

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 1691 /2019

NISAR MUHAMMAD

VS

EDUCATION DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of appeal	1 - 4.
2.	Service book	A	5- 19.
3.	Advertisement	B	20.
4.	Act	C	21- 23.
5.	Judgment	D	24- 44.
6.	Judgment	E	45.
7.	Advertisements	F	46- 49.
8.	Service rules	G	50- 56.
9.	Educational testimonials	H	57- 61.
10.	Judgment	I	62- 66.
11.	Departmental appeal	J	67.
12.	Vakalat nama	68.

APPELLANT

THROUGH:

NOOR MUHAMMAD KHATTAK
ADVOCATE

Room No. 3 & 4, Upper Floor,
Islamia Club Building,
Khyber Bazar, Peshawar
0345-9383141

-1-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1691 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1600

Dated 08/11/2019

Mr. Nisar Muhammad, SPST (BPS-14),
GPS Karkan Shah, Tehsil Munda, 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:-

Filed to-day

Registrar

2/11/19

- 1- That initially the appellant was appointed as PST (BPS-7 now BPS-12) in the respondents Department vide order dated 23.04.1998 and later on was promoted to the post of SPST vide order dated 27.02.2013. Copy of the service book is attached as annexure

..... **A.**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**



APPEAL NO. 1305 / 2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1497

Dated 10-10-2019

Mr. Mizaj Ud Din, SCT (BPS-16),
GHSS Madyan, District Swat **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 Swat.

..... **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.

*Filed to day
10/10/19
Registrar*

R/SHEWETH:

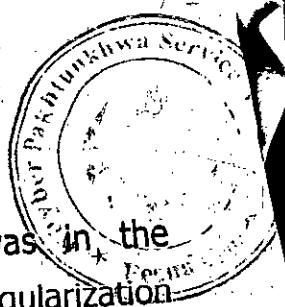
ON FACTS:

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

- 1- That initially the appellant was appointed as PET in the respondents Department vide order dated 6.11.1994 and later on the appellant was appointed as C.T in the respondent Department vide order dated 30.9.1995. Copy of the service book is attached as annexure **A.**

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



26.11.2019

Counsel for the appellant present.

Contends that essentially the appellant was in the promotion zone for SST (BPS-16) at the time when Regularization Act, 2009 was promulgated. The Hon'able Peshawar High Court, Peshawar also observed, while disposing of C.O.C No. 105-P/2011 in writ petition No. 355/2011, that any employee/teacher was not promoted by the time when Act 2009 was enforced while he was in the promotion zone, was a question of fact to be determined in individual cases.

To resolve the controversy, instant appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 20.01.2020 before S.B.

1058/12/19
Security Deposited
Security & Process Fee

Chairman

20.01.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

Learned AAG requests for time to contact the respondents and furnish reply/comments on the next date of hearing. Adjourned to 12.02.2020 on which date the requisite reply/comments shall positively be furnished.

Chairman

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 20-2-2020
Number of Words 800
Copying Fee 10/-
Urgent 4/-
Total 14/-
Name of Copyist [Signature]
Date of Completion of Copy 20-2-2020
Date of Recovery of Copy 20-2-2020

- 2- That during service as Senior Primary School Head 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 PST (BPS-12) 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 SPST (BPS-14) of the respondent department and also eligible in all respect for promotion to the post of SST (BPS-16) which was awarded to the appellant vide Notification dated 02.08.2016 but with immediate rather than retrospective effective. Copies of the service rules and educational testimonials are attached as Annexure **G & H.**
- 9- That feeling aggrieved the appellant and his colleagues knocked the door of august Peshawar high Court, Peshawar in various COC Petitions numbers including COC Petition No.105-P/2018 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 **I.**
- 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 **J.**

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.

APPELLANT


NISAR MOHAMMAD

THROUGH:


NOOR MOHAMMAD KHATTAK

&


**MIR ZAMAN SAFI
ADVOCATES**

(For use in Police Department only)

"A"

-5-

Name—

1.

⑥ passed M.A (3rd) Annual Examination 2000 under R. No. 23272 in 2nd Division from Peshawar University and securing 60/100 marks. Result declared on 17-06-2001.

2.

3.

[Signature]
S. D. Dir (L)

Verification Roll No. dated received back.

⑦ passed B.Ed (A) Exam: 2004 under R/No. 138 from MKD University in 1st Division and securing 602/1000 marks. Result declared on 16-08-2004.

Left Thumb Impression

[Signature]
S. D. Dir (L)

② passed SSC (A) Examination under Roll No. 19563 from

Qualifications: B.T.S.E. Saidu Sharif Swat in 1st Division and obtained English 512/850 marks in session 1992.

Push to Urdu on Result declared

[Signature]
S. D. Dir (L)

③ passed P.T.C. Examination under Roll No. 3782 from

Qualifications: Registered Departmental Examination Education Deptt. First Arts NWFP Peshawar in

B.L. or B.A. 1st Division and securing 723/1200 marks in session 1995-1996. Pledership Examination. Result declared on 27/2/98.

② Plan-Drawing Passed F.A (A) Examination 1995 under Roll No. 222526

Finger Print from B.T.S.E. Saidu Sharif Swat and securing 565/1000 marks.

Result declared on Court Duties

Reserve Duties

[Signature]
S. D. Dir (L)
Jandul Samar Bagh Distt. DIR

Training School Final Examination *[Signature]*
S. D. Dir (L)

Other Qualifications:—

[Signature]
S. D. Dir (L)
Jandul Samar Bagh Distt. DIR

④ passed B.A Examination 1978 under Roll No. 86698 from Peshawar University in 2nd Division and securing 284/550 marks. Result declared on 28-12-1978.

[Signature]
S. D. Dir (L)
Jandul Samar Bagh Distt. DIR

N.B.— Line to be drawn under the qualification possessed.

⑤ passed C.T (C₁) Examination under Roll No. 1917 from R.D.E NWFP Peshawar in 1st Division and securing 820/1200 marks. Result declared on 11-05-1999.


ATTESTED

[Signature]
S. D. Dir (L)
Jandul Samar Bagh Distt. DIR

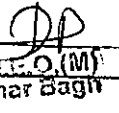
(For use in Police Department only)

-6-

Heirs:---
 1. ⑧ passed S.D.P.E (A) Examination 2005 from
 Sarkhad University under Roll No. 04-FA/02399
 in the 1st Division and securing 660/1050 marks.
 Result declared on

2. 
 3. ⑨ passed M.Ed (A) Examination
 2008 from Malakand University

Verification Roll No. 2211 in the 2nd Division and securing 487 out of 900 marks.
 Result declared on 23/04/2009

Left Thumb-Impression 

⑩ passed M.A English from the University of Malakand
 in the year 2014 under Roll No. 22117 in the 2nd Division
 and secured 502 out of 1100 marks.

Qualifications	English
Date	Result declared on 27-11-2014
Qualifications	B.L. or B.A.
Date	Pleadership Examination
English	Training School Final Examination
Pushto	Other Qualifications:---
Urdu	
Plan-Drawing	
Finger Print	
Drill Instructing	
Court Duties	
Reserve Duties	

N.B--- Line to be drawn under the qualification possessed.

ATTENDED



Note:— The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

- 7 -

1. Name: Nisar Muhammad Khan.

2. Race Afghan (Muslim)

3. Residence village Malala Ptokhazana Tehsil Munda DIR.



4. Father's name and residence Habibullah Khan. (Address as above)



5. Date of birth by Christian era as nearly as can be ascertained (11-9-1974)
Eleven September N/H and Seventy four.

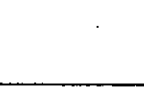
6. Exact height by measurement. 5-5

7. Personal marks for Identification Nil.

8. Left hand thumb and Finger Impression of (Non-Gazetted) Officer.

Little Finger  Ring Finger 

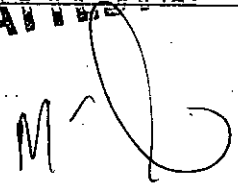
Middle Finger  Fore Finger 

Thumb 

9. Signature of Government Servant Nisar Muhammad Khan

10. Signature and Designation of the Head of the Office, or other Attesting Officer. Dawlat Khan
S. D. E. O. (M)
Amsool at Samarbagh
Distt Dir. Munda

ATTESTED



1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Secretary and Signature of the head office or other officer in charge of the office in accordance with rules 1 to 8

8

PTC BPS No 7 (1480-81-2695)

G.P.S. Davogara Temp. Temp. Rs. 1480/- - - 24 ⁴/₉₈ N.S. Mohd

PTC BPS No 9 (1605-97-3060)

G.P.S. Davogara Temp. Temp. 1605/- - - 24 ⁴/₉₈ N.S. Mohd

-do- -do- -do- 1702/- J - - 1 ¹²/₉₈ N.S. Mohd

-do- -do- -do- 1993/- J - - 28 ¹²/₉₈ allowed upto 22/55

-do- -do- -do- 2090/- J - - 11 ⁵/₉₉ N.S. Mohd

-do- -do- -do- Rs 2187/- J - - 1 ¹²/₉₉ N.S. Mohd

ATTESTED

M

Signature of Government Secretary and Signature of the head office or other officer in accordance with rules 1 to 8

G. S. D. E. C. DAVAR DISTRICT

N.S. Mohd

N.S. Mohd

allowed upto 22/55

N.S. Mohd

N.S. Mohd

S.D.

