10.07.2023

1. Learned counsel for the petitioner present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Behramand Khan, Assistant Director for the respondents present.

2. Representative of the respondents submitted copy of notification bearing Endst. No. 6487-94/F.No.AD(Lit-II)SA#748/2018 dated 10.07.2023, whereby in compliance of the judgment of this Tribunal, the grievance of the petitioner has been redressed, Since the order of Tribunal has been complied with, therefore, instant execution petition is filed. Consign.

SCANNED
KPST
Peshawar

3. *Pronounced in open court at Peshawar and given under my hand and seal of the Tribunal on this 10th day of July, 2023.*

(Rashida Bano)
Member (J)

Kaleemullah

04.05.2023 Petitioner alongwith his counsel present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Faheem, Assistant for the respondents present.

SCANNED
ST
Peshawar

Representative of the respondents is directed to produce Service Rules for the post of SET/SST in vague in 1982 and 1990 onward. Adjourned. To come up for further proceedings on 31.05.2023 before S.B. Parcha Peshi given to the parties.

(Muhammad Akbar Khan)
Member (E)

Kamranullah

31.05.2023 Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate alongwith Mr. Behramand, A.D for the respondents present.

SCANNED
KPST
Peshawar

Representative of the respondents produced copy of Notification dated 28th December, 1983 wherein column "d" Industrial Arts Qualification mentioned therein require no B.Ed degree for the post, therefore, respondent department is directed to produce implementation report and revise the seniority list as per the judgment of this Tribunal. File to come up for implementation report/further proceedings on 10.07.2023 before S.B. Parcha Peshi given to the parties.

(Muhammad Akbar Khan)
Member (E)

Kamranullah

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR

NOTIFICATION

In pursuance of the Judgment dated 20-01-2022 of the Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar rendered Service Appeal No. 748/2018 & subsequent order sheet dated 31-05-2023 in Execution Petition 599/2022 under case titled Muhammad Hassan VS Govt; of Khyber Pakhtunkhwa & approval of the competent authority, the date of regular appointment of Mr. Muhammad Hassan as SET (now SST) in BPS-16 the final seniority list of SST, stood on 01-01-2018 may be read as 04-11-1982 instead of 16-10-1991 in the interest of public service.

(Dr. Iqbal Khan)
DIRECTOR
Elementary& Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst. No. 6487-94 /F.No.AD(Lit-II)SA#748/2018
Dated Peshawar the 10/7/2023.

Copy of the above is forwarded for information & n/action to the:

1. ✓ Learned Registrar Khyber Pakhtunkhwa Service Tribunal.
2. Learned Additional Advocate General Khyber Pakhtunkhwa Service Tribunal.
3. Additional Secretary (G) E&SE Department Khyber Pakhtunkhwa.
4. Additional Director (NMDs) Khyber Pakhtunkhwa Peshawar.
5. District Education Officer (Male) Khyber.
6. Deputy Director (Legal) E&SE Khyber Pakhtunkhwa Peshawar.
7. PA to Director E&SE, Peshawar.
8. Master File.

Deputy Director (Estab/M-I)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar
10/7/23

CamScanner

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR

NOTIFICATION

In pursuance of the Judgment dated 20-01-2022 of the Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar rendered Service Appeal No. 748/2018 & subsequent order sheet dated 31-05-2023 in Execution Petition 599/2022 under case titled Muhammad Hassan VS Govt; of Khyber Pakhtunkhwa & approval of the competent authority, the date of regular appointment of Mr. Muhammad Hassan as SET (now SST) in BPS-16 the final seniority list of SST, stood on 01-01-2018 may be read as 04-11-1982 instead of 16-10-1991 in the interest of public service.

(Dr. Iqbal Khan)
DIRECTOR
Elementary& Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst. No. 6487-84 /F.No.AD(Lit-II)SA#748/2018

Dated Peshawar the 10/7/2023.

Copy of the above is forwarded for information & n/action to the:

1. Learned Registrar Khyber Pakhtunkhwa Service Tribunal.
2. Learned Additional Advocate General Khyber Pakhtunkhwa Service Tribunal.
3. Additional Secretary (G) E&SE Department Khyber Pakhtunkhwa.
4. Additional Director (NMDs) Khyber Pakhtunkhwa Peshawar.
5. District Education Officer (Male) Khyber.
6. ✓ Deputy Director (Legal) E&SE Khyber Pakhtunkhwa Peshawar.
7. PA to Director E&SE, Peshawar.
8. Master File.

Deputy Director (Estab/M-I)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar
10/7/23

CamScanner

04th April, 2023

Petitioner alongwith counsel and Mr. Asad Ali Shah, Asstt. AG alongwith Bahramand, A.D for the respondents present.

Representative of the respondents produced copy of notification dated 23.01.2023 through which the notification dated 21.03.2009 to the extent of petitioner (at S.No. 12) has been recalled and the petitioner has been awarded seniority from the date of passing B.Ed examination instead from the date of his first appointment, under the rules in vogue.

Learned AAG and representative of the respondents are directed to produce the rules under which such arrangement has been made and the notification dated 23.01.2023 has been issued. To come up for further proceedings/arguments on 04.05.2023 before the S.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar

(Fareeha Paul)
Member(E)

28th Feb, 2023

Petitioner alongwith his counsel present. Mr. Umair Azam, Addl: AG alongwith Mr. Bahramand Khan, Assistant Director for respondents present.

On the preceding date, Director Elementary & Secondary Education was put on notice to appear in person and apprise the court regarding implementation of the judgment but today he has not appeared before the court. Mr. Bahramand Khan, Assistant Director is present but he has no explanation nor is he found well conversant with the facts of the case even he could not answer any reply as to why the judgment was not being implemented. The attitude of the respondents is deplorable, compelling the Tribunal to attach the salaries of the respondents in the manner as prescribed under section60(1)(i) of the Code of Civil Procedure, 1908 till further orders. The Accountant General, Khyber Pakhtunkhwa is directed to attach salaries of respondents No.2. To come up on 04.04.2023 before S.B.

