issued the final integrated seniority list of Assistants (BPS-11) and Stenographers (BPS-15) (As it stood on 31.12.1998) born on the provincial cadre of the Directorate of Secondary Education NWFP, Peshawar, for information of all concerned. Similarly another final seniority list of Assistants (BPS-11) and Stenographers (BPS-15) of Education Department NWFP was issued by the office of the Director Secondary Education, Peshawar vide its Notification No. 2621-3121 dated 15.3.2000 and circulated it amongst all concerned. Office of the Director Schools & Literacy, NWFP, Peshawar being the successor office of the then Director Secondary Education NWFP, issued vide its No. 932/72 A-23/M.S/Seniority list/Asstt./2003 dated: 7.1.2004 latest seniority list of Office Assistants (BPS-11) and Stenographers (BPS-15) (as it stood on 31.12.2003). This was also circulated to all concerned. On the basis of this integrated seniority the Directorate of Schools & Literacy, NWFP Peshawar vide its notification No.3927-86/A-23/MS/Promotion to Suptd: Dated 29.5.2004 promoted 21 office Assistants (respondents No. 4 to 24) as Superintendents in (BPS-16) and posted them against various vacant posts in the province. Feeling aggrieved the appellant preferred departmental appeal on 23.6.2004, which was not responded to within the statutory period. Hence the present appeal.

4. After receipt of the appeal, pre-admission notices were sent to the respondents for filing their written replies. Respondents filed their written replies and the appeal was admitted to full hearing. Thereafter, the case was argued by the counsel for the appellant, A.G.P for respondent department and counsel for private respondents. The

Instant appeal as well as other connected appeals were remanded to the respondent department vide judgment dated 20.5.2006 with the direction to make new rules in light of the changed position as mentioned in the Finance Department letter dated 3.11.1983 within 3 months of the receipt of the judgment. Moreover, the impugned promotion order/notification dated 29.5.2004 was set aside while respondent department was directed to defer the promotion of all the affectees till the new rules were notified. The respondent department was further directed to give the appellant (Khan Zeb) proper seniority position in the seniority list after amending the 1978 rules for the ministerial establishment of Education Department as per changed position of Stenographers cadre contained in the Finance Department circular letter dated 3.11.1983.

5 Aggrieved with the said judgment private respondents challenged the same before the august Supreme Court of Pakistan for seeking leave to appeal, which was accepted. The impugned judgment dated 20.5.2006 was set aside and the cases were remanded back to the Tribunal for decision on merit.

6 Arguments heard and record perused.

7 The counsel for the appellant argued that the Government of NWFP redesignated the posts of Steno typists/Junior Scale Stenographers Grade-II and Junior Scale Stenographers Grade-I as "Stenographers" in BPS-12 on 20.11.1983 w.e.f. 1.7.1983. The appellant was appointed as Stenographer on 23.11.1988. The counsel for the appellant argued that no amendments in the Ministerial Establishment Rules, 1978 of the Education Department, were made as per circular letter of Finance Department which had resulted in the deprivation of Stenographers as then there were two kinds of Stenographers i.e. one in BPS-12 and the other in BPS-15. It was also argued that under the existing rules of 1978 joint seniority of Assistants and Stenographers was maintained. The learned counsel stated that

both the Assistants and Stenographers in the joint seniority list were given seniority from the date of promotion and not from the date of appointment. The learned counsel stated that in that way the Stenographers were adversely affected. The learned counsel for the appellant argued that Stenographer's scale was higher than that of Assistants and they also had more service length but despite that the Stenographers were placed at the bottom of joint seniority list, which was against the principles of justice and rules of seniority. These rules, procedure and method of promotion were against the constitution and the appellant had not been given/guaranteed equal protection. It was further stated that these rules, method and procedure by placing the stenographers at the bottom of the Assistants was not maintainable. He requested for acceptance of the appeal.

8. The learned A.G.P argued that the very base of this case was the joint seniority list of Assistants (BPS-11) and Stenographers (BPS-15) being issued by the Department from time to time in the past as stated in Para-3 above. Every such seniority list had always been duly circulated to all concerned. The appellant did not challenge any such seniority list within the stipulated period. Therefore, the objection of the appellant on the promotion of respondents No. 4 to 24 which was mainly based on the seniority list issued to all concerned in the past, at this belated stage, was not justified at all. The learned A.G.P further argued that it had been clearly mentioned in the Service Rules, 1978 of the Ministerial Establishment of Education Department that promotion to the post of Superintendent would be made on the basis of seniority-cum-fitness from amongst the holders of the posts of Assistants/Head Clerks/Stenographers. The A.G.P further argued that as it had been clarified above that the service rules of the Ministerial Establishment of Education Department were issued in 1978. Those days only the senior scale stenographers were in the then Revised National Pay Scale-12 while Office Assistants were in Revised National Pay Scale - 11. The Educational qualification of directly recruited office Assistant

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Signature

was graduation while the educational qualification of the Stenographers was just matric. The Office Assistants were to be more qualified than the Stenographers. It was further argued that the view of the appellant that his name should be included in the joint seniority from the date of his appointment was not correct as at that time both the categories of the officials had different seniority lists. Therefore, it was advisable to give seniority to both the categories in the joint seniority lists from their respective dates of their promotions as laid down in the Service Rules of 1978. The A.G.P also pointed out that at the time of initial recruitment an offer of appointment was made to the appellant. If he was not satisfied with the laid down procedure of promotion being practiced almost a decade prior to his appointment, then he should not have accepted the offer. Such an offer had to be accepted in total and not in bits. The learned A.G.P also argued that the Tribunal had no jurisdiction under Article 212(2) of the Constitution of Islamic Republic of Pakistan, 1973. He also stated that the appeal was time-barred. The learned counsel for private respondents relied on the arguments advanced by the A.G.P. Both the A.G.P and the counsel for private respondents requested for dismissal of the appeal.

9. The Tribunal, after having heard both the parties and perused the record of the case is of the firm view that the counsel for the appellant has failed to establish any case as the joint seniority lists of the Stenographers and Assistants have been prepared strictly in accordance with the laid down procedure in the Service Rules-1978 for ministerial establishment of Education Department. The impugned order of promotion has been issued on the basis of seniority-cum-fitness as provided in the Service Rules of 1978. The Tribunal is further of the view that it would not be within its jurisdiction to direct the respondent department to amend the rules and procedure as prayed in the appeal. The Tribunal, in view of the aforementioned position hereby dismisses the appeal. This judgment shall also dispose of eight (8) other connected appeals details of which are as under:-

- 1. Appeal No. 824/2004, Daud Jan Vs. The Secretary of Education. (S&L), NWFP Peshawar etc.
- 2. Appeal No. 825/2004, Abdul Latif -do-
- 3. Appeal No. 826/2004, Zafar Iqbal -do-
- 4. Appeal No. 827/2004, Tariq Shakeel -do-
- 5. Appeal No. 828/2004, Noorul Amin Shah, -do-
- 6. Appeal No. 843/2004, Murtaza Khan -do-
- 7. Appeal No. 856/2004, Jamatullah -do-
- 8. Appeal No. 759/2004, Khan Zeb -do-

Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
15.1.2007

M. Umar Afridi
(MUHAMMAD UMAR AFRIDI)
MEMBER

Adalat Khan Khattak
(ADALAT KHAN KHATTAK)
MEMBER

[Signature]
Secretary (Judicial)
Peshawar

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IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE IJAZ-UL-HASSAN

MR. JUSTICE MOHAMMAD QAIM JAN KHAN

CIVIL PETITION NOS. 182-P TO 186-P AND 194-P AND 195-P OF 2007

(On appeal from the judgment dated 15.1.2007 of the NWFP Service Tribunal, Peshawar, passed in Appeal Nos. 823, 828, 759, 824, 826, 856 & 843/Neem/2004)

Aziz Muhammad
Noorul Amin Shah
Daud Jan
Zafar Iqbal

Petitioners

Versus

The Secretary Education, (S&L) NWFP, Peshawar
and others

Respondents

For the petitioners

Mr. Saadullah Khan Janduli, ASC
Haji Zahir Shah, ASC
Mr. Mir Adam Khan, AOR

Respondents 6 & 20
(in C.P. No. 182, 183-P-07)

In-person

Other respondents

N.R.

Date of hearing:

09.4.2009

ORDER

IJAZ-UL-HASSAN, J.— These petitions for leave to appeal are directed against the judgment dated 15.1.2007 of the NWFP Service Tribunal, Peshawar, whereby Appeal Nos. 823, 828, 759, 824, 826, 856 & 843/Neem/2004, preferred by the petitioners, were dismissed.

2. Facts of the case need not be reiterated as the same have been incorporated in the impugned judgment as well as in the memo of petition.

3)

Mr. M. Saadullah Khan Janduli, Advocate for the petitioners contended that learned Tribunal erred in law while dismissing the appeal of the petitioners without examining each and every aspect of the case; that petitioners have a combined seniority with Head Clerks/Assistants and Stenographers, but the department has violated the rules while drawing/preparing the seniority list; that petitioners have been wrongfully and illegally deprived from promotion in the garb of wrong seniority list; that the cadre of the petitioners is different which was wrongly mixed with a wrong cadre as the petitioners have different cadre from those persons in whose seniority list the petitioner names have been placed/included and that impugned judgment suffers from legal and factual infirmities and requires interference by this Court.

2. Leave to appeal is granted in all these petitions to consider the above contentions of learned counsel for the petitioners in detail.

Peshawar

9.4.2009

(Naseer)



13/4/09

Not approved for reporting

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMN: DEPARTMENT

REGULATION WING

No.SOR-I(E&AD)4-24/91(Vol-I)
Dated the 27th June 2011



To,
The Secretary to Govt. of,
Khyber Pakhtunkhwa,
Higher Education Department,
Peshawar.

Subject: INCLUSION OF STENOGRAPHERS IN THE COMBINED
SONORITY LIST OF ASSISTANTS/STENOGRAPHERS.

Dear Madam,

I am directed to refer to your letter No.SO(LIT:&A.B)/
F.I.E/Lit/Misc/2011 dated 28.05.2011 on the subject noted above and to say that
rules/amendments could not be applied with retrospective effect. The
Department is required to notify joint seniority list of Stenographers with
Assistants on the basis of existing rules from the date of regular appointment and
proceed ahead with their promotions which has been denied for quite sometime.
The department may also take disciplinary action against those responsible for
failure to implement decision of the meeting held on 05.03.2008.

923/c

Yours faithfully,

[Signature]
Section Officer (R-1)

4/20/2011

28/05/11

AS

28/6

2016
28/6/11

26/6/11

DS/IL

AS 2020
29/6

SO(C)

29/6 (1)

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

MR. JUSTICE NASIR-UL-MULK
MR. JUSTICE TARIQ PARVEZ

CIVIL APPEALS NO. 60-P TO 66-P OF 2009

(in appeal from the judgment of the K.P.K. Service Tribunal,
Peshawar dated 15.01.2007 passed in Appeals No. 823, 828,
759, 824, 826, 843 and 856 of 2004 respectively)

Aziz Mohammad	(in CA 60-P/09)
Nasirul Amin Shah	(in CA 61-P/09)
Khanzab	(in CA 62-P/09)
David Jan	(in CA 63-P/09)
Zafar Iqbal	(in CA 64-P/09)
Murtaza Khan	(in CA 65-P/09)
Jamatullah	(in CA 66-P/09)

...Appellants.

VERSUS

The Secretary Education (S&L)
(N.VFP now KPK) & others

...Respondents.

For the Appellants:

(in CAs 60-P to 62-P/09) Mian Saadullah Janduli, ASC.
(in CAs 63-P to 66-P/09) Haji M. Zahir Shah, ASC/AOR.

For the State:

Mr. Lal Jan Khattak, Addl. AG, KPK
Mr. Mosam Khan, A.D.(E).

Respondents 7 & 9:

In-person.

Date of Hearing:

13.07.2011.

ORDER

NASIR-UL-MULK, J. - In view of the decision taken by the Government of Khyber Pakhtunkhwa in letter dated 27.06.2011, copy of which is produced by the learned counsel for the appellants, they do not want to press these appeals. All the appeals are dismissed as not pressed.

sd/- Nasir-ul-Mulk, J.
sd/- Tariq Parvez, J.
Certified to be true copy

Assistant Secretary
Supreme Court of Pakistan
Peshawar.

PESHAWAR

13 July 2011.

14/7/11

"Not approved for reporting."

جنہ من جناب ڈاکٹر بلکہ۔ ایتھ انی و تالوی تعلیم خیر و خیر خواہ بنیاد اور
جناب عالی!

عنوان: عینارٹ ایجوکیشن
تذراش ہے کہ سائلوں جملہ ایتھ انی و تالوی تعلیم میں عمر
در از سے سٹیوٹرا فری پوسٹ پر کام کر رہے ہیں۔ سائلوں نے چند
سٹیوٹرا فری سائیکس کے ہمراہ (جو یا ٹیرا ایجوکیشن میں کام کرتے ہیں)
اپنی ترقی کے سلسلے میں سرورس ٹریبونل میں کیس دائر کیا تھا۔ جو
بعد میں سپریم کورٹ تک پہنچ گیا تھا۔ اس ضمن میں سائلوں اپنی
تذراشات فرم کرتے ہیں۔

① 09/05/78 کو جملہ تعلیم نے منسٹر میں میٹاں کے رولز بنانے کو ان رولز کے ذریعہ
سٹیوٹرا فری اور اسٹٹ کو (مشترکہ سٹیوٹرا ٹی) کے سٹیوٹرا ٹی پوسٹ پر
ترقی دی جاتی تھی (جو کہ لف "اف" ہے)۔

② اگست 1983ء میں حکومت نے تمام سٹیوٹرا ٹی، جو نیر سٹیوٹرا فری تھا
گریڈ بڑھا دیا تھا۔ گریڈ بڑھانے کے بعد مورم 3/11/1983 کو صوبائی حکومت
نے تمام سٹیوٹرا ٹی، جو نیر سٹیوٹرا فری تھا عہدہ مکمل طور پر قائم کرتے
ان کو سٹیوٹرا فری بنا دیا گیا (جو کہ لف "ب" ہے) جس کی وجہ سے سٹیوٹرا ٹی
مکمل طور پر سٹیوٹرا فری اور عہدے کے اعتبار سے سٹیوٹرا فری بن گیا تھا اور
1978ء کے رولز و ضوابط میں سٹیوٹرا فری ترقی بطور سٹیوٹرا ٹی کو دیا گیا
جس پر جملہ معذرا سٹیوٹرا فری (کیس 12-8) کی ترقی کے سلسلے میں
موجودہ رولز اور صوبائی حکومت کی چھٹی 3/11/1983 پر جملہ ترقی سے قبل
میں کر رہا۔

③ 28/5/2011 کو جملہ یا ٹیرا ایجوکیشن کے سینیئر افسیئر (سٹیٹیشن)
نے سٹیوٹرا فری ترقی کے سلسلے میں ایک ممبر اسلم سٹیوٹرا ٹی (اسٹیٹیشن)
کو نکھار اور ان سے سٹیوٹرا فری (12-8) کی ترقی کے بارے میں مشورہ
مانگا۔ (جو کہ لف "پ" ہے)

4) مورخہ 27/6/2011 کو سکریٹری (اسٹیبلشمنٹ) نے سکریٹری ہائپر ایجوکیشن

کو اس مشورے کے لیے مورخہ 28/5/2011 کے سلسلے میں وضاحت کی کہ متعلقہ محلہ کو چاہیے کہ وہ مشترکہ سنیارٹی لسٹ (اسٹیک بلڈ سنیارٹی) یقیناتی کی فارم سے تیار کر کے پیش کرے اور ان کو ترقی دینے کا حق مل جائے جس سے کمزور حصے سے ان کو ترقی دینے کا حق مل جائے۔ (جو کہ لفٹ "ت" ہے)

5) سائنڈن نے اپنی اپیلوں پر سپریم کورٹ میں سکریٹری (اسٹیبلشمنٹ) کے لیے مورخہ 27/6/2011 کی وجہ سے زور نہیں دیا اور وہ نے مورخہ 27/6/2011 میں پیش کیا۔ مورخہ 13/7/2011 سے عیاں ہے۔ (جو کہ لفٹ "ت" ہے)

13/7/2011 سے عیاں ہے۔ (جو کہ لفٹ "ت" ہے)

6) عدویہ ازم میں سائنڈن ایک مثال ڈائریکٹ آف سروس کے سنیارٹی افسر ملہز میں کی پیش کرتے ہیں۔ کہ اس ضمن میں ڈائریکٹ سروس اپنے محلہ کے سنیارٹی افسر (8-12) اور اسٹاک کو (مشترکہ سنیارٹی بنانے) سپرینٹنڈنٹ کی پوسٹ پر ترقی دینے میں۔ (جو کہ لفٹ "ت" ہے)

اس لیے آج صاحبان سے استدعا کی جاتی ہے کہ آج صبح پانچ بجے کے بعد بلا حقائق کی روشنی میں اور سکریٹری (اسٹیبلشمنٹ) کے لیے مورخہ 27/6/2011 کے مطابق موجودہ رولز پر عمل کر کے سنیارٹی افسر کے ساتھ مشترکہ سنیارٹی تیار کر کے پیش کریں تاکہ سائنڈن اپنی ترقی کا حق حاصل کر سکیں۔
شکر ہے

مورخہ 24/12/2011

آج کے جاہد

1) سر نواز خان سنیارٹی افسر

2) فرید خان سنیارٹی افسر

3) محمد اسحاق سنیارٹی افسر

4) محمد وصال سنیارٹی افسر

5) جماعت اللہ سنیارٹی افسر

6) محمد طاہر سنیارٹی افسر

7) جبار خان سنیارٹی افسر

(Handwritten signature)

PESHAWAR HIGH COURT, PESHAWAR.

FORM OF ORDER SHEET

Court of

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

Date of Order or Proceedings	Order or others Proceedings with Signature of Judge
1	2
27-06-2012	<p><u>WP No. 1387-P/2012</u></p> <p>Present: Mr. Muhammad Asif Yousafzai, Advocate, for the petitioners.</p> <p>*****</p> <p><u>DOST MUHAMMAD KHAN, C.J.-</u> Contends that earlier in the ultimate end when the matter came up before the Hon'ble Apex Court in Civil Appeals No. 60-P to 66-P of 2009, the respondents produced a notification and copy of decision taken by the Provincial Government on 27.6.2011 whereunder the grievance of the petitioners was redressed, however, after withdrawal of the appeal from the Hon'ble Apex Court, the respondents are not abiding by that compromise and impression which was given to the Apex Court and are indulging delaying tactics despite representation pending disposal. Accordingly, respondent No.2 is directed to comply with its commitment and undertaking given to the Hon'ble Apex Court in light of the</p>

APPROVED
 XAMIN
 [Signature]

letter produced there based on the decision of the Provincial Government and to decide the representation of the petitioners in light of the same, otherwise, he will expose himself to contempt proceedings before the Hon'ble Apex Court.

Petition disposed off.

Announced.

Dated: 27.6.2012

Sd/- Dost Muhammad Khan - CJ
Sd/- Mian Fazlul Mulik - J

CERTIFIED TO BE TRUE COPY

[Signature]
May 05/7/2012
Examiner
Peshawar High Court Peshawar
Authorised Under Article 87 of
the Constitution of Pakistan Order 19-66

24

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05/7/2012

PESHAWAR HIGH COURT, PESHAWAR.

ORDER SHEET

(Handwritten mark)

Date of Order or Proceedings.	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary.
06.11.2012	<p>CM NO-921-P/2012 in COC NO-255-P/2012 in WP-1387-P/2012.</p> <p>Present: Mr. Muhammad Asif Yousafzai, Advocate, for petitioners. Mr. Lal Jan Khattak, AAG, for respondents.</p> <p style="text-align: center;">***</p> <p>MIAN FASH-UL-MULK, J. Though the order dated 27.6.2012 was passed in absence of the respondents Department as the writ petition was disposed of in motion, whereby the Department was directed to decide the representation of the petitioners in the light of notification / letter issued by the Government of Khyber Pakhtunkhwa, on the basis of which the august Supreme Court dismissed the appeals of the petitioners but they would comply with the order dated 27.6.2012 and decide the representation of the petitioners within a period of one month positively.</p> <p style="text-align: center;">This petition is therefore disposed of accordingly.</p> <p><i>Sd/- Mian Fasihul Mulik</i> <i>Sd/- Jethal Qureshi</i></p> <p style="text-align: right;">JUDGE JUDGE</p> <p style="text-align: center;">CERTIFIED COPY</p> <p style="text-align: right;"><i>(Signature)</i> 14.11.12</p>

HIGH COURT MATTER.

REGISTERED.

OFFICE OF THE DIRECTOR, ELEMENTARY & SECONDARY EDUCATION,
KHYBER PAKHTUNKHWA PESHAWAR.

No. 2731 /AD (Litigation-I)
Dated 26/11/2012.

TO

Mr Murtaza Khan & Others
Steno Grapher-BS-12 (BPS-14 UPGRADED)
Government Agro Tech Teachers Training Centre,
Gul Bahar Peshawar.

Subject: - PESHAWAR HIGH COURT PESHAWAR JUDGMENT/ORDER
DATED 06-11-2012 RENDERED IN C.M NO.91-P/2012 IN
C.O.C NO.255-P/2012 IN WRIT PETITION NO.1387-P/2012.
MURTAZA KHAN STENOGRAPHER & OTHERS.

- 1) Whereas, You filed a writ petition No.1387-P/2012 before the Hon'able Peshawar High Court Peshawar and the court disposed it off vide its order dated 27/06/2012, wherein, no notice has served upon & ultimately the department remain condemned unheard during the whole proceedings.
- 2) And whereas, You filed a C.O.C No.255-P/2012 before the Hon'able Peshawar High Court Peshawar for implementation/Compliance and the court disposed off the said C.O.C as under:

"Tough the order dated 27/06/2012 was passed in absence of the respondents department as the writ was disposed off in motion, whereby the Department was directed to decide the representation of the petition were in the light of notification/letter issued by the Government of Khyber Pakhtunkhwa on the basis of which the August Supreme Court of Pakistan the appeals of the petitioners, but they would comply with the orders dated 27/06/2012 and decide the representation of the petitioners with in a period of one month positively."

3) And whereas, you submitted an application/representation dated 24/12/2011 to the undersigned for consideration and including your names in a joint seniority list/promotion with Assistants.

4) Accordingly, the undersigned examined your plea in the light of prevailing Law, Rules & Policy in vogue.

Your request for including your names in the joint seniority list of ministerial Staff with Assistants cannot be acceded & hence the same is regretted inter-alia following grounds.

1. Because in terms of Section 8(1) of the Civil Servant Act, 1973 and Civil Servants (Seniority) Rules, 1993, Seniority is to be reckon in a post and not grade. Further, in terms of FR 30.(16), normal Scale & Selection grade are two scales of the same post & placement in selection grade of a civil servant does not change his duties & designation.

2. Because, due distinguished/different job description & prescribed qualification hence, you cannot be treated at par with Assistants.

