


21.03.2023


Junior to counsel for the appellant present.

Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Former made a request for adjournment as senior counsel for the appellant is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 05.06.2023 before D.B. Parcha Peshi given to the parties.

SCANNED
BY
M. J. S. T.
PESHAWAR



(Muhammad Akbar Khan)
Member (E)



(Rozina Rehman)
Member (J)

20th Oct, 2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. To come up for arguments on 20.12.2022 before D.B.


(Fareeha Paul)
Member(Executive)



(Kalim Arshad Khan)
Chairman

20th Dec. 2022

Counsel for the appellant present.

Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Muhammad Shahab, ADO for the respondents present.

Reply/comments on behalf of the respondents submitted which are placed on file and a copy whereof handed over to learned counsel for the appellant. To come up for rejoinder/arguments on 21.03.2023 before the D.B.


(FAREEHA PAUL)
Member(E)


(ROZINA REHMAN)
Member (J)

SCANNED
KPST
Peshawar

27.11.2021

Proper D.B is not available, therefore, case is adjourned to 28/2/2022 for the same as before.

28-2-22

Due to Retirement of the Hon,ble Chairman
The case is adjourned on 14-6-22

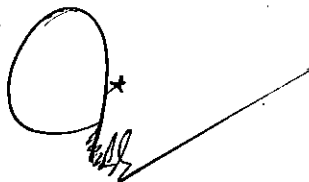

Reader


Reader

14.06.2022

Clerk of counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Clerk of counsel for the appellant stated that learned counsel for the appellant is unable to attend the Tribunal today due to strike of Lawyers. Adjourned. To come up for arguments before the D.B on 15.08.2022.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

15.8.22

Due to summer vacation, the case is adjourned to 20-10-22 for the same.


Reader

25.08.2021

Mr. Noor Muhammad Khattak, Advocate, for the appellant present. Preliminary arguments heard.

Points raised need consideration, therefore, the appeal is admitted to regular hearing to subject to all legal and valid objections. The appellant is directed to deposit security and process fee within 10 days, whereafter notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments before the D.B on 24.11.2021.

Appellant Deposited
Security & Process Fee



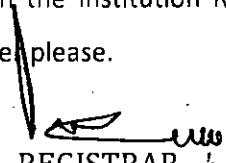
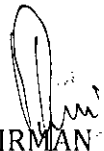

(SALAH-UD-DIN)
MEMBER (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 3298 /2021

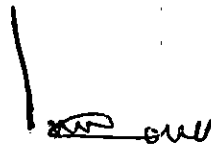
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/02/2021	<p>The appeal of Mr. Said Ali Khan resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>07/05/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-	07.05.2021	<p>Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 25.08.2021 for the same as before.</p> <p style="text-align: right;"> Reader</p>

The appeal of Mr. Said Ali Khan AT GHS Shorshing District Dir Lower received today i.e. on 17/02/2021 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

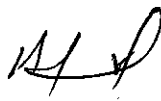
Copy of service rules mentioned in para-8 of the memo of appeal is not attached with the appeal which may be placed on it.

No. 367 /S.T,

Dt. 17/02 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

Note Service rules in para-8 attached,
hence resubmitted today 28.2.2021


BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 3298 /2021

SAID ALI KHAN

VS

EDUCATION DEPTT

INDEX

S.NO	DOCUMENTS	ANNEXURES	PAGES
1	Memo of Appeal	1-4
2	Appointment order	A	5-7
3	Advertisement	B	8
4	Act 2009	C	9-11
5	Judgement dt 26-01-2015	D	12-33
6	Judgement & advertisement	E & F	34-38
7	Notifcation	G	39
8	Service rules	H	40-41
9	Education testimonials	I	42-46
10	Judgement dt 08-11-2018	J	47-50
11	Departmental appeal	K	51-52
	Vakalatnama	53

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK

OFFICE: Flat No.4, 2nd Floor,

Juma Khan Plaza,

Near FATA Secretariat,

Warsak Road, Peshawar.

0345-9383141.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2021

Mr. Said Ali Khan, AT (BPS-15),
GHS Shoorshing, District Dir Lower..... **APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (M), District Dir Lower.

..... **RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT GRANTING/ALLOWING PROMOTION TO THE APPELLANT TO THE POST OF SECONDARY SCHOOL TEACHER (BPS-16) FROM THE DATE WHEN THE PROMOTION QUOTA WAS FILLED BY THE RESPONDENTS THROUGH INITIAL RECRUITMENT OR FROM THE DATE OF COMMENCEMENT OF THE ACT NO.XVI OF 2009 COMMONLY KNOWN AS REGULARIZATION OF SERVICES ACT, 2009 NOTIFIED IN THE OFFICIAL GAZETTE ON 24.10.2009 WITH ALL BACK BENEFITS INCLUDING SENIORITY AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYERS:

That on acceptance of this appeal the respondents may kindly be directed to consider the appellant for promotion to the post of Secondary school Teacher (BPS-16) from the date when the promotion quota have been filled by the respondents through initial recruitment or from the date of Commencement of the Act No.XVI of 2009 commonly known as Regularization of Services Act, 2009 Notified in the official gazette on 24.10.2009 with all back benefits including seniority. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

- 1- That initially the appellant was appointed as PST in the respondents Department vide order dated 31.03.2004 and later on the appellant was appointed as AT in the respondent Department. Copy of the appointment order is attached as annexure **A.**
- 2- That during service as Arabic Teacher the appellant was in the promotion zone to the post of SST (BPS-16) but the respondents

instead promoting the appellant advertised the said posts of SST (BPS-16) on adhoc/contract basis. Copy of the advertisement is attached as annexure B.

3- That under protest the appellant and his colleagues applied for the said post through initial recruitment but the same was also refused to the appellant and colleagues of the appellant on the pretext that regular employees are not entitle to apply for the adhoc/contract posts of SST (BPS-16) thus appellant and his colleagues were deprived from prospects of promotion. That it is pertinent to mention that at the time of above mentioned advertisement the post/cadre of AT (BPS-15) to which the appellant belong have no prospects of promotion.

4- That in light of the said advertisement new appointments were made by the respondents on adhoc basis and even the promotion quota was also filled by the respondents though initial recruitment.

5- That in the meanwhile the Provincial Government Promulgated the employees regularization Act, 2009 whereby all the adhoc employees who were appointed as SST on temporary basis were regularized thus further affected the cadre to which the appellant belongs. That the promotion quota for which the appellant and his colleagues have waited for decades has been washed by operation of the said Act of 2009. Copy of the Act is attached as annexure C.

6- That feeling aggrieved the appellant and his colleagues knocked the door of the Peshawar High Court through various writ petitions including writ petition No.2905/2009. That vide consolidated judgments dated 26.1.2015 the said writ petitions were disposed of with the directions that:

(i)- The act.XVI of 2009, commonly known as (Regularization of services) act, 2009 is held as beneficial and remedial legislation, to which no interference is advisable hence, upheld.

(ii)- Official respondents are directed to work out the backlog of the promotion quota as per above mentioned example, within thirty days and consider the in service employees, till the backlog is washed out, till then there would be complete ban on fresh recruit.

Copy of the Judgment is attached as annexure D.

7- That the respondents assailed the said judgment of the august Peshawar High Court Peshawar in CPLAS No.127-P to 129-P/2015 but the same were dismissed as withdrawn vide judgment dated 20.9.2017. That then after the appellant and his colleagues time and again visited the respondents for their promotion to the next higher scale but the respondents instead of redressing the grievance of the appellant and his colleagues advertised the posts through initial recruitment through various advertisements. Copies

of the judgment and advertisements are attached as annexure
..... **E & F.**

- 8- That it is pertinent to mention that appellant is the senior most AT (BPS-15) of the respondent department and also eligible in all respect for promotion to the post of SST (BPS-16). Copies of the notification, service rules and educational testimonials are attached as Annexure **G, H & I.**
- 9- That feeling aggrieved the appellant and his colleagues knocked the door of august Peshawar high Court, Peshawar in various COC Petitions and the same has been disposed of vide judgment dated 8.11.2018 with directions to approached the august Service Tribunal for claiming of promotion and seniority. Copy of the judgment is attached as annexure **J.**
- 10- That feeling aggrieved the appellant preferred Departmental appeal but no response has been received so far. Hence the present appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure **K.**

GROUND:

- A- That the inaction of the respondents by not allowing/granting ante dated promotion to the appellant to the post of SST (BPS-16) is against the law, facts, norms of natural justice and materials on the record.
- B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the inaction of the respondents by not allowing/granting ante dated promotion to the appellant to the post of SST (BPS-16) is based on mala fide and arbitrary intentions and as such the same is violative of the principle of natural justice.
- D- That, the respondents acted in a malafide manner by not promoting the appellant to the post of SST (BPS-16) inspite of eligibility, seniority and fitness.
- E- That the respondents acted in arbitrary and malafide manner by not ante dated promotion to appellant to the post of SST (BPS-16) despite the fact that the appellant was not allowed in the initial recruitment process because of the fact that he is in regular promotion zone and will soon be promoted to the post of SST (BPS-16).

- F- That the inaction of the respondents by not allowing/granting promotion to the appellant to the post of SST (BPS-16) is violative of section-9 of the Civil Servant Act 1973 read with Rule-7 of the (Appointment, Promotion & Transfer) Rules 1989.
- G- That as per Rules and regulation the appellant is entitle for promotion to the post of SST (BPS-16) with all consequential benefits including seniority.
- H- That according to Article 38(e) of the Constitution of Pakistan, 1973 the state is bound to reduce disparity in the income and earnings of individual including persons in the services of Federation.
- I- That appellant seeks permission to advance other 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.

Ali

APPELLANT

SAID ALI KHAN

THROUGH:

NOOR MOHAMMAD KHATTAK

&

AF
AFRASIYAB KHAN WAZIR
ADVOCATES

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOLS & IT) DIER LOWER AT TIMERGARA

NOTIFICATION:-

Consequent upon the approval accorded by the Distt Recruitment/ Appointment Committee, in its meeting held on 31-03-2004. The following candidates are hereby appointed as PTC teachers in EPS-07 @ Rs.(2220-120-5520), EPS-06 @ Rs 2160/P.M Fixed and BPS-05 @ Rs.2100/P.M Fixed plus usual allowances as admissible to them under the rules merely on contract basis, in the schools noted against each with immediate effect subject to the following terms and conditions:-