SCANNED
KPST
Peshawar

(Kalim Arshad Khan)
Chairman

16th Feb, 2023

1. Petitioner alongwith his counsel present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG alongwith Mr. Behramand, Assistant Director for the respondents present.

2. Learned counsel for the petitioner referred to the operative part of the judgment which is reproduced as under:-

> "Hence we are constrained to partially accept the instant appeal and remand the case to the respondents to examine it afresh in light of notification dated 21.03.2009 and revise the seniority list accordingly. Parties are left to bear their own costs. File be consigned to the record room"

3. Learned counsel further referred to the notification shown to have been issued in compliance with judgment of the Tribunal, but he contended that the notification was in defiance of the judgment of the Tribunal because the Tribunal, in its judgment, had directed the respondents that in the light of notification dated 21.03.2009 it should examine the case of the petitioner and revise the seniority list accordingly, whereas the very notification of 21.03.2009 was withdrawn vide the subsequent notification dated 23.01.2023 submitted in the court. To clarify the situation, Director Elementary & Secondary Education be put on notice to appear in person and apprise the court. To come up on 28.02.2023 before S.B.

(Kalim Arshad Khan)
Chairman

25.01.2023

Petitioner in person present. Mr. Behramand, Assistant Director (Litigation) alongwith Mr. Muhammad Riaz Khan, Paindakhel, Assistant Advocate General for the respondents present and produced copy of Notification dated 23.01.2023 with the assertion that the judgment under execution has been implemented. Copy of the aforementioned notification handed over to the petitioner, who requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for further proceedings on 16.02.2023 before the S.B.

(Salah-Ud-Din)
Member (J)

SCANNED T P

21.12.2022 Petitioner in person present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Petitioner had not submitted registered post envelopes alongwith AD cards, therefore, notices to respondents have not been issued. The petitioner shall submit registered post envelopes alongwith AD cards within 03 days and the respondents be summoned for producing implementation report on 25.01.2023 before the S.B.

(Salah-Ud-Din)
Member (J)

SCANNED
KPST
Peshawar

22nd Nov, 2022 Counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Last order sheet has been perused which shows that the Registrar has wrongly assisted the Bench that notices could not be issued to the respondents because of lack of fund/budget in the relevant head of account. The Registrar was again called as to what was the head of account which permitted any court or Tribunal to issue notices at the state expenses to the private respondents as it is only the parties on whose application, request, appeal, petition etc, the other side is summoned, therefore, the office and all concerned with the notices are directed to refrain from submitting wrong and illegal reports to the benches. The petitioner is directed to produce registered post envelopes alongwith the AD cards so that the respondents be summoned for 21.12.2022 before S.B.

(Kalim Arshad Khan)
Chairman

07.11.2022 Petitioner in person present. Mr. Muhammad Tufail, Assistant alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

SCANNED KPST Peshawar

Learned Additional Advocate General stated at the bar that the respondents have not been issued notice on COC application for their response/reply. On ascertaining factual position from Registrar Service Tribunal, it came to limelight that due to lack of provision of budget under the relevant head of account, the notices could not be issued to the respondents. The office is therefore, directed to issue notices to the respondents alongwith COC application to submit their reply. On the other hand, representative of the respondents stated at the bar that implementation of the Service Tribunal judgement dated 20.01.2022 is under process within the department and proper implementation report will be submitted on the next date. The request is allowed by way of last chance. To come up for proper implementation report on 22.11.2022 before S.B.

(Mian Muhammad)
Member (E)

FORM OF ORDER SHEET

Court of _____

C.O.C application No. 599/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	11/10/2022	The C.O.C application of Mr. Muhammad Hassan submitted today by Mr. Sultan Hussain Advocate. Original file be requisitioned. It is fixed for hearing before Single Bench at Peshawar on 19-10-22. Notices be issued to appellant and her counsel. By the order of Chairman REGISTRAR
	19th Oct, 2022	Petitioner in person present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present. Learned AAG is directed to contact the respondents for submission of reply on C.O.C application on 07.11.2022 before S.B. (Kalim Arshad Khan) Chairman

Appellant was informed telephonically for the date fixed 17/09/2022

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR.

Contempt of Court
In S.A.No.748/2018

Muhammad Hassan ..... Petitioner

Versus

Muhammad Mohtasim Billah and another..... Respondents

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4	Copy of application.		8
5	Copy of notification dated 21.03.2009		9-10

Appellant/ Petitioner

Through 0332 9964378

Sultan Hussain
Advocate High Court
Peshawar.

Dated: 11.10.2022

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR.

(1)

Contempt of Court
In S.A.No.748/2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No 1562

Dated 11-10-2022

Muhammad Hassan son of Haji Malik Jabbar Khan
Retired Head Master GHS Mir Azam Koroona FR Tank
R/o 67-C Circular Road, University Town, Peshawar..... Petitioner

Versus

1) Muhammad Mohtasim Billah, Secretary Elementary and Secondary Education Department, Civil Secretariat, Peshawar

2) Muhammad Ibrahim Khan, Director Elementary and Secondary Education Department, near GHSS No.1, G.T. Road, Peshawar

..... Respondents

APPLICATION FOR INITIATING CONTEMPT OF COURT PROCEEDING AGAINST THE RESPONDENT U/S 3/4 OF THE CONTEMPT OF COURT ORDINANCE 2003 R/W ARTICLE 204 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN.

Respectfully Sheweth;

1) That the petitioner filed service appeal No.748/2018 before this Hon'ble Tribunal on 28.05.2018 which was decided on 20.01.2022. The petitioner during the pendency of service appeal has retired from service and after his retirement the case was decided but still the petitioner has not been treated legally and as per decision of the Hon'ble Service Tribunal. (Copy of order is attached).