3. Because, in the recent past many stenographer (BS-12) had promoted to stenographer (BS-15) and similarly Steno Graphers (BS-15) promoted to Superintendent (BS-16) from the joint seniority list (Their promotion orders are Appended as Annexure "A") & they are willingly performing their duties, and they never objected/challenged the same at any legal forum.

4. Because, the department had already taken the solid steps to remove anomalies in service rules in pursuance of the orders of this Hon'able court dated 29-02-2012 in C.O.C No.277/2011 in writ petition No.2176/2009, and for the purpose anomaly committee was constituted vide No.SOR IV(ED)1-4/2012 dated 09/05/2012 which is approved by the worthy Chief Secretary, Khyber Pakhtunkhwa, Peshawar

5. Because, you are well aware of the situation that as per existing Rules & policy there are two types of steno grapher i.e. BPS-12 (BS-14 upgraded) & BPS-15, therefore, being stenographers BPS-12, you cannot by pass steno graphers BPS-15.

6. Because the impugned letter dated 27/06/2011, which was produced before the August Supreme Court of Pakistan is not related to the undersigned and no commitment whatsoever was made by him. However, in the light of the above letter the undersigned i.e. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar has already been expedite the same (Annexure "B") by maintaining the joint seniority list of Assistants/Steno Graphers (BPS-15) under the existing Rules.

Keeping in view of the above reasons, you are, therefore, not entitled for the relief asked for.

Your representation is thus disposed off in the above terms.

[Signature]
DIRECTOR,
ELEMENTARY & SECONDARY EDUCATION,
KHYBER PAKHTUNKHWA, PESHAWAR.

Ends: NO. _____ / _____ Dated Peshawar the _____ / 2012.

- Copy of the above is forwarded to the:
1. Additional Registrar, Peshawar High Court Peshawar.
 2. Advocate General, Khyber Pakhtunkhwa, Peshawar.
 3. Secretary, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
 4. Secretary, Establishment Department, Government of Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
 5. Deputy Secretary, (Litigation) Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa, Peshawar.
 6. P.A o Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.

[Signature]
DIRECTOR,
ELEMENTARY & SECONDARY EDUCATION,
KHYBER PAKHTUNKHWA, PESHAWAR.

بخدمت جناب سیکرٹری ابتدائی و ثانوی تعلیم خیبر پختونخوا ایشیا اور

عنوان: اپیل برائے سنیارٹی / پروموشن

جناب عالی؛

گزارش ہے کہ سائل محکمہ ابتدائی و ثانوی تعلیم میں سٹیوگرافر کی پوسٹ پر 1987ء سے کام کر رہا ہے۔ اور آج تک کوئی پروموشن نہیں ہوئی اور نہ ہی آئندہ پروموشن کا امکان ہے۔ بلکہ سائل کے چند سٹیوگرافر ساتھی آئندہ تین سالوں میں اپنی پوسٹوں سے ریٹائرڈ ہو رہے ہیں۔ اس لئے سائل چند اپنے سٹیوگرافر ساتھیوں کے ہمراہ (بعض ہائیر ایجوکیشن میں کام کرتے ہیں) اپنی ترقی کے سلسلے میں سروس ٹریبونل میں کیس دائر کیا تھا۔ جو بعد میں سپریم کورٹ تک پہنچ گیا تھا۔ کیونکہ سائل کے ساتھ ترقی کے سلسلے میں امتیازی سلوک ہو رہا تھا۔ اس ضمن میں سائل اپنی گزارشات عرض کرتا ہے۔

۱۔ مورخہ 9/5/1978 کو محکمہ تعلیم نے منسٹریل سٹاف کے رولز بنائے تو ان رولز کے ذریعے سٹیوگرافر (گریڈ B-12) اور اسٹنٹ (گریڈ B-11) کو (مشترکہ سنیارٹی سے) سپرنٹنڈنٹ (گریڈ B-16) کی پوسٹ پر ترقی دیا جاتی تھی۔ (یہ رولز محکمہ ہائیر ایجوکیشن اور محکمہ ایلیمینٹری اینڈ سیکنڈری ایجوکیشن کے منسٹریل سٹاف کے لئے تھے۔ کیونکہ دونوں محکموں کے منسٹریل سٹاف کے سنیارٹی ایک ہی تھی۔ اور مذکورہ رولز بھی آج تک موجود ہے۔)

۲۔ اگست 1983 میں حکومت نے تمام سٹیوٹا پوسٹ، جو نیر سکیل سٹیوگرافرز کو گریڈ B-12 دے دیا تھا۔ گریڈ 12 دینے کے بعد مورخہ 3/11/1983 کو صوبائی حکومت نے تمام سٹیوٹا پوسٹ، جو نیر سکیل سٹیوگرافرز کا عہدہ مکمل طور پر ختم کر کے ان کو سٹیوگرافر بنا دیا گیا۔ جس کی وجہ سے سٹیوٹا پوسٹ مکمل طور پر سکیل اور عہدہ کے اعتبار سے سٹیوگرافر بن گیا تھا۔ اور 1978ء کے رولز واضح ہے کہ سٹیوگرافر کی ترقی بطور سپرنٹنڈنٹ ہوتی ہے جن پر محکمہ ہڈا سٹیوگرافر کی ترقی کے سلسلے میں موجودہ رولز اور صوبائی حکومت کی چھٹی مورخہ 3/11/1983 پر صحیح طریقے سے عمل نہیں کر رہا۔

۳۔ جب صوبائی حکومت نے 1990ء میں سلیکشن گریڈ شروع کئے تو دونوں کیڈری یعنی سٹیوگرافر (سابقہ گریڈ B-11) موجودہ گریڈ B-14) اسٹنٹ (سابقہ گریڈ B-11) موجودہ گریڈ B-14) کو یکساں سلیکشن گریڈ سکیل نمبر 15 دیا گیا تھا۔ اسی طرح حکومت نے دونوں کیڈری کی برابر ظاہر کر دی تھی۔ جس کی وجہ سے سائل کو 15/01/1991 سے سکیل نمبر 15 دیا گیا تھا۔

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۴۔ مورخہ 5/8/2008 کو سیکرٹری ہائیر ایجوکیشن کے زیر صدارت رولز میں تبدیلی کے سلسلے میں SSRC کا ایک اجلاس منعقد ہوا۔ تو ڈپٹی سیکرٹری ہائیر ایجوکیشن نے اجلاس میں واضح کیا کہ 1978ء کے رولز میں شیونوگرافر کی ترقی کی سہولت (Provision) موجود ہے لیکن محکمہ ہائیر ایجوکیشن نے شیونوگرافر کو ترقی کی سہولت سے محروم کر رہا ہے۔ جس پر چیئر مین ایس آری نے ہدایات دی کہ ڈائریکٹر ہائیر ایجوکیشن ایک اندرونی اجلاس بلا کر اس مسئلے کو حل کریں۔ جو بعد میں حل کر دیا گیا یعنی کہ اور شیونوگرافر کو تاریخ تقرری سے اسٹنٹ کے ساتھ سناریائی میں شامل کر دیا گیا۔

۵۔ اس کے بعد مورخہ 28/5/2011 کو محکمہ ہائیر ایجوکیشن کے سیکشن آفیسر (لیٹینیشن) نے شیونوگرافر کی ترقی کے سلسلے میں ایک مراسلہ سیکرٹری (اسٹیشنمنٹ) کو لکھا۔ اور ان سے شیونوگرافر (سابقہ گریڈ B-12 موجودہ گریڈ B-14) کی ترقی کے بارے میں مشورہ (Opinion) مانگا۔ اس وقت ہمارا کیس سپریم کورٹ میں زیر سماعت تھا۔

۶۔ مورخہ 27/6/2011 کو سیکرٹری (اسٹیشنمنٹ) نے سیکرٹری ہائیر ایجوکیشن کو اس مشورے کے خد مورخہ 28/5/2011 کے سلسلے میں وضاحت کی کہ محکمہ کو چاہیے کہ وہ مشترکہ سناریائی لسٹ (اسٹنٹ بمعہ شیونوگرافر) کی تعیناتی کی تاریخ سے تیار کر کے مشہور کریں۔ اور ان کو ترقی دیں تاکہ حقداروں کو اپنا حق مل جائے جس سے کچھ عرصہ کے لئے انحراف کیا گیا تھا۔ اور یہ بھی وضاحت کی کہ رولز میں تبدیلی سابقہ ادوار سے لاگو نہ ہوگی۔

۷۔ مورخہ 13/7/2011 کو مسائل کی ترقی کے کیس کے سلسلے میں عدالت عظمیٰ میں تاریخ تھی تب مسائل کے ساتھیوں نے سیکرٹری (اسٹیشنمنٹ) کا خط مورخہ 27/6/2011 کو عدالت عظمیٰ میں پیش کیا۔ اور مسائل نے اپنی اپیل پر اس لیٹر کی وجہ سے عدالت عظمیٰ میں زور نہیں دیا۔ تب معزز عدالت عظمیٰ نے حکومت کے اس لیٹر کی روشنی میں ہماری اپیلوں کو ختم کر دیا۔ جو کہ عدالت عظمیٰ کے آرڈر مورخہ 13/7/2011 سے عیاں ہے۔

۸۔ اس ضمن میں مسائل نے اپنے چند ساتھیوں کے ہمراہ ایک مشترکہ درخواست مورخہ 24/12/2011 کو ڈائریکٹر ایف ابتدائی و ثانوی تعلیم کو دی تاکہ وہ سیکرٹری (اسٹیشنمنٹ) کے لیٹر مورخہ 27/6/2011 پر عمل کر کے مسائل کو ترقی دے۔ تب ڈائریکٹر صاحب نے مورخہ 17/2/2012 کو ہماری درخواست کو سیکرٹری ابتدائی و ثانوی تعلیم سے مشورہ مانگنے کے لئے بھیج دیا۔

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9- مورخہ 24/2/2012 کو سیکرٹری ابتدائی و ثانوی تعلیم نے ڈائریکٹر صاحب کو اس مشورہ کے جواب میں وضاحت کے لئے لکھا کہ موجودہ سرورس رولز 1978ء کے ابھی تک برقرار ہے۔ اور محکمہ ابتدائی و ثانوی تعلیم اور محکمہ ہائیر ایجوکیشن کے فٹنر مل سٹاف کے ایک جیسے رولز ہے۔ تب ساکھان کی شکایات پر محکمہ اسٹیلٹمنٹ کے لیٹر مورخہ 27/6/2011 کی نصیحت کے مطابق عمل کریں یعنی کہ سٹیوگرافر اور اسٹنٹ کی مشترکہ سنیارٹی تیار کریں اور ان کو ترقی دیں۔

10- سیکرٹری ابتدائی و ثانوی تعلیم کی رائے کے مطابق ڈائریکٹر ابتدائی و ثانوی پشاور نے سٹیوگرافر اور اسٹنٹ کی مشترکہ سنیارٹی لسٹ جاری کرنے کی بھی فائل پر منظوری دے دی۔ لیکن بعد میں دفتر ہذا کے بعض اہلکاران کی مداخلت کی وجہ سے اس مشترکہ سنیارٹی لسٹ کو جاری نہیں کیا گیا۔ بلکہ اس کام کو ایک کمیٹی کے ذریعے ٹرغادیا گیا۔

11- اس کے بعد سائل نے عدالت عالیہ پشاور میں سپریم کورٹ کے آرڈر مورخہ 13/7/2011 پر محکمہ اسٹیلٹمنٹ کے لیٹر مورخہ 27/6/2011 کی روشنی میں عمل کروانے کے سلسلے میں ایک رٹ نمبر 12-1387/P جمع کروائی جس کا فیصلہ چیف جسٹس صاحب پشاور ہائی کورٹ نے مورخہ 27/6/2012 کو فیصلہ سنایا اور یہ وضاحت کی کہ سپریم کورٹ میں فیصلے کی بنیاد محکمہ اسٹیلٹمنٹ کا وہ خط مورخہ 27/6/2011 ہے۔ جس میں سائل کو اسٹنٹ کے ساتھ تاریخ تقراری 5/1/1987 سے سنیارٹی دی گئی تھی۔ اس لئے اس خط مورخہ 27/6/2011 پر عمل کرنا چاہیے اور ایسا نہ کرنے پر توہین عدالت کا مرتکب قرار دیا تھا۔ چیف جسٹس صاحب کے اس آرڈر کے باوجود محکمہ نے سائل کے کیس پر کوئی کارروائی نہیں کی۔

12- اس کے بعد ایڈیشنل رجسٹرار پشاور ہائی کورٹ نے مورخہ 5/7/2012 کو سیکشن آفیسر اسٹیلٹمنٹ نے مورخہ 10/7/2012 کو اور سیکشن آفیسر ابتدائی و ثانوی تعلیم نے مورخہ 12/7/2012 کو ڈائریکٹر ابتدائی و ثانوی تعلیم کو اپنی کورٹ کے فیصلے پر فوری طور پر عمل کرنے کے سلسلے میں خط لکھے۔ لیکن اتنی کارروائی کے باوجود پھر بھی سائل کے کیس پر کوئی کارروائی نہیں ہوئی۔

13- چیف جسٹس صاحب کے احکامات پر عمل نہ ہونے کے وجہ سے سائل نے اپنے ساتھیوں کے ہمراہ توہین عدالت کیس نمبر C.O.C No. 255 دائر کیا جس کا فیصلہ عدالت عالیہ کی دور کئی بیچ نے مورخہ 6/11/2012 کو کیا۔ اور چیف جسٹس صاحب کے احکامات مورخہ 27/6/2012 کو بحال رکھا۔ اور ایک ماہ کے اندر سائل کی اپیل پر فیصلہ کرنے کا حکم دیا۔ لیکن چیف جسٹس صاحب کے احکامات پر عمل کرنے کی بجائے محکمہ ابتدائی و ثانوی نے فیصلے کا رخ ہی تبدیل کر دیا۔ یعنی کہ یہ تمام خط

5/7

و کتابت اسٹنٹ (گریڈ B-14) اور سینیو گرافر (گریڈ B-14) کے بارے میں تھی۔ لیکن محکمہ اس کو سینئر سکیول سینیو گرافر گریڈ (B-16) سے تشبیہ دیتا رہا۔

۱۳۔ علاوہ ازیں محکمہ ہائر ایجوکیشن نے 1978ء کے روز پر عمل کرتے ہوئے مورخہ 10/8/2012 کو اسٹنٹ (B-14) اور سینیو گرافر (B-14) کا تاریخ تقرری سے مشترکہ سنیارٹی کا نوٹیفیکیشن جاری کر دیا ہے۔ اور مورخہ 5/9/2012 کو ڈائریکٹر ہائر ایجوکیشن نے اسٹنٹ (B-14) اور سینیو گرافر (B-14) کی تاریخ تقرری سے سنیارٹی لسٹ بھی ایڈجسٹ کر دی ہے۔ لیکن ڈائریکٹر ابتدائی دتا کوئی ایسا نہیں کر رہا۔

۱۵۔ اس ضمن میں مسائل ایک مثال ڈائریکٹر آف سپورٹس کے سینیو گرافر ملازمین کی پیش کرتا ہے۔ کہ ڈائریکٹر سپورٹس اپنے محکمہ کے سینیو گرافر (سابقہ گریڈ B-12 موجودہ گریڈ B-14) اور اسٹنٹ (سابقہ گریڈ B-11 موجودہ گریڈ B-14) کی مشترکہ سنیارٹی بنا کر سپرنٹنڈنٹ کی پوسٹ پر ترقی دیتا ہے۔

۱۶۔ 1978ء میں منسٹرل سٹاف کے روز برابر کی بنیاد پر بنائے گئے تھے۔ اور دونوں کیڈرز اسٹنٹ اور سینیو گرافر کو ترقی کے یکساں مراعات دیئے گئے تھے۔ کیونکہ اس وقت اسٹنٹ کا گریڈ B-11 اور سینیو گرافر کا گریڈ B-12 تھا۔ اور دونوں مختلف کیڈرز کو مشترکہ سنیارٹی لسٹ سے سپرنٹنڈنٹ (B-16) کی پوسٹ پر ترقی دی جاتی تھی لیکن اب بھی 1978ء کے روز موجود ہے۔ لیکن محکمہ سینیو گرافر (گریڈ B-14) کی ترقی کے سلسلے میں روز پر عمل نہیں کر رہا بلکہ اسٹنٹ (B-14) کی ترقی کے سلسلے میں بھی روز کو اپنایا نہیں جاتا۔

۱۷۔ علاوہ ازیں یہ قانوناً درست نہیں ہے کہ ایک طرف منسٹرل سٹاف کا ایک ملازم جو میٹرک تک ترقی حاصل کرتا ہے۔ یعنی جو میٹرک سے سینئر کلرک، سینئر کلرک سے اسٹنٹ اور اسٹنٹ سے سپرنٹنڈنٹ (B-16) ترقی حاصل کرتا ہے۔ لیکن دوسری جانب روز کے ہوتے ہوئے بھی سائل کو ایک مرتبہ بھی ترقی نہیں دی جاتی۔

OTC

۱۸۔ مزید برآں محکمہ میں اس وقت اسٹنٹ کی تعداد تقریباً 300 ہے محکمہ صرف سینئر سکیولر ٹیچنگ اسٹنٹوں کو جن کی تعداد 05 ہے ان کو اسٹنٹ کی سنیارٹی میں شامل کرتا ہے۔ لیکن سائل کو اسٹنٹ کی سنیارٹی میں شامل نہیں کرتا ہے۔ جبکہ روز میں صرف ٹیچنگ اسٹنٹوں اور اسٹنٹ کی مشترکہ سنیارٹی سے پرنٹنٹ کی پرتی حاصل کرنے کا ذکر ہے اسی وجہ سے تھوڑے ہی عرصہ میں 121 اسٹنٹ (گریڈ B-14) بطور سپرنٹنڈنٹ B-16 ترقی حاصل کر چکے ہیں لیکن اس دوران کسی بھی ٹیچنگ اسٹنٹ (گریڈ B-14) کو بطور سپرنٹنڈنٹ گریڈ B-16 ترقی نہیں دی گئی۔ جو کہ سراسر زیادتی ہے اور انصاف پر بھی مبنی نہیں ہے۔

اس لئے آپ صاحبان سے استدعا کی جاتی ہے۔ کہ آپ مہربانی کر کے سائل کو مندرجہ بالا حقائق کی روشنی میں تاریخ تقرری یعنی مورخہ 5/11/1987 سے اسٹنٹ کے ساتھ مشترکہ سنیارٹی دے کر بطور سپرنٹنڈنٹ اپنے نمبر پر بمقام سابقہ منافع جات کے ساتھ ترقی دے کر مشکور فرمائیں۔

آپکا تابعدار:
مرتیضی خان شیونو گرافر
محکمہ ابتدائی و ثانوی تعلیم
خیبر پختونخوا، پشاور

تاریخ: 02/01/2013

07 c

MI 47

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 754 /2013

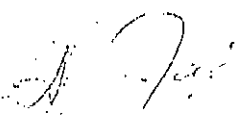
Mr. Murtaza Khan V/S Education Department.

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3.	Copy of Rules of 1978	- B -	07-09
4.	Copy of Tribunal's Judgment (20.5.2006)	- C -	10-18
5.	Copy of Supreme Court's Judgment (20.10.2006)	- D -	19-22
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APPELLANT
Murtaza Khan

THROUGH:


(M. ASIF USAFZAI)
ADVOCATE, PESHAWAR.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. _____/2013.

Murtaza Khan, Stenographer,
GATTTC Gul Bahar Peshawar City.....Appellant.

VERSUS

- 1- The Secretary Education (E&SE), KPK Peshawar.
- 2- The Secretary Establishment & Admin: KPK Peshawar.
- 3- The Director Education (E&SE) KPK Peshawar.
- 4- The Director Curriculum & Teacher Education Abbottabad.

.....Respondents.

APPEAL UNDER SECTION 4 OF THE KPK
SERVICE TRIBUNALS ACT 1974 AGAINST
THE ORDER DATED. 26.11.2012 PASSED BY
RESPONDENT NO.3 AND AGAINST NOT
TAKING ANY ACTION ON THE
DEPARTMENTAL APPEAL OF THE
APPELLANT WITHIN STATUTORY PERIOD.

PRAYER:

That on acceptance of this appeal the order dated, 26.11.2012 may be set-aside and the respondents may be directed to maintain and prepare the joint seniority list of Office Asstt; and Stenographers for the purpose of promotion to the post of Superintendent in light of Respondent No.2 letter dated. 27.6.2011 and 10.7.2012, with further directions to the respondents to consider the

appellant for promotion to the post of Superintendent being eligible and senior from his due date with all consequential benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of appellant.

R. SH. W. H.

1- That the appellant joined the Education Dept; in the year 1987 as Stenographer in BPS-12. The appellant since then has been performing his duties with devotion and honesty and there are no complaints against the appellant what so ever. This means the appellant has more than 20 years service at his credit with good record throughout.

2- That it is also worth to mention here that the Finance Dept; vide its Circular dated. 3.11.1983 had re-designated the posts of Steno Typist/ Junior Scale Stenographers Grade-II and Junior Scale Stenographers Grade-I as Stenographers and placed in BPS-12, w.e.f. from 1.7.1983. Copy of the Circular is attached as Annexure - A.

3- That as the respondent No. 3 ~~office~~ was not following the Rules of 1978 in its true sense due to which neither the appellant nor any other steno grapher has been promoted as superintendent despite the fact the service length of the stenographers was much longer than that of Office Assst; Thus, the stenographers were kept deprived from the benefits of promotion for long long period. Copy of rules of 1978 is attached as Annexure - B.

4- That due to above discrepancies the appellant along with some other Stenographers filed a service appeal bearing NO. 824/2004 in this august Tribunal. The august Tribunal finally accepted the appeal on 20.5.2006 with the directions to the respondents to amend the Rules in light of Finance Dept; Circular dated. 3.11.1983 within three months. Copy of the judgment is attached as Annexure - C.

5- That against that judgment, the appellces went in appeal before the Supreme Court and the august Supreme Court 20.10.2006 remanded the appeals back to the Service Tribunal for decision afresh on merits. Copy of the judgment is attached as Annexure - D.

6- That the tribunal again decided the appeal on 15.1.2007 and dismissed the appeals. The appellant went in appeal before the august Supreme Court of Pakistan against the judgment of the Tribunal and the august

Supreme Court of Pakistan granted leave to appeal on 9.4.2009. Copies of the judgments are attached as Annexure - E & F.

- 7- That during the pendency of appeal before the august Supreme Court, the Establishment Deptt: took a serious view about the misconceptions of the Deptt: and the said letter was also sent to the Higher Education Deptt: in which it was clearly mentioned that "the Deptt: is required to prepare joint seniority lists of Asstt: and stenographers from the date of regular appointments and disciplinary action should be taken against those responsible for failure to implement the decision taken in meeting dated 5.3.2008." Thus in light of above Circular of the Establishment Deptt: the appeal of the appellant before the august Supreme Court was not pressed and the appeal were dismissed on 13.7.2011. Copies of letter and order are attached as Annexure - G & H.
- 8- That as the Education Deptt: was not resolving the issue in light of establishment letter, mentioned above, despite of proper appeal, therefore, the appellant and his colleague stenographers filed a writ petition No.1387-P/2012 in the august High Court, Peshawar. The said writ petition was heard on 27.6.2012 and the respondent Deptt: was directed to decide the joint application of the petitioners in light of establishment Circular within one month. Copies of appeal and order are attached as Annexure - I & J.
- 9- That even then the respondent Deptt: was not deciding the above mentioned application, therefore, the appellant again filed contempt of court petition in the august High Court and on 6.11.2012 august High Court again directed the respondent Deptt: to decide the joint application in light of Establishment Deptt: Circular within one month positively. There after the respondent No.3 passed the impugned order on 26.11.2012 which was communicated to appellant on 6.12.2012 by the respondent No.3. The appellant forth with filed departmental appeal on 21.2013 against the order dated. 26.11.2012 and waited for statutory period but no reply has been received by the appellant so far. Copies of orders are attached as Annexure - K, L, M.
- 10- That now the appellant comes to this august Tribunal on the following grounds amongst the others.