25 % Distt:Open Merit

S. No	S No / MLIST	Name	Fathers Name	Qualification	Residence	Merit Position	District	Name of School Where appointed	Remarks
1	1	Anwar Yousaf	Mohd Yousaf	BA/PTC	Tindori	64.58	Tazagram	Qandari	AVP
2	2	Mohd Zubir	Mohd Zohar	BA/PTC	Kotigram	64.45	Kotigram	Shagar Asbri	AVP
3	3	Fazal Subhan	Khadim Khan	BA/PTC	Kowala	63.99	Beshgram	Kware Bagh	AVP
4	4	Mohd Said	Rahim Saif	BA/PTC	Jabaga	63.88	Zamdar	Dare	AVP
5	5	Akbar Jan	Ahmad Jan	BA/PTC	Ziarat	63.67	Shahkhal	Dabako	AVP
6	6	Mukhtiyar Mohd	Aslamiyar	BA/PTC	Badwan	63.63	Badwan	Zanar	AVP
7	7	Bahramand	Mohd Haid	BA/PTC	Shamsah Ch	63.51	Shahkhal	Sonkora	AVP
8	8	Mohd Ayaz	Faj Mohd	BA/PTC	Ouch	63.34	Ouch	Borhary	AVP
9	9	Zahid Shah	Mohd Zahid	BA/PTC	Changay	63.25	Lalqila	Manyal 1	AVP
10	10	Abdul Hamid	Wahid Jan	BA/PTC	Tangay	62.55	Kharana	MPS Shaga Darat	AVP
11	11	Sultan Hamid	Nak Mohd	BA/PTC	Beshgram	62.53	Beshgram	Khatkay	AVP
12	12	Sahib Wakil	Nasir Khan	BA/PTC	Dandai	62	Kantat	Mantal Hala	AVP
13	13	Mohd Ismail	Sher Gul	BA/PTC	Danday	61.97	Bandaga	Ghwaray	AVP
14	14	Azhar Rahman	Habibullah	BA/PTC	Charkara	61.76	Kotkhal	Marama	AVP
15	15	Norul Amin	Dilawar Khan	BA/PTC	Doga	61.45	Khung	Watanqay	AVP
16	16	Mohd Tahir	Zahir Shah	BA/PTC	Kotigram	60.7	Kotigram	Shorshag	AVP
17	17	Gachamal Haq	Lal	BA/PTC	Junjari	60.31	Mayar	Mayar 2	AVP
18	18	Saidar Ali	Sher Mohd	BA/PTC	Badwan	59.82	Badwan	Ragh Banda	AVP
19	19	Ashraf Akhtar	Fazal Saif	BA/PTC	Mankah	59.82	Mankah	GPS Targhura	AVP
20	20	Amanullah	Fazal Saif	BA/PTC	Laghan	59.67	Beshgram	Markhany	AVP
21	21	Habibullah	Gul Amir	BA/PTC	Chagan	59.54	Kharana	GPS Peta De	AVP
22	22	Hizrat Jan	Said Fakhri	BA/PTC	Kantat	59.5	Kantat	GPS Dera	AVP
23	23	Abdul Kabir	Abdullah	BA/PTC	Kharay	59.2	Khung	Mardat	AVP
24	24	Mohd Raees	Mohd Akram	BA/PTC	Maganoda	59.19	Kotkhal	Barghande	AVP
25	25	Bacha Mohd	Gul Ahmad	BA/PTC	Dogola	59.16	Mayar	GPS Baan	AVP
26	26	Mohd Naveer	Mohd Zameer	BA/PTC	Guz Abad	58.84	Koto	Mosakhmay	AVP
27	27	Imiyatullah	Mohd Haidar	BA/PTC	Kandaro	58.83	Balamat	MPS Dandara	AVP
28	28	Umar Wahid	Gul Zameer	BA/PTC	Sara	58.78	Kharana	MPS Kandaro	AVP
29	29	Ishtiaq Haq	Fazal Raees	BA/PTC	Laloka	58.77	Laloka	Lalqila	AVP
30	30	Sher Akbar	Said Khan	BA/PTC	Badwan	58.77	Badwan	Sonkora	AVP
31	31	Ghulam Qasim	Ghulam Fakhri	BA/PTC	Beshgram	58.73	Beshgram	Khatkay	AVP
32	32	Mohd Salim	Fazal Wahid	BA/PTC	Hakar Abad	58.57	Mayar	Mayar 2	AVP
33	33	Abdul Hadi	Shah Afzal Khan	BA/PTC	Kamara	58.55	Kamara	GPS Dera	AVP
34	34	Mohd Ishaq Ali	Bahadar Khan	BA/PTC	Changay	58.52	Lalqila	Bandaga, Mi	AVP
35	35	Fazal Rehman	Bakhtyar Saif	BA/PTC	Stanagar	58.48	Balamat	Kaaro Bagh	AVP
36	36	Siddiquddin	Sher Mohd	BA/PTC	Takora	58.31	Munda	GPS Gumar	AVP
37	37	Bahauddin	Fazal Qadir	BA/PTC	Blatta Ch	58.28	Shahkhal	Mango Manzar	AVP
38	38	Abdul Wadood	Anfulah Jan	BA/PTC	Shekawa	58.25	Khung	Sarbanda	AVP
39	39	Kamilah	Badshah Saif	BA/PTC	T.K Banda	58.16	Bandaga	Shake	AVP
40	40	Mohd Aslam	Said Raza	BA/PTC	Rabat	58.13	Rabat	Sah Chini	AVP
41	41	Hakrat Nabi	Mohd Haidar	BA/PTC	Mandara	58.04	Mankah	Tooqara	AVP
42	42	Sajid Khan	Ajab Khan	BA/PTC	Shamsah Kh	58.03	Shahkhal	Lacha Bara	AVP
43	43	Habibullah	Amanullah	BA/PTC	Dneri	57.91	Bandaga	Ghwaray	AVP
44	44	Fazal Wahid	Sher Bahadar	BA/PTC	Shontala	57.9	SrBagh	Gawardash	AVP
45	45	Mohd Islam	Sultan	BA/PTC	Sangpala	57.89	Mankah	GPS Dera S Para	AVP
46	46	Said Alam	Mir Alam	BA/PTC	Tingar	57.84	Kotkhal	Lara (P)	AVP
47	47	Said Ali Khan	Shah Wazir	BA/PTC	Tindosag	57.84	Tazagram	Zangyan	AVP
48	48	Habibul Haq	Said Anif	BA/PTC	Barghande	57.73	Kotkhal	Garghande	AVP
49	49	Mohd Tahir	Said Mohd	BA/PTC	Nigam	57.74	Khadaga	Lacha Bala	AVP
50	50	Fazal Jilil	Fazal Bari	BA/PTC	Ouch	57.67	Ouch	Nawaga Asbri	AVP
51	51	Mohd Dawar Khan	Dawar Khan	BA/PTC	Patta	57.63	Kharana	Istam Gat	AVP
52	52	Abdul Hakim	Qasim Khan	BA/PTC	Stana Ka	57.57	Balamat	Gumbat Banda	AVP
53	53	Fayaz Iqbal	Mohd Wahid	BA/PTC	Hara Tapa	57.44	T/Gara	Rabat	AVP
54	54	Muhammad Haq	Fazal Subhan	BA/PTC	Badwan	57.4	Badwan	Mandari	AVP
55	55	Rahmullah	Rahim Saif	BA/PTC	Zamdar	57.38	Shahkhal	Sonkora	AVP

6

56	57	Musa Khan	Dawa Khan	BA/PTC	Bandari	57 36	Norakhail	Shpankay	AVP
57	58	Latifurrahman	Said Rahman	MA/PTC	Y.K Banda	57 29	Bandagai	Shako	AVP
58	59	Pir-Khumar Shah	Hazrat Shah	MA/PTC	Kotigram	57 27	Kotigram	Kharkai Sia	AVP
59	60	Rahmanuddin	Gul Saluddin	MA/PTC	Asharkoor	57 22	S/Bagh	MPS Gnowra	AVP
60	61	Mohd Farooq	Mohd Anwar	BA/PTC	Chengrai	57 21	1/Gara	Shapman	AVP
61	62	Sher Zada	Zoortaman Khan	BA/PTC	Ballan	57 16	Ouch	Asharmani	AVP
62	63	Abdul Aziz	Sheroz Khan	MA/PTC	Rahim Abad	57 11	Khazana	Dawale Obo	AVP
63	64	Dilawar Khan	Umar Badshan	MA/PTC	Daro	57 05	Zamudara	Daro	AVP
64	65	Rashidul Haq	Mohd Shoaib	BA/PTC	Kareen	56 98	Gali	Habogun 1	AVP
65	66	Mohd Jehangir	Fazal Azim	BA/PTC	MiaganoDa	56 92	Kotki(M)	Wah(M)	AVP
66	67	Mushtaq Mohd	Said Kamal	BA/PTC	Odigram	56 83	Lalqila	Ashrogay	AVP
67	68	Razaullah	Fatih Mohd	MA/PTC	Markhami	56 81	Beshgram	Markhamay	AVP

Disable Quota

68	1	Faqir Gul	Amir Zada	BA/PTC	Koharay	53 01	Balambat	Matara	AVP
69	2	Mohd Yar	Mohd Rafiq	MA/PTC	Bajowro	52 83	Bandagai	Garbano	AVP
70	3	Muhib Nawab	Mohd Nawab	BA/PTC	Malala	50 62	Khazana	Rokhna	AVP
71	4	Israr Alam	Gul Aydar	MA/PTC	Paloso	49 81	Koto	Shabakay	AVP
72	5	Subhanullah	Baqbi Zann	FA/PTC	Kotki	48 4	Khazana	Senzo	AVP
73	6	Oasim Khan	Sher Zaman	FA/PTC	Ouch	48 24	Ouch	Chah Shabakay	AVP

Deceased employee sons

74	1	Sajidullah	Nasirullah	FA/PT	Bazwanak	45 43	Zamudara	Pota	AVP
75	2	Sher Mohd	Fayyaz	FA/PT	Jajpary	45 98	S/Bagh	Genshah	AVP
76	3	Ghayasuddin	Abdullah	MA/PT	S/Bagh	45 42	S/Bagh	Gnamatala	AVP

75 % U/Council Wise

S.No	Name	Fathers Name	Qualif.	Residence	Post	U/Council	Name of School	Remarks	
77	3	Rahmatullah	S Ali Bakht	BA/PTC	Moz Banda	59 01	Kambat	Gatto	AVP
78	5	Mushraf Khan	Gul Hakim	BA/PTC	Vadi Banda	57 53		Damtal (P)	AVP
79	6	Aftabuddin	Jan Pacha	BA/PTC	Kambat	57 08		Kambat 2	AVP
80	7	Ihsanullah	Shamsul Wahab	MA/PTC	Boz Banda	57		Moz Banda	AVP
81	8	Ali Munir	Ghazir Khan	BA/PTC	Charsai	47 4		Moz Banda	AVP
82	9	Shah Jehan	Shamsul Wahab	FA/PTC	Khara	48 29		GPS Khara	AVP
83	10	Hanifurrahman	Fatih Rahman	FA/PTC	Kambat	48 29		MPS Bandar Shah	AVP
84	2	Riaz Ahmad	Sher Mohd	FA/PTC	Buta	56 27	Drangal	Ab Hamid	AVP
85	3	Lal Munir	Shah Zaid	BA/PTC	Lujbang	56 01		Benta	AVP
86	4	Ahmad Shah	Sultan Mond	FA/PTC	Jawzo	48 22		Jawzo	AVP
87	5	Sher Nawaz	Tajbar Khan	BA/PTC	Enoda	48 52		Gawardash	AVP
88	6	Hasham Khan	Awal Khan	BA/PTC	Jabagai	47 34		MPS Jabagai	AVP
89	7	Habibul Haq	Mohd Razaq	FA/PTC	Tingla	47 15		Charidram	AVP
90	10	Abdur Raouf	Abdur Aman	FA/PTC	Mancham	47 08		Zarawan	AVP
91	13	Abdur Rahman	Mohd Rahman	FA/PTC	Shahi	46 19		Shahi	AVP
92	2	Abas Khan	Saeedullah	BA/PTC	Pashatai	56 06	Munda	GPS Asman B	AVP
93	3	Lal Zada	Khan Zada	BA/PTC	Takoro	45 03		Gadar	AVP
94	4	Rafullah	Habibullah	BA/PTC	Munda	45 25		Munda	AVP
95	5	Gul Badshah	Zarawar Khan	MA/PTC	Munda	44 54		Munda	AVP
96	6	Iftikhar Aziz	Azizurrahman	FA/PTC	Munda	44 4		Munda	AVP
97	7	Mohd Aslam	Sher Azim	BA/PTC	Gadar	44 58		Jammatada	AVP
98	8	Siasat Khan	Masat Khan	MA/PTC	Mandizo	44 21	Mankali	MPS Mankali	AVP
99	4	Mohd Wakil	Khista Mohd	BA/PTC	Mankali	53 24		Shargai	AVP
100	5	Ghulam Mustafa	Gh Rabani	BA/PTC	Mankali	52 03		Rashakai	AVP
101	6	Ata Mohd	Sultan Mohd	MA/PTC	Tora Ghonda	52		Mankali	AVP
102	7	Taj Mohd	Abdul Hakim	BA/PTC	Tora Ghonda	50 45		Mankali	AVP
103	8	Mohd Nawaz	Rasool Khan	BA/PTC	Torqila	49 24		Mankali	AVP
104	9	Laiq Jan	Noor Hamid	FA/PTC	Bar kow	49 25		Rashakai	AVP
105	10	Alam Zaib	Dilawar Khan	BA/PTC	Mankali	48 24		Takoro Shekh	AVP
106	11	Fida Husam	Sahib Jan	FA/PTC	Bacora	48 24		Takoro Shekh	AVP
107	12	Gul Zada	Bakhtawan	FA/PTC	Bar kow	48 24		Torqila	AVP
108	7	Kamal Khan	Nazar Khan	MA/PTC	Watai	48 43	Khazana	Ukabi	Overage
109	1	Mozafar Khan	Gul Zaman	BA/PTC	Saddakahi		Saddakahi	Husain Bala	AVP
110	2	Nisarullah	Mohd Anwar	BA/PTC	Dabar Shah	47 02		Kakari	AVP
111	3	Islam Ghafoor	Said Hamid	BA/PTC	Saddakahi	47 02		Shah Mansa	AVP
112	4	Said Anwar	Rahmanullah	BA/PTC	Channatalai	47 02		Kakari	AVP
113	6	Sher Ali	Abdur Razaq	BA/PTC	Rasajaga	47 02		Swarajhanga	AVP
114	7	Mujahid Khan	Wazir Mohd	BA/PTC	Paloso	47 02		Gadar Bandagai	AVP
115	4	Inayatullah	Fazullah	BA/PTC	Haram Asad	46 05	Mayar	GPS Mayar	AVP
116	5	Farmanullah	Umar Khan	MA/PTC	Paloso	45 24		Kakari	AVP