2) That as per judgment and order dated 20.01.2022 this Hon'ble Tribunal was pleased to "**partially accept the appeal and remand the case to the respondents to examine it afresh in light of notification dated 21.03.2009 and revise the seniority list accordingly**"

3) That the petitioner presented the order of this Hon'ble Tribunal through written application dated 25.05.2022 to the respondent for reminding the implementation of the decision and judgment already presented to the respondent but is still not implementing the same, hence the present contempt application.

4) That the respondent willfully disobeyed and dishonor the worthy order of this Hon'ble Tribunal and thus is liable to be initiated under the contempt of court proceedings.

5) That omission of respondent to act upon the order of this Hon'ble Tribunal speaks of the fact that respondent has undermined the authority of this Hon'ble Tribunal and has not moved even an inch for implementation of the same.

6) That this omission/ act of respondent squarely falls within the ambit of contempt of court as respondent has conveniently ignored the direction given by this Hon'ble Court.

It is, therefore, humbly prayed that on acceptance of this application, the implementation may also be done along with contempt proceedings may kindly be initiated against the respondent and be punished in accordance with law.

Appellant/ Petitioner

Through

Sultan Hussain
Advocate High Court
Peshawar.

(3)

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR.

Contempt of Court
In S.A.No.748/2018

Muhammad Hassan ..... Petitioner

Versus

Muhammad Mohtasim Billah and another..... Respondents

AFFIDAVIT

I, Muhammad Hassan son of Haji Malik Jabbar Khan Retired Head Master GHS Mir Azam Koroona FR Tank R/o 67-C Circular Road, University Town, Peshawar (petitioner/ appellant), do hereby affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

11-10-22

KHALID MAHMOOD ADVOCATE PESHAWAR HIGH COURT

Deponent
CNIC No.21506-8827484-9

(4)

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

In Re: Service Appeal No. 748 /2018

1002
28/5/2018

Muhammad Hassan

S/o Haji Malik Jabbar

R/o 67-C, Circular Road, University Town, Peshawar.

..... **Appellant**

VERSUS

1. Secretary to Govt of Khyber Pakhtunkhwa, Elementary & Secondary Education Department Civil Secretariat Peshawar.

DE & S.E KP

2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, near Firdous Cinema Peshawar

3. Director Education FATA, FATA Secretariat, Warsak Road, Peshawar.

Allow to be true copy.

..... **Respondents**

28/5/18

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT AGAINST THE FINAL

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

	Mehmood		
9	95	Muhammad Iqbal	25-04-85	GCMS #-3 Mardan
10.	99	Muhammad Zahir Shah	01-07-85	GHSS "OTAKAN Mkd Agency
11.	102	Ayaz Khan	30-10-=83	GCHSS Kohat
12.	103	Muhammad Haseen	04-11-82	GHSS Jamrud Khyber Agency
13.	111	Ijaad Ullah	18-10-89	GTHSS Gulbahar Peshawar
14.	113	Naqib Ullah	16-10-90	GEC Mir Ali Miran Shah

SECRETARY TO GOVT. OF NWFP
ELEMENTARY AND SECONDARY
EDUCATION DEPARTMENT.

Endst No. No.SO(PE)3-6/SET(B-16)Upgradation to B-17: Dated 21-03-09

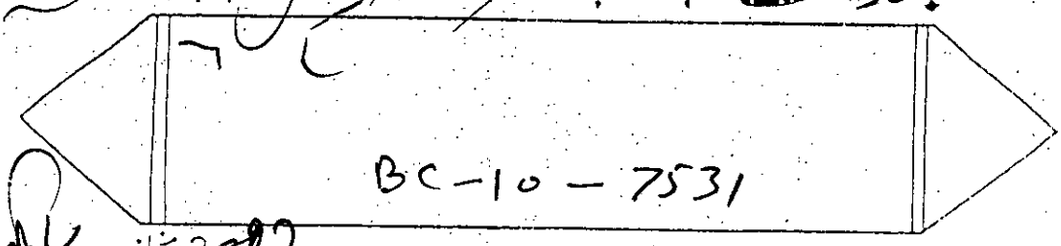
Copy Forwarded to the :

1. The Accountant General NWFP Peshawar
2. Secretary to Govt .of NWFP Establishment Department
3. Secretary to Govt .of NWFP Finance Department
4. Director Elementary & Secondary Education NWFP Peshawar
5. Director PITE NWFP Peshawar
6. Director Education FATA NWFP Peshawar
7. All EDOs E&SE in NWFP
8. All District /Agency Accounts Officers
9. PS to Chief Secretary NWFP
10. Officers concerned
11. PS to Minister Elementary & Secondary Education NWFP
12. PS to Secretary Elementary & Secondary Education NWFP
13. Office Order File

ARIF JAMIL
SECTION OFFICER (PRIMARY)

بعدالت [illegible] KPK

BC-10-7531



2022 منجانب

بنام

مورخہ ---------

مقدمہ ---------

دعویٰ ---------

جرم ---------

محمد حسن

محمد مقصود [illegible]

3/4

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقہ

آن مقام ---------- کیلئے

03448930270

03448090168

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے وتقرر ثالث ہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور صولی چیک وروپیہ ارعرضی دعوی اور درخواست ہر قسم کی تصدیق زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برامدگی اور منسوخی نیز دائر کرنے اپیل نگرانی ونظر ثانی وپیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہرجانہ التوائے مقدمہ کے سبب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سند رہے

المرقوم ---------- ماہ ---------- 20

العبد ---------- گواہ العبد ----------

بمقام ---------- کے لئے منظور ہے۔

[illegible]

0332-9964378

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR.