GROUNDS:

- A- That the order dated. 26.11.2012 of respondent No.3 is against the law, Rules norms of justice and material on record.
- B- That the post of Superintendent is required to be filled in by promotion from amongst the Office Asstts./Head Clerk/Stenographers on joint seniority basis. Therefore the respondents are legally bound to prepare joint seniority list of Office Asstts: & Stenographers from the date of their regular appointments.
- C- That the respondent Education Deptt: was also directed by the Establishment Deptt: to finalize the issue in light of earlier Circular dated. 27.6.2012 but even then the respondent Education Deptt: is not doing his legal duty and is continuously keeping deprive the appellant from his rights and benefits of promotion. Copy of the letter is attached as Annexure - N & O.
- D) That it is also worth to mention here that the Director Education E&SE is so adamant that despite of the directions of Establishment Deptt: and the Secretary of The Deptt: not following the rules and continuously keeping the appellant deprived from his legal rights of promotion for which he is waiting for the last 26 years.
- E) That the appellant has been working as Stenographer for the last more than 26 years has not been given any promotion till date due to improper exercise of rules by the respondents department.
- E) That the appellant has not been treated according to law and rules because in the rules the word stenographer is mentioned for promotion to the post of superintendent but the respondents are not considering the appellant for promotion.
- G) That even the stenographers are kept deprive from the benefits of promotion to the post of superintendent because the respondent department has promoted 138 Office Asstt: during the short period and erroneously included the Sr. Scale Stenographer (B-16) with the Asstt: instead of Stenographers who are actually mentioned in the rules.
- H) That the attitude and conduct of the respondents is also in violation of the Rule-17 of the APT Rules, 1989 which amounts to an arbitrary act on the part of the respondents.

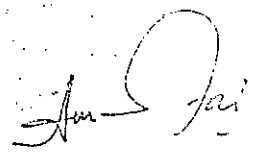
- I) That the conduct of the respondents department is also discriminatory because in all other line departments such as Sport, Higher Education, Tech; Education etc. prepare joint seniority list of office assistant and stenographers on the basis of date of regular appointment/promotion whereas no such practice has been adopted by the respondent department. Copies of the rules are attached as Annexure - P, Q & R, S.
- J) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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


APPELLANT

MURTAZA KHAN

THROUGH:


(M. ASIF YOUSAFZAI)

ADVOCATE,

N 53

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.

Notification

Consequent upon the approval of the Departmental Promotion Committee (DPC) meeting held on 20/5/2014, the following Junior Scale Stenographer B-14 of Elementary & Secondary Education Department are hereby promoted/adjusted as Senior Scale Stenographer B-16 on regular basis in the interest of public service with immediate effect.

S.No.	Name & Desig:	F. Name	Address	Posted at	
1	Muhammad Khalid Junior Scale Stenographer	Dost Muhammad	DEO (M) D.I.Khan	Senior Scale Stenographer B-16 at Directorate E&SE Khyber Pakhtunkhwa Peshawar.	Against vacant post
2	Wisal Muhammad Junior Scale Stenographer	Faqir Muhammad	Directorate E&SE Khyber Pakhtunkhwa Peshawar.	Senior Scale Stenographer B-16 at Directorate E&SE Khyber Pakhtunkhwa, Peshawar.	Against vacant post
3	Murtaza Khan Junior Scale Stenographer	Sardar Kan	GATTC Gulbahar Peshawar.	Senior Scale Stenographer B-16 at Directorate of Education (FATA) Peshawar.	Against vacant post

Note:

- 1: Charge report should be submitted to all concerned.

(Muhammad Rafiq Khattak)
DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst. No. 3973-83/A-23/MS/Promotion/Stenographer/2014.

Dated Peshawar the 28/5/2014.

Copy of the above is forwarded to the:-

1. PS to Minister for Elementary & Secondary Education Department Khyber Pakhtunkhwa.
2. PS to Secretary Govt of Khyber Pakhtunkhwa Elementary & Secondary Education Department.
3. Director Curriculum & Teachers Education Khyber Pakhtunkhwa Abbottabad.
4. Director of Education (FATA) Peshawar.
5. Accountant General Khyber Pakhtunkhwa Peshawar.
6. District Accounts Officers concerned.
7. Officials concerned.
8. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
9. PA to Additional Directors (Estt.) & (Dev) Local Office.
10. Master File.

M. A. D.
Assistant Director (Admn)
Directorate of E&SE K.P, Peshawar

28/5/14

خدمت جناح سکریٹری - ابتدائی و ثانوی تعلیم خیریترا شاہ شاہ

جناب عالی! اپیل برائے انصاف و بر صدف حکم کو تسلیم نہ کر کے 28/14 کے عنوان پر گزارش ہے کہ سائل محکمہ ابتدائی و ثانوی تعلیم میں سٹیو گرافری پوسٹ پر 1987 سے کام کر رہا ہے۔ مورخہ 28/15/14 کو محکمہ ابتدائی و ثانوی تعلیم کے سائل کو 2013ء رولز کے تحت سینئر سکیل سٹیو گرافری پوسٹ پر ترقی دے کر فائڈ انٹر کیئر میں تعینات کر دیا۔ جو کہ قانوناً درست نہیں ہے۔

کیونکہ سائل پر 2013ء کے رولز لاگو نہیں کیے گئے اس لیے سائل کے 2004ء میں اپنے چند ساتھیوں کے ہمراہ عدالت میں ترقی کے سلسلے میں اپیل دائر کی تھی۔ جس کو سپریم کورٹ نے مورخہ 13/7/2011 کو حکم اسٹیٹمنٹ کے لیے مورخہ 27/6/2011 کی روشنی میں ختم کر دیا تھا جس میں سائل کو تعیناتی کی تاریخ سے اسٹیف کے ساتھ مشورہ کر سیکرٹری دی گئی تھی۔ اور یہ بھی وضاحت دی گئی تھی۔ کہ رولز میں ترمیم سابقہ ادوار سے لاگو نہ ہوگی یعنی کہ جسے تاریخ کوئے رولز میں جائیں گے تو اسی تاریخ سے نافذ العمل ہوئے۔ اس ضمن میں حکم یا سیرا ایجوکیشن نے 1978ء کے رولز پر عمل کرتے ہوئے اپنے ملرز میں کو (سائل کے ساتھ ملے اور تقریباً سات سال جوئیر میں ملے) سپر سٹنڈنٹ کی پوسٹ پر ترقی دے دی ہیں۔

عدوہ از میں سائل محکمہ ابتدائی و ثانوی میں 27 سال سپروں کر چکا ہے۔ ابھی تک ایک ہی پوسٹ پر تعینات ہے اور ریٹائرمنٹ کے قریب ہے۔ جب کہ سائل کا ایک ساتھی عبید اللہ سٹیو گرافری کی پوسٹ پر سے ریٹائر ہو چکا ہے۔ مزید یہ کہ محکمہ ابتدائی و ثانوی تعلیم سائل سے سینئروں جوئیر اسٹیف کو سپر سٹنڈنٹ کی پوسٹ

under protest

پر ترقی دے گا اور حال ہی میں مورخ 26/5/14 کو 2008
 بیچ دے گا۔ اس کو سپر نٹنڈنٹ کی پوسٹ پر ترقی دے دی گئی
 اس سے آج صاف ہوا ہے اس کے لئے اس کی جاتی ہے کہ آج براہ صبر ہانی
 مندرجہ بالا قوانین کی روشنی میں 1978 کے روز پر محل کر کے سامنے
 کو حقہ مائٹرا ایجوکیشن کے صدر میں کی طرز پر سپر سیکرٹری کو ترقی
 کی بجائے سپر نٹنڈنٹ کی پوسٹ پر ترقی دے کر مشکی افرقین
شکر ہے

مورخ 17/06/2014

احد کا تابعدار
 سر ایضاً ان سیکرٹری کو ترقی
 کو حقہ مائٹرا ایجوکیشن کے صدر میں
 مندرجہ بالا 2 قوانین

Secy (EESE)

Dialy No. ~~1458~~ 1458

Dt: 17-6-14

~~1458~~
 17/6/14

DIRECTORATE OF SCHOOLS & LITERACY NWFP PESHAWAR.

NOTIFICATION

Consequent upon the recommendation of the Departmental Promotion Committee in its meeting held on 15-5-2004 and approval of the competent authority, the following Assistants (BPS-11) are hereby promoted as superintendents in (BPS-16) and posted against the vacant posts in the offices/colleges mentioned against each with immediate effect:-

S.No	Name & Office	Place of Adjustment	Remarks
1	Mr. Muhammad Naem Assistant EDO (S&L) Dir Lower	DDO (F) War Dir Upper	Against Vacant Post
2	Mr. Muhammad Ali Assistant EDO (S&L) Karak	DDO (F) Banda Daud Shah Karak	Against Vacant Post
3	Mr. Iqbal Masih Assistant Directorate of Higher Education NWFP Peshawar	DDO (F) Lahor Swabi	Against Vacant Post
4	Mr. Wali Ullah Assistant EDO (S&L) Swabi	DDO (M) Swabi	Against Vacant Post
5	Mr. Wiqar Ahmad Assistant Directorate of Schools & Literacy NWFP Peshawar	Govt. Degree College Landi Kotal (Khyber Agency)	Against Vacant Post
6	Mr. Amir Zada Assistant DDO (F) Dir Upper	EDO (S&L) Dir Upper	Against Vacant Post
7	Mr. Taj Muhammad Assistant Govt. College Abbottabad	EDO (S&L) Battagram	Against Vacant Post
8	Mr. Amir Murad Assistant DDO (M) Booni Chitral	DDO (M) Chitral	Against Vacant Post
9	Mr. Mawaz Khan Assistant EDO (S&L) Kohat	EDO (S&L) Hangu	Against Vacant Post
10	Muhammad Ashraf Assistant EDO (S&L) Haripur	DDO (M) Haripur	Against Vacant Post
11	Mr. Yaqoob Ilahi Assistant RITE A-Abad	EDO (S&L) Haripur	Against Vacant Post
12	Mr. Sher Zaman Assistant Govt. College Karak	Govt. Degree College Karak	Against Vacant Post
13	Mr. Sultan Ahmad Assistant Govt. Degree College No. 2, Dil Khan	DDO (M) Hangu	Against Vacant Post
14	Mr. Dost Muhammad Assistant DDO (M) Charsadda	DDO (M) Charsadda	Post already occupied
15	Mr. Sher Wali Dad Assistant Govt. Elementary College Kot Habibullah FR Bannu	Govt. Degree College Miran Shah	Against Vacant Post
16	Mr. Abdul Sattar Assistant Medical Schools Project Peshawar	DDO (M) Lahore Swabi	Against Vacant Post
17	Mr. Jehangir Khan Assistant Director Higher Education NWFP Peshawar	Govt. Degree College Kohat	Post already occupied

[Handwritten signature]

18	Mr. Lal Marjan Assistant Govt Degree College Ahmad Abad Karak	EDO (S&L) Hangu	Against Vacant Post
19	Mr. Aurangzeb Assistant GC Comp. HSS Peshawar	DDO (M) Wari Dir Upper.	Against Vacant Post
20	Mr. Alam Zeb Assistant Director of Education NWFP (FATA)	Govt. Degree College Kohi Sher Haldar Bara	Post already occupied
21	Mr. Mugarab Khan Assistant DDO (F) Lakki Marwat	DDO (F) Lakki Marwat	Post already occupied

Note:-

- 1- Charge report should be sent to all concerned.

Director
Schools & Literacy NWFP Peshawar.

Endst. No. 3927-36 / A-23/MS/Promotion to Supdt. Dated Peshawar the 29/5/2004

Copy forwarded to the:

1. PS to Minister of Education NWFP.
2. PS to Secretary Education NWFP.
3. Accountant General NWFP Peshawar.
4. Executive District Officers (S&L) concerned.
5. District Account Officer's concerned.
6. Director of Higher Education NWFP Peshawar.
7. Director of Education NWFP (FATA) Peshawar.
8. Director of Curriculum & Teachers Education NWFP A-Abad.
9. Manager Middle Schools Project-II NWFP Peshawar.
10. Principal concerned.
11. Superintendent concerned.
12. PA to Director Schools & Literacy NWFP Peshawar.

Deputy Director (Finance)
Directorate of Schools & Literacy
NWFP Peshawar.

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DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, NWFP, PESHAWAR

NOTIFICATION

Consequent upon the approval of the Departmental Promotion Committee (DPC) meeting held on 11-4-2009, the following Assistants of Elementary & Secondary Education Department are hereby promoted / adjusted as regular Superintendents / B&AO (BPS-16) in the interest of Public Service with immediate effect:-

S.No.	Name & Designation	From	To	Remarks
1	Mir Nawaz Dad	DDO (M) B.D.Shah, Karak	DDO (M) B.D. Shah, Karak	Against vacant post BPS-16
2	Irshad Hussain	EDO Kohistan	DO (F) Kohistan	Against vacant post BPS-16
3	Mukamil Shah	Local Directorate	EDO Nowshera	Against vacant post BPS-16
4	Shahzad Gul	Local Directorate	DO (F) Hangu	Against vacant post BPS-16
5	Abu Talib	DE FATA	At the disposal of DE FATA, NWFP	Against vacant post BPS-16
6	Mohammad Asif	DO(F) Haripur	EDO Kohistan	Against vacant post BPS-16
7	Awais Ahmad	Directorate PITE	EDO Dir Upper	Against vacant post BPS-16
8	Karim Khan	EDO Mardan	EDO Dir Upper	Against vacant post BPS-16
9	Liaquat Ali	DE FATA	At the disposal of DE FATA, NWFP	Against vacant post BPS-16
10	Javed Ahmad	Local Directorate	EDO Kohistan	Against vacant post BPS-16
11	Ajmal Khan	EDO Bannu	EDO Bannu	Against vacant post BPS-16
12	Inam ul Haq	AEO Khyber Agency, (FATA)	EDO Dir Lower	Against vacant post BPS-16
13	Liaquat Ali	EDO Mardan	EDO Buner	Against vacant post BPS-16
14	Sajawal Khan	EDO Swabi	DDO (F) Swabi	Against vacant post BPS-16
15	Luqman Khan	DO (M) Kohat	EDO Kohat	Against vacant post BPS-16
16	Abdul Aziz Baloch	GCPE NWFP, Karak	DDO (M) Karak	Against vacant post BPS-16
17	Mohammad Javed	EDO D.I.Khan	DDO (F) D.I.Khan	Against vacant post BPS-16
18	Nizam ud Din	EDO Charsadda	DO (M) Hangu	Against vacant post BPS-16
19	Fayyaz Mohammad	GG Comp: A/Abad	DO (F) Battagram	Against vacant post BPS-16
20	Ghulam Haider	RITE (F) Swabi	DDO (M) Battagram	Against vacant post BPS-16
21	Mohammad Ayub	DO (M) Lakki Marwat	EDO Lakki Marwat	Against vacant post BPS-16
22	Pir Saifullah	AEO FR D.I.Khan	AEO NWA (FATA)	Against vacant post BPS-16
23	Mohibullah	DDO (F) Charsadda	DDO (F) Charsadda	Against vacant post BPS-16
24	Shah Jehan	DDO (F) Tangi	DDO (F) Tangi	Already occupied by him
25	Mohammad Younas	DDO (F) Haripur	DO (F) Battagram	Already occupied by him
26	Akhtar Munir	DO (M) Lakki Marwat	DO (F) Lakki Marwat	Against vacant post BPS-16
27	Abdul Jalil	DO (M) Manshara	DO (F) Battagram	Against vacant post BPS-16
28	Sarfraz Khan	DDO (M) Tangi	DDO (M) Tangi	Against vacant post BPS-16
29	Mohammad Hayat	DO (M) Mardan	DDO (F) Mardan	Already occupied by him
30	Bakht Mohammad	GGHSS Rustam Mardan	EDO Buner	Against vacant post BPS-16

S.No.	Name & Designation	From	To	Remarks
31	Abdul Hameed	DE FATA	EDO Dir Upper	Against vacant post BPS-16
32	Roohullah	DDO (M) Mardan	EDO Buner	Against vacant post BPS-16
33	Ataullah Jan	Local Directorate	EDO Kohat	Against vacant post BPS-16
34	Mohammad Tariq	Local Directorate	DO (F) Karak	Against vacant post BPS-16
35	Javed Abbas	Local Directorate	EDO Kohat	Against vacant post BPS-16
36	Mohammad Ali	DE FATA	AEO Khyber Agency	Against vacant post BPS-16
37	Mumtaz Ali	DO (F) Mardan	EDO Shangla	Against vacant post BPS-16
38	Gul Bahadar	EDO Mardan	EDO Shangla	Against vacant post BPS-16
39	Farooq Ahmad	DO (M) Lakki Marwat	DO (F) Hangu	Against vacant post BPS-16
40	Ghulam Sarwar	EDO Abbottabad	DCTE, NWFP, A/Abad	Against Vacant Post BPS-16
41	Rahmat Khan	EDO Tank	EDO Bannu	Against vacant post BPS-16
42	Mohammad Bashir	RITE (M) Haripur	EDO Kohistan	Against vacant post BPS-16
43	Dilawar Baig	DO (M) Peshawar	EDO Dir Lower	Against vacant post BPS-16
44	Abdul Qayyum	DO (M) Haripur	EDO Dir Lower	Against vacant post BPS-16
45	Mohammad Farooq	DO (M) Mansehra	EDO Kohistan	Against vacant post BPS-16

Consequential posting/transfer of the following official is hereby ordered in their own pay and scale in the public interest.

46	Ayaz Khan (Stenographer) Working against AD Audit	Directorate of Curriculum & TE, NWFP, A/Abad	Directorate of E&SE, NWFP, Peshawar	Adjusted against the vacant original post of stenographer
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- Note: 1- Charge report should be sent to all concerned.
2- No. TA/DA is allowed.

SYEDA SARWAT JEHAN
DIRECTOR

Endst: No. 12586-716/ A-23/MS/Promotion 2009/SUPDT/Dated 16-04-2009

Copy forwarded for information to the:-

1. P/S to Minister for Elementary & Secondary Education, NWFP
2. P/S to Secretary to Govt. of NWFP, Elementary & Secondary Education Department with reference to the meeting held on 11-04-2009.
3. Director Curriculum & Teacher Education, NWFP, Abbottabad.
4. Director Education, FATA, NWFP, Peshawar.
5. Director PITE, NWFP, Peshawar.
6. Assistant Director Examination, PITE Directorate, Peshawar.
7. Accountant General, NWFP.
8. All District Account Officers in NWFP.
9. All Executive District Officer Elementary & Secondary Education in NWFP.
10. All Assistant Directors (E&SE), Local Office.
11. All Superintendents concerned.
12. P/A to Director (E&SE), NWFP.
13. Master File.

Deputy Director (Finance & Admin)
Directorate of Elementary & Secondary Education
NWFP, Peshawar

Haji Sher Rehman

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.

Notification:

Consequent upon the approval of the Departmental Promotion Committee (DPC) meeting held on 21.2.2011, the following Assistant of Elementary & Secondary Education Department are hereby promoted/adjusted as regular Superintendents/Budget & Accounts Officers (B-16) in the interest of public service with immediate effect.

S.N.	Name & Designation	From	To	Remarks
1	Mr. Abdul Bari Assistant	ABO Bajour FATA		His services are hereby placed at the disposal of DE (FATA) for further adjustment.
2	Mr. Abdul Ahad Assistant	EDO (E&SE) D.I.Khan	DDO (F) Lakki	Against Vacant Supdt: Post B-16
3	Mr. Shah Nawaz Assistant	EDO (E&SE) D.I.Khan	EDO (E&SE) Hangu.	Against Vacant Supdt: Post B-16
4	Mr. Umar Khitab Assistant	EDO (E&SE) Malakand	DDO (M) Swat Ranizai Mkd	Against Vacant Supdt: Post B-16
5	Mr. Allauddin Assistant	EDO (E&SE) D.I.Khan.	DDO (M) Kulachi D.I.Khan.	Against Vacant Supdt: Post B-16
6	Muhammad Farooq Assistant	EDO (E&SE) Lakki	EDO (E&SE) Lakki.	Against Vacant Supdt: Post B-16
7	Mr. Mushtaq Ahmad Assistant	EDO (E&SE) Charsadda	EDO (E&SE) Kohistan.	Against Vacant Supdt: Post B-16
8	Mr. Amir Khan Assistant	Directorate of Education (FATA) Peshawar.	DDO (M) Karak.	Against Vacant Supdt: Post B-16
9	Mr. Akhtar Gul Assistant	RITE (M) Dargai	EDO (E&SE) Buner.	Against Vacant Supdt: Post B-16
10	Muhammad Israr Assistant	Directorate of E&SE Khyber Pakhtunkhwa Peshawar.	DDO (M) Kohat.	Against Vacant Supdt: Post B-16
11	Mr. Hikmat Shah Assistant	P&D Cell E&SE Department of Secretariat.	EDO (E&SE) Hangu.	Against Vacant Supdt: Post B-16
12	Syed Anwar Shah Assistant	EDO (E&SE) Peshawar.	EDO (E&SE) Dir Upper.	Against Vacant Supdt: Post B-16
13	S. Ahmad Jan Assistant	ABO Orakzai Agency		His services are hereby placed at the disposal of DE (FATA) for further adjustment.
14	Mr. Naeemullah Assistant	RITE (M) Tangara. Dir Lower	DDO (M) Booni Chitral.	Against Vacant Supdt: Post B-16
15	Mr. Saeed Jan Assistant	EDO (E&SE) Dir Upper	EDO (E&SE) Dir Upper.	Against Vacant Supdt: Post B-16

16	Mr. Ghulam Muhammad Assistant	EDO (E&SE) Dir Upper	DDO (M) Dir Upper.	Against Vacant Supdt: Post B-16
17	Mr. Niamatullah Assistant	DDO (M) Battagram	DDO (M) Battagram.	Against Vacant Supdt: Post B-16
18	Mr. Inayatullah Assistant	DDO (M) D.I.Khan	EDO (E&SE) Tank.	Against Vacant Supdt: Post B-16
19	Muhammad Iqbal Assistant	EDO (E&SE) D.I.Khan	EDO (E&SE) Hangu.	Against Vacant Supdt: Post B-16
20	Mr. Saranjam Assistant	EDO (E&SE) Bannu	EDO (E&SE) Bannu.	Against Vacant Supdt: Post B-16
21	Muhammad Saeed Assistant	DCTE Khyber Pakhtunkhwa Abbottabad.	EDO (E&SE) Battagram.	Against Vacant Supdt: Post B-16
22	Mr. Sher Bahadar Assistant	EDO (E&SE) Bannu	EDO (E&SE) Bannu.	Against Vacant Supdt: Post B-16
23	Mr. Mansoor Ahmad Assistant	EDO (E&SE) Abbottabad	EDO (E&SE) Kohistan	Against Vacant Supdt: Post B-16
24	Mr. Naimul Wakil Assistant	DDO (M) Dargai	DDO (M) Samar Bagh Dir Lower.	Against Vacant Supdt: Post B-16
25	Mr. Mirajuddin Assistant	DDO (F) Kohat	DDO (F) Kohat.	Against Vacant Supdt: Post B-16
26	Mr. Shah Jehan Assistant	EDO (E&SE) Buner	EDO (E&SE) Buner.	Against Vacant Supdt: Post B-16
27	Muhammad Khitab Assistant	EDO (E&SE) Mardan	DDO (F) Buner.	Against Vacant Supdt: Post B-16
28	Mr. Ghulam Rasani	EDO (E&SE) Bannu	DDO (F) B.D.Shah (Karak).	Against Vacant Supdt: Post B-16
29	Mr. Farooq Jan Assistant	EDO (E&SE) Lakki	EDO (E&SE) Lakki.	Against Vacant Supdt: Post B-16
30	Mr. Atta Muhammad Assistant	EDO (E&SE) D.I.Khan	EDO (E&SE) Karak.	Against Vacant Supdt: Post B-16
31	Mr. Said Ali Shah Assistant	Directorate of E&SE Khyber Pakhtunkhwa Peshawar	EDO (E&SE) Kohistan.	Against Vacant Supdt: Post B-16
32	Mr. Khwaja Rashid Assistant	EDO (E&SE) Malakand.	EDO (E&SE) Buner	Against Vacant Supdt: Post B-16

Consequential posting/transfer of the following officials is hereby ordered in their own pay and BPS in the public interest.