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254	Amjad Ali	Fazal Khan	BA/PTC	Lkmi	52		Tekni(B)	AVP
255	Azimullah	Rahman	MA/PTC	Khadagar	51 31		Shadam	AVP
256	Mohd Ali Shah	Abdul Qadir	BA/PTC	Lkmi	51 24		Umaray Karanay	AVP
257	Sultan Zaib	Jehan Zaib	MA/PTC	Khadagar	55 7	Khadagar	Sen Knadagar	AVP
258	Samullah	Obidullah	BA/PTC	Khan Brangi	55 27		Kamala	AVP
259	Fazal Karim	Bakht Balar	BA/PTC	Asbri	55 52	Asbri	Shorsung	AVP
260	Abdul Halim	Taj Malik	BA/PTC	Kumbhar	54 88		Bambola Bala	AVP
261	Bakhtyar Zaib	Abdul Qadir	BA/PTC	Asbri	52 11		Ohen Kashm	AVP
262	Saim Khan	Swala	MA/PTC	Shorsung	52 00		Shorsung	AVP
263	Bakht Mohd	Ghansar Balar	BA/PTC	Kashm	46 69		Ohen Kashm	AVP
264	Mohd Riaz	Sultan Zaib	BA/PTC	Bambola	43 8		Bambola Bala	AVP
265	Sahbur Rahman	Muqadar	BA/PTC	Kashm	39 88		Kumbhar Asbri	AVP
266	Hazrat Alam	Bakht Zaib	BA/PTC	Khawas	39 86		Ragbara	AVP
267	Badshahzada	Shere	BA/PTC	Khawas	39 69		Asbri	AVP
268	Abdar Mohd	Waheed	BA/PTC	Bambola	39 31		Hamza Banda	AVP
269	Tajbar Husan	Kachar Balar	BA/PTC	Wala Kanda	38 33		Shorsung	AVP

TERMS AND CONDITIONS:-

- They will be governed by such rules and regulations as may be prescribed by the Govt from time to time for the category of Govt servants to which they belong
- The initial period of appointment shall be three years after which the contract may be renewed by the competent authority keeping in view the performance of the Officials concerned
- Their appointments are purely on temporary basis liable to termination at any time without any notice. In case leaving the service they will be required to submit one month prior notice or deposit one month pay in Govt Treasury in lieu thereof
- The candidates having academic qualification of SSC/FA/FSC with PTC will be granted BPS 7 plus usual allowances as admissible under the rules while those those having SSC/FA/FSC without PTC will be granted BPS 6 and BPS 7 respectively plus usual allowances
- The appointment of the candidates mentioned above are subject to the condition that they are having domiciled in Distt Dir Lower
- They are directed to produce their educational Age Certificate from the Civil Surgeon Dir Lower Timergara.
- DA will be paid to them on joining the post
- Their age may not exceed 35 years or less than 18 years
- Charge report should be submitted to a higher official
- Drawing and disbursing Officers concerned are directed to check/verify their original documents from the concerned Boards/Institutions before handing over the charge
- The Order is issued as errors and omissions excepted as per a notice only
- The Officer further directed to take over the charge within fifteen days of the issue of this order, after which the appointment order will be considered as cancelled
- The appointment has been made on a non-council basis subject to the production of domicile of the Union Council

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(ZARAWAR KHAN)
EXECUTIVE DISTT:OFFICER(S & L)
DISTT:DIR LOWER AT TIMERGARA

6087-6372 Dated Timergara on 11.03.2004

- Copy of the above is forwarded to
- The Distt:Coordination Officer (G) Timergara
- The Distt:Nazim Dir Lower at Timergara
- To Secretary, Services & D.I.T. Dir Lower Timergara
- Chief Director, Services & D.I.T. Dir Lower Timergara
- The Distt Officer (M) and (L) Dir Lower Timergara
- The Distt Accounts Officer (G) Dir Lower Timergara
- The Dy Distt Officer (M) and (L) Dir Lower Timergara
- The Candidates concerned

EXECUTIVE DISTT:OFFICER(S & L)
DISTT:DIR LOWER AT TIMERGARA

8

Annexure B-1

2007-08 کے لئے ایف ڈی ایف (FDF) کے ذریعے درخواستیں قبول کرنے کے لئے درخواستیں جمع کروانے کی تاریخ 15 اگست 2007ء تک ہے۔

www.onwfp.com کے ذریعے درخواستیں جمع کروانے کی تاریخ 15 اگست 2007ء تک ہے۔

www.onwfp.com کے ذریعے درخواستیں جمع کروانے کی تاریخ 15 اگست 2007ء تک ہے۔

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Also available on
www.onwfp.gov.pk

ملک مدارس و جوانی کی ہمسویہ سرحد

ملک مدارس و جوانی کی ہمسویہ سرحد کے تحت ایف ڈی ایف (FDF) کے ذریعے درخواستیں جمع کروانے کی تاریخ 15 اگست 2007ء تک ہے۔

www.onwfp.com کے ذریعے درخواستیں جمع کروانے کی تاریخ 15 اگست 2007ء تک ہے۔

مرتبہ	تاریخ	مقام	موضوع
1	16 اگست 2007ء	لاہور	پروفیشنل (Technical) اسٹیج
2	17 اگست 2007ء	لاہور	پروفیشنل (Technical) اسٹیج

ایف ڈی ایف (FDF) کے ذریعے درخواستیں جمع کروانے کی تاریخ 15 اگست 2007ء تک ہے۔

www.onwfp.com کے ذریعے درخواستیں جمع کروانے کی تاریخ 15 اگست 2007ء تک ہے۔

Qualification	Total Marks	1st Division	2nd Division	3rd Division
BSC	20	5	5	5
BAT	20	5	5	5
BAMS	20	5	5	5
MANSC	20	5	5	5

Qualification	Total Marks	1st Division	2nd Division	3rd Division
O.Ed	10	3	3	3
M.Ed	10	3	3	3

Qualification	Total Marks	1st Division	2nd Division	3rd Division
BSC	20	5	5	5
BAT	20	5	5	5
BAMS	20	5	5	5

Qualification	Total Marks	1st Division	2nd Division	3rd Division
O.Ed	10	3	3	3
M.Ed	10	3	3	3

ایف ڈی ایف (FDF) کے ذریعے درخواستیں جمع کروانے کی تاریخ 15 اگست 2007ء تک ہے۔

www.onwfp.com کے ذریعے درخواستیں جمع کروانے کی تاریخ 15 اگست 2007ء تک ہے۔

Qualification	Total Marks	1st Division	2nd Division	3rd Division
O.Ed	10	3	3	3
M.Ed	10	3	3	3

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www.onwfp.com کے ذریعے درخواستیں جمع کروانے کی تاریخ 15 اگست 2007ء تک ہے۔

9

Annexure C

THE ³[KHYBER PAKHTUNKHWA]
EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2009.
(⁴[KHYBER PAKHTUNKHWA] ACT NO. XVI OF 2009)

[First published after having received the assent of the Governor of the ⁵[Khyber Pakhtunkhwa] in the Gazette of ⁶[Khyber Pakhtunkhwa] (Extraordinary), dated the 24th October, 2009]

AN
ACT

to provide for the regularization of the services of certain employees appointed on adhoc or contract basis.

WHEREAS it is expedient to provide for the regularization of the services of certain employees appointed on adhoc or contract basis, in the public interest, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**---(1) This Act may be called the ⁷[Khyber Pakhtunkhwa] Employees (Regularization of Services) Act, 2009.

(2) It shall come into force at once.

2. **Definitions.**---(1) In this Act, unless the context otherwise requires,-

- (a) "Commission" means the ⁸[Khyber Pakhtunkhwa] Public Service Commission;
- (aa) "contract appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment;
- (b) "employee" means an adhoc or a contract employee appointed by Government on adhoc or contract basis or second shift/night shift but does not include the employees for project post or appointed on work charge basis or who are paid out of contingencies;

³Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁴Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁵Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁶Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁷Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁸Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

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- (c) "Government" means the Government of the ⁹[Khyber Pakhtunkhwa];
- (d) "Government Department" means any department constituted under rule 3 of the ¹⁰[Khyber Pakhtunkhwa] Government Rules of Business, 1985, and does not include any section of a Department or an organization which is federally funded;
- (e) "law or rule" means the law or rule for the time being in force governing the selection and appointment of civil servants; and
- (f) "post" means a post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission.

(2) The expressions "ad hoc or contract appointment" and "civil servant" shall have the same meanings as respectively assigned to them in the ¹¹[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (¹²[Khyber Pakhtunkhwa] Act No. XVIII of 1973).

3. Regularization of services of certain employees.---All employees including recommendees of the High Court appointed on contract or ad hoc basis and holding that post on 31st December, 2008 or till the commencement of this Act shall be deemed to have been validly appointed on regular basis having the same qualification and experience for a regular post:

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

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

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

⁹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011
¹⁰Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011
¹¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011
¹²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

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

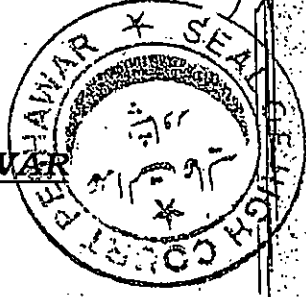
4A. Overriding effect.---Notwithstanding any thing to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

5. Repeal.---The North-West Frontier Province Employees (Regularization of Services) Ordinance, 2009 (N.-W.F.P. Ordinance No. VII of 2009) is hereby repealed.

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Annxure "D"



JUDGMENT SHEET

PESHAWAR HIGH COURT, PESHAWAR
(JUDICIAL DEPARTMENT)

Writ Petition No.2905 of 2009.

ATTA ULLAH AND OTHERS.....PETITIONERS.

VERSUS.

THE CHIEF SECRETARY KPK ETC....RESPONDENTS..

JUDGMENT.

Date of hearing 26.01.2015

Appellant/Petitioner by Ghulam Nabi Khan Advocate

Respondent by Sardar Ali Raza Advocate & Waqar Ahmad Khan AAG

WAQAR AHMAD SETH, J:- Through this single judgment we propose to dispose of the instant Writ Petition No.2905 OF 2009 as well as the connected Writ Petition Nos:2941, 2967,2968,3016. 3025.3053,3189,3251,3292 of 2009,496,556,664,1256,1662,1685,1696,2176,2230,2501,2696, 2728 of 2010 & 206, 355,435 & 877 of 2011 as common question of law and fact is involved in all these petitions.

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Peshawar High Court

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2- The petitioners in all the writ petitions have approached this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 with the following relief:-

"It is, therefore, prayed that on acceptance of the Amended Writ Petition the above noted Act No.XVI 2009 namely 'The North West Province Employees (Regularization of Services) Act, 2009 dated 24th October, 2009' being illegal unlawful, without authority and jurisdiction, based on malafide intentions and being unconstitutional as well as ultra vires to the basic rights as mentioned in the constitution be set-aside and the respondents be directed to fill up the above noted posts after going through the legal and lawful and the normal procedure as prescribed under the prevailing laws instead of using the short cuts for obliging their own person.

It is further prayed that the notification No.A-14/SET(M) dated 11.12.2009 and Notification No.A-17/SET(5) Contract-Apptt:2009 dated 11.12.2009, as well as Notification No.SO(G)ES/1/85/2009/SS(Contract) dated

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EXAMINER
Peshawar High Court

08 MAR 2018

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31.05.2010 issued as a result of above noted impugned Act whereby all the private respondents have been regularized may also be set-aside in the light of the above submissions, being illegal, unlawful, unconstitutional and against the fundamental rights of the petitioners.

Any other relief deemed fit and proper in the circumstances and has not been particular asked for in the noted Writ Petition may also be very graciously granted to the petitioners".

3- It is averred in the petition that the petitioners are serving in the Education Department of KPK working posted as PST,CT,DM,PET,AT,TT, Qari and SET in different Schools; that respondents No.9 to 1359 were appointed on adhoc/contract basis on different times and later on their service were regularised through the North West Frontier Province Employees (Regularization of Services) Act, 2009; that almost all the petitioners have got the required qualifications and also got at their credit the length of service; that as per notification No.SO(S)6-2/97 dated 03/06/1998

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the qualification for appointment/promotion of the SET Teachers BPS-16 was prescribed that 75% SETs shall be selected through Departmental Selection Committee on the basis of batchwise/yearwise open merit from amongst the candidates having the prescribed qualification and remaining 25% by initial recruitment through Public Service Commission whereas through the same notification the qualification for the appointment/promotion of the Subject Specialist Teachers BPS-17 was prescribed that 50% shall be selected by promotion on the basis of seniority cum fitness amongst the SETs possessing the qualification prescribed for initial recruitment having five years service and remaining 50 by initial recruitment through the Public Service Commission and the above procedure was adopted by the Education Department till 22/09/2002 and the appointments on the above noted posts were made in the light of the above notification. It was further averred that the Ordinance No.XXVII of 2002 notified on 09/08/2002 was promulgated under the shadow of which some 1681 posts of different cadres were advertised by the Public Service Commission.

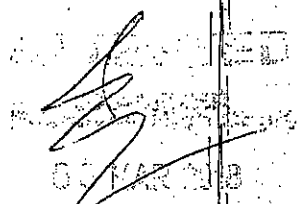
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Peshawar High Court

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That before the promulgation of Act No.XVI of 2009, it was practice of the Education Department that instead of promoting the eligible and competent persons amongst the teachers community, they have been advertising the above noted posts of SET (BPS-16) and Subject Specialist (BPS-17) on the basis of open merit/adhoc/contract wherein it was clearly mentioned that the said posts will be temporary and will continue only for a tenure of six months or till the appointment by the Public Serviced Commission or Departmental Selection Committee That after passing the KPK Act No.XVI of 2009 by the Provincial Assembly the fresh appointees of six months and one year on the adhoc and contract basis including respondents no.9 to 1351 with a clear affidavit for not adopting any legal course to make their services regularized, have been made permanent and regular employees whereas the employees and teaching staff of the Education Department having at their credit a service of minimum 15 to maximum 30 years have been ignored. That as per contract Policy issued on 26/10/2002 the Education Department was not authorised/entitled to

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make appointments in BPS-16 and above on the contract basis as the only appointing authority under the rules was Public Service Commission. That after the publication made by the Public Service Commission thousands of teachers eligible for the above said posts have already applied but they are still waiting for their calls and that through the above Act thousands of the adhoc teachers have been regularized which has been adversely effected the rights of the petitioners, thus having no efficacious and adequate remedy available to the petitioners, they have knocked the door of this Court through the aforesaid constitutional petitions.