Contempt of Court
In S.A.No.748/2018

Muhammad Hassan ..... Petitioner

Versus

Muhammad Mohtasim Billah and another..... Respondents

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Appellant/ Petitioner

Through

Sultan Hussain
Advocate High Court
Peshawar.

Dated: 11.10.2022

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR.

Contempt of Court
In S.A.No.748/2018

Muhammad Hassan son of Haji Malik Jabbar Khan
Retired Head Master GHS Mir Azam Koroona FR Tank
R/o 67-C Circular Road, University Town, Peshawar..... Petitioner

Versus

1) Muhammad Mohtasim Billah, Secretary Elementary and Secondary Education Department, Civil Secretariat, Peshawar

2) Muhammad Ibrahim Khan, Director Elementary and Secondary Education Department, near GHSS No.1, G.T. Road, Peshawar

..... Respondents

APPLICATION FOR INITIATING CONTEMPT OF COURT PROCEEDING AGAINST THE RESPONDENT U/S 3/4 OF THE CONTEMPT OF COURT ORDINANCE 2003 R/W ARTICLE 204 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN.

Respectfully Sheweth;

1) That the petitioner filed service appeal No.748/2018 before this Hon'ble Tribunal on 28.05.2018 which was decided on 20.01.2022. The petitioner during the pendency of service appeal has retired from service and after his retirement the case was decided but still the petitioner has not been treated legally and as per decision of the Hon'ble Service Tribunal. (Copy of order is attached).

2) That as per judgment and order dated 20.01.2022 this Hon'ble Tribunal was pleased to "**partially accept the appeal and remand the case to the respondents to examine it afresh in light of notification dated 21.03.2009 and revise the seniority list accordingly**"

3) That the petitioner presented the order of this Hon'ble Tribunal through written application dated 25.05.2022 to the respondent for reminding the implementation of the decision and judgment already presented to the respondent but is still not implementing the same, hence the present contempt application.

4) That the respondent willfully disobeyed and dishonor the worthy order of this Hon'ble Tribunal and thus is liable to be initiated under the contempt of court proceedings.

5) That omission of respondent to act upon the order of this Hon'ble Tribunal speaks of the fact that respondent has undermined the authority of this Hon'ble Tribunal and has not moved even an inch for implementation of the same.

6) That this omission/ act of respondent squarely falls within the ambit of contempt of court as respondent has conveniently ignored the direction given by this Hon'ble Court.

It is, therefore, humbly prayed that on acceptance of this application, the implementation may also be done along with contempt proceedings may kindly be initiated against the respondent and be punished in accordance with law.

Appellant/ Petitioner

Through

Sultan Hussain
Advocate High Court
Peshawar.

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR.

Contempt of Court
In S.A.No.748/2018

Muhammad Hassan ..... Petitioner

Versus

Muhammad Mohtasim Billah and another..... Respondents

AFFIDAVIT

I, Muhammad Hassan son of Haji Malik Jabbar Khan Retired Head Master GHS Mir Azam Koroona FR Tank R/o 67-C Circular Road, University Town, Peshawar (petitioner/ appellant), do hereby affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

11-10-21

KHALID MAHMOOD ADVOCATE HIGH COURT PUBLIC NOTARY PESHAWAR

Deponent
CNIC No.21506-8827484-9

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR

NOTIFICATION.

1. **Whereas**, the appellant, namely Mr. Muhammad Hassan was appointed as SET (Technical) vide order dated 06-04-1982 on fixed pay & was subsequently regularized against the said post vide Notification dated 16-10-1991 on the grounds of acquiring the requisite professional qualification of B.Ed. However, during the course of service, the appellant was upgraded in BPS-17 (personal) vide Notification dated 21-3-2009, wherein, his date of regularization of service as SET/SST has erroneously been mentioned as 06-04-1982 instead of 16-10-1991 & the same arithmetical error has been rectified in the combined final Seniority list of SET/SSTs stood on 01-01-2018 by Respondent Department.

2. **And whereas**, feeling aggrieved, the appellant filed a Service Appeal No. 748/2018 under case titled Muhammad Hassan Vs Secretary E&SE Department Khyber Pakhtunkhwa & others before the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar which was decided vide Judgment dated 20-01-2022, whereby, ***the case of the appellant has been remanded to the Respondents to examine the titled case a fresh in the light of the Notification dated 21-3-2009 along with the revision of Seniority of the appellant.***

3. **And whereas,** in the meantime, the appellant has filed Execution Petition No.599/2022 before the Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar for implementation for the judgement dated 20-01-2022, whereupon, the Respondent Department has been directed for submission of compliance report on up-coming date of hearing fixed on 25-1-2023.

4. **And whereas**, in compliance of the judgement ibid, a meeting was held in the Secretariat of E&SE Department Khyber Pakhtunkhwa Peshawar under the Chairmanship of the Additional Secretary (G) E&SED KPK Peshawar, wherein, the Notification dated 21-3-2009 was thoroughly examined in the light of the relevant Seniority Rules & observed that the appellant be award Seniority from the date of passing B.Ed examination i.e. 16-10-1991 instead of his 1st appointment i.e. 4-11-1982 against the SET post under the rules in vogue.

Now therefore, in compliance of the Judgment dated 20-01-2022 of the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar in the titled Service Appeal, in consultation with the relevant provision of law, rules & policy in vogue & in exercise of the powers conferred upon the undersigned under Section-21 of the General Clauses Act ,1897 as amended in 1956, read with Section-8 of Civil Servant Act-1973 & relevant provisions of APT Rules-1989, the competent authority, is pleased to regret the plea of the appellant regarding the grant of Seniority w.e.f. 04-11-1982 against the SET/SST post along with re-calling the Notification dated 21-3-2009 to the extent of Serial No. 12 by inserting the correct date of regularization of Service of the Appellant as SET/SST w.e.f. 16-10-1991 instead of 04-11-1982 with immediate effect in the interest of public service.