S.No	Name & Designation	From	To	Remarks.
33	Mr. Abdul Hamid Supdt	DDO (F) Wari Dir Upper	Supdt, Directorate Sports at DE (FATA) Peshawar.	W.e.f 20.3.2011, the date of retirement of Mr. Waqar Hassan.
34	Pir Saifullah Supdt	AEO NWA (Miran Shah)	Supdt, AEO SWA Tank	Against vacant post.

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35	Mr. Abdul Majid Supdt at DDO (M) Kohat.	DDO (M) Kohat	Supdt, AEO Kurram Parachinar.	Against vacant post.
36	Mr. Bakht Mola Assistant working against Supdt post.	DDO (F) Samar Bagh Dir Lower	Assistant at EDO (E&SE) Dir Upper	Vice Mr. Saeed Jan promoted.

Note:

1. Charge report should be submitted to all concerned.
2. No TA/DA etc, is allowed to S.No.33 to 36.

(Syeda Sarwat Jehan)

DIRECTRESS

Elementary & Secondary Education
Khyber Pakhtunkhwa, PeshawarEndst: No. 1385-1455/A-23/MS/Promotion/Asstt/2010. Dated Peshawar the 10/03/2011.

Copy of the above is forwarded to the: -

1. PS to Minister for Elementary & Secondary Education Department Khyber Pakhtunkhwa.
2. PS to Secretary Govt of Khyber Pakhtunkhwa Elementary & Secondary Education Department.
3. Director Curriculum & Teachers Education Khyber Pakhtunkhwa Abbottabad.
4. Director of Education (FATA) Peshawar.
5. Director Provincial Institute of Teachers Education Khyber Pakhtunkhwa Peshawar.
6. Accountant General Khyber Pakhtunkhwa Peshawar.
7. District Accounts Officers concerned.
8. Agency Accounts Officers concerned.
9. Executive District Officers (E&SE) concerned.
10. Agency Education Officers concerned.
11. Deputy District Officers (E&SE) concerned.
12. Superintendents concerned.
13. PA to Directress Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
14. PA to Additional Directors (Estt:) & (Dev) Local Office.
15. Master File.

Deputy Director (E&A)

**OFFICE OF THE DIRECTOR ELEMENTARY & SECONDARY EDUCATION,
KHYBER PAKHTUNKHWA, PESHAWAR.**

NOTIFICATION.

Consequent upon the approval of the Departmental Promotion Committee (DPC) meeting held on 28-12-2011, the following Assistants of Elementary & Secondary Education Department are hereby promoted/adjusted as regular Superintendents/B&AO (BPS-16) in the interest of public service with immediate effect:-

Sr No	Name & Designation	From	Adjusted as Supdt: at	Remarks
1	Mr. Farooq Ahmad	RITE (F) Bannu	Office of the EDO (E&SE) Lakki.	A. V Supdt: post BPS-16
2	Mr. Sain Mohammad	Office of the EDO (E&SE) Mansehra.	Office of the EDO (E&SE) Battagram.	A. V Supdt: post BPS-16
3	Mr. Saadullah	Office of the EDO (E&SE) D.I.Khan.	Office of the EDO (E&SE) Karak.	A. V Supdt: post BPS-16
4	Mr. Ghulam Shabir	Office of the EDO (E&SE) D.I.Khan.	Office of the EDO (E&SE) Lakki.	A. V Supdt: post BPS-16
5	Mr. Fazli Rehman	Office of the EDO (E&SE) Charsadda.	Office of the DDO (M) Tangi.	A. V Supdt: post BPS-16
6	Mr. Abdul Latif	Office of the EDO (E&SE) Nowshera.	Office of the EDO (E&SE) Dir (U).	A. V Supdt: post BPS-16
7	Mr. Barkat Ali	Office of the DDO (F) Shangla.	Office of the DDO (F) Shangla.	A. V Supdt: post BPS-16
8	Mr. Mcher Gul	Office of the EDO (E&SE) Nowshera.	Office of the EDO (E&SE) Hangu.	A. V Supdt: post BPS-16
9	Mr. Raj Wali Khan	Office of the EDO (E&SE) Bunir.	Office of the EDO (E&SE) Bunir.	A. V Supdt: post BPS-16
10	Mr. Munawar Khan	Office of the EDO (E&SE) Shangla.	Office of the EDO (E&SE) Shangla.	A. V Supdt: post BPS-16
11	Mr. Karimullah	Office of the EDO (E&SE) Chitral.	Office of the EDO (E&SE) Chitral.	A. V Supdt: post BPS-16
12	Mohammad Mustafa	RITE (M) Mardan	Office of the EDO (E&SE) Bunir.	A. V Supdt: post BPS-16
13	Mr. Malkur Rehman	Office of the DDO (F) Tangi.	Office of the DDO (F) Wari (Dir).	A. V Supdt: post BPS-16
14	Mr. Zahir Jan	Office of the DE&SE Khyber Pakhtunkhwa	Office of the DDO (M) Hangu.	A. V Supdt: post BPS-16
15	Mr. Isam Gul	RITE (F) Kohat	Office of the EDO (E&SE) Kohat.	A. V Supdt: post BPS-16
16	Mohammad Ayaz	Office of the EDO (E&SE) Swat.	Office of the EDO (E&SE) Swat.	A. V Supdt: post BPS-16
17	Mr. Shaukat Ali	Office of the EDO (E&SE) Peshawar.	Office of the EDO (E&SE) Dir (L)	A. V Supdt: post BPS-16

18	Mr. Razid Khan	Office of the AEO FR Bannu	Office of the DDO (F) Karak.	A. V Supdt: post BPS-16
19	Mr. Lal Sher	Office of the DE (FATA) Peshawar.	Service placed at the disposal of DE (FATA) Peshawar.	
20	Mr. Noor Zaman	GHS: Spin Dhand Khyber Agency	Service placed at the disposal of DE (FATA) Peshawar.	
21	Mohammad Haroon	Office of the EDO (E&SE) Abbottabad.	Office of the EDO (E&SE) Abbottabad	A. V Supdt: post BPS-16

Consequential posting/transfer of the following Supdt: is hereby ordered in his own pay and scale in interest of public service.

22	Mohammad Amin Supdt: at office of the EDO (E&SE) Swat.	Adjusted as Supdt: at office of the EDO (E&SE) Kohistan against vacant post.
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Note:- Charge Reports should be sent to all concerned.

(Mohammad Rafiq Khattak)
DIRECTOR

Endst: No. 1767-1817/A-23/MS/Supdt: Prom: 2011/Dated Pesh: the, January 13th, 2012.

Copy forwarded for information to the:-

1. P.S to Minister for Elementary & Secondary Education, Khyber Pakhtunkhwa.
2. P.S. to Secretary to Govt: of Khyber Pakhtunkhwa, E&SE Deptt:
3. Director Curriculum & Teacher Education, Khyber Pakhtunkhwa, Abbottabad.
4. Director of Education (FATA) Peshawar.
5. Director PITE, Khyber Pakhtunkhwa, Peshawar.
6. Accountant General, Khyber Pakhtunkhwa, Peshawar.
7. Section Officer (Primary) Govt: of Khyber Pakhtunkhwa, E&SE Department.
8. Executive District Officers (E&SE) concerned.
9. Agency Education Officers concerned.
10. District Accounts Officers concerned.
11. Agency Accounts Officers concerned.
12. Deputy District Officers concerned.
13. Superintendents concerned.
14. PA to DE&SE, Khyber Pakhtunkhwa,
15. Master File.


Deputy Director (I & A)

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.

Notification.

Consequent upon the approval of the Departmental Promotion Committee (D.P.C.) meeting held on 07.8.2012, the following Assistants/Stenographers of Elementary & Secondary Education Department are hereby promoted/adjusted as regular Superintendents/Budget & Accounts Officers (B-16) in the interest of public service with immediate effect.

S. No.	Name & Designation	From	Promoted as	Remarks
1	Airnas Khan Stenographer.	Directorate E&SE, Khyber Pakhtunkhwa.	Supdt Estt Directorate E&SE, Khyber Pakhtunkhwa	Already occupied
2	Sher Malik Assistant	AEO Mohmand		Services placed at the disposal of DE (FATA) Peshawar for further adjustment.
3	Muhammad Ashiq Assistant.	EDO (E&SE) Abbottabad	EDO (E&SE) Battagram	Against Vacant Supdt: Post B-16
4	Amanullah Assistant	EDO (E&SE) Tank	EDO (E&SE) Hangu.	Against Vacant Supdt: Post B-16
5	Muhammad Ilyas Assistant.	EDO (E&SE) Haripur	EDO (E&SE) Kohistan	Against Vacant Supdt: Post B-16
6	Nauman ud Din Assistant.	RITE (F) Bannu	EDO (E&SE) Hangu.	Against Vacant Supdt: Post B-16
7	Allaf Hussain Assistant.	EDO (E&SE) Abbottabad	EDO (E&SE) Battagram	Against Vacant Supdt: Post B-16
8	Muhammad ismail Assistant.	RITE (F) D.I.Khan	EDO (E&SE) Karak.	Against Vacant Supdt: Post B-16
9	Ibrahim Assistant.	EDO (E&SE) Nowshera	DDO (F) Dir Upper	Against Vacant Supdt: Post B-16
10	Abdul Tamim Assistant.	Directorate E&SE, Khyber Pakhtunkhwa	DDO (M) Buner.	Against Vacant Supdt: Post B-16
11	Saidul Israr Assistant.	RITE (M) Thana	EDO (E&SE) Swat.	Against Vacant Supdt: Post B-16
12	Muham Shah Assistant.	EDO (E&SE) Charsadda	DDO (F). Timargara.	Against Vacant Supdt: Post B-16
13	Sanaullah Assistant.	DDO (F) Swabi	EDO (E&SE) Swabi	Against Vacant Supdt: Post B-16
14	Habib Aslani Assistant.	EDO (E&SE) Mardan	EDO (E&SE) Kohistan.	Against Vacant Supdt: Post B-16
15	Rahim Khan Assistant.	EDO (E&SE) Swat	EDO (E&SE) Swat	Against Vacant Supdt: Post B-16
16	Jamshed Khan	EDO (E&SE) Swabi	DDO(M) Timargara.	Against Vacant Supdt: Post B-16

17	Sheikh Amanullah	EDO (E&SE) D.I.Khan	EDO (E&SE) D.I.Khan.	Against Vacant Supdt: Post B-16
18	Irshad Muhammad	EDO (E&SE) Swabi	EDO (E&SE) Dir Upper	Against Vacant Supdt: Post B-16
19	Abdul Wadood	EDO (E&SE) Chitral	EDO (E&SE) Chitral.	Against Vacant Supdt: Post B-16
20	Abdul Wadood	EDO (E&SE) Swabi.	EDO (E&SE) Karak	Against Vacant Supdt: Post B-16
21	Zubair Muhammad	EDO (E&SE) Swabi	EDO (E&SE) Shangla.	Against Vacant Supdt: Post B-16
22	Mukamil Khan	Directorate E&SE, Khyber Pakhtunkhwa	DDO (M) Wari Dir.	Against Vacant Supdt: Post B-16
23	Shamsur Rahman	Directorate E&SE Khyber Pakhtunkhwa	EDO (E&SE) Kohat.	Against Vacant Supdt: Post B-16

Note:

1. Charge report should be submitted to all concerned.

(Muhammad Rafiq Khattak)
DIRECTOR

Encl: No. 612-52/A-23/MS/Promotion/Asst/2012. Dated Peshawar the 07/08/2012.

Copy of the above is forwarded to the: -

1. PS to Minister for Elementary & Secondary Education Department Khyber Pakhtunkhwa.
2. PS to Secretary Govt of Khyber Pakhtunkhwa Elementary & Secondary Education Department.
3. Director Curriculum & Teachers Education Khyber Pakhtunkhwa Abbottabad.
4. Director of Education (FATA) Peshawar.
5. Director Provincial Institute of Teachers Edu: Khyber Pakhtunkhwa Peshawar.
6. Accountant General Khyber Pakhtunkhwa Peshawar.
7. District Accounts Officers concerned.
8. Agency Accounts Officers concerned.
9. Executive District Officers (E&SE) concerned.
10. Agency Education Officers concerned.
11. Deputy District Officers (E&SE) concerned.
12. Superintendents concerned.
13. PA to Director Elementary & Secondary Edu: Khyber Pakhtunkhwa Peshawar.
14. PA to Additional Directors (Estt) & (Dev) Local Office.
15. Master File.

Deputy Director

22	Abdul Wali Asstt	DEO (M) Kohistan	Supdt: DEO (M) Kohistan	Against vacant post
23	Abdul Haq Asstt	DEO (M) Kohistan	Supdt: DEO (M) Kohistan	Against vacant post
24	Muhammad Shafiq Asstt	SDEO (F) Battagram	Supdt: DEO (M) Battagram	Against vacant post
25	Muhammad Jamil Asstt	SDEO (M) Battagram	Supdt: SDEO (M) Battagram	Against vacant post
26	Muhammad Zubair Asstt	SDEO (M) Battagram	Supdt: SDEO (F) Battagram	Against vacant post
27	Shamsul Islam Asstt	DEO (M) Swabi	Supdt: DEO (M) Swabi	Against vacant post
28	Muhammad Siddique Asstt: (Working against the post of Supdt)	DEO(M) Nowshera	Supdt: DEO(F) Peshawar	Against vacant post
29	Asghar Ali Shah Asstt	DEO (M) Dir Lower	DEO (M) Swat	Against vacant post
30	Shaista Khan Asstt	DEO (F) Karak	Supdt: DEO (M) Karak	Against vacant post
31	Eidur Rahman Asstt	DEO (M) Karak	Supdt: DEO (M) Karak	Against vacant post
32	Abdul Waheed Asstt	DEO (F) A. Abad	Supdt: SDEO (M) Allai Battagram	Against vacant post
33	Muhammad Noor Asstt	DEO (M) Hangu	Supdt: SDEO (M) Hangu	Against vacant post
34	Muhammad Tariq Asstt	DEO (M) Kohat	Supdt: DEO (M) Kohat	Against vacant post
35	Amil Khan Asstt	DEO (F) Kohat	Supdt: SDEO (M) Kohat	Against vacant post
36	Sadiq ur Rahman Asstt	GGCHS Kohat	Supdt: DEO (F) Kohat	Against vacant post
37	S. Hussain Shah Asstt	DEO (M) Kohat	Supdt: DEO (M) Kohat	Against vacant post
38	Rehmat Khan Asstt	DEO (M) Tank	Supdt: DEO (M) Tank	Against vacant post
39	Muhammad Shoaib Asstt	DEO (M) Battagram	Supdt: DEO (F) Battagram	Against vacant post
40	Fazli Rabi Asstt	SDEO (F) Dir Lower	SDEO (F) Dir Lower	Against vacant post
41	Muhammad Ashraf Asstt	SDEO (M) Haripur	Supdt: DEO (M) Haripur	Against vacant post
42	Fazli Malik Asstt	DEO (M) Haripur	Supdt: DEO (M) Chital	Against vacant post
43	Muhamad Aslam Khan Asstt	SDEO (M) DIKhan	Supdt: DEO (F) DIK	Against vacant post
44	Muhammad Iqbal Asstt	DEO (M) DIKhan	Supdt: SDEO (F) DIK	Against vacant post
45	Bashir Ahmad Asstt	DEO (F) DIKhan	Supdt: SDEO (F) Paroa (DIK)	Against vacant post
46	Muhammad Sarwar Asstt	SDEO (F) A.Abad	Supdt: SDEO (F) Allai (Battagram)	Against vacant post
47	Muhammad Zaman	DEO (F) Tank	Supdt: DEO (F) Tank	Against vacant post

Asst To Supdt Promotion Order Final (DE&SE)

**IMMEDIATE
COURT MATTER**



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(LITIGATION SECTION)**

No. SO(Lit)E&AD/2-2012/2012
Dated: Peshawar, the 10-07-2012

To

The Secretary to Govt of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department.

Subject: WRIT PETITION NO. 1387-P OF 2012 MURTAZA KHAN & OTHERS
VERSUS SECRETARY EDUCATION & OTHERS.

Dear Sir,

I am directed to invite your kind attention to the subject noted above and to forward herewith a copy of letter No.10230/Judl: dated 04-07-2012 alongwith self-explanatory orders dated 27-06-2012 of the Hon'ble Peshawar High Court, Peshawar for immediate necessary action please.

Being court matter may please be treated as Most Urgent.

Yours faithfully,

[Signature]
Section Officer (Litigation)

Encl: As Above
Endst: of even No. & Date.

Copy forwarded to the P.A to Addl: Secretary (Judicial), E&AD.

Section Officer (Litigation)

339
11/5

[Handwritten signature]

[Handwritten signature]
11/7/2012

Govt. of Khyber Pakhtunkhwa
Elementary & Secondary
Education Department
DS-II Diary No. 381
Date: 11/07/12

R 72

MOST IMMEDIATE / COURT CASE.

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

NO.SO (Lit) E&SED/1-4/2012
Dated Peshawar, the 12-07-2012.

To



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

Subject:

WRIT PETITION NO. 1387-P/2012 MURTAZA KHAN & OTHERS
VS SECRETARY EDUCATION AND OTHERS.

I am directed to enclose herewith a copy of letter No. SO (Lit) E&AD/2-2012/2012 dated 10-07-2012 alongwith a copy of order dated 28-06-2012 passed by a Division Bench of Peshawar High Court, Peshawar received from Section Officer (Lit) Establishment Department, Govt. of Khyber Pakhtunkhwa, which is self explanatory for compliance as per direction of the court.

This may be treated as Most Urgent being court matter.

Encl: (as above).


SECTION OFFICER (LITIGATION)

Endst: of even No. & date.

Copy is forwarded to the Section Officer (Lit) Establishment Department, Govt. of Khyber Pakhtunkhwa with reference to his letter cited above for information.

SECTION OFFICER (LITIGATION)

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(177)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No: 1235 /2014

Murtaza Khan Stenographer, GATTTC Gul Bahar PeshawarAppellant.

VERSUS

Secretary E&SE Department, Khyber Pakhtunkhwa & others.Respondents

PARAWISE COMMENTS ON&FOR BEHALF OF RESPONDENTS No:1-4.

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 not entitled for the relief he has 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, rules & up-gradation 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 Notification dated 28-5-2014 is legally competent & is liable to be maintained.
- 15 That the letter No: SOR-I(E&SE)4-29/91/ Vol-I dated 27-6-2011 of the Respondent No: 2 is not applicable upon the case of the appellant being pertains to the Higher Education Department.
- 16 That rules-8(1) of Civil Servants Act 1973& seniority rules, 1993 are not applicable upon the case of the appellant.

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ON FACTS

- 1 That Para-1 needs no comments being pertains to the service record of the appellant.
- 2 That Para-2 is incorrect & misleading on the grounds that the referred circular dated 03-11-1983 of the Finance Department Govt: of Khyber Pakhtunkhwa, is not applicable upon the case of the appellant because the said circular is applicable upon those civil servants who are already working against the post the Steno Typist in the Respondent Department, hence the plea of the appellant is liable to be rejected of being groundless & without any merit.
- 3 That Para-3 is also incorrect & denied. The Respondent Department acted as per law, rules & policy in the instant case & has thus been pleased to issue the impugned Notification dated 14-5-2014 which is legal & liable to be maintained in the interest of justice in favor of the Respondents.
- 4 That Para-4, needs no comments being pertains to the record of this Honorable Tribunal.
- 5 That Para-5 is also needs no comments being pertains the court record of the Superior Courts of Pakistan .
- 6 That Para-6 is correct to the extent that this Honorable Tribunal has dismissed / rejected the Service Appeal of the appellant of being groundless & without any legal force in favour of the Respondents in the interest of justice .
- 7 That Para-7 is correct to the extent that the Civil Petition of the appellant has been dismissed vide order / judgment dated 13-7-2011 in favour of the Respondents (Copy of the same as Annexure-A).
- 8 That Para-8 is also incorrect & denied on the grounds as submitted in the foregoing paras.
- 9 That Para-9 incorrect & denied. That in compliance of the judgment of the Honorable Peshawar High Court Peshawar rendered in COC No: 255-P/2012 in WP NO: 1387-P/2012 dated 06-11-2012, the Respondent Department has informed the appellant vide this office letter No: 2731/AD(Lit: I) dated 26-11-2012 through Registered Cover to the extent that any appellant if aggrieved from the said letter, then he was at liberty to challenge the same within stipulated period of time, hence the matter / appeal has become badly time barred & is liable to be dismissed.
- 10 That Para-10. The appellant has got no cause of action to file instant appeal.
- 11 That Para-11, is incorrect & denied. The act of the Respondent Department with regard to the issuance of the impugned Notification dated 14-5-2014 is within legal sphere & is liable to be maintained in the interest of justice. However the Respondents further submit on the following grounds inter alia:-

ON GRONDS

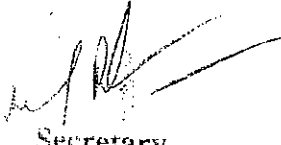
- A Incorrect not admitted. The act of the Respondent with regard to the impugned Notification dated 28-5-2014 is in accordance with law, rules & policy, hence is liable to be maintained .
- B Incorrect & not admitted .The statement of the appellant is baseless & is liable to be dismissed on the grounds that the referred case law & rules pertaining to 1978 are not applicable upon the case of the appellant.