4- The concerned official respondents have furnished parawise comments wherein they raised certain legal and factual objections including the question of maintainability of the writ petitions. It was further stated that Rule 3(2) of the N.W.F.P. Civil Servants (Appointment, Promotion & Transfer) Rules 1989, authorised a department to lay down method of appointment, qualification and other conditions applicable to post in consultation with Establishment & Administration Department and the Finance Department.

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EXAMINER
Peshawar High Court

08 MAR 2018

That to improve/uplist the standard of education, the Government replaced/amended the old procedure i.e. 100% including SETs through Public Service Commission KPK for recruitment of SETs B-16 vide Notification No.SO(PE)4-5/SS-RC/Vol-III dated 18/01/2011 wherein 50% SSTs (SET) shall be selected by promotion on the basis of seniority cum fitness in the following manner:-

(i) Forty percent from CT (Gen), CT(Agr), CT(Indust: Art) with at least 5 years service as such and having the qualification mentioned in column 3.

(ii) Four percent from amongst the DM with at least 5 years service as such and having qualification in column 3.

(iii) Four percent from amongst the PET with at least 5 years service as such and having qualification mentioned in column 3.

(iv) One percent amongst Instructional Material Specialists with at least 5 years

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service and having qualification mentioned
in column 3."

It is further stated in the comments that due to the degradation/fall of quality education the Government abandoned the previous recruitment policy of promotion/appointment/recruitment and in order to improve the standard of teaching cadre in Elementary & Secondary Education Department of KPK, vide Notification dated 09/04/2004 wherein at serial No. 1.5 in column 5 the appointment of SS prescribed as by the initial recruitment and that the (North West Frontier Provincial) Khyber Pakhtunkhwa Employees(Regularization of Services)Act, 2009 (ACT No.XVI of 2009 dated 24th October, 2009 is legal, lawful and in accordance with the Constitution of Pakistan which was issued by the competent authority and jurisdiction, therefore, all the writ petitions are liable to be dismissed.

5- We have heard the learned counsel for the parties and have gone through the record as well as the law on the subject.

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EXAMINER
Peshawar High Court

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6- The grievance of the petitioners is two fold in respect of Khyber Pakhtunkhwa, Employees (Regularization of Services) Act, 2009 firstly, they are alleging that regular post in different cadres were advertised through Public Service Commission in which petitioners were competing with high profile carrier but due to promulgation of Act ibid, they could not made through it as no further proceedings were conducted against the advertised post and secondly, they are agitating the legitimate expectancy regarding their promotion, which has been blocked due to the in block induction / regularization in a huge number, courtesy Act, No. XVI of 2009.

7- As for as, the first contention of advertisement and in block regularization of employees is concerned in this respect it is an admitted fact that the Government has the right and prerogative to withdraw some posts, already advertised, at any stage from Public Service Commission and secondly no one knows that who could be selected in open merit case, however, the right of competition is reserved. In the instant case KPK, employees

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EXAMINER
Distt. Govt. High Court
08 MAR 2018

(Regularization of Services) Act, 2009, was promulgated, which in-fact was not the first in the line rather N.W.F.P (now Khyber Pakhtunkhwa) Civil Servants (Regularization of Services) Act, 1988, NWFP (now Khyber Pakhtunkhwa) (Regulation of Services) Act, 1989 & NWFP (now Khyber Pakhtunkhwa) Adhoc Civil Servants (Regularization of Services) Act, 1987 were also promulgated and were never challenged by anyone.

8- In order to comment upon the Act, *ibid*, it is important to go through the relevant provision which reads as under:-

S.2 Definitions. (1)---

a)----

aa) "contract appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment.

b) "employee" means an adhoc or a contract employee appointed by Government on adhoc or contract basis or second shift/night shift but does not include the employees for project post or appointed on work charge

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basis or who are paid out of contingencies;
----- whereas,

S. 3 reads:-

Regularization of services of certain employees.---- All employees including recommendee of the High Court appointed on contract or adhoc basis and holding that post on 31st December, 2008 or till the commencement of this Act shall be deemed to have been validly appointed on regular basis having the same qualification and experience for a regular post;

9- The plain reading of above sections of the Act, *ibid*, would show that the Provincial Government, has regularized the "duly qualified persons", who were appointed on contract basis under the Contract Policy, and the said Contract Policy was never ever challenged by any one and the same remained in practice till the commencement of the said Act. Petitioners in their writ petitions have not quoted any single incident / precedent showing that the regularized employees under the said Act, were not qualified for the post against

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which they are regularized, nor had placed on record any documents showing that at the time of their appointment on contract they had made any objection. Even otherwise, the superior courts have time and again reinstated employees whose appointments were declared irregular by the Government. Authorities, because authorities being responsible for making irregular appointments on purely temporary and contract basis, could not subsequently turned round and terminate services because of no lack of qualification but on manner of selection and the benefit of the lapses committed on part of authorities could not be given to the employees. In the instant case, as well, at the time of appointment no one objected to, rather the authorities committed lapses, while appointing the private respondent's and others, hence at this belated stage in view of number of judgments, Act, No. XVI of 2009 was promulgated. Interestingly this Act, is not applicable to the education department only, rather all the employees of the Provincial Government, recruited on contract basis till 31st December 2008 or till the commencement of this Act have been

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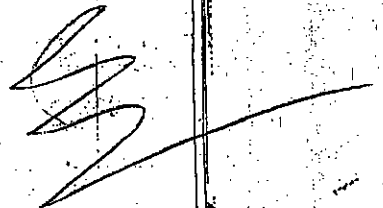
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EXAMINER
Peshawar High Court
08 MAR 2018

regularized and those employees of to other departments who have been regularized are not party to this writ petition.

10- All the employees have been regularized under the Act, ibid are duly qualified, eligible and competent for the post against which they were appointed on contract basis and this practice remained in operation for years. Majority of those employees getting the benefit of Act, ibid may have become overage, by now for the purpose of recruitment against the fresh post.

11- The law has defined such type of legislation as "**beneficial and remedial**". A beneficial legislation is a statute which purports to confer a benefit on individuals or a class of persons. The nature of such benefit is to be extended relief to said persons of onerous obligations under contracts. A law enacted for the purpose of correcting a defect in a prior law, or in order to provide a remedy where non previously existed. According to the definition of Corpus Juris Secundum, a remedial statute is designed to correct an existence law, redress an existence grievance, or introduced regularization conducive to the public goods. The challenged

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Act, 2009, seems to be a curative statute as for years the then Provincial Governments appointed employees on contract basis but admittedly all those contract appointments were made after proper advertisement and on the recommendations of Departmental Selection Committees.

12- In order to appreciate the arguments regarding beneficial legislation it is important to understand the scope and meaning of beneficial, remedial and curative legislation.

Previously these words have been explained by N.S Bindra in interpretation of statute, tenth edition in the following

manners:-

"A statute which purports to confer a benefit on individuals or a class of persons, by reliving them of onerous obligations under contracts entered into by them or which tend to protect persons against oppressive act from individuals with whom they stand in certain relations, is called a beneficial legislations....In interpreting such a statute, the principle established is that there is no room for taking a narrow view but that the court is entitled to be generous towards the persons on whom the benefit has

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been conferred. It is the duty of the court to interpret a provision, especially a beneficial provision, liberally so as to give it a wider meaning rather than a restrictive meaning which would negate the very object of the rule. It is a well settled canon of construction that in constructing the provision of beneficent enactments, the court should adopt that construction which advances, fulfils, and furthers the object of the Act, rather than the one which would defeat the same and render the protection illusory..... Beneficial provisions call for liberal and broad interpretation so that the real purpose, underlying such enactments, is achieved and full effect is given to the principles underlying such legislation."

Remedial or curative statutes on the other hand have been explained as:-

"A remedial statute is one which remedies defect in the pre existing law, statutory or otherwise. Their purpose is to keep pace with the views of society. They serve to keep our system of jurisprudence up to date and in

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 Peshawar High Court
 02 MAR 2018

harmony with new ideas or conceptions of what constitute just and proper human conduct. Their legitimate purpose is to advance human rights and relationships. Unless they do this, they are not entitled to be known as remedial legislation nor to be liberally construed. Manifestly a construction that promotes improvements in the administration of justice and the eradication of defect in the system of jurisprudence should be favoured over one that perpetuates a wrong".

Justice Antonin Scalia of the U.S. Supreme Court in his book on Interpretation of Statute states that:

"Remedial statutes are those which are made to supply such defects, and abridge such superfluities, in the common law, as arise from either the general imperfection of all human law, from change of time and circumstances, from the mistakes and unadvised determinations of unlearned (or even learned) judges, or from any other cause whatsoever."

13- The legal proposition that emerges is that generally beneficial legislation is to be given liberal interpretation, the beneficial legislation must carry curative or remedial content.

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Such legislation must therefore, either clarify an ambiguity or an omission in the existence and must therefore, the explanatory or clarificatory in nature. Since the petitioners does not have the vested rights to be appointed to any particular post, even advertised one and private respondents who have being regularized are having the requisite qualification for the post against which the were appointed, vide challenged Act, 2009, which is not effecting the vested right of anyone, hence, the same is deemed to be a beneficial, remedial and curative legislation of the Parliament.

14- This court in its earlier judgment dated 26th November 2009 in WP No. 2905 of 2009, wherein the same Khyber Pakhtunkhwa (Regularization of Servers) Act, 2009, vires were challenged has held that this court has got no jurisdiction to entertain the writ petition in view of Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, as an Act, Rule or Notification effecting the terms and conditions of service, would not be an exception to that, if seen in the light of the spirit of the ratio rendered in the case of

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EXAMINER
Peshawar High Court
08 MAR 2018

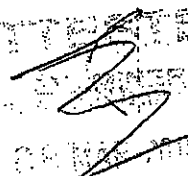
I.A.Sherwani & others Versus Government of Pakistan,

reported in 1991 SCMR 1041. Even otherwise, under Rule 3

(2) of the Khyber Pakhtunkhwa (Civil Servants) (appointment), promotion and transfer) Rules 1989, authorize a department to lay down method of appointment, qualification and other conditions applicable to the post in consultation with Establishment & Administrative Department and the Finance Department. In the instant case the duly elected Provincial Assembly has passed the Bill/Act, which was presented through proper channel i.e Law and Establishment Department, which cannot be quashed or declared illegal at this stage.

15- Now coming to the second aspect of the case, that petitioners legitimate expectancy in the shape of promotion has suffered due to the promulgation of Act, *ibid*, in this respect, it is a long standing principle that promotion is not a vested right but it is also an established principle that when ever any law, rules or instructions regarding promotion are violated then it become vested right. No doubt petitioners in the first instance cannot claim promotion as a vested right

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but those who fall within the promotion zone do have the right to be considered for promotion.

16- Since the Act, XVI. of 2009 has been declared a beneficial and remedial Act, for the purpose of all those employees who were appointed on contract and may have become overage and the promulgation of the Act, was necessary to given them the protection therefore, the other side of the picture could not be brushed a side simply. It is the vested right of in service employees to be considered for promotion at their own turn. Where a valid and proper rules for promotion have been framed which are not given effect, such omission on the part of Government agency amounts to failure to perform a duty by law and in such cases, High Court always has the jurisdiction to interfere. In service employees / civil servants could not claim promotion to a higher position as a matter of legal right, at the same time, it had to be kept in mind that all public powers were in the nature of a sacred trust and its functionary are required to exercise same in a fair, reasonable and transparent manner strictly in accordance with law. Any transgression from such

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EXAMINER
Peshawar High Court

08 MAR 2018

principles was liable to be restrained by the superior courts in their jurisdiction under Article 199 of the Constitution. One could not overlook that even in the absence of strict legal right there was always legitimate expectancy on the part of a senior, competent and honest carrier civil servant to be promoted to a higher position or to be considered for promotion and which could only be denied for good, proper and valid reasons.

17- Indeed the petitioners can not claim their initial appointments on a higher post but they have every right to be considered for promotion in accordance with the promotion rules, in field. It is the object of the establishment of the courts and the continue existence of courts of law is to dispense and foster justice and to right the wrong ones. Purpose can never be completely achieved unless the in justice done was undone and unless the courts stepped in and refused to perpetuate what was patently unjust, unfair and unlawful. Moreover, it is the duty of public authorities as appointment is a trust in the hands of public authorities and it is their legal and moral duty to discharge their functions as

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EXAMINER
Peshawar High Court
08 MAR 2018

trustee with complete transparency as per requirement of law, so that no person who is eligible and entitle to hold such post is excluded from the purpose of selection and is not deprived of his any right.