9

Signature of Government Servant

Signature and position of the head of office or other attesting officer in columns 1 to 8

Date of termination of appointment

Reason of termination (such as promotion, transfer, dismissal, etc.)

Signature of the head of the office or other attesting Officer

Nature and duration of leave taken

Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government

Signature of the head of the office or other attesting officer

Reference to any recorded punishment or censure, or reward or praise of the Government Servant

Signature and position of the head of office or other attesting officer in columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Nature and duration of leave taken	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
					Period	Government to which debitable		
								Appointed as PTC Trained Teacher at 4PS Davegara vide DIST Education officer (M) Prg: DIR at Timangra under Endst No 665666 dated 23-4-98 and adjusted by the SDEO (M) S/Bagh under Endst No 195-216 dated 24-4-1998.
	4/24/98	Scale Revised						
	30/11/98	A/Inc						
	27/12/98	3 adv: increments on B.A						
	10/9/99	Allowed one adv: inc: on C.T						Services verified w-e-f 24-4-1998 to 3-12-1998 from the office record.
	30/11/99	A/Inc						
	30/11/2000	A/Inc						Allowed BPS/109 vide DEO (M) Prg: DIR at Timangra under Endst No 665-67 dated 19/9/98 w-e-f 24-4-98 - 31-12-98
Retd on 12/12/98 due to absence of Prg + HR A + B + C + D + E + F + G + H + I + J + K + L + M + N + O + P + Q + R + S + T + U + V + W + X + Y + Z								
W/e-f 24-4-98 to 31-12-98 & 23-3-99 to 31-5-99								
Allowed 3 advance increments on passing B.A on vide Govt A NUPP Finance Deptt: Endst No FD(SR-V)2-123/98 dt 22-3-98 and DEO (M) Prg: Dir at Timangra under NO 986-98 dt 15-5-98.								

ATTESTED

Handwritten signatures and initials at the bottom of the page.

- 10 -

1	2	3	4	5	6	7	9.
Name of Post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature and designation of the Signifying office or Government attestation columns 1 to
<u>PTC</u>			<u>B-9 (1605-97-3060)</u>				
G.P.S. Dawigara	Temp	Temp	2284/-	-	-	12/2000	<i>[Signature]</i>
- do -	- do -	- do -	Rs. 2381/-			12/2001	<i>[Signature]</i>
<p>Pay fixation per Revision of Series w.e.f 1-12-2001</p> <p>Pay in the existing B-9(1605-97-3060) on 1-12-2001 = Rs. 2381/-</p> <p>Pay in the revised B-9(2410-145-6760) on 1-12-2001 = Rs. 3570/-</p>							
<u>PTC</u>			<u>B-9(2410-145-6760)</u>				
G.P.S. Dawigara	Temp.	Temp.	Rs. 3570/-			12/2001	<i>[Signature]</i>
- do -	- do -	- do -	Rs. 3715/-			12/2002	<i>[Signature]</i>
<u>PTC</u>							
G.P.S. Barzarak	- do -	- do -	Rs. 3570/-			12/2002	<i>[Signature]</i>
- do -	- do -	- do -	Rs. 3715/-			12/2002	<i>[Signature]</i>
<u>PTC</u>							
G.P.S. Malala Bal.	Temp.	Temp.	Rs. 3715/-			10/2002	<i>[Signature]</i>
- Do -	- do -	- do -	Rs. 3860/-			12/2003	<i>[Signature]</i>
- Do -	- Do -	- Do -	Rs. 4005/-			12/2004	<i>[Signature]</i>

ATTESTED

[Signature]

8	9	10	11	12	13		14	15
					Nature and duration of leave taken	Leave		
						Allocation of period of leave on average pay upto four months for which leave salary is debitble to another Government		
	Signature and Signature of the head Signature of the office or other Signature of the attesting officer in attestation of columns 1 to 8	Date of Date of termination of appointment	Reason of Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the Signature of the head of the Signature of the office or other Signature of the attesting Officer	Period	Government to Government to which debitble	Signature of the Signature of the head of the Signature of the office or other Signature of the attesting officer	Reference to a Reference to a recorded punishn or censure, or rev or praise of th Government Ser
A/S Ma Govt	[Signature]	30/11/2001	A/Incr	[Signature] Dr. P. S. Edu: (M) P. S. S/Bagh Distt Dir (L)			-11-	
A/S Ma Govt	[Signature]	12/1/2001	Scale Revision	[Signature] Dr. P. S. Edu: (M) P. S. S/Bagh Distt Dir (L)			Service Verified w.e.f. 1-1-99 to 31-12-99 from the Acqy: Roll Other record maintained in this office. S.D.B.O. (M) Samal Bagh	
								Declaration of PG+CLAR due to award of Adv: Dents on Passig of BA+C through Computer with S No 463 WEF 24-4-98 to 31-5-98 = Rs 3047/-
A/S Ma Govt	[Signature]	30/11/2002	A/Incr	[Signature] (M) P. S. S/Bagh Distt Dir				
A/S Ma Govt	[Signature]	12/1/2002	Transfer wef 12-1-2002	[Signature] Dr. P. S. Edu: (M) P. S. S/Bagh Distt Dir			Services verified w.e.f. of 1-1-2000 to 31-12-2000 from the Acqy: Roll and other Record maintain in this office.	
A/S Ma Govt	[Signature]	30/11/2002	A/Incr	[Signature] Dr. Distt Officer (Ed): Samal Bagh Jandoel Distt Dir (L)				
A/S Ma Govt	[Signature]	30/11/2003	Transfer A/Incr	[Signature] Dr. Distt Officer (Ed): Samal Bagh Jandoel Distt Dir (L)			Services wef 1-1-2001 to 31-12-2001 verified from Acqy: Rolls + other office record.	
A/S Ma Govt	[Signature]	30/11/2003	A/Incr	[Signature] Dr. Distt Officer (Ed): Samal Bagh Jandoel Distt Dir (L)				
A/S Ma Govt	[Signature]	30/11/2004	A/Incr	[Signature] Dr. Distt Officer (Ed): Samal Bagh Jandoel Distt Dir (L)			Services wef 1-1-2002 to 31-12-2002 verified from Acqy: Rolls and other office record.	
A/S Ma Govt	[Signature]	30/6/2005	Scale revised	[Signature] Dr. Distt Officer (Ed): Samal Bagh Jandoel Distt Dir (L)				
A/S Ma Govt	[Signature]	30/6/2005	Scale revised	[Signature] Dr. Distt Officer (Ed): Samal Bagh Jandoel Distt Dir (L)			Services wef. 1-1-2003 to 31-12-2003 verified from Acqy: Rolls + other office record.	

ATTESTED

[Signature]

[Signature]

1	2	3	4	5	6	7	8	9
Name of Post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant	Signature and name of the officer in charge of the office or other officer in charge of the station of posts Nos 1 to 8
<p>pay fixation due to the revision of pay scales w.e.f 1-7-2005 pay in the existing pay scale No, 9 on 30-6-2005 Rs. 4005/- pay in the revised pay scale No, 9 on 1-7-2005 Rs. 4585/-</p>								
<p>Rs BPS No, 9 (2770-165-7720)</p>								<p>Signature Dy. Distt. Officer (M) Bamerbagh Dir (L)</p>
PTC G.P.S Malala (B) Temp	Temp	Temp	Rs, 4585/-	-	-	1/7/2005	Signature M. D. D. O (M) B/Bagh D	Signature M. D. D. O (M) B/Bagh D
-do-	-do-	-do-	Rs, 4750/-	-	-	1/12/2005	Signature M. D. D. O (M) B/Bagh D	Signature M. D. D. O (M) B/Bagh D
-do-	-do-	-do-	4915/-	-	-	1/12/2006	Signature M. D. D. O (M) B/Bagh D	Signature M. D. D. O (M) B/Bagh D
<p>pay fixed in the revised pay scale BPS No, 9 Rs (3180-190-8885) w.e.f 1-7-2007</p>								
PTC G.P.S Malala Bala	Temp	Temp	5655/-	-	-	1/2/2007	Signature M. D. D. O (M) B/Bagh D	Signature M. D. D. O (M) B/Bagh D
-do-	-do-	-do-	5845/-	-	-	1/12/2007	Signature M. D. D. O (M) B/Bagh D	Signature M. D. D. O (M) B/Bagh D
<p>PAY FIXATION DUE TO REVISION OF PAY SCALES 1-7-2008</p>								
<p>Pay in the existing pay scale On 30-6-08 Rs. 5845/-</p>								
<p>Pay in the revised pay scale On 1-7-08 Rs. 6400/-</p>								
<p>Signature Dy. Distt. Officer (M) Bamerbagh Dir (L)</p>								