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- 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 vide Notification dated 28-5-2014 in the instant case.
- E Incorrect & denied. Detail reply has been given above.
- F Incorrect & denied. The authority concerned is legally bound to follow the prescribed rules & policy in the instant case, hence the plea of the appellant is liable to be dismissed by maintaining the impugned Notification dated 28-5-2014 in favour of the Respondents
- G Incorrect & denied. The appellant is not entitled for the grant of promotion against the above said post of Superintendent.
- H Incorrect & denied. The appellant has been treated as per law, rules & policy vide Notification dated 28-5-2014 by the Respondent Department.
- I Incorrect, the appellant of being different in cadre cannot be promoted with the mentioned cadre of office Assistants at the cost of the service benefits / promotions of the Ministerial staff in the Respondents Department.
- J Incorrect & denied, rule-17 of APT 1989 is not applicable upon the case of the appellant of being a civil servant of out-cadre in the Respondent Department.
- K Incorrect & Denied, the conduct of the Respondent Department with regard to the impugned Notification dated 28-5-2014 is within legal sphere, hence the statement of the appellant is liable to be dismissed.
- L Legal. However, the Respondents seek leave of this Honorable Tribunal submit additional grounds & record / case law at the time arguments .

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.


Secretary
E&SE Department Khyber
Pakhtunkhwa, Peshawar
(Respondent No:1)


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


Director
Curriculum & Teachers Education
Abbott Abad(Respondent No: 4)


Secretary
(Estab & Admin.) Department
Khyber Pakhtunkhwa, Peshawar.
(Respondent No: 2)

H 33 54

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

MR. JUSTICE NASIR-UL-MULK
MR. JUSTICE TARIQ PARVEZ

CIVIL APPEALS NO. 60-P TO 66-P OF 2009

(Appeal from the judgment of the K.P.K. Service Tribunal,
Peshawar dated 15.01.2007 passed in Appeals No. 823, 828,
739, 824, 826, 843 and 856 of 2004 respectively)

Aziz Mohammad	(in CA 60-P/09)
Noorul Amin Shah	(in CA 61-P/09)
Khanzeel	(in CA 62-P/09)
Danid Jan	(in CA 63-P/09)
Zafar Iqbal	(in CA 64-P/09)
Martaza Khan	(in CA 65-P/09)
Jamatullah	(in CA 66-P/09)

...Appellants.

VERSUS

The Secretary Education (S&L)
(NWFP now KPK) & others

...Respondents.

For the Appellants:

(in CAs 60-P to 62-P/09)	Mian Saadullah Janduli, ASC.
(in CAs 63-P to 66-P/09)	Haji M. Zahir Shah, ASC/AOR.

For the State:

Mr. Lal Jan Khattak, Addl. AG, KPK
Mr. Mosam Khan, A.D.(E).

Respondents 7 & 9:

In-person.

Date of Hearing:

13.07.2011.

ORDER

NASIR-UL-MULK, J. - In view of the decision taken by the Government of Khyber Pakhtunkhwa in letter dated 27.06.2011, copy of which is produced by the learned counsel for the appellants, they do not want to press these appeals. All the appeals are dismissed as not pressed.

sd/- Nasir-ul-Mulk, J
sd/- Tariq Parvez, J
Certified to be true copy

Assistant Registrar
Supreme Court of Pakistan
Peshawar.

PESHAWAR
13 July, 2011.

"Not approved for reporting."

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1235/2014

Murtaza Khan

VS

Education Deptt:

.....

REJOINDER ON BEHALF OF APPELLANT

.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-16) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 / Para-1 of the appeal is admitted correct by the respondent's department as service record is already in the custody of the respondent's department.
- 2 Incorrect and misconceived. While para-2 of the appeal is correct as mentioned in the main appeal.
- 3 Incorrect. While Para-3 of the appeal is correct as mentioned in the appeal of the appellant. Moreover impugned notification dated 14.5.2014 is illegal and liable to be set aside.
- 4 Para-4 of the appeal is admitted correct by the respondent's department as record is already in the custody of the respondent's department.
- 5 No comments endorsed by the respondents department which mean that respondents department have admitted Para-5 of the appeal as correct.

- 6 First portion of Para-6 of the appeal is admitted correct by the respondent's department while remaining para-6 of the reply is incorrect. Moreover Para-6 of the appeal is correct as mentioned in the main appeal of the appellant.
- 7 First portion of Para-7 of the appeal is admitted correct by the respondent's department while remaining para-7 of the reply is incorrect. Moreover Para-7 of the appeal is correct as mentioned in the main appeal of the appellant.
- 8 Incorrect. While Para-8 of the appeal is correct as mentioned in the appeal of the appellant.
- 9 Incorrect. While Para-9 of the appeal is correct as mentioned in the appeal of the appellant.
- 10 Incorrect and not replied according to para-10 of the appeal. While Para-10 of the appeal is correct as mentioned in the appeal of the appellant.
- 11 Incorrect and not replied according to para-11 of the appeal. The appellant has genuine cause of action and come to this Honourable Tribunal amongst following grounds.

GROUND:

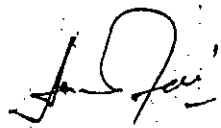
- A) Incorrect. While para-A of ground of the appeal is correct as mentioned in the main appeal of the appellant. Moreover the impugned notification dated 28.5.2014 is against the law, rules hence liable to be set aside.
- B) Incorrect. While para-B of ground of the appeal is correct as mentioned in the main appeal of the appellant.
- C) Incorrect. While para-C of ground of the appeal is correct as mentioned in the main appeal of the appellant.

- D) Incorrect. While para-D of ground of the appeal is correct as mentioned in the main appeal of the appellant. Moreover respondents department not act as per law and rules.
- E) Incorrect. While para-E of ground of the appeal is correct as mentioned in the main appeal of the appellant.
- F) Incorrect and misconceived. While para-F of ground of the appeal is correct as mentioned in the main appeal of the appellant.
- G) Incorrect. While para-G of ground of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, appellant is legally entitled for the post of Superintendent.
- H) Incorrect. The appellant has not been treated according to law and rules; therefore the impugned order is liable to be set aside.
- I) Incorrect. While para-I of ground of the appeal is correct as mentioned in the main appeal of the appellant
- J) Incorrect. While para-J of ground of the appeal is correct as mentioned in the main appeal of the appellant.
- K) Incorrect. While para-K of ground of the appeal is correct as mentioned in the main appeal of the appellant.
- L) Legal.

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

APPELLANT
Murtaza Khan

Through:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of appeal and rejoinder are true and correct to the best of my knowledge and belief.


DEPONENT

FINAL SENIORITY LIST OF ASSISTANTS / STENOGRAPHERS UNDER THE CONTROL OF
DIRECTORATE HIGHER EDUCATION KPK PREPARED -CORRECTED UPTO 31-10-2012

S 73

TOTAL SANCTION POSTS = 179+9=188

NOTIFICATION

A-167/Promotion Cell /Seniority List

In pursuance of Section 3 of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989, the Seniority List of Assistant / Stenographers (as stood on 31-10-2012), Directorate of Higher Education Colleges (Male & Female) in Khyber Pakhtunkhwa including FATA Colleges (Male & Female)

S. No.	Name	Qualification	Date of Birth	Domicile	Date of Ist. Appnt: as J/Clerk	D-O promt. to the post of Asst/Stenographer	Designation	Address	REMARKS
1	Mohammad Arif	SSC	08-07-57	Peshawar	01-01-79	01-01-1979	Stenographer	DHE	
2	Abdul Litaf	BA	01-04-1954	Peshawar	01-04-1978	01-04-1986	Stenographer	DHE	Included vide P/Govt. Notification No.SO(Colleges-II)/Gen./08/2012/HED dated 10-08-2012
3	Tariq Shakeel	MA	01-03-1963	Peshawar	01-03-1987	01-03-1987	Stenographer	DHE	
4	Aziz Muhammad	MA	15-08-1965	Charsadda	23-11-1988	23-11-1988	Stenographer	DHE	
5	Noorul Amin Shah	BA	05-11-1968	Swabi	23-11-1988	23-11-1988	Stenographer	DHE	
6	Iqbal Zaman	BA	01-01-1962	Peshawar	01-06-1991	01-06-1991	Stenographer	DHE	
7	Muhammad Nisar	M.Com	28/9/1964	Peshawar	16-01-1991	20-12-1992	Stenographer	DHE	
8	Zahid Hussain	FA	04-10-54	Malakanad	11-04-79	03-05-1995	Assistant	GGC, Thana	
9	Sahibzada Inayat Haleem	BA	01-02-1967	Charsadda	01-11-1995	11-01-1995	Stenographer	DHE	
10	Fazal Ahad	BA	20-03-59	Swat	12-01-78	26-08-1996	Assistant	GPGJC, Swat	
11	Khurshid Anwar	SSC	15/1/1957	Mardan	21-12-78	26-08-1996	Assistant	GDC, Lahor(Swabi)	
12	Haibat Khan	SSC	13-05-54	Bannu	24-12-78	26-08-1996	Assistant	GDC, Essak Khel	
13	Mohammad Tariq	FA	16/04/1954	D.I.Khan	03-01-79	30-05-2008	Assistant	GGC No.2 DIKhan	
14	Murad Khan	MA	02-05-59	Peshawar	27-02-79	26-08-1996	Assistant	DHE	
15	Zulfiqar Khan	FA	04-12-55	Abbottabad	25-02-79	26-08-1996	Assistant	GGC, Mandian (ATD)	
16	Mohammad Mohsin	BA	04-05-53	Bannu	13-02-74	25-03-1997	Assistant	GDC, S-Naurang	
17	Abdul Wahab	BA	15/7/1957	Mardan	01-03-79	01-09-1997	Assistant	GPGC Mardan	
18	Pervez Mohamamd	FA	03-12-58	Peshawar	01-03-79	27-12-1997	Assistant	GSSC, Pesh	
19	Qazi Qutbud Din	BA	01-08-60	Chitral	14-03-79	01-09-1997	Assistant	GGC Chitral	
20	Jamal Abdul Nasir	MA	15-6-1964	Peshawar	02-05-87	13-08-2000	Assistant	DHE	
21	Akhtar Munir	SSC	15/9/1956	Mardan	16-06-75	11-02-2000	Assistant	GDC, Toru MRD	
22	Abdullah Khan	SSC	03-08-57	Lakki Marwat	06-01-79	13-12-2006	Assistant	GDC, Tajori Lakki Marwat	
23	Mohammad Sabir	FA	05-01-61	Manshera	19-02-79	21-08-2004	Assistant	GGC, Manshera	
24	Hadayat Ullah	SSC	22/04/1958	Charsadda	08-04-77	30-05-2008	Assistant	GDC, Ekka Ghund(FATA)	
25	Sardarud Din	FA	08-06-1959	Charsadda	05-04-79	30-05-2008	Assistant	DHE	
26	Imdad Hussain	FA	22/06/1959	Peshawar	28/03/1979	30-05-2008	Assistant	DHE	
27	Aziz Khan	MA	05-10-60	Peshawar	11-04-79	30-05-2008	Assistant	DHE	

S. No.	Name	Qualification	Date of Birth	Domicile	Date of Ist. Appnt: as J/Clerk	D-O promt. to the post of Asst/Stenographer	Designation	Address	Remarks
28	Mohammad Ali	SSC	14/1/1960	Karak	22-04-79	14-07-2005	Assistant	GDC, Ahmad Abad	
29	Banaras Khan	BA	05-12-59	Manshera	30-04-79	08-11-2004	Assistant	GPGC, Manshera	
30	Attaullah	FA	05-10-1959	Charsadda	14-05-79	05-02-2004	Assistant	GPGC Nowshera	
31	Gubhan-ud-Din	BA	01-12-60	Charsadda	17-05-79	30-05-2008	Assistant	GGC, Tejo Dibi Charsadda	
32	Mohammad Zahid	SSC	01-03-1958	Swat	15-06-79	30-05-2008	Assistant	GDC, Mingora Swat	
33	Mohammad Ayaz	FA	21/02/1961	Lakki Marwat	07-06-79	30-05-2008	Assistant	GDC, Kakki	
34	Mohammad Nazir	MA	14-04-1960	Mansehra	25-07-79	30-05-2008	Assistant	GDC, Batgram	
35	Salim Raza	BA	30/05/1957	Manshera	12-08-79	30-05-2008	Assistant	GDC, No.1 Mansehra	
36	Mohammad Gulab	SSC	04-03-58	Karak	08-10-79	16-07-2005	Assistant	GDC, Sabir Abad Karak	
37	S. Zahir Ali Shah	BSC	02-03-61	Kurram Agency	17-11-79	30-05-2008	Assistant	GDC, Ali Zai Kurram Agency	
38	Pasham Gul	FA	14/04/1956	Mardan	01-01-80	30-05-2008	Assistant	GDC Bakhshali Mardan	
39	Gul Nawab	BA	04-10-1956	Swat	01-01-80	30-05-2008	Assistant	GDC, Kanju Swat	
40	S. Ahmad Hussain Shah	SSC	10-01-57	Kurram Agency	13-03-80	30-05-2008	Assistant	GDC, Parachinar	
41	Said Hawas Khan	MA	01-05-59	Dir (Lower)	22-05-80	01-03-2005	Assistant	GDC, Timergara (Dir L)	
42	Abrar Ali	MA	05-05-1959	Swabi	31-05-80	30-05-2008	Assistant	DHE	
43	Sher Mchammad Shah	SSC	15/05/1956	Peshawar	01-10-80	30-05-2008	Assistant	DHE	
44	S. Miskin Shah	SSC	05-04-1960	Peshawar	03-08-80	30-05-2008	Assistant	GDC, Pabbi	
45	Sardar Hussain	SSC	01-06-1960	Mardan	06-11-80	30-05-2008	Assistant	GDC, Lund Khwar	
46	Amjad Hassan Ghori	BA	26/06/1962	Peshawar	27-08-80	30-05-2008	Assistant	DHE	
47	Sher Zada	FA	05-06-1957	Mardan	09-07-80	30-05-2008	Assistant	GDC, Bakhshali Mardan	
48	Ghani Mohammad	BA	01-03-1955	Malakanad	10-9-80	30-05-2008	Assistant	GDC, Kabal Swat	
49	Abdullah Jan	SSC	24/08/1962	Lakki Marwat	15-09-80	30-05-2008	Assistant	GPGC Lakki	
50	Rab Nawaz Khan	SSC	06-12-1954	Bannu	24-09-80	30-05-2008	Assistant	GDC, Demail Bannu	
51	Fazli Subhani	BA	13/04/1962	Charsadda	25-09-80	30-05-2008	Assistant	GDC, Mathra Peshawar	
52	Ali Yar Mian	MA	15/10/1963	Swat	10-02-80	30-05-2008	Assistant	GDC, Madyan Swat	
53	Sultan Zeb	MA	11-07-1958	Dir	10-07-80	30-05-2008	Assistant	GDC, Timergara	
54	Mohammad Javed	LLB	30/01/1960	Abbottabad	10-12-80	30-05-2008	Assistant	GDC, No.1 Abbottabad	
55	Mohammad Riaz	BA	02-01-1961	Karak	16-10-80	30-05-2008	Assistant	GPGC, Karak	
56	Minhaj ud Din	MA	14/09/1953	Buner	13-11-80	30-05-2008	Assistant	GDC, Daggar	
57	Hazrat Yousef	MA	05-02-1961	Malakanad	13-11-80	30-05-2008	Assistant	GDC, Baikhela Mikd.	
58	Javed Iqbal	FA	13/03/1962	Haripur	21-12-80	30-05-2008	Assistant	GDC, Haripur	
59	Aslam Pervez	BA	01-04-1963	Abbottabad	27-01-81	30-05-2008	Assistant	GPGC, Mandian	

No.					Appnt: as J/Clerk	the post of Asstt/Stenographer		
60	Islam ud Din	SSC	09-05-1981	Bannu	19-03-81	30-05-2008	Assistant	GDC, K.D.A Kohat
61	Mohammad Zaheer Ul Haq	BA	29/03/1956	Abbotabad	05-02-81	30-05-2008	Assistant	GGC, Sarai Saleh
62	Feroz Khan	MA	04-11-1958	Charsadda	16-05-81	30-05-2008	Assistant	GFC(W) Peshawar
63	Roozi Khan	SSC	12-01-1956	Lakki Marwat	08-08-81	30-05-2008	Assistant	GDC, Eassak Khel Lakki
64	Mohammad Sharif	SSC	02-03-1960	Peshawar	18-08-81	30-05-2008	Assistant	DHE
65	S.Khan Badshah	BA	11-01-1960	Peshawar	23-08-81	30-05-2008	Assistant	GGCC, Peshawar
66	Mohammad Saeed	BA	04-11-1955	Manshera	09-01-81	30-05-2008	Assistant	GDC, Oghi Mansehra
67	Hassan Shah Bukhari	BA	02-11-1959	Bannu	09-01-81	30-05-2008	Assistant	GP/G GC, Bannu
68	Shah Tamas	SSC	01-02-1962	Bannu	09-01-81	30-05-2008	Assistant	GPGC, Bannu
69	Aziz Gul	FA	25/04/1962	Mardan	09-01-81	30-05-2008	Assistant	GGC, No.1 Mardan
70	Amir Hatam	FA	22/03/1961	Dir	09-04-81	30-05-2008	Assistant	GDC, Samar Bagh Dir
71	Razaullah Khan	SSC	20/01/1957	Peshawar	10-08-81	30-05-2008	Assistant	DHE
72	Mohammad Anifeen	SSC	15/05/1961	Bannu	13-10-82	30-05-2008	Assistant	GDC, Wana
73	Zahoor-ud- Din	BA	01-10-1960	D.I.Khan	10-12-81	30-05-2008	Assistant	GDC, Jandola FR Tank
74	Irshad Ullah	MA	06-10-1960	Nowshera	15-10-84	30-05-2008	Assistant	GDC, Pabbi
75	Samiullah	BA	15/03/1957	Chitral	12-01-81	30-05-2008	Assistant	GDC, Booni Chitral
76	Mir Alam Khan	SSC	01-03-1963	Mohmand	11-04-81	30-05-2008	Assistant	GDC, Lakkaro Mohmand Ag
77	Abdul Hakim	BA	26-07-1960	Kohat	02-03-82	30-05-2008	Assistant	GDC, K.D.A Kohat
78	Mohammad Afzal	SSC	14/08/1963	D.I.Khan	14-04-82	30-05-2008	Assistant	GDC, Wana SWA
79	Zahoor Ahmad	FA	04-12-1962	Manshera	14-04-82	30-05-2008	Assistant	GDC, Jandola FR Tank
80	Mashooq Hussain	SSC	01-08-57	Kurrum Ag	12-01-79	28-09-2010	Assistant	GGC, Parachinar
81	Mohammad Tahir	SSC	01-08-1956	D.I.Khan	23-04-81	28-09-2010	Assistant	GGC, No.2 D.I.Khan
82	Abdul Salam	SSC	30-03-1957	D.I.Khan	27-04-1980	28-09-2010	Assistant	GDC, Ladah (SWA)
83	Mohammad Younas	SSC	03-01-1963	D.I.Khan	14-03-82	28-09-2010	Assistant	GDC, Tank
84	Shuja Mohammad	SSC	06-09-1960	Mohmand Ag		28-09-2010	Assistant	GDC, Ekka Ghund(FATA)
85	Mohammad Yousaf	SSC	10-10-1958	Manshera	23-01-82	28-09-2010	Assistant	GDC, Darband
86	Hassan Akhtar Siddiqi	FA	05-04-1961	Nowshera	22-05-82	28-09-2010	Assistant	GDC, Akkora Khattak
87	Attullah Khan	FA	19-03-1959	D.I.Khan	30-05-82	28-09-2010	Assistant	GDC, Dara Town Ship
88	Mishkatullah Khan	FA	01-10-1962	D.I.Khan	24-12-81	28-09-2010	Assistant	GDC, No.1 D.I.Khan
89	Pervez Khan	FA	18-09-1962	Charsadda	10-06-82	28-09-2010	Assistant	GDC, Tangi
90	Rab Nawaz Khan	SSC	12-05-1956	Karak	26-09-81	28-09-2010	Assistant	GDC, Koika Habibullah
91	Zahoor Khan	BA	13-02-1962	Malakand	16-11-81	28-09-2010	Assistant	GDC, Dargai
92	Bakht Karam	FA	01-06-1960	Swat	23-08-82	28-09-2010	Assistant	GPGJC, Swat
93	Mohammad Iqbal	MA	01-06-1962	Kohat	12-09-82	28-09-2010	Assistant	GPGC, Kohat

No.	Name	Qualification	Date of Birth	District	Appit: as J/Clerk	the post of Asstt/Stanographer		
94	Rehmat Ullah	SSC	01-02-1964	Mansehra	16-09-82	28-09-2010	Assistant	GDC, Battagram
95	Javed Akhtar	SSC	12.3.1964	Abbottabad	20-09-82	28-09-2010	Assistant	GPGC, Abbottabad
96	Mohammad Faiq	SSC	11-07-1963	Bajour	28-09-2010	28-09-2010	Assistant	GDC, Barkhulzai Bajour
97	Said Ghalib Shah	MA	01-01-1959	Swabi	15-11-82	28-09-2010	Assistant	GPGC, Swabi
98	Ibad Ullah	MA	10-04-1962	Mardan	20-11-82	28-09-2010	Assistant	GDC, Sheikh Maltoon Mardan
99	Alim Zar	MA	12-12-1963	Shangla	24-11-82	28-09-2010	Assistant	GDC, Daggar
100	Noorul Basar	FA	01-04-1964	Mardan	25-11-82	28-09-2010	Assistant	GDC, Lund Khwar
101	Abdur Rauaf	D.Com	02-11-1959	D.I.Khan	01-12-84	28-09-2010	Assistant	GDC, No.2 D.I.Khan
102	Khan Zeb	BA	31-03-1959	Mardan	09.01.1983	28-09-2010	Assistant	GDC, No.2 Mardan
103	Abdul Wajid	D.Com	26-10-1964	D.I.Khan	15-02-83	28-09-2010	Assistant	GDC, No.2 D.I.Khan
104	Fazli Subhan	SSC	17-03-1954	Peshawar	01-04-79	28-09-2010	Assistant	DHE
105	Mian Aqeel ud Din	SSC	01-10-1962	Peshawar	01-09-83	28-09-2010	Assistant	DHE
106	Mohammad Arif	SSC	11-10-1958	Peshawar	12-09-83	28-09-2010	Assistant	GDC, Jamrud
107	Shamsul Islam	MA	05-04-1964	Shangla		28-09-2010	Assistant	GDC, Dir Upper
108	Saran zeb	MA	24-04-1961	Swat		28-09-2010	Assistant	GDC, Thana
109	Abdul Wadood	SSC	01-01-1960	Peshawar	05-11-81	28-09-2010	Assistant	GDC, Hayatabad
110	Mohammad Pervez	SSC	23-10-1960	Abbottabad		28-09-2010	Assistant	GDC, Havelaian
111	Muhammad Saeed Khan	FA	05-10-1962	Peshawar	13-10-83	28-09-2010	Assistant	DHE
112	Nawab Khan	FA	12-06-1964	Malakand	05-11-81	28-09-2010	Assistant	GDC, Takht Bhai Mardan
113	Mubarak Jan	SSC	24-04-1962	Nowshera		28-09-2010	Assistant	GDC, Shewa
114	Shoukat Hussain	FA	01-01-1956	Abbottabad	24-01-84	28-09-2010	Assistant	GDC, Nathigali
115	Sohail Sultan	MA	01-03-1961	Swat		28-09-2010	Assistant	GDC, Kanju Swat
116	Hamid Kamal	BA	10-01-1962	Lakki Marwat		28-09-2010	Assistant	GDC, Tajori Lakki Marwat
117	S. Hadiyat Ullah Shah	BA	15-05-1962	Mardan	28-12-81	28-09-2010	Assistant	GDC, Khairabad
118	Zamin Sher	SSC	04-04-1962	Charsadda	31-08-81	28-09-2010	Assistant	DHE
119	Mohammad Yousaf	BA	07-06-1965	Manshera	20-11-83	28-09-2010	Assistant	GDC, Balakot
120	Saifullah	BA	16-10-1965	Swabi	08-02-84	28-09-2010	Assistant	GDC, Punj Pir
121	Fazlullah	SSC	25-03-1965	Peshawar		28-09-2010	Assistant	GDC, Hayatabad
122	Khan Gul	FA	03-01-1964	Nowshera	15-03-84	28-09-2010	Assistant	GDC, Ghair Kapoor Mardan
123	Mohammad Rashid	BA	04-06-1964	Karak		28-09-2010	Assistant	GDC, Kekki Bannu
124	Obaidullah	BA	03-04-1967	Chitral	01-05-1984	27-12-2011	Assistant	GDC, Chitral
125	Jehanzeb	SSC	15-05-1962	Peshawar	02-06-1984	27-12-2011	Assistant	GDC, Badabera