18- Considering the above settled principles we are of the firm opinion that Act, XVI of 2009 is although beneficial and remedial legislation but its enactment has effected the in service employees who were in the promotion zone, therefore, we are convinced that to the extent of in service employees / petitioners, who fall within the promotion zone have suffered, and in order to rectify the inadvertent mistake of the respondents/Department, it is recommended that the promotion rules in field be implemented and those employees in a particular cadre to which certain quota for promotion is reserved for in service employees, the same be filled in on promotion basis. In order to remove the ambiguity and confusion in this respect an example is quoted, " If in any cadre as per existence rules, appointment is to be made on 50/50 % basis i.e 50 % initial recruitment and 50 % promotion quota then all the employees have been

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03 MAR 2013

33

regularized under the Act in question be calculated in that cadre and equal number i.e remaining 50 % are to promoted from amongst the eligible in service employees, other wise, eligible for promotion on the basis of sonority cum fitness."

19- In view of the above, this writ petition is disposed of in the following terms:-

(i) "The Act, XVI of 2009, commonly known as (Regularization Of Services) Act, 2009 is held as beneficial and remedial legislation, to which no interference is advisable hence, upheld.

(ii) Official respondents are directed to workout the backlog of the promotion quota as per above mentioned example, within 30 days and consider the in service employees, till the backlog is washed out, till then there would be complete ban on fresh recruitments.

Order accordingly.

Marginalia: Mangro AUC 7000 T
M/2015/15

Announced.
26th January 2015

JUDGE

JUDGE

From 2/2/15

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CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court, Peshawar
Authorized Under Article 27 of
The General Clauses Act 1897

08 MAR 2015

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

34

Anxxre E 2017

PRESENT:
MR. JUSTICE EJAZ AFZAL KHAN,
MR. JUSTICE SH. AZMAT SAEED,
MR. JUSTICE IJAZ UL AHSAN,

CIVIL PETITIONS NO. 127-P TO 129-P OF 2015
(Against) the judgment dated 26.1.2015 of the
Peshawar High Court, Peshawar passed in Writ
Petition No. 2905 of 2009, 3045 of 2009, 664 of 2010

The Chief Secretary, Govt. of KPK, Peshawar and others. ... Petitioner(s)
(in all cases)

Versus
Attallah and others.
Nasruminullah and others.
Mukhtar Ahmad and others.

... Respondent(s)

For the petitioner(s): Mr. Mujahid Ali Khan, Addl. A.G. KPK

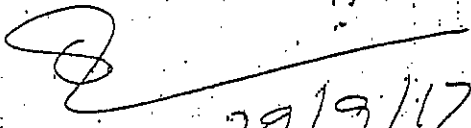
For the respondent(s): Mr. Ghulam Nabi Khan, ASC
Mr. Abdul Qayyum Sarwar, AOR

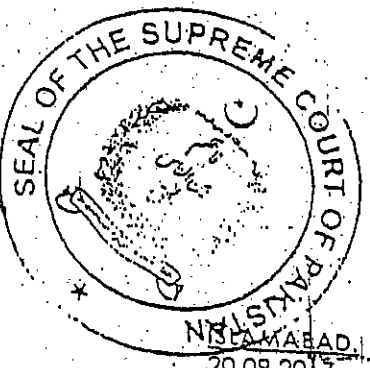
Date of Hearing: 20.09.2017.

ORDER

Ejaz Afzal Khan, J. The learned Additional Advocate General
appearing on behalf of the Govt. of KPK stated at the bar that as per
instructions of the Government he does not press these petitions. Dismissed
as such.

Sd/-Ejaz Afzal Khan, J
Sd/-Sh. Azmat Saeed, J
Sd/-Ijaz ul Ahsan, J
Certified to be True Copy


29/9/17
Court Associate
Supreme Court of Pakistan
Islamabad



ISLAMABAD
20.09.2017
M. Azhar Malik

25/9/17

ATTESTED

GR No: 14572/17 Civil/Criminal
Date of Presentation: 29-9-17
No of Writs: 3
No of Fees: 3
Requisition # : 8-8
Copy Fee in: 1-86
Court Fee S: 6-86
Date of Co: 29/9/17
Date of deliv: 2/10/17
Compared by/Prepared by: 10/10/17
Received by: 10/10/17

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35

Annexure F

درخواستیں مطلوب ہیں۔ درخواست فارم (NTS) کی ویب سائٹ (<http://www.nts.pk>) پر دستیاب ہے۔ مقررہ تاریخ گزرنے کے بعد موصول ہونے والی درخواستوں پر غور نہیں کیا جائے گا۔

نمبر شمار	نام آسامی	تالیفیت
1	سیکنڈری سکول ٹیچر بیالوجی / کیمسٹری BPS. 16	کسی بھی تسلیم شدہ ویب سائٹ سے سیکنڈ ڈگری میں بیچلر ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (i) کیمسٹری، بیالوجی (ڈیالوجی یا بائی)۔ (ii) کسی بھی تسلیم شدہ ویب سائٹ سے ایم اے ایجوکیشن یا ایجوکیشن میں بیچلر ڈگری۔
2	سیکنڈری سکول ٹیچر فونکس اینٹنس BPS. 16	(1) کسی بھی تسلیم شدہ ویب سائٹ سے سیکنڈ ڈگری میں بیچلر ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (i) فونکس اینٹنس A یا (iii) فونکس اینٹنس B یا (iii) فونکس اینٹنس۔ (2) کسی بھی تسلیم شدہ ویب سائٹ سے ایم اے ایجوکیشن یا ایجوکیشن میں بیچلر ڈگری۔
3	سیکنڈری سکول ٹیچر (SST) جنرل BPS. 16	(1) کسی بھی تسلیم شدہ ویب سائٹ سے سیکنڈ ڈگری میں بیچلر ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (i) انگریزی لازمی، دو منتخب گروپ یا دیگر سادہ گروپ۔ (2) کسی بھی تسلیم شدہ ویب سائٹ سے ایم اے ایجوکیشن یا ایجوکیشن میں بیچلر ڈگری۔

سلیکشن کر رہا: اساتذہ کے سلیکشن کیلئے کٹریا درج ذیل ہے کل 200 نمبرات کی تقسیم اس طرح سے کی جائیگی۔

(a) - سرکاری ٹیکسٹ بک ریوایزر NTS = 100 نمبر
(ب) - تعلیمی تالیفیت = 100 نمبر جس کی مزید تقسیم اس طرح ہوگی

تعلیمی تالیفیت	کل نمبر
ایس ایس سی	مائل کردہ نمبر 20x تقسیم کل نمبر
ایف اے / ایف ایس سی	مائل کردہ نمبر 20x تقسیم کل نمبر
بی اے / بی ایس سی	مائل کردہ نمبر 20x تقسیم کل نمبر
ایم اے / ایم ایس سی	مائل کردہ نمبر 15x تقسیم کل نمبر
بی ایڈ / ایم اے ایجوکیشن	مائل کردہ نمبر 15x تقسیم کل نمبر
ایم ایڈ / ایم اے ایجوکیشن	مائل کردہ نمبر 05x تقسیم کل نمبر
ایم فل / پی ایچ ڈی	مائل کردہ نمبر 05x تقسیم کل نمبر

بی ایس چار سالہ کوری کی صورت میں بیرونی تقسیم اس طرح ہوگی۔ مائل کردہ نمبر 35x تقسیم کل نمبر۔ پشاور اور دیگر اضلاع کے سلیکشن میں نمبر کی تقسیم بطور ذیل ہوگی۔
ایم اے ایجوکیشن مائل کردہ نمبر 20x تقسیم کل نمبر

نوٹ: (1) ہر سکول کی آسامی کے لئے علیحدہ علیحدہ صورت دست مرتب کی جائیگی جس میں امیدواروں کے NTS کے مائل کردہ نمبر اور تعلیمی قابلیت کے نمبروں کوئی کیا جائیگا۔ (2) ہر امیدوار کو NTS فارم 300 پر پے چارج کیا جائے گا اگر ایک امیدوار 5 سکولوں کے لئے درخواست دیکھا تو اس سے 800 روپے کا NTS چارج کرے گا۔ جو کہ امیدوار خود برداشت کریں گے۔
(3) NTS فٹ میں 40 فیصد نمبر لینے ضروری ہے۔ 40 فیصد سے کم نمبر لینے والا امیدوار نااہل تصور ہوگا اور سبٹ لسٹ میں شامل نہیں ہوگا۔

معمولی شرط: (1) تمام تقرریاں حکومت خیبر پختونخوا کے سرپرستوں کے مطابق بنیادی تقرری Initial Appointment کے 25 فیصد

کرنے کے تحت خالصتاً فارسی بنیادوں پر Adhoc کنٹریکٹ پر ایک سال کے لئے ہوں گی۔ (2) معذور افراد کے لئے دو فیصد اور تعلیمی امیدواروں کے لئے تین فیصد کو مختص ہے۔ (3) انگریزوں کے وقت میں تعلیمی ادارہ، افراطیات امیدواروں کو برداشت کرنا ہوں گے۔ (4) انگریزوں کے لئے آئے والے امیدواروں کو کوئی آئی اے ای نہیں دیا جائے گا۔ (5) صرف مقررہ وقت کے اندر موصول ہونے والی درخواستوں پر غور کیا جائے گا۔ (6) اگر کوئی شخص اختیارات حاصل ہے کہ وہ کوئی وقت بھی دقت کی یا جبری طور پر انگریزوں کو روکے۔ (7) اگر اس اشتہار کے بعد حکومت وقت کی طرف سے کوئی کارروائی نہیں ہوتی تو سلیکشن میں اس کے مطابق عمل کرنے کی ہوتی۔ (8) مختصر سیکھنے والی ایگزیکٹو کالجوں کو اختیار حاصل ہوگا کہ تمام خالی آسامیوں یا اس سے کم پر امیدوار مقرر کرے۔ (9) تمام تقرریاں حکومت خیبر پختونخوا کے مقرر کردہ قوانین اور ضوابط کے مطابق خالصتاً بنیاد پر ہوں گی۔ (10) تمام تعلیمی ادارہ صرف گورنمنٹ کے تسلیم شدہ اداروں کی حامل قبول ہوگی۔ (11) اگر کسی امیدوار کی اطلاع حاصل ہے کہ اس کے خلاف قانونی چارہ جوئی کی جائے گی اور اس کے لئے سرکاری ملازمت سے لے ہٹا دیا جائے گا۔ (12) مائل فارم یا معلومات کی صورت میں درخواست فارم خود بخود منسوخ تصور کیا جائے گا جس کے لئے کوئی اصل منظور نہیں کی جائے گی۔ (13) انگریزوں کے لئے آگے شدہ دل چاہتی کیا جائے گی۔ (14) تمام تقرریاں متعلقہ اضلاع کے ڈیپارٹمنٹ کی بنیاد پر ہوگی۔ امیدوار کو قانونی شہادتیں کا دائرہ اور وہ اس میں حصہ لینے کا مستحق ہے۔ (15) ستمبر 2016ء کے بعد یہ میں کسی قسم کی ترمیم قابل قبول نہ ہوگی۔ (16) امیدوار کو ایسی سکول میں مقرر کیا جائے گا کہ وہ سکول میں داخلہ دے گا۔ (17) امیدواروں کے لئے درخواست دہنے کے وقت امیدوار کے ایک یا ایک سے زیادہ سکولوں کا سلیکشن کی صورت میں اس کی تقرری کسی ایک سکول میں کی جائے گی اس صورت میں سکول سلیکشن کا اختیارات امیدوار کو حاصل نہیں بلکہ اس میں اس بات کا خیال رکھا جائے گا کہ دوسرے سکولوں میں اس کے بعد یا وہ سب سے زیادہ امیدوار سلیکشن کا موقع مل سکے۔ (18) درخواست دہنے کا طریقہ کار NTS کے ویب سائٹ پر موجود ہے۔ (19) متعلقہ اضلاع کی خالی آسامیوں کی تفصیل سکول ماٹرز درخواست فارم کے ساتھ NTS کے ویب سائٹ پر دی گئی ہے اور سکول کو اپنا کوڈ دیا گیا ہے۔

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نمبر شمار	نام آسامی	تفصیلات
1	سیکنڈری سکول ٹیچر (SST) بیالوہی / کیمسٹری - BPS-16	(i) کسی بھی حلیم شدہ یونیورسٹی سے سیکنڈ ڈیگری کے ساتھ اور جن کے پاس ایچ ڈی ایچ ڈی (ii) کیمسٹری، بیالوہی (ڈیپارٹمنٹ یا بائیو) (iii) سلیشن اور تقرری کے بعد 9 ماہ کی لازمی ٹریڈنگ حکومتی اداروں RITE/PITE سے حاصل کرنی ہوگی۔
2	سیکنڈری سکول ٹیچر (SST) فزکس / کیمسٹری - BPS-16	(i) کسی بھی حلیم شدہ یونیورسٹی سے سیکنڈ ڈیگری کے ساتھ اور جن کے پاس ایچ ڈی ایچ ڈی (ii) فزکس، کیمسٹری یا A یا (iii) فزکس، کیمسٹری یا B یا (iii) سلیشن اور تقرری کے بعد 9 ماہ کی لازمی ٹریڈنگ حکومتی اداروں RITE/PITE سے حاصل کرنی ہوگی۔
3	سیکنڈری سکول ٹیچر (SST) جزیل / کیمسٹری - BPS-16	(i) کسی بھی حلیم شدہ یونیورسٹی سے سیکنڈ ڈیگری کے ساتھ اور جن کے پاس ایچ ڈی ایچ ڈی (ii) انگریزی لازمی، ہونٹینٹو گروپ یا دیگر مساوی گروپ۔ (iii) سلیشن اور تقرری کے بعد 9 ماہ کی لازمی ٹریڈنگ حکومتی اداروں RITE/PITE سے حاصل کرنی ہوگی۔