ATTESTED

M. D. D. O

9	10	11	12	13		14	15
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitab to another Government		
Signature and position of the head of the office or other attesting officer in columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Period	Government to which debitab	-13- Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servag
			Service Verifi 21 st To 31 st 05 Acqui maintained in this office.				Services verified w.e.f 1-1-2004 to 1-12-2004. from the office record D.D.O (M) S/Bagh Dir (L)
	30 th 2005	Aploc	D.D.O (M) S/Bagh Dir (L)				Service verified w.e.f 1-1-2006 to 31-12-2006 from the office record. D.D.O (M) S/Bagh Dir (L)
	30 th 2006	A/mer	D.D.O (M) S/Bagh Dir (L)				Service verified w.e.f 1-1-2007 to 31-12-2007 from the office record. D.D.O (M) S/Bagh Dir (L)
	30 th 2007	pay scale revised	D.D.O (M) S/Bagh Dir (L)				D.D.O (M) S/Bagh Dir (L)
	30 th 2007	A/mer	D.D.O (M) S/Bagh Dir (L)				D.D.O (M) S/Bagh Dir (L)
						1/08 31/12/08	

ATTESTED

M

1	2	3	4	5	6	7	8	9
Name of Post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government	nature and location of the office or of the officer of rank 1 to 8
PST CPS Malala (A)	Temp	Temp	7040/-	3800/-	2300/-	10/7/2011		OTT
-Do-	-Do-	-Do-	7270/-	-	-	12/08/2011		OTT
-Do	-Do	-Do	7500/-	-	-	12/09/2011		OTT
-Do-	-Do-	-Do-	7730/-	-	-	12/20/10		S Bag
PAY FIXTURES AND REVISION OF SCALES W.E.F. 01-07-11 Pay in the Existing Pay Scale Rs. 7730/- (09) On 30-06-11 Rs. 7730/- Pay in the revised Pay Scale Rs. 12660/- On 01-07-11 Rs. 12660/-								
Dy. Dist. Officer, (S & L) Samarbagh Div (L).								
$B = 9 (1200 + 380 = 17600)$								
-Do	-do-	-do-	12660/-	-	-	01/11/2011		S Bag
-Do-	-do-	-do-	13040/-	-	-	01/11/2011		S Bag
up-gradation to A-12 PS 3620/- to 5000/- 220/- 17/2/12 vide notification No S: (B & A) 1-18 B & SE/2008 dt 12/10/2012.								
PS 13500/- to 14500/- 12/12/2011								

ATTESTED

M

8 Signature of Government	9 Signature and position of the head of office or other attesting officer in columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitabale to another Government		
						Period		
	<i>[Signature]</i>	30/6/08	R/Pay	<i>[Signature]</i>			-15- 1-1-09 31-12-09	
	<i>[Signature]</i>	30/11/08	A/mc	<i>[Signature]</i>			<i>[Signature]</i> S. Bagh Dir (L)	
	<i>[Signature]</i>	30/11/09	A/mc	<i>[Signature]</i>			1-1-2010 31-12-2010 Audit Roll Office records maintained in this office. <i>[Signature]</i> S. Bagh Dir (L)	
	<i>[Signature]</i> S. Bagh Dir (L)							
	<i>[Signature]</i> S. Bagh Dir (L)	30/06/11	Pay Revision	<i>[Signature]</i> S. Bagh Dir (L)			1-1-11 31-12-11 from the Audit Roll Office record maintained in this office. <i>[Signature]</i> S. Bagh Dir (L)	
								Scale of graded from B-9 to B-12 vide G.O. Finance Deptt, letter No dated 30 (FR) AD/10-22 (E) 2010, dated 26.06.2012, w.e.f. 1.7.2012,
	<i>[Signature]</i> S. Bagh Dir (L)	30/11/11	A/mc	<i>[Signature]</i> S. Bagh Dir (L)			<i>[Signature]</i> S. Bagh Dir (L)	
	<i>[Signature]</i> S. Bagh Dir (L)	16/30/2012	Graded	<i>[Signature]</i> S. Bagh Dir (L)				
		30/11/2012	A/mc	<i>[Signature]</i> S. Bagh Dir (L)				
								OPTION
								I have exercised my option for relaxation of pay in B,12 after availing annual increment on 1.7.2012 in B.P w.e.f 1.7.2012,
								Attested <i>[Signature]</i> S. Bagh Dir (L)

9	10	11	12	13		14	15
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitabale to another Government		
Signature and attestation of the head of the office or other attesting officer in columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Period	Government to which debitabale	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Seryant
<i>JH</i> Sub-Division Officer (M) Samar Bagh Dir (L)	26 ⁰² 2013	promoted as SPST B-14	<i>JH</i> Sub-Division Officer (M) Samar Bagh Dir (L)		Promoted from RST B-12 to Primary School Teacher SPST B-14 vide Distt. Education Officer (M) Dtd. at Timegara Suddt. no: 3479-434 dated 27/2/2013 at S. NO: 501 & S.L. NO: 1585.	<i>JH</i> Sub-Division Officer (M) Samar Bagh Dir (L)	
<i>JH</i> Sub-Division Officer (M) Samar Bagh Dir (L)	12 ⁰⁵ 2013	Adjusted	<i>JH</i> Sub-Division Officer (M) Samar Bagh Dir (L)			<i>JH</i> Sub-Division Officer (M) Samar Bagh Dir (L)	
<i>JH</i> Sub-Division Officer (M) Samar Bagh Dir (L)	30 ¹¹ 2013	4/2nd	<i>JH</i> S.D.E.O. (M) Samar Bagh		Adjusted at G.P.S. Khazana vide Distt. Education Officer (M) Dir (L) at Timegara Suddt. no: 7991-95 dated 30/4/2013 at S. NO: 760.	<i>JH</i> Sub-Division Officer (M) Samar Bagh Dir (L)	
<i>JH</i> S.D.E.O. (M) Samar Bagh	30 ¹¹ 2014	Adjusted	<i>JH</i> S.D.E.O. (M) Samar Bagh			<i>JH</i> Sub-Division Officer (M) Samar Bagh Dir (L)	
<i>JH</i> S.D.E.O. (M) Samar Bagh	Service verified from 1-1-2012 to 31-12-2013 from the office record.		<i>JH</i> S.D.E.O. (M) Samar Bagh			<i>JH</i> Sub-Division Officer (M) Samar Bagh Dir (L)	
			<i>JH</i> S.D.E.O. (M) Samar Bagh		Undertaking I Mr. Nisar Muhammad Khan SPST is hereby undertake that in case of any over payment due to promotion to B-14 w.e.f 27/2/2013 I will recovered the same amount to the Govt. Treasury.	<i>JH</i> Sub-Division Officer (M) Samar Bagh Dir (L)	
			<i>JH</i> S.D.E.O. (M) Samar Bagh		Service verified from 1-1-2013 to 31-12-2013 from the office record.	<i>JH</i> Sub-Division Officer (M) Samar Bagh Dir (L)	
			<i>JH</i> S.D.E.O. (M) Samar Bagh		Service verified from 1-1-2014 to 31-12-2014 from the office record.	<i>JH</i> Sub-Division Officer (M) Samar Bagh Dir (L)	

ATTESTED

M

JH
27/2/2013


Pd @ 13/4/2013
address in B/S 15 W.P.F 1-7-2013
with P.W. 3 P + HRA + AR
W.P.F 27-2-2013 to 30-6-2013 =
RS 6603/