No.					Appt: as J/Clerk	Asstt/Stanographer		
126	Khalid Gul	MA	03-07-1964	Charsadda	01-09-1984	27-12-2011	Assistant	GPGC, Charsadda
127	Bakhmond Zada	SSC	05-12-1960	Swat	01-10-1984	27-12-2011	Assistant	GDC, Batkhela Mlkd:
128	Janas Khan	SSC	13-12-1961	Peshawar	04-10-1984	27-12-2011	Assistant	DHE
129	Mahmood Shah	SSC	05-04-1956	Charsadda	01-06-1981	27-12-2011	Assistant	GDC, Lund Khwar
130	Akbar Gul	FA	08-03-1963	Mardan	01-11-1984	27-12-2011	Assistant	Ghari Kapoora
131	Mohammad Farid	MA	22-03-1964	Abbottabad	03-11-1984	27-12-2011	Assistant	GDC, Havelain
132	Mohammad Azam	SSC	01-09-1966	FR Bannu	04-09-1984	27-12-2011	Assistant	GDC, Landi Jalandar
133	Mohammad Ali	SSC	05-04-1955	Bannu	27-10-1984	27-12-2011	Assistant	GGC, Bannu
134	Shamsut Tamrez	BA	26-09-1958	Battagram	01-11-1984	27-12-2011	Assistant	GDC, Battagram
135	Shoukat Hussain	SSC	20-05-1966	Abbottabad	27-10-1984	27-12-2011	Assistant	GDC, Mathra Peshawar
136	Mohammad Imtiaz	SSC	01-05-1957	Abbottabad	31-03-1983	27-12-2011	Assistant	GGC, Gulshah Rehman
137	Jehanzeb	BA	02-02-1962	Manshera	15-11-1984	27-12-2011	Assistant	GGC, Marghuz
138	Mushtaq Ahmad	SSC	18-01-1953	Kohat	18-12-1984	27-12-2011	Assistant	DHE
139	Sher Akbar	SSC	24-07-1960	Charsadda	20-12-1984	27-12-2011	Assistant	DHE
140	Niamatullah	SSC	02-03-1966	Karak	06-01-1985	27-12-2011	Assistant	GDC, Ghumbat
141	Habibullah	SSC	05-06-1962	Nowshera	02-04-1980	27-12-2011	Assistant	GGC, Manki Swabi
142	Mahboob Ali	MA	16-05-1962	Swat	10-02-1985	27-12-2011	Assistant	GGPGC, Saidu Sharif
143	Ghulam Hussain	FA	04-12-1962	Manshera	01-04-1985	27-12-2011	Assistant	GGC, Manshera
144	Saminullah	BA	14-02-1955	Peshawar	17-04-1985	27-12-2011	Assistant	DHE
145	Said Mohammad	SSC	07-04-1965	Mardan	19-02-1986	27-12-2011	Assistant	GGC, Maneri Swabi


 DEPUTY DIRECTOR (Establishment)
 HIGHER EDUCATION KHYBER PAKHTUNKHWA

Endst. No. 24602 J82 (CA-VII/Establishment Branch) Dated 02/11/2012

Copy of the above is forwarded to the all concerned.

- 1 Section Officer (Colleges-II) Govt. of Khyber Pakhtunkhwa Higher Education Department
- 2 PS Secretary Higher Education Govt. of Khyber Pakhtunkhwa
- 3 PA to Director Higher Education Khyber Pakhtunkhwa Peshawar


 DEPUTY DIRECTOR (Establishment)
 HIGHER EDUCATION KHYBER PAKHTUNKHWA

**DEPARTMENT OF SPORTS AND RECREATION
PESSALAR SPORTS COMPLEX, PESSALAR CANAL**

NOTIFICATION

Date of Posting: 12th September 2003.

Non-Reservatory List (SC/03) - In pursuance of section-8 of NITPP Civil Servants Act 1973 read with Rule-17 of NITPP Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the final seniority list of Senior Graphers / Assistants (as fixed on 31st December 2002), Directorate of Sports NITPP, has been notified / circulated for general information.

Total Sanctioned posts: 23 (12 Senior Graphers and 11 Assistants)

Sl. No.	Name of Officer / Official and Designation	Academic Qualification	Date of Birth	Domestic Address	Date of Entry into Govt service	Date of regular appointment - promotion to the present post		Method of Recruitment / Appointment	Remarks
						Post	BPS / Date		
1	Maheshwar Mishra (Senior Grapher)	F.A.	11-3-1961	LAKKI, Alwar	13-1-1982	Senior - Grapher	12-28-1-1993	As per rules of the Government	Granted Selection Grade to BPS-15 on 1-4-1993.
2	Arun Kumar (Senior Grapher)	M.A.	03-5-1953	Channada	30-4-1983	Senior - Grapher	12-16-7-1986	As per rules of the Government	Granted Move-over to BPS-13 on 1-12-1993 and to BPS-14 on 1-12-2001.
3	Maheshwar Mishra (Assistant)	M.A.	01-8-1957	Channada	05-3-1988	Assistant	11-05-3-1993	As per rules of the Government	Granted Selection Grade to BPS-15 on 11-11-97.
4	Maheshwar Mishra (Assistant)	F.A.	10-9-1953	Zachwar	11-3-1987	Assistant	11-16-2-1994	As per rules of the Government	Promoted as Assistant on 16-2-1993 & granted Selection Grade to BPS-15 from 01-6-2001.

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- (i) Section Officer, Sports Department (Government of N.W.F.P.)
- (ii) All Deputy District Sports Officers in N.W.F.P.
- (iii) All Officers concerned

Copy forwarded to:-

Order No. 17/SECRETARY/SPORTS/03

Dated Peshawar, the 13th September 2003

(MIZULLAH KHAN)
DIRECTOR SPORTS N.W.F.P.

It is mentioned here that the surplus employees of other Departments adjusted by the District Governments concerned in the District Sports Office against the vacant posts of Assistants were placed in the bottom of Seniority list as per decision of the Provincial Government and intimated by the Establishment & Administration Department (Registration wing) vide letter No. S.O.P. (E.S.A.D) 10-8/2000 R.C. dated 12-12-2002.

Sl. No.	Name of Officer / Other and Designation	Academic Qualification	Date of Birth	Residence	Date of 1 st entry into Govt service	Date of regular appointment / promotion to the present post	Post	BPS	Date of appointment as surplus employee	Adjusted as Assistant from Surplus Pool	Declared surplus employee by DC Office	Department	Mentioned of	
													Reappointment /	Department
11	Farid Ahmad (S.O. Office)	N.E.A.	04-10-1955	Mardan	11-8-1973	11-01-2002	Assistant	11	01-1-2002	Adjusted as Assistant from Surplus Pool	Declared surplus employee by DC Office	Department	Declared surplus employee by Education Department	
12	Adhikar Ahmad (S.O. Office)	M.A.	12-4-1945	Peshawar	14-8-1964	11-28-8-2002	Assistant	11	28-8-2002	Adjusted as Assistant from Surplus Pool	Declared surplus employee by Peshawar	Department	Declared surplus employee by Peshawar	
13	Farooq Ahmad (S.O. Office)	N.E.A.	06-4-1953	Lahore	03-9-1978	11-39-4-2003	Assistant	11	39-4-2003	Adjusted as Assistant from Surplus Pool	Declared surplus employee by Education Department	Department	Declared surplus employee by Education Department	

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APPENDIX

APPOINTMENT, PROMOTION AND TRANSFER RULES FOR THE MANAGEMENT CADRE OF THE DIRECTORATE GENERAL, TECHNICAL EDUCATION & MANPOWER TRAINING, KHYBER PAKHTUNKHWA/FATA

(MANAGEMENT CADRE)

Sr.No	Nomenclature of the post	Minimum required qualification for initial recruitment	Age for initial recruitment	Method of recruitment
(1)	(2)	(3)	(4)	(5)
1	Director General, Technical Education & Manpower Training, Khyber Pakhtunkhwa(BPS-20)			<ul style="list-style-type: none"> a) By transfer of a suitable officer of (BPS-20) from amongst the Principals of Government College of Technology/ Polytechnic Institute/ Government College of Management Sciences and College of Commerce, or b) By transfer from amongst BPS-20 APUG/PCS/PMS Officers.
2	Directors (BPS-19)			<ul style="list-style-type: none"> a) Fifty per cent by promotion, on the basis of selection on merit cum-fitness from amongst the Deputy Directors (BPS-18) having twelve years service in BPS-17 and above; b) Fifty per cent by transfer on merit, from amongst the Government Departments having relevant experience.
3	Deputy Director (BPS-18)			<ul style="list-style-type: none"> a) Fifty per cent by promotion, on the basis of seniority-cum-fitness from amongst the Assistant Directors(BPS-17), having Bachelor's Degree from a recognized university with five years service b) Fifty per cent by transfer on merit from amongst the holders of the post of Assistant Professors (BPS-18) / Principals, Govt. Technical & Vocational Training Centers. Preference may be given to those having relevant experience.

[Signature]

	Chief Research and Development Officer (BS-18)			By promotion on the basis of seniority-cum fitness from amongst the holders of the post of Research Officer(BPS-17) having five year service as such.
5	Research Officer (BPS-17)	2 nd Class Master Degree in Economics/Statistics/MBA/BBA (Hons) or Bachelor's Degree in Engineering from a recognized University.	22 to 32 years	By initial recruitment.
6	Assistant Director(BPS-17)	Bachelor's Degree in Engineering or LL.B or MBA / BBA (Hons) or Master's Degree in Economics/ Statistics/Commerce, from a recognized University.	22 to 32 years	<p>a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Managers Employment Exchanges / Marketing Officers / Superintendents / Apprenticeship Officers / Senior Scale Stenographer (BPS-16), having five years service as such; and</p> <p>b) Fifty per cent by initial recruitment.</p> <p>Note: A joint seniority list of the Managers Employment Exchanges / Marketing Officers / Superintendents Apprenticeship officers and Senior Scale Stenographer shall be maintained for the purpose of promotion.</p>
7	Apprenticeship Officer (BPS-16).	<p>a. Second Class Bachelor Degree in Electrical/ Mechanical Technology from a recognized University or</p> <p>b. 1st class Diploma of Associate Engineering in Electrical/ Mechanical Technology from a recognized Institute with 03-years experience in the relevant field.</p>	21 to 30 years.	By initial recruitment.

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3	Manager Employment Exchanges (BPS-16)	2 nd class Bachelor Degree in Statistics/Economics/Commerce/BBA from a recognized University.	21 to 30 years	By initial recruitment.
9	Marketing Officer (BPS-16)	2 nd class Bachelor Degree in Marketing/ /BBA(Hons) from a recognized University.	21 to 30 years	By initial recruitment
10	Superintendent (BPS-16)			By promotion, on the basis of seniority-cum-fitness, from amongst the Head Clerks/ Assistants / Store supervisor /Junior Scales Stenographers(BPS-14) / having five years service as such.
11	Senior Scale Stenographer (BPS-16).	<ul style="list-style-type: none"> a. 2nd class Bachelor's Degree from a recognized University; b. A speed of seventy words per minute in short-hand in English; and c. Three months certificate in MS Office from an Institution affiliated with the Board of Technical Education. 	18 to 25 years.	By initial recruitment
12	Head Clerk/ Assistant/Store Supervisor (BPS-14).	Bachelor's Degree or equivalent qualification from any recognized University.	18 to 25 years	<ul style="list-style-type: none"> a) Seventy Five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks (BPS-09) / Storekeeper (BPS-09) and Computer Operator (BPS-12) having three years service as such; b) Twenty Five per cent by initial recruitment. <p>Note: A joint seniority list of the Senior Clerks / Storekeeper (BPS-09) and Computer Operator (BPS-11) shall be maintained for the purpose of promotion.</p>

[Signature]

	✓ Junior Scale Stenographer (BPS-14).	<p>a. Intermediate or equivalent qualification from a recognized board, and</p> <p>b. A speed of fifty words per minute in shorthand in English and thirty-five words per minute in typing; and</p> <p>c. Knowledge of computer in using in MS-word and MS-Excel</p>	18 to 25 years	By initial recruitment.
14	Computer Operator(BPS-12)	<p>a. Bachelor's Degree from a recognized University; and</p> <p>b. Diploma of one year duration in Information Technology from a recognized institute.</p>	20 to 28 years	By initial recruitment.
15	Senior Clerk (BPS-09)			By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks, Library Clerks, / Hostel Superintendents with at least two years service as such.
16	Dispenser (BPS-09)	Post matric Diploma of Dispenser from a recognized Institute	18 to 28 years	By Initial recruitment.
17	Pesh Imam (BPS-09)	Sanad in Dars-e-Nizami or a Sanad of "Fazil-i-Arabi" or equivalent qualification from a recognized Daraul-Uloom / Madrassa	18 to 28 years	By initial recruitment.

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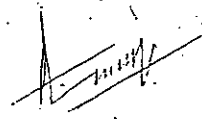
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	Store Keeper (BPS-09)		18 to 30 years	By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Store-Keepers (BPS-06) having three years service as such.
19	Junior Clerk / Accountant / Library Clerk / Hostel Superintendent (BPS-07)	a. 2 nd Class Secondary School Certificate from a recognized Board; and b. Thirty words per minute speed in type-writing or having a Computer Proficiency Certificate in Office Automation.	18 to 28 years	a) Eighty per cent by initial recruitment and b) Twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Daftaries and Naib Qasids having Secondary School Certificate with two years service as such;
20	Assistant Store Keeper (BS-06)	2 nd Class Matriculation or equivalent qualification from a recognized Board.	18 to 30 years	By initial recruitment.
21	Driver (BPS-04)	Possessing Matric qualification with a valid HTV, LTV Driving License with five years practical experience	18 to 28 years	By initial recruitment.
22	Daftari (BPS-02)	Literate.		By promotion, from amongst the Naib Qasids, with three years service as such and having Secondary School Certificate
23	Naib Qasid (BPS-01)	Literate.	18 to 45 years	By initial recruitment.
24	Chowkidar (BPS-01)	Literate.	18 to 45 years	By initial recruitment.
25	Mali (BPS-01)	Literate.	18 to 45 years	By initial recruitment.

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26	Sweeper(BPS-01)	Literate.	18 to 45 years	By initial recruitment.
27	Bahishtti(BPS-01)	Literate.	18 to 45 years	By initial recruitment.



SECRETARY TO GOVERNMENT OF THE KHYBER PAKHTUNKHWA
INDUSTRIES, COMMERCE & TECHNICAL EDUCATION
DEPARTMENT

بعدالت سندروں دروہو

سند

2 منجانب
مدرسہ خاں بنام

موازنہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا اپنی طرف سے واسطے پیروی و جواب دہی وکل کار و اہل متعلقہ
 کے لئے حشر صرف ہو گیا اور اس کے
 آن مقام ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 مقرر کر کے اقرار نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
 وکیل صاحب نے اجراء اور وصولی چیک و روپیہ از عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 سونے کے لئے اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
 مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
 تیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بااختیارات حاصل ہوں گے
 اور پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
 کی تاریخ پیشی مقام دونہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
 ماند گور کر۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

Attested & Accepted
Amir

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ماہ

د گ واہ العبد

کے لئے منظور ہے۔

Before the K.P.K Service Tribunal Peshawar
Appeal No- 1235/14

Murtaza Ishaq vs Education Deptt.

Subject: Receipt for receiving Rs 500 of fine

Respected Sir.

Respectfully submitted that I had received
Rs 500 of fine in the above noted
appeal -
Therefore kindly allowed the request.

^{M. Ishaq}
Council for appellat

Dated = 28-3-2016

Accepted
28.03.16

Service Appeal No: 1235 /2014

Murtaza Khan Stenographer, GATTTC Gul Bahar PeshawarAppellant.

VERSUS

Secretary E&SE Department, Khyber Pakhtunkhwa & others.Respondents

PARAWISE COMMENTS ON&FOR BEHALF OF RESPONDENTS No:1-4.

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 not entitled for the relief he has 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, rules & up-gradation 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 Notification dated 28-5-2014 is legally competent & is liable to be maintained.
- ✓ 15 That the letter No: SOR-I(E&SE)4-29/91/ Vol-I dated **27-6-2011** of the Respondent No: 2 is not applicable upon the case of the appellant being pertains to the Higher Education Department.
- ✓ 16 That rules-8(1) of Civil Servants Act 1973& seniority rules, 1993 are not applicable upon the case of the appellant.

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(176)

ON FACTS

- 1 That Para-1 needs no comments being pertains to the service record of the appellant.
- 2 That Para-2 is incorrect & misleading on the grounds that the referred circular dated 03-11-1983 of the Finance Department Govt: of Khyber Pakhtunkhwa, is not applicable upon the case of the appellant because the said circular is applicable upon those civil servants who are already working against the post the Steno Typist in the Respondent Department, hence the plea of the appellant is liable to be rejected of being groundless & without any merit.
- ✓ 3 That Para-3 is also incorrect & denied. The Respondent Department acted as per law, rules & policy in the instant case & has thus been pleased to issue the impugned Notification dated 14-5-2014 which is legal & liable to be maintained in the interest of justice in favor of the Respondents.
- 4 That Para-4, needs no comments being pertains to the record of this Honorable Tribunal.
- 5 That Para-5 is also needs no comments being pertains the court record of the Superior Courts of Pakistan .
- 6 That Para-6 is correct to the extent that this Honorable Tribunal has dismissed / rejected the Service Appeal of the appellant of being groundless & without any legal force in favour of the Respondents in the interest of justice .
- 7 That Para-7 is correct to the extent that the Civil Petition of the appellant has been dismissed vide order / judgment dated 13-7-2011 in favour of the Respondents (Copy of the same as Annexure-A).
- 8 That Para-8 is also incorrect & denied on the grounds as submitted in the foregoing paras.
- 9 That Para-9 incorrect & denied. That in compliance of the judgment of the Honorable Peshawar High Court Peshawar rendered in COC No: 255-P/2012 in WP NO: 1387-P/2012 dated 06-11-2012, the Respondent Department has informed the appellant vide this office letter No: 2731/AD(Lit: I) dated 26-11-2012 through Registered Cover to the extent that any appellant if aggrieved from the said letter, then he was at liberty to challenge the same within stipulated period of time, hence the matter /appeal has become badly time barred & is liable to be dismissed.
- 10 That Para-10. The appellant has got no cause of action to file instant appeal.
- 11 That Para-11, is incorrect & denied. The act of the Respondent Department with regard to the issuance of the impugned Notification dated 14-5-2014 is within legal sphere & is liable to be maintained in the interest of justice. However the Respondents further submit on the following grounds inter alia:-

ON GRONDS

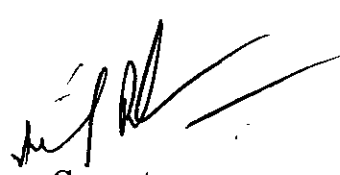
- A Incorrect not admitted. The act of the Respondent with regard to the impugned Notification dated 28-5-2014 is in accordance with law, rules & policy, hence is liable to be maintained .
- B Incorrect & not admitted .The statement of the appellant is baseless & is liable to be dismissed on the grounds that the referred case law & rules pertaining to 1978 are not applicable upon the case of the appellant.

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- 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 vide Notification dated 28-5-2014 in the instant case.
- E Incorrect & denied. Detail reply has been given above.
- F Incorrect & denied. The authority concerned is legally bound to follow the prescribed rules & policy in the instant case, hence the plea of the appellant is liable to be dismissed by maintaining the impugned Notification dated 28-5-2014 in favour of the Respondents
- G Incorrect & denied. The appellant is not entitled for the grant of promotion against the above said post of Superintendent.
- H Incorrect & denied. The appellant has been treated as per law, rules & policy vide Notification dated 28-5-2014 by the Respondent Department.
- I Incorrect, the appellant of being different in cadre cannot be promoted with the mentioned cadre of office Assistants at the cost of the service benefits / promotions of the Ministerial staff in the Respondents Department.
- J Incorrect & denied, rule-17 of APT 1989 is not applicable upon the case of the appellant of being a civil servant of out-cadre in the Respondent Department.
- K Incorrect & Denied, the conduct of the Respondent Department with regard to the impugned Notification dated 28-5-2014 is within legal sphere, hence the statement of the appellant is liable to be dismissed.
- L Legal. However, the Respondents seek leave of this Honorable Tribunal submit additional grounds & record / case law at the time arguments .

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.



Secretary
E&SE Department Khyber
Pakhtunkhwa, Peshawar
(Respondent No:1)

Director

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

01/02/2016



Director
Curriculum & Teachers Education
Abbott Abad(Respondent No: 4)



Secretary
(Estab & Admn.) Department
Khyber Pakhtunkhwa, Peshawar.
(Respondent No: 2)

H 33
54

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

MR. JUSTICE NASIR-UL-MULK
MR. JUSTICE TARIQ PARVEZ

CIVIL APPEALS NO. 60-P TO 66-P OF 2009

(on appeal from the judgment of the K.P.K. Service Tribunal, Peshawar dated 15.01.2007 passed in Appeals No. 823, 828, 799, 824, 826, 843 and 856 of 2004 respectively).