DIRECTOR
Elementary& Secondary Education
Khyber Pakhtunkhwa Peshawar.

Endst: No: 15308-16 /F.No.AD(Lit-II)SA#748/2018 Dated Peshawar the 23/01/2023

Copy forwarded for information & n/action to the:-

1. Learned Registrar Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Learned AAG Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. PS to Secretary E&SE Department Khyber Pakhtunkhwa Peshawar.
4. Additional Director (NMDs) Khyber Pakhtunkhwa Peshawar.
5. Additional Director (Estab-M) E&SE Khyber Pakhtunkhwa Peshawar.
6. District Education Officer (Male) Khyber.
7. Section Officer (Lit-II) E&SE Department Khyber Pakhtunkhwa.
8. Official concerned.
9. Office Copy.

DEPUTY DIRECTOR (ESTAB)
Elementary& Secondary Education
Khyber Pakhtunkhwa Peshawar.

KHYBER PAKHTUNKWA

SERVICE TRIBUNAL, PESHAWAR

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

No. 941- /ST Dated 14/03/2023

To:

The Accountant General Khyber Pakhtunkhwa

Peshawar.

SUBJECT:- **ORDER REGARDING ATTACHMENT OF SALARIES OF RESPONDENTS NO. 2 IN CONTEMPT OF COURT APPLICATION NO. 599/2022 IN SERVICE APPEAL NO. 748/2018, TITLED Mr. MOHAMMAD HASAN–VS–EDUCATION DEPARTMENT.**

I am directed to forward herewith a certified copy of order dated 28.02.2023, passed by this Tribunal in the above mentioned service appeal for strict compliance.

Encl. As above.

(WASEEM AKHTAR)
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR

NOTIFICATION.

1. **Whereas**, the appellant, namely Mr. Muhammad Hassan was appointed as SET (Technical) vide order dated 06-04-1982 on fixed pay & was subsequently regularized against the said post vide Notification dated 16-10-1991 on the grounds of acquiring the requisite professional qualification of B.Ed. However, during the course of service, the appellant was upgraded in BPS-17 (personal) vide Notification dated 21-3-2009, wherein, his date of regularization of service as SET/SST has erroneously been mentioned as 06-04-1982 instead of 16-10-1991 & the same arithmetical error has been rectified in the combined final Seniority list of SET/SSTs stood on 01-01-2018 by Respondent Department.

2. **And whereas**, feeling aggrieved, the appellant filed a Service Appeal No. 748/2018 under case titled Muhammad Hassan Vs Secretary E&SE Department Khyber Pakhtunkhwa & others before the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar which was decided vide Judgment dated 20-01-2022, whereby, ***the case of the appellant has been remanded to the Respondents to examine the titled case a fresh in the light of the Notification dated 21-3-2009 along with the revision of Seniority of the appellant.***

3. **And whereas,** in the meantime, the appellant has filed Execution Petition No.599/2022 before the Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar for implementation for the judgement dated 20-01-2022, whereupon, the Respondent Department has been directed for submission of compliance report on up-coming date of hearing fixed on 25-1-2023.

4. **And whereas**, in compliance of the judgement ibid, a meeting was held in the Secretariat of E&SE Department Khyber Pakhtunkhwa Peshawar under the Chairmanship of the Additional Secretary (G) E&SED KPK Peshawar, wherein, the Notification dated 21-3-2009 was thoroughly examined in the light of the relevant Seniority Rules & observed that the appellant be award Seniority from the date of passing B.Ed examination i.e. 16-10-1991 instead of his 1st appointment i.e. 4-11-1982 against the SET post under the rules in vogue.

Now therefore, in compliance of the Judgment dated 20-01-2022 of the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar in the titled Service Appeal, in consultation with the relevant provision of law, rules & policy in vogue & in exercise of the powers conferred upon the undersigned under Section-21 of the General Clauses Act ,1897 as amended in 1956, read with Section-8 of Civil Servant Act-1973 & relevant provisions of APT Rules-1989, the competent authority, is pleased to regret the plea of the appellant regarding the grant of Seniority w.e.f. 04-11-1982 against the SET/SST post along with re-calling the Notification dated 21-3-2009 to the extent of Serial No. 12 by inserting the correct date of regularization of Service of the Appellant as SET/SST w.e.f. 16-10-1991 instead of 04-11-1982 with immediate effect in the interest of public service.

DIRECTOR
Elementary& Secondary Education
Khyber Pakhtunkhwa Peshawar.

Endst: No: 15808-16/F.No.AD(Lit-II)SA#748/2018 Dated Peshawar the: 28/01/2023

Copy forwarded for information & n/action to the:-

1. Learned Registrar Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Learned AAG Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. PS to Secretary E&SE Department Khyber Pakhtunkhwa Peshawar.
4. Additional Director (NMDs) Khyber Pakhtunkhwa Peshawar.
5. Additional Director (Estab-M) E&SE Khyber Pakhtunkhwa Peshawar.
6. District Education Officer (Male) Khyber.
7. Section Officer (Lit-II) E&SE Department Khyber Pakhtunkhwa.
8. Official concerned.
9. Office Copy.

DEPUTY DIRECTOR (ESTAB)
Elementary& Secondary Education
Khyber Pakhtunkhwa Peshawar.

[1]*Civil Servants Act, 1973
(Act No. LXXI of 1973)

An Act to regulate the appointment of persons to, and the terms and conditions of Service of persons in, the service of Pakistan.

WHEREAS it is expedient to regulate by law, the appointment of persons to, and the terms and conditions of service of persons, in the service of Pakistan, and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:-

1. **Short title, application and commencement.-(1)** This Act may be called the Civil Servants Act, 1973.