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	-17- Date of Appointment	Signature of Government Servant Signature of the officer in charge of the office or other officer in charge of the office of ps 1 to 8
SPST B-14 G.P.S. Khazana	Revised	pay fixed in B-14 (10340-790-34040)				wef 1-7-2015.	
-Do-	Temp	Temp	Rs. 20610/pm	-	-	1/7/2015	
-Do-	-Do-	-Do-	Rs. 21400/pm	-	-	1/12/2015	
-Do-	Revised	pay fixed in B-14 (12720-980-42120)				wef 1-7-2016	
-Do-	Temp	Temp	Rs. 26440/pm	-	-	1/7/2016	
-Do-	-Do-	-Do-	Rs. 27420/pm	-	-	1/12/2016	
SPST B-14 G.P.S. Karkan Shah	Do	Do	Rs. 27420/pm	-	-	30/6/2017	
-Do-	Revised	pay fixed in B-14 (15180-1170-50280)				wef 1-7-2017	
-Do-	Temp	Temp	Rs. 32730/pm	-	-	1/7/2017	
-Do-	-Do-	-Do-	Rs. 33900/pm	-	-	1/12/2017	
-Do-	-Do-	-Do-	Rs. 35070/pm	-	-	1/12/2018	

ATTESTED

M

Signature of Government Servant	Nature and position of the head of office or other officer in station of ranks 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government		
	S.D.E.O.(M) Samar Bagh	30-6-2015	pay scale revised	S.D.E.O.(M) Samar Bagh				Service verified wef 1-1-2015 to 31-12-2015 from the office record.
	S.D.E.O.(M) Samar Bagh	30-11-2015	A/mes	S.D.E.O.(M) Samar Bagh				S.D.E.O.(M) Samar Bagh
		30-6-2016	pay revised					Service verified wef 1-1-2016 to 31-12-2016 from the office record.
2016		30-11-2016	A/mes					
		29-6-2017	Transfer to Capt Narkhan Shah					
		30-6-2017	pay revised					Service verified wef 1-1-2017 to 31-12-2017 from the office record.
		30-11-2017	A/mes					
2017		30-11-2018	A/mes					Service verified wef 1-1-2018 to 31-12-2018 from the office record.

ATTESTED


1	2	3	4	5	6	7	8	9
Name of Post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of the Government official attesting the same	Signature of the office or Government official attesting the same
SPST B-14								
CPS Khazana	Refixation of pay due to promotion from AST B-12 to SPST B-14 Rs (8000-610-26300) w.e.f 27-2-2013.							b: D.V. Samar
Do								
Do	Temp	Temp	Rs. 14710/- in B-14	-	-	27 ⁰² / ₂₀₁₃	Jm	
Do	Do	Do	Rs. 14710/- in B-14	-	-	13 ⁰⁵ / ₂₀₁₃	Jm	
Do	Do	Do	15320/-	-	-	1 ¹² / ₂₀₁₃	Jm	S.D. Samar
-Do-	-Do-	-Do-	15930/-	-	-	1 ¹² / ₂₀₁₄	Jm	S.D. Samar

ATTESTED

M B

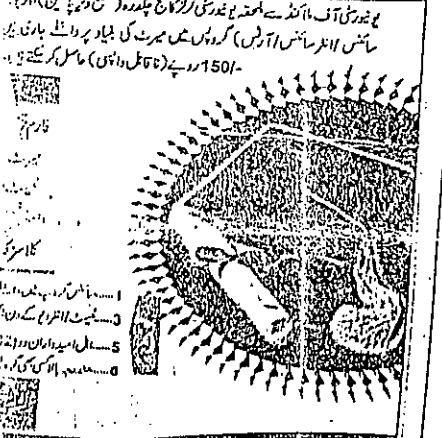
"B"

-20-

پیش رو (آؤٹ لٹ) کیلئے کنڈیشنز میں باریک دیکھنا اور
پیش رو (آؤٹ لٹ) کیلئے کنڈیشنز میں باریک دیکھنا اور
پیش رو (آؤٹ لٹ) کیلئے کنڈیشنز میں باریک دیکھنا اور

یونیورسٹی آف منیجمنٹ سائنسز

یونیورسٹی آف منیجمنٹ سائنسز، لاہور (ملحقہ یونیورسٹی)



<http://www.uom.edu.pk>

TECHNOLOGY

www.uom.edu.pk

2007

Examinations will be conducted in line with approved criteria.

Candidates. No Objection certificate should be attached with application form routed through proper channel. More than two second divisions in the past will not apply. A candidate in any division in the academic carrier need not be allowed to appear for the examination.

Admitted students will have to clear GRE examination for being eligible for admission to the University in Future.

APPLY

Application form can be obtained during 15:00 to 12:00 Noon on payment of Rs.300/- to the University. Application forms can be submitted on the website: www.kust.edu.pk in a bank draft worth Rs. 300/- in favour of the University. On 31/07/2007: Four photographs of academic certificates and copies of previous examinations valid for 2007, be attached with the application form.

www.kust.edu.pk

2007 (2007) میں داخلہ کے لیے نوٹس

www.nwfp.gov.pk

ذاتی ڈائریکٹری (ایڈمزیشن)

www.nwfp.gov.pk

نتیجہ امتحان کے مطابق طلبہ کو درج ذیل حصوں میں تقسیم کیا جائے گا۔
1. اعلیٰ درجے کے طلبہ: 10 تا 20%
2. درمیانی درجے کے طلبہ: 20 تا 30%
3. نچلے درجے کے طلبہ: 30 تا 40%
4. باقی 30% کے طلبہ کو اساتذہ کرام کی مشورت پر مختلف اسکالرشپس اور ایڈمزیشنز کے تحت درجہ اول سے ترقی دیا جائے گا۔

Qualification	Total Marks	1st Division	2nd Division	3rd Division
B.Ed	10	10	0	0
M.Ed	10	10	0	0

Qualification	Total Marks	1st Division	2nd Division	3rd Division
B.Ed	10	10	0	0
M.Ed	10	10	0	0

Qualification	Total Marks	1st Division	2nd Division	3rd Division
B.Ed	10	10	0	0
M.Ed	10	10	0	0

Admission form for 2007-08 is now available. Candidates should apply through the website www.kust.edu.pk on or before 31/07/2007.

The examination will be held on 01/08/2007 at 10:00 AM. Candidates should bring their original certificates and four copies of photocopies along with the application form.

Year	Examination
2007	SSC
2007	FATSC
2007	MAATSC
2007	MATSC

ATTESTED

آؤٹ لٹ 2007 جولائی 2007

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

Attested
M - [Signature]

ATTESTED
M - [Signature]

- (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

ATTESTED

M

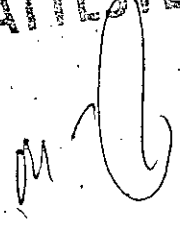
M

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.

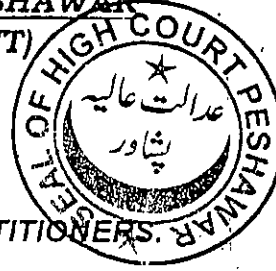
ATTESTED



Attested
M. B.

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.

ATTTESTED

ATTESTED

EXAMNER
Peshawar High Court

10 JAN 2015

ATTESTED

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 mala fide 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-Appnt:2009 dated 11.12.2009, as well as Notification No.SO(G)ES/1/85/2009/SS(Contract) dated

ATTESTED

ATTESTED

EXAMINER
Peshawar High Court

10 JAN 2010

ATTESTED

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

ATTESTED

ATTESTED

EXAMINER,
Peshawar High Court

10 JAN 2018

ATTESTED

Mr. L

-26-

-27-

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.

ATTESTED

EXAMINER
Peshawar High Court

20 JAN 2018

ATTESTED

Mr B

-28-

70

AS

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

ATTESTED

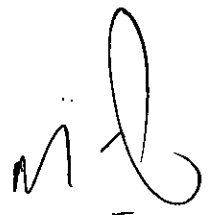


ATTESTED

EXAMINER
Peshawar High Court

10 JAN 2018

ATTESTED



-29-

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, the 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.

ATTESTED

ATTESTED

EXAMINER
Peshawar High Court

10 JAN 2018

ATTESTED

-30-

~~33~~

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

ATTESTED

M

ATTESTED


ATTESTED
 EXAMINER
 Peshawar High Court
 10 JAN 2018

-31-

B.K.

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.

ATTESTED

ATTESTED

ATTESTED
EXAMINER
Peshawar High Court
10 JAN 2018

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

ATTESTED

ATTESTED
EXAMINER
Peshawar High Court
10 JAN 2018

ATTESTED

- 33 -

(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

ATTESTED

M

ATTESTED

-34- (16)

507

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

ATTESTED

MQ

ATTESTED

4

ATTESTED

EXAMINER
Peshawar High Court

10 JAN 2018

-35-

④

④

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

ATTESTED



ATTESTED
 EXAMINER
 Peshawar High Court
 10 JAN 2018

ATTESTED



- 36 -

[Handwritten mark]

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

ATTESTED
[Handwritten signature]

ATTESTED
[Handwritten signature]

ATTESTED
EXAMINER
Peshwar High Court
18 JAN 2018

-37- (37)

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 relieving 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

ATTESTED

ATTESTED
EXAMINER
Peshawar High Court
10 JAN 2018

ATTESTED

-38-

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 statues 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

ATTESTED

ATTESTED
EXAMINER
Peshawar High Court

ATTESTED

-39-

(M)

Handwritten initials/signature

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.