Aziz Mohammad (in CA 60-P/09)
Noorul Amin Shah (in CA 61-P/09)
Khanzeb (in CA 62-P/09)
Daud Jan (in CA 63-P/09)
Zafar Iqbal (in CA 64-P/09)
Aartaza Khan (in CA 65-P/09)
Jamatullah (in CA 66-P/09)
...Appellants.

VERSUS

The Secretary Education (S&L)
(NWFP now KPK) & others ...Respondents.

For the Appellants:

(in CAs 60-P to 62-P/09) Mian Saadullah Janduli, ASC.
(in CAs 63-P to 66-P/09) Haji M. Zahir Shah, ASC/AOR.

For the State:

Mr. Lal Jan Khattak, Addl. AG, KPK
Mr. Mosam Khan, A.D.(B).

Respondents 7 & 9: In-person.

Date of Hearing: 13.07.2011.

ORDER

NASIR-UL-MULK, J. - In view of the decision taken by the Government of Khyber Pakhtunkhwa in letter dated 27.06.2011, copy of which is produced by the learned counsel for the appellants, they do not want to press these appeals. All the appeals are dismissed as not pressed.

Sd/- Nasir-ul-Mulk, J.
Sd/- Tariq Parvez, J.
Certified to be true copy

Assistant Secretary
Supreme Court of Pakistan
Peshawar.

PESHAWAR
13th July, 2011.

"Not approved for reporting."

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1235/2014

Murtaza Khan

VS

Education Deptt:

.....

REJOINDER ON BEHALF OF APPELLANT

.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-16) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 Para-1 of the appeal is admitted correct by the respondent's department as service record is already in the custody of the respondent's department.
- 2 Incorrect and misconceived. While para-2 of the appeal is correct as mentioned in the main appeal.
- 3 Incorrect. While Para-3 of the appeal is correct as mentioned in the appeal of the appellant. Moreover impugned notification dated 14.5.2014 is illegal and liable to be set aside.
- 4 Para-4 of the appeal is admitted correct by the respondent's department as record is already in the custody of the respondent's department.
- 5 No comments endorsed by the respondents department which mean that respondents department have admitted Para-5 of the appeal as correct.

- 6 First portion of Para-6 of the appeal is admitted correct by the respondent's department while remaining para-6 of the reply is incorrect. Moreover Para-6 of the appeal is correct as mentioned in the main appeal of the appellant.
- 7 First portion of Para-7 of the appeal is admitted correct by the respondent's department while remaining para-7 of the reply is incorrect. Moreover Para-7 of the appeal is correct as mentioned in the main appeal of the appellant.
- 8 Incorrect. While Para-8 of the appeal is correct as mentioned in the appeal of the appellant.
- 9 Incorrect. While Para-9 of the appeal is correct as mentioned in the appeal of the appellant.
- 10 Incorrect and not replied according to para-10 of the appeal. While Para-10 of the appeal is correct as mentioned in the appeal of the appellant.
- 11 Incorrect and not replied according to para-11 of the appeal. The appellant has genuine cause of action and come to this Honourable Tribunal amongst following grounds.

GROUND:

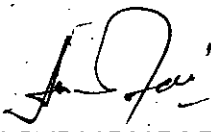
- A) Incorrect. While para-A of ground of the appeal is correct as mentioned in the main appeal of the appellant. Moreover the impugned notification dated 28.5.2014 is against the law, rules hence liable to be set aside.
- B) Incorrect. While para-B of ground of the appeal is correct as mentioned in the main appeal of the appellant.
- C) Incorrect. While para-C of ground of the appeal is correct as mentioned in the main appeal of the appellant.

- D) Incorrect. While para-D of ground of the appeal is correct as mentioned in the main appeal of the appellant. Moreover respondents department not act as per law and rules.
- E) Incorrect. While para-E of ground of the appeal is correct as mentioned in the main appeal of the appellant.
- F) Incorrect and misconceived. While para-F of ground of the appeal is correct as mentioned in the main appeal of the appellant.
- G) Incorrect. While para-G of ground of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, appellant is legally entitled for the post of Superintendent.
- H) Incorrect. The appellant has not been treated according to law and rules; therefore the impugned order is liable to be set aside.
- I) Incorrect. While para-I of ground of the appeal is correct as mentioned in the main appeal of the appellant
- J) Incorrect. While para-J of ground of the appeal is correct as mentioned in the main appeal of the appellant.
- K) Incorrect. While para-K of ground of the appeal is correct as mentioned in the main appeal of the appellant.
- L) Legal.

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

APPELLANT
Murtaza Khan

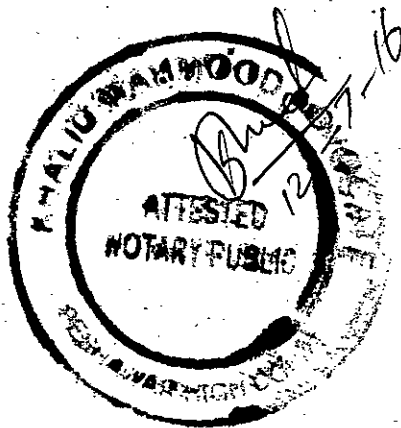
Through:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of appeal and rejoinder are true and correct to the best of my knowledge and belief.


DEPONENT



12/12/21

D.B II

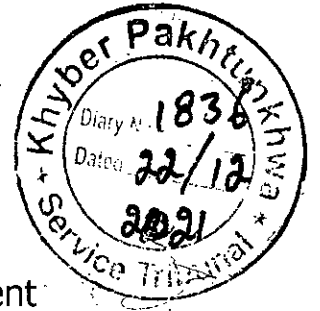
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Put up to the worthy chair-ew
with relevant appeal.

C.M NO. _____ / 2021

IN

APPEAL No 1235/2014



Read

Murtaza Khan

VS

Educaton Department

APPLICATION FOR REQUISITIONING THE ABOVE TITLED
APPEAL FOR EARLY HEARING

R/SHEWETH:

NFA

The applicant submits as under:

- 1- That the captioned service appeal is pending adjudication before this Hon'ble Tribunal, in which 8-02-2022 is fixed for hearing.
- 2- That appellant has filed the above mentioned service appeal wherein the appellant has challenged the Joint seniority list for the purpose of Promotion since 2014.
- 3- That the instant service appeal is pre-mature and is fixed for arguments and also pending adjudication since 2014.
- 4- That as valuable rights of the applicant is attached to the instant appeal; therefore it is essential that the mentioned appeal be fixed as early as possible.

It is therefore most humbly prayed that on acceptance of this application the mentioned appeal may be requisition for early hearing to any convenient date.

APPLICANT

Murtaza Khan

THROUGH:

NOOR MUHAMMAD KHATTAK
ADVOCATE

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No. 1235/2014.

**APPLICATION FOR PLACING ON FILE CERTAIN DOCUMENTS
ATTACHED WITH APPLICATION.**

R. Sheweth;

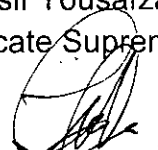
1. That the instant appeal is pending before this august Tribunal and fixed for arguments for today i.e. 07/08/2019.
2. That the appellant wants to submit certain documents for fair conclusion and to meet the end of justice.
3. That attached documents are from page 1 - 10.

It is therefore, most humbly requested that on acceptance of this application certain documents attached with the application may please be placed on file for fair conclusion and to meet the ends of justice.


Appellant

Through

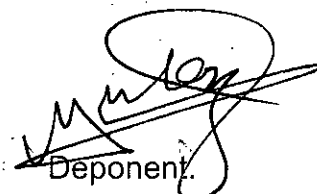
M. Asif Yousafzai,
Advocate Supreme Cour
&


Taimur Ali Khan Advocate
High Court.

Affidavit

It is solemnly affirm that the contents of this application is true and correct to the best of my knowledge & belief.




Deponent.

MINUTES OF THE STANDING SERVICE RULES COMMITTEE
OF EDUCATION DEPARTMENT HELD ON 28.3.2000 AT
10:00 A.M. UNDER THE CHAIRMANSHIP OF SECRETARY
EDUCATION IN HIS OFFICE.

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Meeting of the Standing Service Rules Committee of Education Department was held on 28.3.2000 at 10:00 A.M. under the chairmanship of Secretary to Govt: of NWFP Education Department, being Chairman of the Standing Service Rules Committee to consider amendments in the appendix to the Ministerial Staff Service Rules of Education Department, notified through notification NO. SO(C)/5-2/70(E), dated 9.5.1978.

The following attended the meeting :-

1. Syed Mazhar Ali Shah, Chairman,
Secretary to Govt: of NWFP Education
Department.
2. Mr: Hussain Shah, Member,
Section Officer (Reg-I), on behalf of
Dy: Secretary (R), S&GAD Department NWFP
Peshawar.
3. Syed Baqar Shah, Member,
Section Officer (SR-II), on behalf of
Dy: Secretary (SR), Finance, Excise &
Taxation Department, NWFP.
4. Mr: Qaisro Khan, Member,
Dy: Director of Education (Secondary)
NWFP, Peshawar, on behalf of Director
of Edu: (Secy:).
5. Mr: Fazal-ur-Rehman, Member-cum-Secy:
Dy: Secretary (Adm:) Education Deptt:

The proposed amendments were discussed and approved
by Committee as follows :-

PROPOSED AMENDMENTS.

DECISION OF THE STANDING
SERVICE RULES COMMITTEE.

i) Amendment in SL:NO.3 column 6
of the appendix to the Ministerial
Staff Service Rules of Education
Department to the effect that 90%
posts of the Supdts: will be
filled up by promotion on the
basis of seniority-cum-fitness
from amongst the holders of the
posts of Assistants while
remaining 10% will be filled up
by promotion on the basis of
seniority-cum-fitness from
amongst holders of the posts
of Stenographers with 5 years
service experience as such who
have passed departmental
examination, if any prescribed,
for Assistants.

Approved by the Committee.

ii) The word Head-clerk appearing at
SL:NO.3 column 6 and SL:NO.4
column 2 of the appendix to the
Ministerial Staff Service Rules
of Education Department, being
redundant may be deleted from
the rules.

Approved by the Committee.

SL:NO.	Name
1.	Syed Mazhar Ali Shah
2.	Mr: Hussain Shah.
3.	Syed Baqar Shah.
4.	Mr: Qaisro Khan.
5.	Fazal-ur-Rehman.

Signature

S

2
EXHIBIT (9) 24
19

GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE
EDUCATION DEPARTMENT

NOTIFICATION.

HC. SO (Dir.) Edu: /4-13/99, in exercise of the powers conferred by Article 5 of the Provincial Constitutional Order No. 1 of 1999, as amended by the Provincial Constitution (Amendment) Order No. 2 of 1999, and all other powers in that behalf, the Chief Executive is pleased to direct that in the Education Department's Notification No. SO(C)5-2/70(E), dated 9.5.1978, the following further amendments shall be made, namely:-

In the Appendix,-

(a) in column 6 against serial No. 3 for the existing entry the following shall be substituted, namely:

"(i) Ninety percent by promotion, on the basis of seniority-cum-fitness, from among the Assistant with at least five years service as such and

(ii) Ten per cent by promotion, on the basis of seniority-cum-fitness, from amongst the senior Senior Stenographers, with at least five years service as such, who have passed departmental examination, if any, prescribed for Assistant, and

(b) In column 2 against serial number 4, the oblique and the word, "/Head Clerk" shall be deleted.

SECRETARY TO GOVERNMENT OF
NORTH-WEST FRONTIER PROVINCE
EDUCATION DEPARTMENT

Endnt. No. SO (Dir.) Edu: /4-13/99, Dated Peshawar the 4 / 09 / 2000

Copy of the above is forwarded for information and necessary action to:

1. All the Administrative Secretaries in NWFP, Peshawar.
2. All the Secretaries N.W.F.P., Public Service Commissioner Peshawar.
3. The Accountant General, NWFP, Peshawar.
4. All the Directors of Education, N.W.F.P.
5. The Manager Govt. Printing Press for publication in the next issue of Government Gazette.

(—) MUHAMMAD ANWAR YOUSAFZAI 14/9/2000
SECTION OFFICER (DIRECTIVE)
EDUCATION DEPARTMENT NWFP.

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR.

NOTIFICATION.

Tentative Seniority List of Assistants (B-16)/Senior Scale Stenographer (B-16) working under the Directorate Elementary & Secondary Education, DCTE, Merged District of FATA, PITE, in Khyber Pakhtunkhwa, as stood on 30.9.2018 is hereby approved.

The said seniority list is hereby notified for the information of all concerned to lodge appeal /objection (if any) within one month after the issue of the enclosed seniority list with documentary proof for rectification.

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.

6233-89
Encl No. _____ F.No. A-23/Ten: S.List/Assistant/2018. Dated Pesh the 18/9/2018

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. P/S to Secretary to Government of Khyber Pakhtunkhwa E&SE Department Peshawar for information.
6. Deputy Director EMIS Govt of Khyber Pakhtunkhwa E&SE Department with the request to up-load the attached Seniority List on the web page of E&SE Department.
7. PA to Director E&SE Khyber Pakhtunkhwa, Peshawar

With the request that the particulars of Assistants/Sr. Scale Stenographers working under their control recorded in the attached seniority may be got checked/verified from their service record and send their appeals/objection (if any) with supporting document within the stipulated time for rectification.

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

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.									
Tentative Seniority List of Assistants (B-16) and Sr. Scale S/Graphers (B-16) in E&SE Khyber Pakhtunkhwa Updated up to 30-09-2018									
S.NO	Name	Father's Name	Design	Domicile	Date of Birth	D/O Appt/ Promo:as J/Clerk	D/O Appt/ Promotion as Asstt	Present place of posting	Remarks
1	Tariq parvez	Nazir Muhammad	Assistant	Haripur	01/01/1963	24/04/1982	03/12/2009	SDEO (F) Haripur	By Promotion
2	Kiramat Hussain	Shabir Hussain	Assistant	Kurram	20/01/1959	26/11/1979	30/05/2011	FATA	By Promotion
3	Zahid Khan	Maazullah Khan	Assistant	SWA	18/06/1959	01/04/1983	30/05/2011	FATA	By Promotion
4	Azmat Ali	Shaqat Husain	Assistant	Mardan	01/06/1963	17/11/1984	30/05/2011	RITE (M) Mardan	By Promotion
5	Ayaz Khan	Quresh Khan	Assistant	Charsadda	17/01/1964	01/12/1984	30/05/2011	FATA	By Promotion
6	Mehboob Khan	Mohammad Akbar	Assistant	Orakzai	04/01/1967	01/12/1984	30/05/2011	AEO Orakzai Agency	By Promotion
7	Mehboob-Ur-Rehman	Fazal-Ur-Rehman	Assistant	Lakki	16/05/1987	05/09/2011	05/09/2011	DEO (M) Lakki.	By Promotion
8	GHAYASUDDIN	BULBUL KHAN	Assistant	Shangla	15/03/1963	09/03/1982	01/03/2012	DEO (M) Shangal	By Promotion
9	Fazal Dani	Fazal Rabbani	Assistant	Peshawar	01/12/1960	01/08/1980	16/03/2012	DE & SE Khyber Pakhtunkhwa, Pesh:	By Promotion
10	Muhammad Tariq	Taj Muhammad	Assistant	Peshawar	01/05/1962	24/08/1980	16/03/2012	SDEO (F) Peshawar.	By Promotion
11	Muhammad Akram	Ghulam Sarwar	Assistant	Mansehra	02/04/1959	26/06/1980	31/05/2012	DEO(M)Mansehra	By Promotion
12	Muhammad Younis	Muhammad Jee	Assistant	Mansehra	03/01/1962	03/09/1980	31/05/2012	DEO(M)Mansehra	By Promotion
13	Afzal Hussain	Sharbat Ali	Assistant	Kurram	01/03/1959	13/04/1981	31/05/2012	GGHSS Luqman Khel Kurr: Agency.	By Promotion
14	Muhammad Younis	Allah Bakhsh	Assistant	FATA	01/10/1962	10/08/1982	31/05/2012	D.E (FATA) Peshawar	By Promotion
15	Aurangzeb	Zain Khan	Assistant	Abbottabad	07/12/1963	01/05/1985	31/05/2012	DCTE Abbotabad	By Promotion
16	Sadat Khan	Bilal Khan	Assistant	Peshawar	08/06/1963	05/10/1985	31/05/2012	D.E (FATA) Peshawar	By Promotion
17	Muhammad Ikram	Mumtaz Khan	Assistant	Dir Lower	15/03/1967	06/10/1985	31/05/2012	GHSS Gardai Bajour	By Promotion
18	Akhtar Niaz	Malik Mir Khan	Assistant	FATA	20/03/1961	15/11/1985	31/05/2012	D.E (FATA) Peshawar	By Promotion
19	Fayaz Ahmad	Muhammad Yaqub	Assistant	Peshawar	01/10/1963	01/12/1985	31/05/2012	D.E (FATA) Peshawar	By Promotion
20	Muhammad Haseeb Jan	S. Muhammad Faseeh	Assistant	Charsadda	02/09/1958	02/12/1985	31/05/2012	DE&SE, KP, Peshawar.	Retired
21	Roohul Amin	Liasan Khan	Assistant	FATA	04/12/1965	07/12/1985	31/05/2012	D.E (FATA) Peshawar	By Promotion
22	Farooq Hameed	Ghulam Farid	Assistant	FATA	04/05/1967	08/12/1985	31/05/2012	AEO FR D I Khan	By Promotion
23	Atta Ullah Khan	Khuda Dad Khan	Assistant	Abbottabad	03/03/1967	07/02/1991	31/05/2012	DCTE Abbotabad	By Promotion
24	Zafar Khan	Shah Jehan	Assistant	D.I.Khan	04/04/1959	01/12/1980	13/07/2012	S.D.O (F) KULACHI	By Promotion
25	Saadullah Jan	Abdullah Jan	Assistant	DIK	03/05/1961	01/02/1981	13/07/2012	DEO(M) DIKhan	By Promotion
26	Sana Ullah Khan	Haji Shah Alam	Assistant	Tank	01/05/1960	14/09/1981	08/08/2012	Tank	By Promotion
27	Sikandar Shah	Nuhannad Azeem	Assistant	Swabi	02/02/1962	12/02/1981	01/09/2012	DEO (F) Swabi	By Promotion
28	Mujahid Shah	Hussain Shah	Assistant	Swabi	05/01/1962	10/03/1981	01/09/2012	DEO (F) Swabi	By Promotion

29	Nawab Ali	Hakim Khan	Assistant	Swabi	24/04/1961	17/05/1981	01/09/2012	DEO (M) Swabi	By Promotion
30	Hafeez ur Rehman	Mehfooz ur Rehman	Assistant	Abbottabad	02/05/1961	08/01/1980	10/09/2012	DEO (M) Office Atd	By Promotion
31	Muhammad Farooq	Ali Mardan	Stenographer	Mardan	27/02/1965	01/08/1985	13/09/2012	DCTE Abbottabad	By Promotion
32	Shamsul Qamar	Shah Pasand	Assistant	Charsadda	14/10/1964	05/02/1983	21/11/2012	DEO(M) Chd	By Promotion
33	Syed Noor Akbar	Syed Sahib Zada	Assistant	Nowshera	01/02/1961	01/11/1981	17/12/2012	DEO (M) NSR	By Promotion
34	Amin Ullah	Nasrullah Khan	Assistant	Nowshera	27/03/1960	26/10/1983	17/12/2012	DEO (F) Nowshera	By Promotion
35	Furshad Ali	Nazar Muhammad	Assistant	Charsadda	09/12/1960	26/01/1984	17/12/2012	DEO (F) Nowshera	By Promotion
36	Muhammad Ismail	Ghulam Sarwar	Assistant	D.I.Khan	04/06/1959	06/12/1981	27/12/2012	SDEO (F) PAHAR PUR	By Promotion
37	Muhammad Zulqarnain	Allah Wasaya	Assistant	D.I.Khan	08/05/1961	13/07/1982	27/12/2012	DEO (F) D.I.Khan	By Promotion
38	Muhammad Nawaz	Rab Nawaz	Assistant	D.I.Khan	08/04/1962	19/09/1982	27/12/2012	S.D.E.O (F) D.I.Khan	By Promotion
39	Jalal ud Din	Abdur Rahman	Assistant	Chitral	10/05/1961	01/10/1981	31/12/2012	O/O DEO (F) Chitral	By Promotion
40	Khair ur Rahman	Amir Khan	Assistant	Chitral	01/01/1960	01/11/1981	31/12/2012	O/O DEO (M) Chitral	By Promotion
41	Samandar Khan	Abdul Baqi	Assistant	Chitral	08/01/1963	24/11/1981	31/12/2012	O/O SDEO (M) Chitral	By Promotion
42	Nisar Ahmad	Hazrat Bilal	Assistant	Swat	01/04/1962	01/04/1980	28/05/2014	DEO (M) Swat	By Promotion
43	Rahim Bakhsh	Karim Bakhsh	Assistant	Peshawar	22/09/1961	30/08/1980	28/05/2014	DEO (M) Peshawar	By Promotion
44	NAWAZ KHAN	FANOOS KHAN	Assistant	Mardan	20/03/1962	01/09/1981	28/05/2014	DEO (F) Nowshera	By Promotion
45	FAZLI QADEEM	FAZLI KARIM	Assistant	Mardan	03/04/1962	17/09/1981	28/05/2014	SDEO (M) Bunir	By Promotion
46	SHEHZAD GUL	AKHTAR GUL	Assistant	Mardan	03/08/1963	22/09/1981	28/05/2014	SDEO (F) Dargai.	By Promotion
47	Hazrat Amin	Muhamamd Amin	Assistant	Swat	01/07/1961	10/09/1981	28/05/2014	SDEO (M) Swat.	By Promotion
48	Rahimullah	Ahmad	Assistant	Swat	01/05/1959	02/01/1981	28/05/2014	SDEO (F) Swat	By Promotion
49	Khushdil Khan	Khadi Khan	Assistant	Peshawar	22/05/1961	14/05/1980	28/05/2014	DEO (M) Nowshera	By Promotion
50	LIAQATA LI	FATEH KHAN	Assistant	Mardan	15/05/1962	01/08/1980	28/05/2014	DEO (M) Bunir	By Promotion
51	Amir Badshah	Abdul Ghafar	Assistant	Dir Lower	02/03/1959	01/09/1980	28/05/2014	SDEO (F) Samarbagh	By Promotion
52	Fida Hussain	Abdur Rehman	Assistant	Abbottabad	01/12/1958	16/03/1981	28/05/2014	DEO (M) Abbottabad	By Promotion
53	Shehzad Humayum	Sher Ahmad Saddiqui	Assistant	Peshawar	24/11/1961	23/09/1980	28/05/2014	DE&SE KP Peshawar	By Promotion
54	Jalaludin	Muhammad Zarin	Assistant	Swat	01/03/1959	03/12/1980	28/05/2014	DEO (M) Shangla	By Promotion
55	Farid Ullah Khan	Khandad Khan	Assistant	Lakki	27/06/1962	15/02/1981	28/05/2014	DEO (M) Lakki.	By Promotion
56	Muhammad Tariq	Muhammad Aslam	Assistant	Abbottabad	22/02/1961	23/05/1981	28/05/2014	DEO (F) Abbottabad	By Promotion
57	Naeem Akhtar	Naat Ullah	Assistant	Swabi	07/03/1959	01/03/1981	28/05/2014	SDEO (M) Swabi	By Promotion
58	Sher Bahadur Khan	Mir Zali Khan	Assistant	Bannu	02/01/1961	27/09/1981	28/05/2014	SDEO (F) Bannu	By Promotion
59	Jahangir Khan	Sher Ali Khan	Assistant	Lakki	16/10/1959	01/03/1981	28/05/2014	DEO (F) Lakki	By Promotion
60	Fazli Yazdan	Fazli Maula	Assistant	FATA	15/02/1962	08/05/1980	28/05/2014	GHSS: Ghalanai Mohmand Agency.	By Promotion
61	Muhammad Sarwar	Abdul Qadar	Assistant	Abbottabad	12/06/1961	19/03/1980	28/05/2014	DEO (M) Abbottabad	By Promotion