سلیکشن کریڈیٹ: اساتذہ کے سلیکشن کیلئے کریڈیٹ درج ذیل ہے۔ کل 200 نمبرات کی تقسیم اس طرح سے کی جائیگی۔
(1) سکریننگ ٹیسٹ بذریعہ NTS=100 نمبر (ب) قلمی قابلیت=100 نمبر جس کی تفصیل اس طرح ہوگی۔

قلمی قابلیت	کل نمبر	قلمی قابلیت	جس کی تفصیل اس طرح ہوگی
ایس ایس سی	م حاصل کردہ نمبر 20x تقسیم کل نمبر	ایس اے / ایف ایس سی	ای ایس ہاربر سائنس کورس کی صورت میں نمبروں کی تقسیم اس طرح ہوگی۔ حاصل کردہ نمبر 40x تقسیم کل نمبر جبکہ پوسٹ درجہ نام اسے ایچ ایچ کی صورت میں نمبروں کی تقسیم بطریقہ ذیل ہوگی۔
ای اے / بی ایس سی	م حاصل کردہ نمبر 20x تقسیم کل نمبر	ایم اے / ایم ایس سی	ایچ ایچ کی تقسیم کل نمبر 10x تقسیم کل نمبر (5 نمبر بی اے + 5 ایم اے)
بی اے	م حاصل کردہ نمبر 05x تقسیم کل نمبر	ایم اے / ایم ایس سی	ایچ ایچ کی آسامی کیلئے طبعہ و طبعہ صرف سٹریٹ میں ہونے کی جا سکتی جس میں امیدواروں کے NTS کے مطابق گروہ نمبر اور قلمی قابلیت کے نمبروں کو جمع کیا جائیگا۔ (2) NTS ٹیسٹ میں 40 نمبر لینے ضروری ہے۔ (40 نمبر لینے کے لیے اعلیٰ درجہ اور اعلیٰ تصور ہوگا اور میرٹ لسٹ میں شامل نہیں ہوگا۔
ایم فل / بی ایچ ڈی	م حاصل کردہ نمبر 10x تقسیم کل نمبر	ایم اے / ایم ایس سی	ایچ ایچ کی آسامی کیلئے طبعہ و طبعہ صرف سٹریٹ میں ہونے کی جا سکتی جس میں امیدواروں کے NTS کے مطابق گروہ نمبر اور قلمی قابلیت کے نمبروں کو جمع کیا جائیگا۔ (2) NTS ٹیسٹ میں 40 نمبر لینے ضروری ہے۔ (40 نمبر لینے کے لیے اعلیٰ درجہ اور اعلیٰ تصور ہوگا اور میرٹ لسٹ میں شامل نہیں ہوگا۔

عمومی شرائط :- (1) تمام تقرریاں حکومت خیبر پختونخوا کے موجودہ قوانین کے مطابق 25 فیصد بنیادی تقرری (Initial Appointment) کے تحت خالصتاً عارضی بنیادوں پر ایچ ایچ ہاک / کنٹریکٹ پر ایک سال کیلئے ہوگی۔ (2) مسطورہ افراد کیلئے دو فیصد اور اقلیتی امیدواروں کیلئے تین فیصد کوٹیشن ہے (مسطورہ افراد کے دو فیصد کوٹیشن ہے جس کیلئے سٹیزنگ ٹیسٹ کیلئے بورڈ کارٹریڈنگ ٹیسٹ کرنا لازمی ہے بشرطیکہ وہ مسطورہ فراہم کی انجام دہی میں رکاوٹ نہ ہو)۔ (3) انٹرویو کے وقت اصلی قلمی اسناد بعد از اجازت امیدوار کو برداشت کرنا ہوتی ہے۔ (4) انٹرویو کیلئے آنے والے امیدواروں کو کوئی TANDA نہیں دیا جائیگا۔ (5) صرف مقررہ وقت کے اندر موصول ہونے والی درخواستوں پر غور کیا جائیگا۔ (6) مزید دستخطی کو اختیار حاصل ہے کہ وہ کوئی وجہ بتائے بغیر کسی بھی وقت گلی یا جڑی طور پر انٹرویو منسوخ کرے۔ (7) اگر اس اشتہار کے بعد حکومت وقت کی طرف سے بحرانی کے طریقہ کار میں تبدیلی کی گئی تو سلیکشن کمیٹی اس کے مطابق عمل کرنے کی پابند ہوگی۔ (8) قلمی اسناد صرف گورنمنٹ کے حلیم شدہ اداروں کی قابل قبول ہوگی۔ (11) اگر کسی امیدوار کی اسناد جعلی پائی گئی تو اس کے خلاف قانونی کارروائی کی جائے گی اور اسے سزا دینے کے لیے اسے سرکاری ملازمت کے لئے نااہل تصور کیا جائیگا۔ (12) نامیکل فارم یا مسطوطات کی صورت میں درخواست فارم خود بخود منسوخ تصور کیا جائیگا جس کے لئے کوئی اپیل منظور نہیں کی جائے گی۔ (13) انٹرویو کیلئے الگ شیڈول جاری کیا جائیگا جس میں ڈاکوٹیشن چیک کئے جائیں گے۔ (14) تمام تقرریاں متعلقہ اضلاع کے ڈیویژنوں کی بنیاد پر ہوگی۔ امیدوار کا ڈیویژن متعلقہ ضلع کا ہونا لازمی ہے۔ 20 دسمبر 2017ء کے بعد چھ مہینوں کی مدت میں کسی قسم کی تبدیلی قابل قبول نہ ہوگی۔ (15) امیدوار کو کسی سکول میں مرسوس کرنا ہوگی جو کہ قابل تبادلہ ہوگی۔ (16) ایک امیدوار ایک وقت 5 سکولوں خیال رکھا جائیگا کہ دوسرے سکولوں میں اس کے بعد زیادہ میرٹ والے امیدوار کو سلیکشن کا موقع مل سکے۔ (17) درخواست دہنے کا طریقہ کار NTS کی ویب سائٹ پر موجود ہے۔ (18) متعلقہ اضلاع کے خالی آسامیوں کی تفصیل سکول دائرہ درخواست فارم کے ساتھ NTS کی ویب سائٹ پر دی گئی ہے اور ہر سکول کا نام لکھا گیا ہے۔

(3)

درخواستیں مطلوب ہیں

سختو خواہشمند ڈیپٹیشن پوسٹنگ اور ٹرانسفر آف پمپرز، پمپرز، انسٹالرز اور ڈاکٹرز ریگریٹری ایکٹ 2011ء کے سیکشن نمبر 4 کے تحت جگہ ایلیمنٹری اینڈ سیکنڈری ایجوکیشن خیریت نظام (مردانہ/زنانہ) سکولوں میں ذریعہ ذیل آسامیوں پر کرنے کیلئے خیریت بخوشنخواہ کے متعلقہ اضلاع کے سکولوں میں امیدواروں سے مجوزہ فارم پر 5 جنوری 2014ء تک درخواستیں ماست فارم NTS کے ویب سائٹ (<http://www.nts.org.pk>) پر دستیاب ہے۔ مقررہ تاریخ گزرنے کے بعد موصول ہونے والی درخواستوں پر غور نہیں کیا جائیگا۔

نمبر	آسامی	تفصیلات
1	سیکنڈری سکول ٹیچر (SST)	کسی بھی تسلیم شدہ یونیورسٹی سے سیکنڈ ڈیگری، بیچلر ڈگری جسکے ساتھ درج ذیل دو مضامین لازمی ہوں (1) کیمسٹری یا بالوئی (ڈیوائی یا ہائی) (2) کسی بھی تسلیم شدہ یونیورسٹی سے ایم اے ایجوکیشن یا ایجوکیشن میں بیچلر ڈگری
2	سیکنڈری سکول ٹیچر (SST)	کسی بھی تسلیم شدہ یونیورسٹی سے سیکنڈ ڈیگری، بیچلر ڈگری جسکے ساتھ درج ذیل دو مضامین لازمی ہوں (1) ٹیچنگ (2) ایجوکیشن (3) ایجوکیشن یا ایجوکیشن میں بیچلر ڈگری
3	سیکنڈری سکول ٹیچر (SST)	کسی بھی تسلیم شدہ یونیورسٹی سے سیکنڈ ڈیگری، بیچلر ڈگری جسکے ساتھ درج ذیل دو مضامین لازمی ہوں (1) انگریزی لازمی ہو سیکر گروپ یا دیگر سادہ گروپ (2) کسی بھی تسلیم شدہ یونیورسٹی سے ایم اے ایجوکیشن یا ایجوکیشن میں بیچلر ڈگری

اساتذہ کے سیکشن کیلئے گریڈ ریٹرز درج ذیل ہیں۔ کل 200 نمبرات کی تقسیم اس طرح سے کی جائیگی (1) اسکریننگ ٹیسٹ ہارڈ ریڈ NTS = 100 نمبر - ب۔ تعلیمی قابلیت = 100

تعلیمی قابلیت	کل نمبر	تفصیلی قابلیت	کل نمبر
ایم اے ایجوکیشن	حاصل کردہ نمبر 15x	ایم اے ایجوکیشن	حاصل کردہ نمبر 15x
ایف اے ایف ایس سی	حاصل کردہ نمبر 05x	ایم اے ایجوکیشن	حاصل کردہ نمبر 05x
بی اے ڈی ایس سی	حاصل کردہ نمبر 05x	ایم اے ایجوکیشن	حاصل کردہ نمبر 05x
ایم اے ایجوکیشن	حاصل کردہ نمبر 15x	ایم اے ایجوکیشن	حاصل کردہ نمبر 15x

1۔ ہر سکول کے آپدائی کیلئے طلبہ علیحدہ علیحدہ میرٹ لسٹ مرتب کیا جائیگا جس میں امیدواروں کے NTS کے حاصل کردہ نمبر اور تعلیمی قابلیت کے نمبروں کو جمع کیا جائیگا۔
 2۔ ہر ماہ فارم NTS درخواست فارم 300 روپے چارج کریگا۔ جو کہ امیدوار خود برداشت کریں گے۔
 3۔ ای شرٹنگ (1) تمام تقرریاں حکومت خیریت بخوشنخواہ کے موجود قوانین کے مطابق ہونا لازمی ہے۔
 4۔ اگر اس وقت تک امیدواروں کی موجودگی کی صورت میں کسی کو بھی Age Relaxation نہیں دیا جائیگا (3) انٹرویو کے وقت اصلی تعلیمی اسنادوں کے ساتھ اصل شناختی کارڈ اور شہرہ نام صرف اصلی شناختی کارڈ نانا لازمی ہے (4) میرٹ پر آنے والے امیدواروں کی اسنادوں کے ساتھ انٹرویو سے قبل اپنی کرائی جائے گی جس کے تمام اخراجات امیدواروں کو برداشت کرنا ہوں گے (5) انٹرویو کے لئے آنے والے امیدواروں کو کوئی TANDA نہیں دیا جائیگا۔
 6۔ مقررہ وقت کے اندر موصول ہونے والی درخواستوں پر غور کیا جائیگا (7) زبردستی اختیار حاصل ہے کہ وہ کوئی ایڈوائس دینے سے منع ہیں۔
 8۔ اگر اس وقت تک حکومت وقت کی طرف سے کوئی ایڈوائس نہیں دیا جائیگا۔
 9۔ ایلیمنٹری اینڈ سیکنڈری ایجوکیشن کو اختیار حاصل ہوگا کہ وہ تمام خالی آسامیوں یا اس سے کم پر امیدوار بھرتی کرے (10) تمام تقرریاں حکومت خیریت بخوشنخواہ کے مقرر کردہ قوانین و مجوزہ طریقہ کار کے مطابق تیار کی جائیں گی۔
 11۔ تمام تعلیمی اسناد صرف گورنمنٹ کے تسلیم شدہ اداروں کی قابل قبول ہوں گی (12) اگر کسی امیدوار کی اسناد جعلی پائے گئے تو اس کی خلاف قانونی چارہ جوئی کی جائے گی اور اس کے لئے سرکاری ملازمت کیلئے نااہل تصور کیا جائیگا (13) فارم یا معلومات کی صورت میں درخواست فارم خود بخود منظور کیا جائیگا جس کیلئے کوئی اپیل منظور نہیں کی جائے گی (14) روٹی کیلئے ایکٹیو شہرہ جاری کیا جائیگا (15) تمام تقرریاں متعلقہ اضلاع کے ڈیویژنل آفس کے ذریعہ کی جائیں گی۔
 16۔ امیدواروں کو اس سکول میں بھرتی کرنا ہوگی جو کہ نا قابل تبادلہ ہوگی (17) ایک امیدوار ایک وقت 5 سکولوں میں خالی آسامیوں کیلئے درخواست دے سکتا ہے (18) درخواست دینے کا طریقہ NTS کے ویب سائٹ پر موجود ہے (19) متعلقہ اضلاع کے خالی آسامیوں کی تفصیلی لیست اور درخواست فارم کے ساتھ NTS کے ویب سائٹ پر دی گئی ہیں اور ہر سکول کو اپنا کوڈ دیا گیا ہے۔

INF(P) 3360

درخواستیں مطلوب ہیں

ATTACHED

NOTIFICATION

Annexure G

Consequent upon the recommendation of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary & Secondary Education Notification No. SO (B&A)/1-18/E&SE/2012 dated 11.07.2012, Finance Department Endorsement No. SO (FR)/ED/10.-22 (E)/2010 dated 16.07.2012 and Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar Notification No. 1278-84/File No. 1/Promotion Senior CT B-16 dated 18.04.2014, the following Male CTs B-15 are hereby prompted to the post of senior CT B-16 (Rs. 10000-800-34000) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and conditions given below with immediate effect and further they will be posted in the Government Higher/High Schools against the newly upgraded Senior CTBPS-16 posts.