(2) it applies to all civil servants wherever they may be.

(3) It shall come into force at once.

2. **Definitions.-(1)** In this act, unless there is anything repugnant in the subject or context,-

(a) "ad hoc appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending recruitment in accordance with such method;

(b) "civil servant" means a person who is a member of an All-Pakistan Service or of a civil service of the Federation or who holds a civil post in connection with the affairs of the Federation, including any such post connected with defence, but does not include-

(i) a person who is on deputation to the Federation from any Province or other authority;

(ii) a person who is employed on contract, or on work-charged basis or who is paid from contingencies; or

(iii) a person who is "worker" or "workman" as defined in the Factories Act, 1934(XXV of 1934), or the Workman's Compensation Act, 1923 (VIII of 1923):

(c) "initial appointment" mans appointment made otherwise than by promotion or transfer.

---

*The Act received assent of the President on the 26th September, 1973 and was published in the Gazette of Pakistan, Extra, Part I, September 29, 1973.

(b) if he was appointed to such service or, post by promotion or transfer, be reverted to the service or post from which he was promoted or transferred and against which he holds a or, if there be no such service or post, be discharged.

Provided that, in the case of initial appointment to a service or post, a civil servant shall not be deemed to have completed his period of probation satisfactorily until his character and antecedents have been verified as satisfactory in the opinion of the appointing authority.

7. **Confirmation.-** (1) A person appointed on probation shall, on satisfactory completion of his probation, be eligible for confirmation in a service or, as the case may be, a post as may be prescribed.

(2) A civil servant promoted to a post on regular basis shall be eligible for confirmation after rendering satisfactory service for the period prescribed for confirmation therein.

(3) There shall be no confirmation against any temporary post.

(4) A civil servant who, during the period of his service, was eligible to be confirmed in any service or against any post retires from service before being confirmed shall not, merely by reason of such retirement, be refused confirmation in such service or post or any benefits accruing therefrom.

(5) Confirmation of a civil servant in a service or post shall take effect from the date of occurrence of permanent vacancy in that service or post or from the date of continuous officiation, in such service or post, whichever is later.

[8. **Seniority.-** (1) For proper administration of a service, cadre, or post the appointing authority shall cause a seniority list of the members for the time being of such service, cadre or post to be prepared, but nothing herein contained shall be construed to confer any vested right to a particular seniority in such service, cadre or post as the case may be.

(2) Subject to the provisions of sub-section (1), the seniority of a civil servant shall be reckoned in relation to other civil servants belonging to the same service or cadre whether serving in the same department or office or not, as may be prescribed.

(3) Seniority on initial appointment to a service, cadre or post shall be determined as may be prescribed.

[(4)] [Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post.]

Provided that civil servants who are selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

9. **Promotion** – (1) A civil servant possessing such minimum qualifications as may be prescribed shall be eligible for promotion to a higher post for the time being reserved under the rules for departmental promotion in the service or cadre to which he belongs:

[3]**["Provided that the posts of –**

(a) Additional Secretary and Senior Joint Secretary may, in the public interest, be filled by promotion from amongst officers of regularly constituted Occupational Groups and services holding, on regular basis, posts in Basic Pay Scale 20; and

(b) Secretary may, in the pubic interest, be filled by promotion from amongst officers of regularly constituted Occupational Groups and services holding, on regular basis, posts in Basic Pay Scale 21, in such manner and subject to such conditions as may be prescribed."

(2) A post referred to in sub-section (1) may either be a selection post or a non-selection post to which promotions shall be made as may be prescribed-

(a) in the case of a selection post, on the basis of selection on merit; and

(b) in the case of a non-selection post, on the basis of seniority-cum-fitness.

[4]**[(3) Promotion to posts in basic pay scales 20 and 21 and equivalent shall be made on the recommendations of a Selection Board which shall be headed by the Chairman, Federal Public Service Commission.**

10. **Posting and transfer.-** Every civil servant shall be liable to serve anywhere within or outside Pakistan, in any equivalent or higher post under the Federal Government, or any Provincial Government, or local authority, or a corporation or body set up or established by any such Government;

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region:

Provided further that, where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

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[3] Inserted vide Ord. No. XXXIII of 01, dt. 4.8.01

[5][10-A. Restriction on service in international organization.- (1) No civil servant shall, during his service, serve in any international organization, including an international non-governmental organization, international financial institution and foreign donor agency.

(2) The restriction under sub-section (1) shall not apply to a civil servant who is posted or deputed in such an organization on behalf of Pakistan or with prior permission of the Federal Government in accordance with rules, which shall be laid before both Houses of Majlis-e-Shoora(Parliament)].

11. **Termination of service.-** (1) The service of a civil servant may be terminated without notice-

(i) during the initial or extended period of his probation:

Provided that, where such civil servant is appointed by promotion on probation or, as the case may be, is transferred from one grade, service, or post to another service, cadre or post, his service shall not be so terminated so long as he holds a lien against his former post in such service, cadre or post, but he shall be reverted to his former service, cadre or post, as the case may be.

(ii) on the expiry of the initial or extended period of his employment; or

(iii) if the appointment is made ad hoc terminable on the appointment of a person on the recommendation of the selection authority, on the appointment of such person.

(2) Where, on the abolition of a post or reduction in the number of posts in a cadre or service, the services of a civil servant are required to be terminated, the person whose services are terminated shall ordinarily be the one who is the most junior in such cadre or service.

(3) Notwithstanding the provisions of sub-section (1), but subject to the provisions of sub-section (2), the service of a civil servant in temporary employment or appointed adhoc shall be liable to termination on fourteen days' notice or pay in lieu thereof.