ATTESTED

Handwritten signature

ATTESTED

Handwritten signature

ATTESTED

EXAMINER
Peshawar High Court

10 JAN 2018

- 40 -

22

553

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

ATTESTED

ATTESTED
EXAMINER
Peshawar High Court
10 JAN 2018

ATTESTED

23

- 41 -

254

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

ATTESTED

M-Q

ATTESTED

ATTESTED

EXAMINER
Peshawar High Court

10 JAN 2018

- 42 -

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

ATTESTED

ATTESTED
EXAMINER
Peshawar High Court
10 JAN 2018

ATTESTED

-43-

20

~~SSR~~

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

ATTESTED



ATTESTED
EXAMINER
Peshawar High Court
10 JAN 2018

ATTESTED



-44- ~~26~~~~59~~

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.

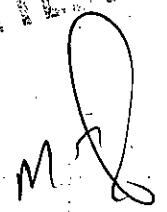
18- Considering the above settled principles we are of the firm opinion that Act, XVI of 2009 is although beneficial and remedial legislation but its enactment has effected the in service employees who were in the promotion zone, therefore, we are convinced that to the extent of in service employees / 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

ATTESTED



ATTESTED
 EXAMINER
 Peshawar High Court
 10 JAN 2018

ATTESTED



IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

~~2008~~

"E"

- 45 -

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, 3025 of 2009, 204 of 2010)

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

Versus
Attaullah and others.
Nasruminullah and others.
Mukhtar Ahmdd and others.

...Respondent(s)

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

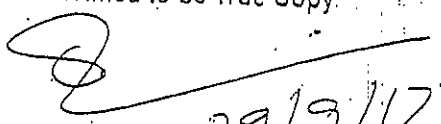
For the respondent(s): Mr. Ghulam Nabi Khan, ASC
Mr. Abdul Qayyum Sarwar, AOR

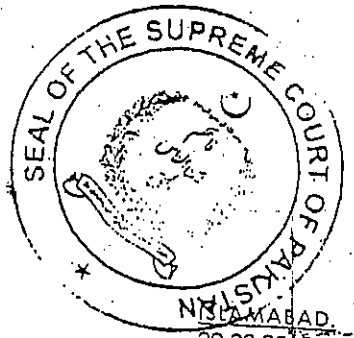
Date of Hearing: 20.09.2017.

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.


Court Associate
Supreme Court of Pakistan
Islamabad

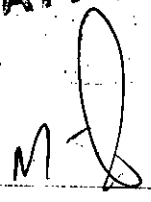


20.09.2017
M. Azhar Malik
25/9/17

ATTESTED

GR No: 14572/17 Civil/Criminal
Date of Presentation: 29-9-17
No of Words: 20
No of Pages: 3
Requisition Fee: 800
Copy Fee in: 100
Court Fee S: 600
Date of Copy: 29/9/17
Date of delivery copy: 2/10/17
Compared by/Prepared by:
Received by: 10/10/17

ATTESTED



بگنٹوٹو کے زیر انتظام (مرحومہ اور خواتین) سکولوں میں اور ذیلی آسامیاں پر کرنے کے لئے غیر مختصر کے حلقہ اطلاع کے سکولوں کی امیدواروں سے گذرہ نام دورہ 20 دسمبر 2017ء تک درخواستیں مطلوب ہیں۔ درخواست فارم (NTS) کی ایب سائٹ (<http://www.nts.org.pk>) پر دستیاب ہے۔ مقررہ تاریخ گزارنے کے بعد موصول ہونے والی درخواستوں کو نہیں دیکھا جائیگا۔

نمبر شمار	نام آسامی	تالیف
1	سیکنڈری سکول ٹیچر (SST) بیالونی 1 کیمسٹری - BPS-16	(i) کسی بھی تعلیم شدہ معتمدی سے سیکنڈ اربن ٹیچر اگری جس کے ساتھ درج ذیل درمنا میں لازی ہوں۔ (i) کیمسٹری، بیالونی (دو الومی یا بائی) (ii) سٹیٹس اور تقرری کے بعد 9 ماہ کی لازی ٹریڈنگ سیکورٹی اداروں RITE/PITE سے حاصل کرتی ہوگی۔
2	سیکنڈری سکول ٹیچر (SST) فزکس 1 ہیمس - BPS-16	(i) کسی بھی تعلیم شدہ معتمدی سے سیکنڈ اربن ٹیچر اگری جس کے ساتھ درج ذیل درمنا میں لازی ہوں۔ (i) فزکس، ہیمس 8 یا (ii) فزکس، ہیمس 10 یا (iii) فزکس، ہیمس 11 (ii) سٹیٹس اور تقرری کے بعد 9 ماہ کی لازی ٹریڈنگ سیکورٹی اداروں RITE/PITE سے حاصل کرتی ہوگی۔
3	سیکنڈری سکول ٹیچر (SST) جنرل BPS-16	(i) کسی بھی تعلیم شدہ معتمدی سے سیکنڈ اربن ٹیچر اگری جس کے ساتھ درج ذیل درمنا میں لازی ہوں۔ (i) انگریزی لازی، ہسٹری، گریجو، پابلیک سوائی گروپ۔ (ii) سٹیٹس اور تقرری کے بعد 9 ماہ کی لازی ٹریڈنگ سیکورٹی اداروں RITE/PITE سے حاصل کرتی ہوگی۔

سلیکشن کو ریویو یا اساتذہ کے سلیکشن کیلئے کو ریویو یا درج ذیل ہے۔ کل 200 نمبرات کی تقسیم اس طرح سے کی جائیگی۔

(1) سکریننگ ٹیسٹ بذریعہ NTS = 100 نمبر (ب) تالیف = 100 نمبر جس کی مزید تقسیم اس طرح ہوگی

تالیف	کل نمبر	تالیف تالیف	کل نمبر
ایب ایس سی	مائل کروہ نمبر 20x	ایب ایس ایس	مائل کروہ نمبر 20x
ای اے الی ایس سی	مائل کروہ نمبر 20x	ای اے الی ایس سی	مائل کروہ نمبر 20x
ای ای اے	مائل کروہ نمبر 05x	ایم ای ایم ایس ایس	مائل کروہ نمبر 05x
ای ای ایس الی ایس سی	مائل کروہ نمبر 10x		

لی ایس ہار سال کو کس کی صورت میں نمبروں کی تقسیم اس طرح ہوگی۔ مائل کروہ نمبر 40x تقسیم کل نمبر جبکہ پوسٹ رانا نام اے ایس ایس کی صورت میں نمبروں کی تقسیم ملریٹ ذیل ہوگی۔
ایم ای ایس ایس کی صورت میں مائل کروہ نمبر 10x تقسیم کل نمبر (5 نمبر الی ایس ایم ایس)
ای ای ایس ایس (1) ہر سکول کی آسامی کیلئے ملریٹ و مہارت سسٹم کے مطابق ہونے چاہئے جس میں امیدواروں کے NTS کے مائل کروہ نمبر اور تالیف تالیف کے نمبروں کو جمع کیا جائیگا۔ (2) NTS ٹیسٹ میں 40 نمبر لیرینڈو ہونی چاہئے۔ (3) مائل کروہ نمبر 10x تقسیم کل نمبر ہوگا۔