S.NO	Name	PLACE OF DUTY	
1	Mr. Bakht Biland Khan CT	GHS	Bahrain
2	Mr. Mizajud Din CT GMS: Kalagay CT	GHS:	Chail
3	Mr. Muhammad Sadiq CT	GHS:	Dherai
4	Mr. Zahir Shah CT	GHS	Dherai

Terms & Combinations:

1. They should be on Probation period of one year, extendable for another one year.
2. They will be governed by such rules and Regulations as may be issued from time to time by the Government.
3. Their services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be preceded under the rules framed from time to time.
4. Charge Reports should be submitted to all concerned.
5. Their Inter-Se-seniority on lower post will remain intact.
6. No TA/DA is allowed for joining duty.
7. They will give an under taking to be recorded in their service book to the effect that if any over payment is made to him in light this order will be recovered and if he is wrongly prompted he will be reversed

(ABDULLAH)
DISTRICT EDUCATION OFFICER
(MALE) SWAT AT GUL KADA

dated 10/6/2014

Endst No. 7103-6

Copy is forwarded to:

1. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The District Comptroller of Accounts Swat.
3. The Budget & Accounts Officer local office.
4. The Teacher Concerned.

DISTRICT EDUCATION OFFICER
(MALE) SWAT AT GUL KAD

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Annex "H"



GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

NOTIFICATION

Handwritten signature and date: 13/11/2012

Peshawar, dated the November 13, 2012.

No.SO(PE)4-S/SSRC/Meeting/2012/Teaching Cadre:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all Notifications issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby lays down the method of recruitment, qualification and other conditions specified in the Appendix to this Notification which shall be applicable to all the posts specified in Column No. 2 of the said Appendix and the schedule therewith.

KPK

SECRETARY TO GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

Enclst. No. & Date as above.

Copy forwarded to:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Law Department.
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General, Khyber Pakhtunkhwa Peshawar.
6. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
7. The Director Education (FATA), Peshawar.
8. Copy to Margani Mastazan KPK

ATTESTED

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119

- 8. The Director Curriculum & Teachers Education Abbottabad.
- 9. The Director (PITE) Khyber Pakhtunkhwa Peshawar.
- 10. The Director ESRU, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
- 11. The Deputy Director Database(EMIS) E&SE Department.
- 12. All District Coordination Officers in Khyber Pakhtunkhwa.
- 13. All Executive District Officers Elementary & Secondary Education in Khyber Pakhtunkhwa.
- 14. All District Accounts Officers in Khyber Pakhtunkhwa / Agency Accounts Officers FATA.
- 15. All Agency Education Officers FATA.
- 16. P.S to Governor, Khyber Pakhtunkhwa.
- 17. P.S to Chief Minister, Khyber Pakhtunkhwa.
- 18. P.S to Chief Secretary, Khyber Pakhtunkhwa.
- 19. PS to Minister E&SE Khyber Pakhtunkhwa Peshawar.
- 20. PS to Secretary E&SE Department.
- 21. Master File.

KPK

[Handwritten signature]

[Handwritten signature]
Section Officer (Primary)

ATTESTED

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APPENDIX

S.NO.	Nomenclature of the post	Minimum qualification and experience for initial appointment or by transfer	Age limit	Method of recruitment.
1.	2.	3.	4.	5.
1.	<p>Secondary School Teacher (BPS-16)</p>	<p>(i) Second class Bechelor's Degree with two subjects as Chemistry, Botany, Zoology, Physics, Mathematics, Statistics Humanities and other equivalent groups from a recognized University: or</p> <p>(ii) M.A in Education or Bachelor's Degree in Education from a recognized university.</p>	18 to 35 Years.	<p>(a) Fifty percent by promotion on the basis of seniority-cum-fitness in the following manners.</p> <p>(i) forty percent from amongst the certified Teachers (General). Certified Teachers (Industrial Arts) and Certified Teachers (Home Economics) with at least five years service as such and having qualification mentioned in column No. 3.</p> <p>(ii) four percent from amongst the Drawing Masters with at least five years service as such and having qualification mentioned in column No. 3.</p> <p>(iii) four percent from amongst the Physical Education Teachers with at least five years service</p>

SET → Redesignated

No quota has been allocated for PST's cadre.

ATTESTED



			(iv) one percent from amongst the Instructional Material Specialists, with at least five years service as such and having qualification mentioned in column No. 3, and (v) one percent from amongst the Arabic Teachers with at least five years service as such and having qualification mentioned in Column No. 3, and (b) fifty percent by initial recruitment.
2.	Seniority Arabic Teacher (SAT) (BPS-16)		By promotion on the basis of seniority-cum-fitness from amongst Arabic Teachers with at least five years service as such and having qualification as prescribed for initial recruitment of Arabic Teacher.
3.	Senior Theology Teacher (STT) (BPS-16)		By promotion on the basis of seniority-cum-fitness from amongst Theology Teachers with at least five years service as such and having qualification as prescribed for initial recruitment of Theology Teacher.
4.	Senior Certified Teacher (SCT) (General) (BPS-16)		By promotion on the basis of seniority-cum-fitness from amongst Certified Teachers with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (General).

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10.	Arabic Teacher (AT) (BPS-15)	(i) Second Class Secondary School Certificate from a recognized Board with Shahdatul Alamia Fil Uloomul Arabia wal Islamia from or Darul Uloom Saidu Sharif Swat, Darul Uloom Darosh Chitral, Government run Darul Uloom, as notified by the Government from time to time; or (ii) Second Class Master's Degree in Arabia from a recognized University.	By initial recruitment
11.	Theology Teacher (TT) (BPS-15)	(i) Second Class Secondary School Certificate from a recognized Board with Shahdatul Alamia Fil Uloomul Arabia wal Islamia from or Darul Uloom Saidu Sharif Swat, Darul Uloom Darosh Chitral, Government run Darul Uloom, as notified by the Government from time to time; or (ii) Second Class Master's Degree in Arabia from a recognized University.	(a) Seventy five percent by initial recruitment; and (b) twenty five percent by promotion on the basis of seniority-cum-fitness from amongst the senior Qaris with at least five years service and having qualification prescribed for initial recruitment of Theology Teacher; Note: In case of non availability of suitable person for promotion then by initial recruitment.
12.	Senior Qari (BPS-15)		By promotion on the basis of seniority-cum-fitness from amongst Qaris with at least five years service as such and having qualification as prescribed for initial recruitment.
13.	Certified Teacher (General)	Bechelor's Degree or equivalent qualification from a recognized	(a) Forty percent by initial recruitment; and

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		<p>Certified or two years Associate Degree in Education from a recognized University or eighteen months Diploma in Education.</p>	<p>(b) sixty percent by promotion on the basis of seniority-cum-fitness from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (General). Provide that if no suitable candidate is available amongst the Primary School Head Teachers for transfer, then the posts will be filled by promotion on the basis of seniority-cum-fitness from amongst senior primary school teachers with at least five years service and having qualification prescribed for initial recruitment of certified teacher (General). Note: In case of non availability of suitable person for promotion then by initial recruitment.</p>
14.	<p>Certified Teacher (Industrial Arts) (BPS-15)</p>	<p>(i) Bachelor's Degree from a recognized University with two years training in the relevant technical subjects from any Government industrial or Govt: Technical vocational Institute or Centre; or (b) Bachelor's Degree from a recognized</p>	<p>(a) Forty percent by initial recruitment; and (b) sixty percent by promotion on the basis of seniority-cum-fitness from amongst the primary school head teachers with at least five years service and having qualification prescribed for initial recruitment of certified teacher</p>

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APPENDIX

S.No.	Nomenclature of the post.	Minimum qualification and experience for initial appointment or by transfer.	Age limit.	Method of recruitment.
2.	3.	4.	5.	
1.	Secondary School Teacher (MPS-16).	(i) Second class Bachelor's Degree with two subjects as Chemistry, Botany, Zoology, Physics, Mathematics, Statistics Humanities and other equivalent groups from a recognized University; or (ii) M.A in Education or Bachelor's Degree in Education, from a recognized University.	18 to 35 years.	(a) Fifty per cent by promotion on the basis of seniority-cum-fitness, in the following manner: (i) forty per cent from amongst the Certified Teachers (General), Certified Teachers (Agriculture), Certified Teachers (Industrial Arts) and Certified Teachers (Home Economics) with at least five years service as such and having qualification mentioned in column No. 3; (ii) four per cent from amongst the Drawing Masters with at least five years service as such and having qualification mentioned in column No. 3; (iii) four per cent from amongst the Physical Education Teachers with at least five years service as such and having qualification mentioned in column No. 3.

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			<p>(iv) one per cent from amongst the Instructional Material Specialists, with atleast five years service as such and having qualification mentioned in column No. 3; and</p> <p>(v) one per cent from amongst the Arabic Teachers with at least five years service as such and having qualification mentioned in Column No.3; and</p>
2.	Senior Arabic Teacher (SAT) (BPS-16)		<p>(b) fifty per cent by initial recruitment.</p>
3.	Senior Theology Teacher (STT) (BPS-16)	KPK	<p>By promotion, on the basis of seniority-cum-fitness, from amongst Arabic Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Arabic Teacher.</p>
4.	Senior Certified Teacher (SCT)(General) (BPS-16)	U.S.	<p>By promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Theology Teacher.</p>
		NS	<p>By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (General), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (General).</p>

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10. Arabic Teacher (AT) (BPS-15).	(i) Second Class Secondary School Certificate, from a recognized Board with Shahdatul Alamia Fil Uloomul Arabia wal Islamia from a recognized Tanzimuatul Wafaqul Madaris: or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by the Government from time to time; or (ii) Second Class Master's Degree in Arabic from a recognized University.	20 to 35 years.	By initial recruitment
11. Theology Teacher (TT) (BPS-15).	(i) Second Class Secondary School Certificate, from a recognized Board with Shahdatul Alamia from a recognized Tanzimatul Wafaqul Madaris or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by the Government from time to time; or (ii) Second Class Master's Degree in Islamiyat from a recognized University.	20 to 35 years.	(a) Seventy-five per cent by initial recruitment; and (b) twenty-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Qaris, with at least five years service and having qualification prescribed for initial recruitment of Theology Teacher. <u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.
12. Senior Qari (BPS-15).			By promotion, on the basis of seniority-cum-fitness, from amongst Qaris, with at least five years service as such and having qualification prescribed for initial recruitment.
13. Certified Teacher (General) (BPS-15).	Bachelor's Degree or equivalent qualification from a recognized University with Certified Teacher	18 to 35 years.	(a) Forty per cent by initial recruitment; and

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		Certificate or two years Associate Degree in Education from a recognized University or eighteen months Diploma in Education.		<p>(b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (General):</p> <p>Provided that if no suitable candidate is available amongst the Primary School Head Teachers for transfer, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (General).</p> <p><u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.</p>
14.	Certified Teacher (Industrial Arts) (HPS-15) ✓	<p>(i) Bachelor's Degree from a recognized University with two years training in the relevant technical subjects from any Government Industrial or Govt. Technical Vocational Institute or Center; or</p> <p>(b) Bachelor's Degree from a recognized</p>	18 to 35 years.	<p>(a) Forty per cent by initial recruitment; and</p> <p>(b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher</p>

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Primary School Teacher

Category of Qualification	Total Marks 100 For Humanities group at Intermediate Level	For Candidate of Science group
SSC	Marks obtained X 20 / total marks = _____	5 Extra marks for F.Sc, 5 Extra marks for B.Sc and 5 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection
HSSC	Marks obtained X 10 / total marks = _____	
B.A/BSc	Marks obtained X 25 / total marks = _____	
PST Certificate/ Diploma in Education / ADE.	Marks obtained X 20 / total marks = _____	
M.A/MSc/M.Ed / MA Edu	Marks obtained X 20 / total marks = _____	
MPhil/PhD	Marks = 05	

KP

Other conditions:-

1. The concerned appointing Authority will scrutinize and verify the documents and make the appointment as per prescribed rule and the will get the documents verified after the issuance of appointment orders within shortest possible time, not exceeding ninety (90) days.
2. The merit list prepared by the concerned appointing authority shall be displayed for ten days to receive the objections/appeals, if any, and shall issue the final merit list after making necessary corrections while addressing the observations/objections/appeals, following the requisite appointment orders.
3. In case a document(s) is/are found fake/ forged/ bogus upon scrutiny/ verification, the service of the teacher concerned shall be terminated and the amount paid to him as salary shall be recovered from him and an FIR shall be lodged against him on account of forgery, fraud under the relevant law.
4. Deni Asmat from recognized Tazemat-ul-Wafaqul Madaris, Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darash Chitral and any other Government run Darul Uloom, as notified by the Government from time to time will be acceptable for the purpose of appointment against the posts of Arabic Teachers or Theology Teachers, as the case may be.