"11A. Absorption of civil servants rendered surplus.- Notwithstanding anything contained in this Act, the rules, agreement, contract or the terms and conditions of service a civil servant who is rendered surplus as a result of re-organization or abolition of a Division, department, office or abolition

[4] Added vide Ordinance No. XLIII of 2000 dated. 6.9.2000.
[ ][5] Inserted vide Act No. XVII of 2016

24

GOVERNMENT OF NWFP
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

No. SO (PE)2-6/DPC/09,
Dated Peshawar, the 12.6.2009

The Director
Elementary & Secondary Education
NWFP Peshawar

Subject:- **REGULARIZATION/SENIORITYOF SETs.**

I am directed to refer to your letter No. 3830/A-88/SET/Graded Pay/08, dated 6.11.2008 on the subject noted above and to state that although the judgment regarding Noor ul Hayat, Muhammad Ismail and Habib ur Rehman are "judgments in personam" and not "judgment in Rem" hence relief granted therein cannot be extended to others. However, as the batch wise/year wise policy of selection has been quashed with, therefore all such chronic cases of seniority and graded pay need to be decided uniformly.

2. So far as the Supreme Court of Pakistan judgment dated 6.9.2007 (in appeals No. 1081-1088 title Habib-ur-Rehman & others Vs Govt) is concerned, these appeals are allowed which means that all reliefs sought therein may be given to them. Therefore they may be given seniority/regularization from the date of passing B.Ed.Examination and Graded Pay from the date of induction as already granted to Mr. Muhammad Ismail (CP No. 898/06) which has been relied upon by Supreme Court of Pakistan in judgment dated 6.9.2007. Moreover, it is the judgment of a larger bench of seven judges including Chief Justice of Pakistan which is more authoritative in it's nature and its non implementation will put the department in an awkward position in the shape of contempt of court.

3. The Director, being the appointing authority, is advised to settle the issue of seniority and graded pay of all 163 SETs by giving them seniority from the date of passing B.Ed Examination and Graded Pay from the date of induction (in the light of judgments of NWFP Service Tribunal and Supreme Court of Pakistan delivered at various times)within a month time, uniformly, under intimation to this Department.

(ARIF JMIL)
SECTION OFFICER (PRIMARY)

Assistant Director (Litigation)
E&SE Department
Khyber Pakhtunkhwa Peshawar

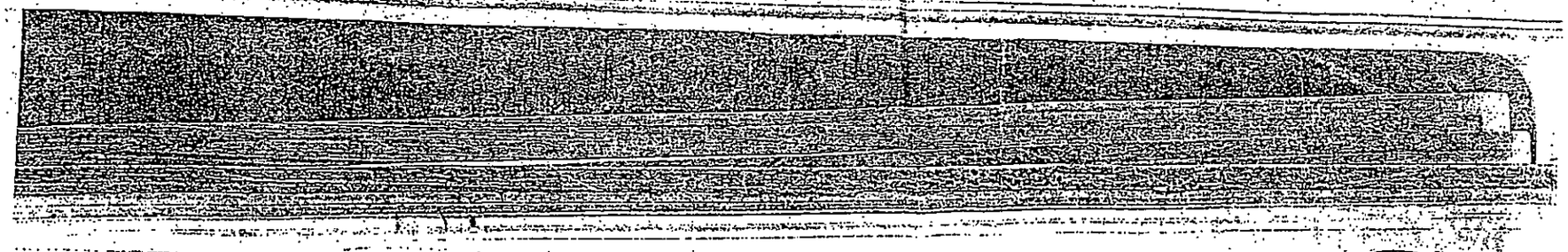
EDUCATION DEPARTMENT

23

NOTIFICATION

Dated Peshawar the, 28th December, 1983.

No. Agro-Tech:I-14/81 Rules .T.— In pursuance of the provisions contained in (2) of Rule (3) of North-West Frontier Province Civil Servants (Appointment, Promo Transfer) Rules, 1975 and in consultation with Services and General Administration De and the Finance Department, the Education Department hereby lays down the m recruitment, qualification and other conditions specified in column 3 to 5 of the Append Notification, which shall be applicable to posts in the Education Department (School Cad North-West Frontier Province specified in column 2 of the said Appendix.



APPENDIX

Nomenclature of posts	Minimum qualification for appointment by initial recruitment	Age limit for Initial Recruitment	Method of Recruitment
2	3	4	5
C.T. AGROTECHNICAL TEACHER		18 years to 35 years.	By initial recruitment.
(a) Industrial Arts	(a) Secondary School Certificate from a recognised Board with:— (i) Two year's training in technical subject from any Government run Industrial, Technical or Vocational Institute or Centre; or (ii) One year's training in technical subject from any Government run Industrial, Technical or Vocational Institute or Centre plus nine-months training from Government Agrotechnical Teachers Training Centre of the level of C.T. Agrotechnical (Industrial Arts); or (b) F.A./F.Sc. from a recognised Board plus nine-months training from Government Agrotechnical Teachers training Centre of the level of C.T. Agrotechnical (Industrial Arts).		
(b) Agriculture	(a) Secondary School Certificate from a recognised Board with one year training in Agriculture from a Government Institute or Centre plus nine-months training from Government Agrotechnical Teachers Training Centre of the level of C.T. Agrotechnical (Agriculture); or (b) F.Sc. Agriculture from a recognised University; or (c) F.A./F.Sc. from a recognised Board plus nine-months training from Government Agrotechnical Teachers Training Centre of the level of		