عمومی شرائط: (1) تمام تقرریاں حکومت غیر مختصر کے مروجہ قوانین کے مطابق 25 لیرہ بنیادی تقرری (Initial Appointment) کے لئے کے تحت خالصتاً عارضی بنیادوں پر ایل ہاک اسکرپٹ پر ایک سال کیلئے ہوگی۔ (2) معذور افراد کیلئے وہ لیرہ اور اعلیٰ امیدواروں کیلئے تین لیرہ کو مختص ہے (معذور افراد کے وہ لیرہ کو مختص ہے جس کیلئے سٹیٹس تک مائل ہوں اور اس کے لئے لازی ہے بشرطیکہ وہ معذوری فراغت کی ایجاب دہی میں رکاوٹ نہ ہو۔) (3) انٹرویو کے وقت اصلی تالیف اساتذہ اور افرجات امیدوار کو برداشت کرنا ہونے۔ (4) انٹرویو کیلئے آئے والے امیدواروں کو کوئی TADA نہیں دیا جائیگا۔ (5) صرف مقررہ وقت کے بعد موصول ہونے والی درخواستوں پر غور کیا جائیگا۔ (6) اگر وہ شخص کو اختیار حاصل ہے کہ وہ کوئی ہونے والے نمبر کسی بھی وقت کیلئے اپنا جوڑی طور پر انٹرویو منسوخ کرے۔ (7) اگر اس اشعار کے بعد حکومت وقت کی طرف سے ملریٹ کے طریقہ کار میں تبدیلی کی گئی تو سٹیٹس یعنی اس کے مطابق مل کرنے کی پابندی ہوگی۔ (8) ملریٹ سٹیٹس کی ایبٹ سیکنڈری ایبٹ کیلئے کو اختیار حاصل ہوگا کہ وہ تمام خالی آسامیوں پر اس سے کم پر امیدوار ملریٹ کرے۔ (9) تمام تقرریاں حکومت غیر مختصر کے مقرر کردہ قواعد و ضوابط کے مطابق خالصتاً مہارت کی بنیاد پر ہوں گی۔ (10) تمام تالیف اساتذہ اور صرف گورنمنٹ کے تعلیم شدہ اداروں کی قابل قبول ہوگی۔ (11) اگر کسی امیدوار کی اساتذہ تعلیم پائی گئی ہے تو اس کے خلاف قانونی ہارہ جرنی کی جانے کی اور آئندہ کے لئے اسے سرکاری ملازمت کے لئے مائل تصور کیا جائیگا۔ (12) مائل کروہ نام کی بنیاد پر ہوگی۔ امیدوار کا وہ ایبٹس حلقہ ملے گا وہ لازی ہے۔ (13) انٹرویو کیلئے اگلی سٹیٹس جاری کیا جائیگا جس میں ڈاکوٹیشن چیک کے ہونے۔ (14) تمام تقرریاں حلقہ اطلاع کے ایبٹس میں خالی آسامیوں کیلئے درخواست دینے سے پہلے ہے۔ امیدوار کے ایک یا ایک سے زیادہ سکولوں میں سٹیٹس کی صورت میں اس کی تقرری کسی ایک سکول میں کی جانے کی اس صورت میں سکول سٹیٹس کا امتحان امیدوار کو حاصل نہیں بلکہ اس میں اس بات کا خیال رکھا جائیگا کہ ہر سکولوں میں اس کے بعد زیادہ مہارت والے امیدوار کو سٹیٹس کا مروجہ مل سکے۔ (17) درخواست دینے کا طریقہ کار NTS کی ویب سائٹ پر مندرجہ ہے۔ (18) حلقہ اطلاع کے خالی آسامیوں کی تفصیل سکول واٹرز درخواست فارم کے ساتھ NTS کی ویب سائٹ پر دی گئی ہے اور ہر سکول کو اپنا گزار دیا جائیگا۔

47

درخواستیں مطلوب ہیں

49

ریجنٹل ایجوکیشن اڈمنسٹریشن، پشاور اور ٹرانسفر آف لیچرز لیگنڈرز اور ڈائریکٹرز اور ڈیپٹی ڈائریکٹرز کی ایکٹ 2011ء کے سیکشن نمبر 4 کے تحت محکمہ ایجوکیشن، پشاور میں ایجوکیشن اڈمنسٹریشن کے اسکولوں میں درج ذیل آسامیاں پر کرنے کیلئے خیر بخوشخواہ کے محتاجہ اشخاص کے مکتبی اہل امیدواروں سے مجوزہ فارم پر 6 جنوری 2014ء تک درخواستیں جمع کروانے کے لیے درخواستیں جمع کروانے کے بعد وصول ہونے والی درخواستوں پر غور نہیں کیا جائیگا۔

نمبر شمار	آئی۔سی۔	تفصیلات
1	سیکٹری سکول ٹیچر (SST)	کسی بھی تسلیم شدہ یونیورسٹی سے سیکشن ڈویژن، پشاور، گورنمنٹ کے ساتھ درج ذیل دو مضامین لازمی ہوں (i) کیسٹرنی یا ایوینی (ڈیپارٹمنٹ) (ii) کسی بھی تسلیم شدہ یونیورسٹی سے ایم اے ایجوکیشن یا ایجوکیشن میں پیچھڑا گورنمنٹ
2	سیکٹری سکول ٹیچر (SST) / ٹریننگ اسٹیشن BPS-16	کسی بھی تسلیم شدہ یونیورسٹی سے سیکشن ڈویژن، پشاور، گورنمنٹ کے ساتھ درج ذیل دو مضامین لازمی ہوں (i) ٹریننگ اسٹیشن (ii) A یا B (iii) ایجوکیشن یا ایجوکیشن میں پیچھڑا گورنمنٹ
3	سیکٹری سکول ٹیچر (SST) / جنرل BPS-16	کسی بھی تسلیم شدہ یونیورسٹی سے سیکشن ڈویژن، پشاور، گورنمنٹ کے ساتھ درج ذیل دو مضامین لازمی ہوں (i) انگریزی لازمی ہو سیکٹری گروپ یا ایجوکیشن گروپ (ii) کسی بھی تسلیم شدہ یونیورسٹی سے ایم اے ایجوکیشن یا ایجوکیشن میں پیچھڑا گورنمنٹ

اساتذہ کے سیکشن کیلئے گریڈ بائرج ذیل ہیں۔ کل 200 نمبرات کی تقسیم اس طرح سے کی جائیگی (ا) سکریننگ ٹیسٹ بائرج NTS = 100 نمبر - ب) تعلیمی قابلیت = 100 نمبر۔
بہرہ منی مزید تقسیم اس صورت ہوگی۔

تعلیمی قابلیت	کل نمبر	تفصیلی قابلیت	کل نمبر
ایجوکیشن	حاصل کردہ نمبر 15% تقسیم کل نمبر	ایجوکیشن	حاصل کردہ نمبر 15% تقسیم کل نمبر
ایف اے ایف ایس سی	حاصل کردہ نمبر 20% تقسیم کل نمبر	ایجوکیشن	حاصل کردہ نمبر 05% تقسیم کل نمبر
ایف اے ایف ایس سی	حاصل کردہ نمبر 20% تقسیم کل نمبر	ایجوکیشن	حاصل کردہ نمبر 05% تقسیم کل نمبر
ایم اے ایف ایس سی	حاصل کردہ نمبر 15% تقسیم کل نمبر	ایجوکیشن	حاصل کردہ نمبر 15% تقسیم کل نمبر

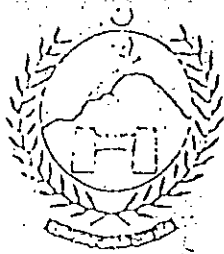
1- ہر سکول کے آپتامی کیلئے علیحدہ علیحدہ میرٹ لسٹ مرتب کیا جائیگا جس میں امیدواروں کے NTS کے حاصل کردہ نمبر اور تعلیمی قابلیت کے نمبروں کو جمع کیا جائیگا۔
2- امیدواروں کے NTS درخواست فارم 300 روپے چارج کریگا۔ جو کہ امیدوار خود برداشت کریگے۔
3- تمام تقرریاں حکومت خیر بخوشخواہ کے مزید قوانین کے مطابق بنیادی و تقرری Initial Appointment کے 25 فیصد کوٹے کے تحت خالد نامہ عرضی بنیادوں پر (Adhoc) ٹرنکٹ پر ایک سال کیلئے ہوتی (2) اہل امیدواروں کی موجودگی کی صورت میں کسی کو گورنمنٹ آغا ریلیف (3) انٹرویو کے وقت ماحولیاتی استاد یا اصل شاخ کی کارڈ اور ٹرنکٹ کے ساتھ صرف اہل شاخ کی کارڈ تازہ کاری ہے (4) میرٹ پر آنے والے امیدواروں کی اساتذہ کے ساتھ ہونے سے تقدیر کرانی جائے گی جس کے تمام اخراجات امیدواروں کو برداشت کرنا ہوں گے (5) امیدواروں کے آنے والے امیدواروں کو کوئی TAVCA نہیں دیا جائیگا۔ تقرری وقت تک اساتذہ کو مالی اور ذمہ داری برداشت کرنا ہے (7) زبردستی یا اختیار حاصل ہے کہ کوئی امیدوار اپنے ایجوکیشن کی یا جڑی پڑ پڑ انٹرویو سوسٹو کرے (8) اگر اس اساتذہ کو حکومت وقت کی طرف سے تقرری کے طریقے کار میں تبدیلی کی گئی تو سلیکشن مکتبی اس کے مطابق عمل کرنا پڑے گا (9) ایجوکیشن اڈمنسٹریشن کو اختیار حاصل ہوگا کہ وہ تمام خالی آسامیوں یا اس سے کم پر امیدوار تقرری کرے (10) تمام تقرریاں حکومت خیر بخوشخواہ کے مقرر کردہ قوانین و قواعد و طریقے کار کے مطابق خالصتاً میرٹ کی بنیاد پر ہوں گی (11) تمام تعلیمی اساتذہ صرف گورنمنٹ کے تسلیم شدہ اداروں کی قابل قبول ہوں گی (12) اگر کسی امیدوار کی اساتذہ چلی پانے گئے تو اس اختلاف قانونی چارہ جوئی کی بجائے اور آئینہ کیلئے اسے سرکاری ملازمت کیلئے بائیلنڈسور کیا جائیگا (13) ایجوکیشن ڈیپارٹمنٹ کے اساتذہ کو درخواست فارم خود بخود منسوخ تصور کیا جائیگا جس کیلئے کوئی ایجنٹ منسوخ نہیں کی جائے گی (14) ایجوکیشن ڈیپارٹمنٹ کے اساتذہ کو اساتذہ کے ساتھ (15) تمام تقرریاں متعلقہ اساتذہ کے ساتھ ہوں گی۔ اگر اس شاخ میں امیدوار دستیاب نہ ہو تو قریبی شاخ کے امیدوار سے میرٹ کی بنیاد پر تقرریاں کی جائیں گی (16) امیدواروں کو اساتذہ کے ساتھ (17) ایجوکیشن ڈیپارٹمنٹ کے اساتذہ کے ساتھ (18) درخواست دہنے کا طریقہ NTS کے ویب سائٹ پر موجود ہے (19) متعلقہ اشخاص کے خالی آسامیوں کی تفصیلی سکول 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