62	Abdur Rahim	Agha Khan	Assistant	Kurram	01/01/1959	23/09/1980	28/05/2014	DE (FATA) Peshawar	By Promotion
63	Shazad Akhtar	Abdur Rehman	Assistant	Abbottabad	01/07/1963	19/10/1981	28/05/2014	DEO (F) Abbottabad	By Promotion
64	Usman Ghani	Fazal Ghani	Assistant	Swat	04/03/1959	19/10/1981	28/05/2014	DEO (F) Shangla.	By Promotion
65	Wali Rehman	Muhammad Yaseen	Assistant	Bannu	15/06/1963	26/11/1981	28/05/2014	GEC (M) Ghoriwala	By Promotion
66	Zar Khitab	Mir Nawas	Assistant	Swabi	20/03/1962	01/09/1981	28/05/2014	DEO (M) Swabi	By Promotion
67	Muhammad Zubair	Ghulam Sarwar	Assistant	Abbottabad	04/05/1963	14/11/1981	28/05/2014	DCTE, Abbottabad	By Promotion
68	Mumtaz ul Hassan	Abdur Rauf	Assistant	Charsadda	06/03/1963	09/12/1981	28/05/2014	DE&SE Khyber Pakhtunkhwa	By Promotion
69	Muhammad Ajmal	Aabdul Qayoom	Assistant	Mansehra	05/01/1964	05/01/1982	28/05/2014	SDEO(M)Mansehra	By Promotion
70	Mohammad Wali Khan	Hajibullah	Assistant	Chitral	10/02/1964	24/02/1982	28/05/2014	DEO (M) Chital	By Promotion
71	Malik Aman	Alla Dad	Assistant	Mansehra	15/03/1962	27/12/1982	28/05/2014	DEO (M) Mansehra	By Promotion
72	SAWAR KHAN	MOHIB ULLAH	Assistant	Mardan	01/05/1963	12/12/1981	28/05/2014	DEO (M) Swabi	By Promotion
73	Muhammad Rafique	Bostan Khan	Assistant	Abbottabad	13/05/1959	01/12/1981	28/05/2014	DCTE, Abbottabad	By Promotion
74	Gul Shahin Shah	Sher Muhammad	Assistant	Karak	10/01/1961	19/01/1982	28/05/2014	DEO (M) Karak	By Promotion
75	Muhammad Anwar	Mian Said Umar	Assistant	Swat	14/04/1960	08/11/1980	28/05/2014	DEO (F) Shangla.	By Promotion
76	Muhammad Ishaq	Naik Muhammad	Assistant	Peshawar	11/12/1958	17/03/1982	28/05/2014	GGComp:HSS Pesh.	By Promotion
77	Shaukat Ali	Ali Jan	Assistant	Swabi	07/01/1963	17/05/1982	28/05/2014	SDEO (F) Swabi	By Promotion
78	Lal Azam	Gul Azam	Assistant	Chitral	19/01/1959	16/05/1982	28/05/2014	DEO (M) Chital	By Promotion
79	Mohammad Kamil	Kamal Khan	Assistant	Swabi	18/04/1964	12/07/1982	28/05/2014	DEO (M) Swabi	By Promotion
80	Ghulam Sabir	Yar Muhammad	Assistant	Peshawar	20/03/1962	18/08/1981	28/05/2014	SDEO (M) Peshawar	By Promotion
81	Muhammad Shair	Azimullah Khan	Assistant	Dir Lower	01/05/1960	26/06/1982	28/05/2014	SDEO (F) Dir Lower	By Promotion
82	Muhammad Razzaq	Fazal Hadi	Assistant	Karak	03/04/1959	07/09/1982	28/05/2014	SDEO (F) Takhti Nasrati Karak.	By Promotion
83	Ghulam Qadir	Muhammad Saddiq	Assistant	Kohat	05/12/1962	01/09/1982	28/05/2014	DEO (M) Kohat	By Promotion
84	Shams ud Din	Gul Baig	Assistant	Chitral	15/02/1962	26/08/1982	28/05/2014	DEO (F) Chitral	By Promotion
85	Muhammad Mubarik	Abdul Kareem	Assistant	Mansehra	11/07/1962	07/05/1982	28/05/2014	DEO (F) Mansehra	By Promotion
86	Muhammad Khalid	Dost Muhammad	Stenographer	DIKhan	20/05/1966	16/10/1984	28/05/2014	DEO(M) DIKhan	By Promotion
87	Jamatullah	Janas Khan	Stenographer	Peshawar	19/04/1964	08/02/1984	25/05/2015	DE&SE KP Peshawar	By Promotion
88	Fazli Mukhtaj	Muhammad Roshan	Assistant	Charsadda	06/05/1956	14/09/1979	12/10/2015	RITE (F) Charsadda.	By Promotion
89	Ghulam Muhammad	Muhammad Faqir	Assistant	Peshawar	02/02/1963	03/02/1981	12/10/2015	GGHSS: Kalanga Khy Agy	By Promotion
90	Riaz Ahmad	Sultanat Khan	Assistant	Swat	10/04/1962	06/08/1980	12/10/2015	DEO (M) Dir Upper	By Promotion
91	Dil Jan	Zargul Khan	Assistant	Lakki	20/04/1961	19/05/1982	12/10/2015	DEO (F) Lakki	By Promotion
92	Bahadar Zaib	Alam Zaib	Assistant	Dir Lower	06/10/1962	14/11/1982	12/10/2015	DEO (M) Dir Lower.	By Promotion
93	Fayyaz Khan	Badi uz Zaman	Assistant	Bannu	13/02/1962	20/09/1982	12/10/2015	DEO (F) Bannu	By Promotion
94	Siyar Ahmad	Fazal Rahim	Assistant	Swabi	04/09/1963	02/10/1982	12/10/2015	DEO (M) Swabi	By Promotion

258	Fateh Mohammad	Mir Afzal Khan	S/Clerk	Dir (U)	01/01/1966	07/06/1988	25/04/2018	DEO (M) Dir Upper	By Promotion
259	Amanullah Khan	Mohammad Alam Khan	S/Clerk	Dir (U)	15/04/1968	11/11/1991	25/04/2018	DEO (M) Dir Upper	By Promotion
260	Zahirur Rahman	Ghasur Rahman	S/Clerk	Dir(U)	01/01/1969	11/11/1991	25/04/2018	DEO (F) Dir upper	By Promotion
261	Hazrat Wahab	Mian Habibullah	S/Clerk	Dir (U)	01/06/1962	17/12/1991	25/04/2018	DEO (F) Dir upper	By Promotion
262	Umer Ayaz Khan	Atlas Khan	S/Clerk	Bannu	17/02/1970	23/09/1992	25/04/2018	DEO(M) Bannu	By Promotion
263	Abdul Shabbir	Abdur Rahim	S/Clerk	Haripur	01/01/1966	24/10/1985	25/04/2018	DEO(F) Haripur	By Promotion
264	M/Ajmal Khan	M/Aslam Khan	S/Clerk	Swabi	25/07/1965	10/10/1985	25/04/2018	SDEO(M) Topi Swabi	By Promotion
265	Sabz Ali Khan	Amin Khan	S/Clerk	Bajawar	28/10/1964	20/01/1986	25/04/2018	RITE (F) Dargai	By Promotion
266	Haleem Jan	Muhammad Essa	S/Clerk	Swabi	03/02/1967	01/02/1986	25/04/2018	DEO(M) Swabi	By Promotion
267	Rab Nawaz Khan	Mirza Khan	S/Clerk	Tank	10/04/1961	01/10/1986	25/04/2018	SDEO(F) Tank	By Promotion
268	Bashir Ahmad	Faiz Mohammad	S/Clerk	Tank	11/01/1963	13/11/1987	25/04/2018	DEO(M) Tank	By Promotion
269	Ibrarullah Hashmi	Hamidullah Hashmi	S/Clerk	Tank	07/01/1969	25/10/1989	25/04/2018	SDEO(M) Tank	By Promotion
270	Ihsan Ullah	Inayat Ullah	S/Clerk	Tank	14/04/1969	19/05/1987	25/04/2018	SDEO(F) Tank	By Promotion
271	Haroon khan	Mohammad	S/Clerk	Dir (U)	18/11/1971	17/05/1992	25/04/2018	DEO(M) Dir Upper	By Promotion
272	Mir Ajab	Muhammad Hakeem	S/Clerk	Tank	15/01/1965	25/04/1984	25/04/2018	DEO(M) Tank	By Promotion
273	Anwar Khan	Aqaf Wazir	S/Clerk	Hangu	15/01/1973	18/01/1991	25/04/2018	SDEO(M) Hangu	By Promotion
274	FAZLI SUBHAN	SHAD KHAN	S/Clerk	Buner	01/03/1960	01/09/1984	25/04/2018	DEO(F) Bunnir	By Promotion
275	SAID WALI SHAH	WALI DAD SHAH	S/Clerk	Buner	14/11/1959	16/11/1986	25/04/2018	SDEO(M) Bunnir	By Promotion
276	JAVID IQBAL	RAHIM DAD	S/Clerk	Buner	16/01/1970	07/12/1986	25/04/2018	DEO(M) Bunnir	By Promotion
277	IFTIKHAR NADEEM	SAID WAHAB	S/Clerk	Buner	10/03/1967	12/03/1988	25/04/2018	DEO(F) Bunnir	By Promotion
278	Zahir Shah	Jan Said	S/Clerk		04/10/1962	13/12/1988	25/04/2018	SDEO(F) Tangi Charsadda	By Promotion
279	SAR ANJAM KHAN	BAHRAM KHAN	S/Clerk	Buner	01/02/1971	13/01/1991	25/04/2018	DEO(M) Bunnir	By Promotion
280	Saeed Ahmad	Ghulam Qadir	S/Clerk	DIK	03/03/1965	14/04/1986	25/04/2018	SDEO(M) Kulachi DI Khan	By Promotion
281	Shoab Sultan	Allah Wasaya	S/Clerk	D//K	09/10/1965	19/07/1985	25/04/2018	SDEO(M) DI Khan	By Promotion
282	Haq Nawaz	Allah Wasaya	S/Clerk	D//K	31/03/1965	01/09/1985	25/04/2018	DEO(F) Tank	By Promotion
283	Zakir Ullah	Ghulam Haidar	S/Clerk	Swabi	01/01/1966	25/08/1986	25/04/2018	SDEO(F) Topi Swabi	By Promotion
284	Amir ullah	shakir ullah	S/Clerk	Charsadda	05/04/1967	31/07/1985	25/04/2018	DEO(M) Charsadda	By Promotion
285	Wazir Shah	Muhammad Yousaf	S/Clerk	Charsadda	30/05/1964	23/09/1985	25/04/2018	DE FATA	By Promotion
286	Nizar Khan	Nazir Gul	S/Clerk	Charsadda	06/04/1965	01/12/1985	25/04/2018	DE&SE KP Peshawar	By Promotion



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 31-05-2019

NOTIFICATION

No. SO(PE)/E&SED/2-6/DPC Meeting/2019: On the recommendations of the Departmental Promotion Committee (DPC) in its meeting held 17.04.2019, the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) is pleased to promote the following Forty Nine (49) Assistants/S.S.Stenographers (BPS-16) to the post of Superintendents (BPS-17), on regular basis with immediate effect. Their adjustment/posting is mentioned against their names:-

S.#	Name of Officer & present place of posting	Proposed place of posting	Remarks
1	Tariq parvez, DEO (F) Haripur	Superintendent at DEO (M), Haripur	Against Vacant Post
2	Zahid Khan, GHSS Eidak Miranshah	Superintendent at DEO (M) Tank	Against Vacant Post
3	Azmat Ali, RITE (M) Mardan	Superintendent at SDEO (F) Mardan	Against Vacant Post
4	Ayaz Khan, DEO Mohmand District	Superintendent at SDEO (M) Daggar Buner	Against Vacant Post
5	Mehboob Khan, DEO Orakzai	Superintendent at DEO (M) Hangu	Against Vacant Post
6	Mehboob-Ur-Rehman, DEO(M) Lakki	Superintendent at SDEO (M) Lakki Marwat	Against Vacant Post
7	Ghayasud Din, DEO (M) Shangla	Superintendent at DEO (M) Shangla	Against Vacant Post
8	Fazal Dani, Directorate of E&SE KPK, Peshawar	Superintendent at SDEO (F), Town-I, Peshawar.	Against Vacant Post
9	Muhammad Tariq, SDEO (F) Town-I Peshawar	Superintendent at SDEO (F) Town-I Peshawar	Against Vacant Post
10	Muhammad Younis, DEO (M) Mansehra	Superintendent at SDEO (M) Mansehra	Against Vacant Post
11	Muhammad Younis GHSS Ashkar Kot SWA	Superintendent at DEO (M) D.I Khan	Against Vacant Post
12	Aurangzeb DCTE Khyber Pakhtunkhwa Abbottabad	Superintendent at DEO (M) Battagram	Against Vacant Post
13	Muhammad Ikram DEO (M) Dir Lower	Superintendent at DEO (M) Dir Lower	Against Vacant Post
14	Akhtar Niaz, RITE (F) Bannu	Superintendent at SDEO (M) Bannu	Against Vacant Post
15	Fayaz Ahmad, Directorate of Education (NMTD) Peshawar	Superintendent at o/o Additional Director (NMD) Peshawar	Already occupied
16	Roohul Amin , GSAAAHS No. 1 Jamrud Khyber	Superintendent at SDEO (M) Wari Dir Upper	Against Vacant Post
17	Farooq Hameed DEO SWA	Superintendent at DEO (F) Tank	Against Vacant Post
18	Aita Ullah Khan, DEO (M) Kohat	Superintendent at SDEO (F) Hangu	Against Vacant Post
19	Saadullah Jan SDEO (M) Paroa D I Khan	Superintendent at SDEO (M) Paroa D.I Khan	Against Vacant Post
20	Sikandar Shah DEO (F) Swabi	Superintendent at SDEO (M) Swabi	Against Vacant Post
21	Mujahid Shah SDEO (F) Swabi	Superintendent at SDEO (F) Swabi	Against Vacant Post
22	Nawab Ali DEO (M) Swabi	Superintendent at DEO (M) Swabi	Against Vacant Post

23	Hafeez-ur-Rehman SDEO (F) Abbottabad	Superintendent at DEO (F) Battagram	Against Vacant Post
24	Muhammad Farooq (SSS) DCTE Abbottabad	Superintendent at SDEO (M) Battagram	Against Vacant Post
25	Shamsul Qamar DEO (F) Charsadda	Superintendent at DEO (M) Charsadda	Against Vacant Post
26	Syed Noor Akbar DEO (M) Mardan	Superintendent at DEO (M) Mardan	Against Vacant Post
27	Amin Ullah DEO (F) Nowshera	Superintendent at SDEO (M) Nowshera	Against Vacant Post
28	Furshad Ali SDEO (F) Charsadda	Superintendent at SDEO (F) Daggar Buner	Against Vacant Post
29	Muhammad Ismail SDEO (F) Parova D I Khan	Superintendent at SDEO (F) Parova D.I Khan	Against Vacant Post
30	Muhammad Zulqarnain SDEO (F) D I Khan	Superintendent at DEO (F) D.I Khan	Against Vacant Post
31	Muhammad Nawaz SDEO (F) D I Khan	Superintendent at SDEO (F) D.I Khan	Against Vacant Post
32	KhairurRahman, SDEO (F) Mastuj Booni Chitral	Superintendent at SDEO (F), Booni, Chitral Upper	Against Vacant Post
33	Samandar Khan, DEO (F) Chitral	Superintendent at DEO (M) Chitral Chitral	Against Vacant Post
34	Nisar Ahmad, DEO (M) Swat	Superintendent at DEO (F) Swat	Against Vacant Post
35	Rahim Bakhsh, DEO (M) Peshawar	Superintendent at DEO (M) Peshawar	Already Occupied
36	Nawaz Khan, GGHSS Rustam Mardan	Superintendent at DEO (M) Buner	Against Vacant Post
37	Fazli Qadecm, DEO (F) Mardan	Superintendent at SDEO (M) Topi Swabi	Against Vacant Post
38	Shehzad Gul, SDEO (F) Takhtbai Mardan	Superintendent at DEO (F) Malakand	Against Vacant Post
39	Hazrat Amin, SDEO (M) Babozai Swat	Superintendent at SDEO (M) Babozai Swat	Against Vacant Post
40	Khushdil Khan DEO (M) Peshawar	Superintendent at SDEO (M) Timergara Dir Lower	Against Vacant Post
41	Liaqat Ali, SDEO (F) Malakand	Superintendent at SDEO (M) Malakand	Against Vacant Post
42	Shehzad Humayun, Directorate E&SE KPK Peshawar	Superintendent at DEO (M) Dir Lower	Against Vacant Post
43	Farid Ullah Khan, SDEO (M) Lakki Marwat	Superintendent at SDEO (M) Parova DI Khan	Against Vacant Post
44	Muhammad Tariq, DEO (F) Abbottabad	Superintendent at SDEO (M) Allai Battagram	Against Vacant Post
45	Sher Bahadur Khan, DEO (F) Bannu	Superintendent at SDEO (M) Kulachi DI Khan	Against Vacant Post
46	Shazad Akhtar, DEO (M) Haripur	Superintendent at DEO (F) Kohistan Upper	Against Vacant Post
47	Wali Rehman DEO (M) Bannu	Superintendent at SDEO (M) DI Khan	He will take over charge at SDEO (F) Bannu on 6.7.2019 after the retirement of Umer Khan
48	Zar Khitab, SDEO (M) Swabi	Superintendent at SDEO (F) Lahor Swabi	Against Vacant Post
49	Muhammad Zubair, RJTE (F) Abbottabad	Superintendent at DEO (M) Kohistan Upper	Against Vacant Post

Consequential Transfer in r/o the following Officer is hereby ordered on his own pay & scale in the interest of public service with immediate effect.

S.No.	Name & Design:	Present posting	Posted at	Remarks
1	Javed Abbas Superintendent	SDEO (F) Town-I Peshawar	DEO (F) Peshawar	Against Vacant Post

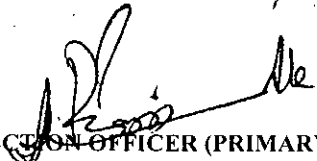
2. On their promotion the Superintendents concerned will be on probation for a period of one year, extendable for another one year as specified in Rule-15 of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and transfer) Rules, 1989.

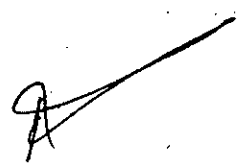
SECRETARY

Endst. No. & date as above.

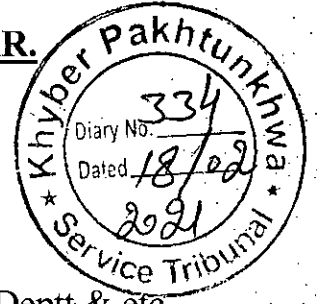
Copy forwarded to:

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
4. PSO to Chief Secretary to Govt. of Khyber Pakhtunkhwa.
5. PSO to Additional Chief Secretary FATA.
6. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
7. The Director ESRU, Khyber Pakhtunkhwa.
8. The Director Education (Newly Merged Districts), Warsak Road Peshawar.
9. The Deputy Director EMIS, E&SE Department, with the request to upload this notification of E&SE Department website (www.kpsc.gov.pk).
10. The Section Officers (Male/Female), E&SE Department, Peshawar.
11. The District Education Officers, Elementary & Secondary Education concerned.
12. The District Accounts Officers concerned.
13. PS to Secretary, E&SE Department.
14. PA to Additional Secretary (Estab), E&SE Department.
15. Officers concerned.
16. Office File.


SECTION OFFICER (PRIMARY)



BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR.



Service Appeal No. 1235/2014

Put up to the court with relevant appeal.

Murtaza Khan

V/S

Education Deptt & etc.

Murtaza Khan

18/2/2021

DB

APPLICATION FOR FIXING OF AN EARLY DATE OF HEARING INSTEAD OF 14.04.2021.

RESPECTFULLY SHEWETH:

1. That the above mentioned instant appeal is pending before this august Tribunal and the appellant filed the instant service appeal for seniority and promotion.
2. That the instant appeal was instituted in the year 2014 and the case was fixed on 08.02.2021 in arguments but the case was adjourned due to reason of Covid-19 and the next date for hearing is fixed for 14.04.2021 which is too long date.
3. That the instant appeal is related to seniority and promotion and the appellant will nearly reached to superannuation.
4. That the case of the appellant is already delay and the appellant suffering a lot if an early date has not been fixed in instant service appeal the appellant suffer a lot.

It is, therefore, most humbly prayed that the instant service appeal may be fixed on an early date instead of 14.04.2021 to meet the ends of justice. Any other remedy which this august Tribunal deems fit and appropriate that may also be awarded in favor of the appellant.

APPELLANT

Promotion issue. Be accelerated to a date in 3rd week of March, 2020. Notice. Cost to be borne by the applicant/appellant.

THROUGH:-

15-3-21

**(M. ASIF YOUSAFZAI)
ADVOCATE, SUPREME COURT,
OF PAKISTAN.**

*M
23/3/21*

BEFORE THE KHYBER PAKHTUNKHWSA SERVICE TRIBUNAL,
PESHAWAR

Put up to the worthy chair-man
with relevant appeal.

C.M.s No. _____/2021

IN

APPEAL No. _____/20



MURTAZA KHAN

VS

EDUCATION DEPTT:

Reader

[Signature]
25/6/2021

NFA
02/7/2021

APPLICATION FOR REQUISITIONING THE
ABOVE MENTIONED APPEAL FOR EARLY
HEARING

R/Sheweth:

- 1- That the above mentioned appeal is pending adjudication before this Honorable Tribunal which is fixed for hearing on 31.08.2021s.
- 2- That the appellant filed the above mentioned appeal against the order dated 28.05.2014.
- 3- That valuable rights of the applicant/appellant in the above mentioned service appeal, hence the same is liable to be heard on an earlier date.
- 4- That the interest of justice demands that such like matter be heard as early as possible to meet the ends of justice and also to meet the principles of access to justice.

It is therefore, most humbly prayed that on acceptance of this application the above titled appeal may kindly be fixed for an early convenient date.

APPLICANT/Appellant

Through:

[Signature]
NOOR MOHAMMAD KHATTAK
ADVOCATE