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S.No 5858

Roll No. 12980



BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Saidu Sharif, Swat N.W.F.P. Pakistan

Secondary School Certificate Examination

SESSION 2000 (ANNUAL/SUPPLEMENTARY) 1996

THIS IS TO CERTIFY THAT SAID ALI KHAN

Son/Daughter of SHAH WAZIR KHAN

and a student of GOVT. HIGH SCHOOL SHAWA, DISTRICT DIR.

has passed the Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Saidu Sharif, Swat held in 1996-2000 as a Regular/Private candidate. He/She obtained 533 Marks out of 850 and has been placed in Grade B Representing VERY GOOD

The candidate passed in the following subjects:

- 1. English 2. Urdu 3. Islamiyat 4. Pakistan Studies 5. MATHS 6. CHEMISTRY 7. PHYSICS 8. BIOLOGY

Date of birth according to admission form is TENTH MARCH one thousand nine hundred and EIGHTY (10-03-1980)

Signature of Asstt. Secretary

Signature of Secretary

This certificate is issued without alteration of value. Azam Khan BPS-16 GHS Tazigram Dir (C)

S. No. 14941



Roll No. 226258

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Saidu Sharif Swat N.W.F.P. Pakistan

INTERMEDIATE EXAMINATION

(Humanities Group)

SESSION 19 98 (ANNUAL / SUPPLEMENTARY)

THIS IS TO CERTIFY THAT Said Ali Khan

Son / Daughter of Shah Wazir Khan

and a student of Govt: Degree College Thana, Malakand Agency

Registered No. 94-B/T-96 has passed the Intermediate Examination of the Board of Intermediate & Secondary Education, Saidu Sharif, Swat held in

May 19 98 as a Regular/private candidate, He / She obtained 686

Marks out of 1100 and has been placed in Grade B Representing Very Good

Internal Grade

The Examination was taken as a whole / in parts.

Asstt / supdt

[Signature]

Asstt. Secretary

[Signature]
Azam Khan
BPS-16

Secretary

This certificate is issued without alteration. **GHS Taxgram Dir (L)**

45

Allama Iqbal Open University Dahlanabad



Serial No. 149442

Certified that Mr. / Ms. SAID ALI KHAN

Son / Daughter of SHAH WAZIR KHAN

Registration No: 05-NDR-0107 Roll No: R-645354

having successfully completed the prescribed requirements
in semester SPRING 2006 is awarded the degree of

Bachelor of Education (B.Ed)

He/She has secured 62 % marks and has been placed in B grade.

Medved
[Signature]

[Signature]
Azam Khan
BPS-16
CONTROLLER OF EXAMINATIONS
GHS Tazagraim Dir (L)

[Signature]

VICE-CHANCELLOR

Result declared on: January 25, 2007

Date of Issue: May 12, 2011

NOTE: THIS DEGREE IS TO BE READ IN CONJUNCTION WITH THE TRANSCRIPT/PROVISIONAL CERTIFICATE ISSUED SEPARATELY

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

University of Peshawar (Pakistan)

Session ANNUAL 2003

SAID ALI KHAN

Son/Daughter of

SHAH NAZIR KHAN

and a student of/private candidate of

DISTRICT DIR

having passed the prescribed examination held in

AUGUST, 2003

is this day admitted by the University of Peshawar to the Degree of

Master of Arts

In

ISLAMIYAT

In

SECOND

Division

The Examination was taken as a whole/in parts

Serial No. 0067955

Registration No. 99-PG-38503

Roll No. 24003

Result Declared on MARCH 31, 2004



Attended
Azam Khan
S.H.S. Tazayrain Dir (L)

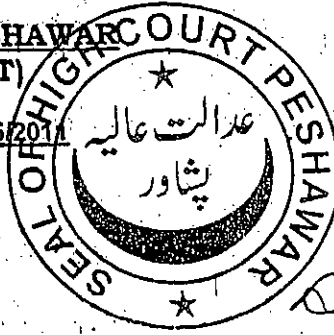
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Registrar

Government
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Vice-Chancellor

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
(JUDICIAL DEPARTMENT)

COC No. 105-P/2018 in WP No. 355/2017

JUDGMENT.



Answer J
47

Date of hearing: 08.11.2018

Petitioner (s): Nisar Ahmad Khan, Mr. Noor Muhammad Khan

Respondent (s): Muhammad Azam Khan, Mr. Ghulam Qadir Ali, P. W. A. D. U.

WAOAR AHMAD SETH, CJ:- Through this single judgment, we propose to dispose of instant contempt petition as well as connected COC No. 107-P/2018 in WP No. 1662/2010, COC No. 108-P/2018 in WP No. 2967/2009 & COC No. 109-P/2018 in WP No. 3189/2009 because in all the petitions, the petitioners have sought initiation of contempt of court proceedings against the respondents for not implementing the judgment/order dated 26.01.2015.

2. Facts in brief are that the petitioners had filed Writ Petitions before this Court and prayed that the Act No. XVI 2009, namely, 'The North West Province Employees (Regularization of Services) Act, 2009 dated 24th October, 2009' being illegal, unlawful, without authority and jurisdiction, based on malafide intentions and being unconstitutional as well as ultra vires to the basic rights as mentioned in the constitution be set-aside and the respondents be directed to fill up the above noted posts after going through the legal and lawful and the normal procedure as prescribed under the prevailing laws instead of using the short cuts for

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EXAMINER
Peshawar High Court
30 NOV 2018

obliging their own person. They further prayed that the notification No. A-14 / SET (M) dated 11.12.2009 and Notification No. A-17 / SET (S) Contract-Appnt: 2009 dated 11.12.2009, as well as Notification No. SO(G) / ES / 185 / 2009 / SS(Contract) dated 31.05.2010 issued as a result of above noted impugned Act whereby all the private respondents have been regularized may also be set-aside in the light of the above submission, being illegal, unlawful, unconstitutional and against the fundamental rights of the petitioners. The writ petitions came up for hearing and vide judgment/order dated 26.01.2015, the same were disposed of in the following terms:-

- (i) *The Act, XVI of 2009, commonly known as (Regularization of Services) Act, 2009 is held as beneficial and remedial legislation, to which no interference is advisable hence, upheld.*
- (ii) *Official respondents are directed to workout the backlog of the promotion quota as per above mentioned example, within 30 days and consider the in service employees, till the backlog is washed out, till then there would be complete ban on fresh recruitments".*

3. After passing the above said judgment, the petitioners were quite hopeful regarding their promotion to the next higher grade being senior most employees but the respondents have again started recruitment process by advertising the posts of various cadres for initial recruitment in various Districts of Khyber Pakhtunkhwa and as such, the inaction of respondents squarely fall within the ambit of

ACCEPTED
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Peshawar High Court
31 NOV 2019

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contempt of court and they are liable to be proceeded and punished under the law; hence, the instant petitions.

4. Respondents No. 2 & 3 have filed reply to the show cause and prayed for dismissal of instant petitions.

5. Arguments heard and record perused.

6. While deciding writ petition No. 2905/2009, vide judgment dated 26.1.2015 which has been upheld by the apex Court, the respondents-department was directed to workout the backlog of the promotion quota and consider in service employees for promotion against the vacant post, till the backlog is washout. In this respect record is suggestive that the backlog was worked out and by that time 2725 employees / teachers were in the promotion zone and as such were promoted. Moreover, by virtue of Regularization Act, 2009, Act No. XVI of 2009, 1766 employees / teachers got regularization and as such, when worked out, the promotion quota was fully exhausted. The judgment in this respect was not for all the times to come for promotion purposes. Once the promotion quota, which was given advantage, in view of Regularization Act, 2009, cannot be claimed again and again. By now it's the question of fact that as to whether any employee / teacher was not promoted and by that time when Act 2009 was enforced they were in the promotion zone. Even otherwise, once backlog was worked out and promotion was done then claiming seniority and promotion is the job of service tribunal.

30 NOV 2018

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7. In view of the above, the instant as well as connected contempt petitions are disposed of in terms above. Show cause notice issued to respondents is hereby recalled.

ANNOUNCED
Dated: 08.11.2018

Chief Justice

Judge

Nawab Shah SCS (DB) Justice Waqar Ahmad Seth CJ & Justice Muhammad Ayub Khan J.

No. 1587

Date of Presentation of Application 25.11.18

No of Pages 3

Copying Fee 20

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Delivery of Copy 30

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EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Constitution of Pakistan Order 1947

30 NOV 2018

NOTED

To,

Annex "K"

SI

The Secretary (E&SE) Department,
Khyber Pakhtunkhwa, Peshawar.

DEPARTMENTAL APPEAL FOR THE GRANT OF PROMOTION TO THE POST OF SECONDARY SCHOOL TEACHER (BPS-16) FROM THE DATE WHEN THE PROMOTION QUOTA WAS FILLED UP THROUGH INITIAL RECRUITMENT OR FROM THE DATE OF COMMENCEMENT OF THE ACT NO.XVI OF 2009 COMMONLY KNOWN AS REGULARIZATION OF SERVICES ACT, 2009 NOTIFIED IN THE OFFICIAL GAZETTE ON 24.10.2009 WITH ALL BACK BENEFITS.

Respected Sir,

With due respect it stated that I was initially appointed as PST in your good self Department vide order dated 31.03.2004 and later on was appointed against the post of Arabic Teacher. During service as AT I was in the promotion zone to the post of SST (BPS-16) but the concerned authority instead of promoting me advertised the said posts of SST (BPS-16) on adhoc/contract basis. I was under protest and my colleagues applied for the said post through initial recruitment but the same was also refused to me and my colleagues on the pretext that regular employees are not entitle to apply for the adhoc/contract posts of SST (BPS-16) thus me and my colleagues were deprived from the prospects of promotion. It is pertinent to mention that at the time of above mentioned advertisement the post/cadre of AT (BPS-15) to which I belong have no prospects of promotion. In light of the said advertisement new appointments were made by the authorities on adhoc basis and even the promotion quota was also filled by the authority though initial recruitment. In the meanwhile the Provincial Government Promulgated the employee's regularization Act, 2009 whereby all the adhoc employees who were appointed as SST on temporary basis were regularized thus further affected the cadre to which I belong. That the promotion quota for which me and my colleagues have waited for decades has been washed by operation of the said Act of 2009. I was feeling aggrieved alongwith my others colleagues knocked the door of the Peshawar High Court through various writ petitions. That vide consolidated judgments dated 26.1.2015 the said writ petitions were disposed of with the directions that:

(i)- The act.XVI of 2009, commonly known as (Regularization of services) act, 2009 is held as beneficial and remedial legislation, to which no interference is advisable hence, upheld.

(ii)- Official respondents are directed to work out the backlog of the promotion quota as per above mentioned example, within thirty days and consider the in service employees, till the backlog is washed out, till then there would be complete ban on fresh recruit. The concerned authority assailed the said judgment of the august Peshawar High

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Court Peshawar in CPLAS No.127-P to 129-P/2015 but the same were dismissed as withdrawn vide judgment dated 20.9.2017. That then after me and my colleagues time and again visited the concerned quarter for our promotion to the next higher scale but the concerned authority instead of redressing the grievances advertised the posts through initial recruitment through various advertisements. That it is pertinent to mention that I am the senior most AT (BPS-15) of your good self Department and also eligible in all respect for promotion to the post of SST (BPS-16). I am feeling aggrieved filed this Departmental appeal before your good self for redressal of my grievances.

It is therefore, most humbly prayed that on acceptance of this Departmental I may very kindly be promoted to the post of SST (BPS-16) including seniority with all back benefits w.e.f. the date when the promotion quota was filled up through initial recruitment.

Dated: 20.10.2020

Your Obediently

SAID ALI KHAN, AT (BPS-15),
GHS Shoorshing, Dir Lower

ATTACHED

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

_____ OF 2021

Said Ali Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Said Ali Khan

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, 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

Ali

CLIENT(S)

ACCEPTED

NOOR MOHAMMAD KHATTAK

15401-0705985-5

BC-08-0853

&

KAMRAN KHAN

AFRASIAB KHAN WAZIR

HAIDER ALI

ADVOCATES

OFFICE:

Flat No.4, Upper Floor,

Juma khan plaza near (FATA) Secretariat

Warsak road Peshawar.

Mobile No. **0345-9383141**