Attested
M-1

ایجوکیشن اڈمنسٹریشن، پشاور

4-50



GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

(Handwritten scribbles)

NOTIFICATION

(Handwritten signature)

Peshawar, dated the November 13, 2012.

D-25

No. SO(PE)4-5/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.

Encl. 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 Manager Station KPK.

(Handwritten signature)

ATTESTED

(Handwritten signature)

5

2

- 0. The Director Curriculum & Teachers Education Abbottabad.
- 0. 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

19

[Handwritten signature]

52

SEP

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 Bachelor'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>	<p>18 to 35 Years.</p>	<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>

SEI →
Redesignated

No quota has been allocated for DST's cadre.

ATTESTED

[Handwritten signature]

[Handwritten signature]

		<p>(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</p> <p>(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</p> <p>(b) fifty percent by initial recruitment.</p>
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).

ATTESTED

Attested
M. D.

[Signature]

~~54~~

54

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)	<i>Attested</i> <i>M-G</i>	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)	Bechlor's Degree or equivalent qualification from a recognized	(a) Forty percent by initial recruitment; and

Attested
M-G

		<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 filed 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>
<p>14.</p>	<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>

ATTESTED

Attested
M. J.

APPENDIX

(52)

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.	Secondary School Teacher (HRS-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 percent 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;

KPK *U.S.R.* *15/11/1950*

15/11/50
[Signature]

ATTESTED

[Signature]

53

53

		<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) (B-16).	<p>KPK</p>	<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>
1. Senior Certified Teacher (SCT)(General) (BPS-16).		<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>
		<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>

KPK

ATTESTED

12/19

[Handwritten signature]

54

5

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 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 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

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

ATTESTED

[Handwritten mark]

55

31

		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>Note: 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>

[Handwritten signature]

[Handwritten signature]

ATTESTED

[Handwritten signature]

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 = ___	3 Extra marks for F.Sc, 3 Extra marks for U.Sc and 3 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	

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, followed by 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. Dena Asmol from recognized Tazeeemat-ul-Wafaqul Maahariz, 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.

ATTESTED

[Handwritten signature]

[Handwritten signature]

56

S.N^o 15930

Roll No. 19563

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

"H"
-57-

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



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

Secondary School Certificate Examination

SESSION 2002 (ANNUAL/SUPPLEMENTARY)

THIS IS TO CERTIFY THAT MISAR MOHAMMAD

Son/Daughter of HABIBULLAH KHAN

and a student of GOVT. HIGH SCHOOL KHAZANA DIR

has passed the *Secondary School Certificate Examination* of the Board of Intermediate and Secondary Education, Saidu Sharif, Swat held in _____ 200 as a *Regular/Private candidate*. He/She obtained 512 Marks out of 850 and has been placed in Grade Representing VERY GOOD

The candidate passed in the following subjects:

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

Date of birth according to admission form is ELEVENTH SEPTEMBER
one thousand nine hundred and SEVENTY FOUR (11-09-1974)

[Signature]
Asstt. Secretary

[Signature]
MA. F. S. C. T. BPS-16
GHIS, Khazana Dir (W)

[Signature]
Secretary

This certificate is issued without alteration or erasure.

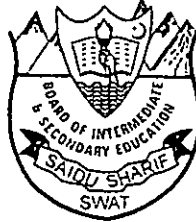
swa No. (A) 1173



Roll No. 222526

- 58 -

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



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

Intermediate Examination

HUMANITIES Group

SESSION ANNUAL 1995

THIS IS TO CERTIFY THAT MISAR MUHAMMAD KHAN

Son/Daughter of HABIBULLAH KHAN

and a Student of DISTT: DIR

Registered No. _____ has passed the *Intermediate Examination* of the Board of Intermediate and Secondary Education, Saidu Sharif, Swat held in May 1995 as a *Private/Regular candidate*. He/She obtained 565 Marks out of 1100 and has been placed in Grade C Representing Good

The Examination was taken as a whole/in parts.

Asst. Secretary

This certificate is issued without alteration or erasure.

Secretary

Aty ste Allah
AlNah
295/16
24/16

Ed. S. I. T. Hazara

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

University of Peshawar
(Pakistan)

Session ANNUAL 1998

NISAR MUHAMMAD KHAN SON of HABIB ULLAH KHAN

and a student of DISTRICT DIR
having passed the prescribed examination held in AUGUST 1998
is this day admitted by the University of Peshawar to the Degree of

Bachelor of Arts

in SECOND Division

The Examination was taken as a whole / in parts

Serial No. 091711

Registration No. 96-PS-8371

Roll No. 86598

Result declared on DECEMBER 28 . 1998



Attested
Habib Ullah Khan
MA, B.Ed, S.C.T, BPS-15
G.H.S.S Khazana Dir (4)

Registrar

Countersigned
Vice-Chancellor

University of Peshawar (Pakistan)

Session ANNUAL 2000

NISAR MUHAMMAD KHAN

SON of

HABIBULLAH KHAN

and a student

of DISTRICT DIR having passed the prescribed examination

held in JANUARY 2001 is this day admitted by the University of Peshawar

to the Degree of

Master of Arts

in SECOND Division

The Subject of Examination being ISLAMIYAT

The Examination was taken as a whole / in parts

Serial No 044271

Registration No. 96-PS-8371

Roll No. 23272

Result declared on 17TH JUNE, 2001



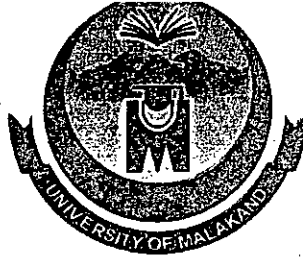
Attested
Habibullah
MA, B.Ed, S.C.T BPS-16
G.H.S.S. Khezama Dir (W)

Registrar

Countersigned

Vice-Chancellor

-60-



UNIVERSITY OF MALAKAND PAKISTAN

Serial No BED/PR/0256

- 61 -

This Degree of Bachelor of Education Is Awarded to

Mr/Ms NISAR MUHAMMAD KHAN *Son/Daughter of* HABIB ULLAH KHAN

Student/Private candidate of DISTRICT DIR LOWER

Having passed the prescribed examination held in MARCH, 2004

Session 2003-2004 *Registration No* 2003730020 *Roll No* 138

Division FIRST

Examination was taken as a whole/in parts

Result Declared on AUGUST 16, 2004

Issuance Date JULY 14, 2010

Attested
Khalim Ullah
MA, B.Ed, S.C.T SPS-16
G.H.S.S Khazana Dir (L)

Controller of Examinations

Registrar

Countersigned

m. Ramzan
Vice Chancellor

- 62- "9"

IN THE PESHAWAR HIGH COURT PESHAWAR

COC NO. 80-P /2018

IN

WRIT PETITION NO. 206-P/2011



Mr. Nisar Muhammad Khan (PST),
Govt. Primary School Mala Bala, District Dir Lower.

PETITIONER

VERSUS

- 1- Muhammad Azam Khan, Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- Muhammad Fakhre Alam, Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 3- Muhammad Rafiq Khattak, Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.

..... Respondents/Contemnors

**APPLICATION UNDER ARTICLE- 204 OF THE
CONSTITUTION OF THE ISLAMIC REPUBLIC OF
PAKISTAN, 1973 READ WITH SECTION 3 & 4 OF THE
CONTEMPT OF COURT ORDINANCE, 2004 FOR
INITIATING CONTEMPT OF COURT PROCEEDINGS
AGAINST THE RESPONDENTS/CONTEMNORS**

RESPECTFULLY SHEWETH:

- 1- That the applicants/petitioners had filed writ petitions No. 206/2011 in this august Court, which was allowed vide a consolidated Judgment dated 26-01-2015. That in the said judgment this august Court directed the respondents to washout the backlog created in terms of promulgation of the Khyber Pakhtunkhwa Regularization of Services Act 2009.
- 2- That in the said judgment this august Court directed the official Respondents as per para 19 sub-para-(i) & (ii) of the judgment which are reproduced as below:-

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

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.

ATTESTED
EXAMINER
PESHAWAR HIGH COURT
13 FEB 2019

FILED TODAY
Deputy Registrar

23 JAN 2018

ATTESTED
[Handwritten Signature]

-63-

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
(JUDICIAL DEPARTMENT)

COC No. 80-P/2018 in WP No. 206/2011



JUDGMENT.

Date of hearing: 23.01.2019

Petitioner: Nisar Muhammad)g. Gulam Nabi
Nisar Muhammad Lehalak

Respondent: g. Syed Qasim Ali Shah SCS.
Shamir's.

WAQAR AHMAD SETH, CJ:- For reasons

recorded in the connected COC No. 67-P/2018 with COC No.
310-P/2018 in WP No. 496/2010, this contempt petition is
disposed of accordingly.

ANNOUNCED.
Dated: 23.01.2019

Chief Justice

Judge

=====

W

Nawab Shah SCS (DB) Justice Waqar Ahmed Seth CJ & Justice Ishtiaq Ibrahim J

ATTESTED
EXAMINER
Peshawar High Court
13 FEB 2019

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court, Peshawar
Authorized Under Article 87 of
the Qanun-e-Shahadat Order 1984

13 FEB 2019

ATTESTED

M

- 64 -

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
(JUDICIAL DEPARTMENT)

COC No. 67-P/2018 with COC No. 310-P/2018 in WP No. 496
/2010

JUDGMENT.

Date of hearing: 23.01.2019

Petitioner: Sheel Muhammad)g. No. Ghulam Nabi -

Respondent: Fakher-e- Alam)g. Syed Qaiser Ali
Sheel - AAli.



WAQAR AHMAD SETH, CJ:- Through this

single judgment, we propose to dispose of instant petition as well as connected COC No. 80-P/2018 in WP No. 206/2011 and COC No. 79-P/2018 in WP No. 3025/2009 because in all the petitions, the petitioners have prayed for initiation of contempt of court proceedings against the respondents for not implementing the judgment/order dated 26.01.2015 delivered by this Court in Writ Petition No. 496/2010.

2. At the very outset, learned counsel for the petitioners produced attested copy of judgment dated

ATTESTED

M

ATTESTED
EXAMINER
Peshawar High Court
13 FEB 2019

08.11.2018 rendered in COC No. 105-P/2018 in WP No.

355/2011, placed on file, and requested for disposal of instant

petitions in light thereof. Relevant portion of the said

judgment reads as under:-

"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".

ATTESTED

M

ATTESTED

EXAMINER
Peshawar High Court

13 FEB 2019

3. Thus, in view of above said finding recorded in
COC No. 105-P/2018 in WP, No. 355/2011, this and the
connected contempt petitions are disposed of accordingly.

ANNOUNCED.
Dated: 23.01.2019

CH

=====

6241

Date of Presentation of Application 13/2/19

No of Pages 5

Copies 2

Urgent For 2

Total 2

Date of Preparation of Copy 13/2/19

Date of Entry of Copy 13/2/19

Received By *[Signature]*

CERTIFIED TO BE TRUE COPY

Examiner,
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Qanun-e-shahadat Order 1988

13 FEB 2019

ATTESTED

[Signature]

[Signature]

"J"

-67-

To,
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 23.04.1998. During service as PST 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 SPST (BPS-14) 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 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

*Attested
M-1*

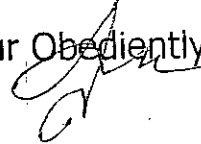
- 67/A -

would be complete ban on fresh recruit. The concerned authority 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 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. 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: 11.07.2019

Your Obediently



NISAR MUHAMMAD (SPST),
GPS Karkan Shah, District Dir Lower

Attested
M-S

VAKALATNAMA

- 68 -

KPK Service Tribunal Peshawar.

OF 2019

NISAR MUHAMMAD

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

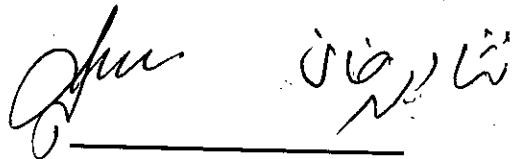
EDUCATION DEPARTMENT

(RESPONDENT)
(DEFENDANT)

I/We NISAR MUHAMMAD

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. 04 / 11 / 2019



CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK

SHAHZULLAH KHAN YOUSAFZAI

MIR ZAMAN SAFI
ADVOCATES

OFFICE:

Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No. **0345-9383141**

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO.1691/2019.

MR. Nisar Ahmad, SPST GPS Karkan Shah.

.....Appellant

VERSUS

1. The Government Khyber Pakhtunkhwa through Secretary Elementary and secondary Education at Peshawar.
2. Director (Elementary & Secondary Education), Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Male) Dir lower at Timergara.

(RESPONDENTS)

PERA WISE COMMENTS ON BEHALF OF RESPONDENTS, 1,2.and 3.**RESPECTFULLY SHEWETH:****PRELIMINARY OBJECTIONS:**

1. The appellant has got no locus standi or cause of action to file the instant appeal.
2. The appellant has concealed the material fact from this Hon! Able Tribunal, hence liable to be dismissed.
3. The appellant has not approached this Honorable Tribunal with clean hands.
4. The appellant has filed the instant appeal on malafide motives.
5. The instant appeal is against the prevailing laws & rules.


ON FACTS.

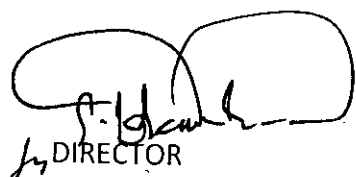
1. Correct.
2. As per government policy, the advertisement was made, just to fulfill the vacant posts on contract / ad hock bases. The appellant could not challenge the advertisement/ policy at the time, hence denied.
3. As per advertisement the appellant was not eligible to apply against the contract post, denied.
4. In correct and denied.
5. Correct.
6. Court has already disposed the case hence need no comments.
7. Incorrect, the advertisement was made against 25% quota, whereas 75% quota was fulfilled through promotion. Those who were eligible, promoted to ~~SPST~~ ^{SPST} BPS-15 including the appellant on his own turn.
8. In addition to para No. 7 above the appellant was promoted to ^{SPST} ~~SST~~ BPS-16 under the promotion quota on his own turn, after fulfilling all the caudal formalities.
9. Need no comments.
10. The appellant has been promoted to ^{SPST} SST and has given proper seniority number.

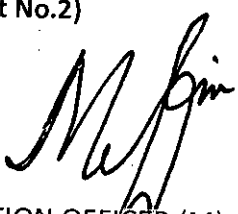
GROUND:-

- A. Incorrect, the appellant is misconceived, he has been availed seniority from the date of his promotion.
- B. Incorrect, all the employees are treated as per law/rules in vague.
- C. Incorrect, all the SSTs promoted and the appellants are placed at the seniority list according to their date of promotion.
- D. Incorrect, as per advertisement he was not eligible against the contract/ad hock post, however they were promoted to ^{SPST 15} SST-15 on their turn.
- E. As para D above`.
- F. Incorrect, the appellant was promoted to ^{SPST} SST B-16 on his turn under the rules and policy.
- G. Incorrect, the appellant already been availed the benefits of promotion to ^{SPST - 15} SST B-16 on his turn and seniority.
- H. Incorrect, the appellant misconceived, there is no disparity and he has been promoted to the post of ^{SPST} SST B-16 on his own turn along with others.
- I. The respondent department will argue more at the time of hearing if allowed.

It is therefore, humbly prayed that on acceptance of the above submission, the instant Service appeal may very graciously be dismissed in favor of the answering respondents with cost.


SECRETARY
GOVT: KHYBER PAKHTOON KHWA
ELEMENTARY AND SECONDARY DEPARTMENT
(Respondent No.1)


DIRECTOR
ELEMENTARY & SECODARY
EDUCATION KHYBER PAKHTOON KHWA
(Respondent No.2)


DISTRICT EDUCATION OFFICER (M)
DIR LOWER AT TIMERGARA
(Respondent No.4)