(c) Home Economics	(a) F.Sc. (Home Economics) from a recognised Board plus short-in-service training from Government Agrotechnical Teachers Training Centre; or (b) C.T./S.V. (Home Economics) from any Government Training School or College; or (c) F.A./F.Sc. from a recognised Board plus nine-months' training from Government Agrotechnical Teachers Training Centre of the level of C.T. Agrotechnical (Home Economics); or (d) Secondary School Certificate from a recognised Board with one year Vocational Training from any Government or Government's recognised Training Centre or Institute plus nine-months' training from Government Agrotechnical Teachers Training Centre of the level of C.T. Agrotechnical (Home Economics).		
2. VOCATIONAL SUBJECT TEACHERS.—			
(a) Agriculture	(a) B.Sc. Agriculture from a recognised University plus B.Ed; or (b) B.Sc. Agriculture from a recognised University plus Vocational Teachers Training Diploma if Agriculture from Government Agrotechnical Teachers Training Centre.	18 years to 35 years.	By initial recruitment.
(b) Home Economics	(a) B.Sc. (Home Economics) from a recognised University plus B.Ed; or (b) B.Sc. (Home Economics) plus Vocational Teachers Training Diploma in Home Economics from Government Agrotechnical Teachers Training Centre; or (c) Secondary School Certificate from a recognised Board with:— (i) 3-years Post-matric Diploma in Home Economics from Women Polytechnic Institute; plus* (ii) Vocational Teachers Training diploma in Home Economics from Government Agrotechnical Teachers Training Centre.		

*The word "Plus" substituted *vide* Notification No. Agro-Tech: 1-14/81-Rules C.T., dated 5.2.1984.

1	2	3	4	5
	(c) Commerce	(a) B.Com from a recognised University with—		
		(i) B.Ed; or		
		(ii) Vocational Teachers Training Diploma in Commerce from Government Agrotechnical Teachers Training Centre; or		
		(b) *D.Com plus B.A. from a recognised University with Vocational Teachers Training Diploma in Commerce from Government Agrotechnical Teachers Training Centre.		
	(d) Industrial Arts	(a) B.Tech. from a recognised University/Institute; or		
		(b) Secondary School Certificate from a recognised Board with Post-Matric Diploma from Polytechnic or equivalent qualification of Industrial Arts plus Vocational Teachers Training Diploma in Industrial Arts from Government Agrotechnical Teachers Training Centre; or		
		(c) B.A. from a recognised University with 2-Years Certificate in Industrial Arts Education from T.T.C., Faisalabad plus Vocational Teachers Training Diploma in Industrial Arts from Government Agrotechnical Teachers Training Centre.		

*The word "D.Com" has been substituted *vide* Notification No. Agro:Tech: 1-14/81-C.T. Rules, dated 5.2.1 4.

(24)

GOVERNMENT OF NWFP
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No. SO (PE)2-6/DPC/09,
Dated Peshawar, the 12.6.2009

The Director
Elementary & Secondary Education
NWFP Peshawar

Subject:- **REGULARIZATION/SENIORITYOF SETs.**

I am directed to refer to your letter No. 3830/A-88/SET/Graded Pay/08, dated 6.11.2008 on the subject noted above and to state that although the judgment regarding Noor ul Hayat, Muhammad Ismail and Habib ur Rehman are "judgments in personam" and not "judgment in Rem" hence relief granted therein cannot be extended to others. However, as the batch wiseyear wise policy of selection has been quashed with, therefore all such chronic cases of seniority and graded pay need to be decided uniformly.

2. So far as the Supreme Court of Pakistan judgment dated 6.9.2007 in appeals No. 1081-1086 title Habib-ur-Rehman & others Vs Govt) is concerned these appeals are allowed which means that all reliefs sought therein may be given to them. Therefore they may be given seniority/regularization from the date of passing B.Ed.Examination and Graded Pay from the date of induction as already granted to Mr. Muhammad Ismail (CP No. 898/06) which has been relied upon by Supreme Court of Pakistan in judgment dated 6.9.2007. Moreover, it is the judgment of a larger bench of seven judges including Chief Justice of Pakistan which is more authoritative in it's nature and its non implementation will put the department in an awkward position in the shape of contempt of court.

3. The Director, being the appointing authority, is advised to settle the issue of seniority and graded pay of all 163 SETs by giving them seniority from the date of passing B.Ed Examination and Graded Pay from the date of induction in the light of judgments of NWFP Service Tribunal and Supreme Court of Pakistan delivered at various times)within a month time, uniformly, under intimation to this Department.

(ARIF JAN)
SECTION OFFICER (PRIMARY)

6-4-82 BS-14

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Peshawar, dated the 24th July, 2014.

NOTIFICATION

No.SO(E)E&SE/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, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby directs that in this Department's Notifications No.SO(G)S&LD/1-28/2003/Vol-II dated, 09-04-2004, Notification No.SO(PE) 4-5/SSRC/Meeting/2012/Teaching Cadre, dated, 13.11.2012, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix,-

(i) Serial No. 1 shall be renumbered as 1B and before Serial No. 1B, as so renumbered, the following new entries shall be inserted in respective columns, namely:

1	2	3	4	5
"1.	Subject Specialist (BPS-17)	i. At least second class Master's Degree or four years BS Degree in the relevant subject; and ii. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualification from a recognized University.	23 to 35 years	(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, for the relevant subject from amongst the Secondary School Teachers (BPS-16), with at least five years service as such and having qualification mentioned in column No. 3. Note: If no suitable candidate is available in the relevant subject the post falling in their promotion quota shall be filled by initial

				recruitment; and (b) fifty percent by initial recruitment.
1A	Director Physical Education (BPS-17)	At least second class Master's Degree in Physical Education from a recognized University.	22-35 years	(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst Senior Physical Education Teachers (BPS-16), with at least five years service as Senior Physical Education Teacher and Physical Education Teacher and having qualification mentioned in column No. 3: **Provided that** if no suitable person is available from amongst Senior Physical Education Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst the Physical Education Teachers, with at least five years service as such and having qualification mentioned in column No. 3; **Note**:- If no suitable candidate is available in the relevant cadres of the aboue teachers ,the post falling in their promotion quota shall be filled by initial recruitment; and (b) fifty percent by initial recruitment "; and

(ii) against Serial No. 1B, as so renumbered, for the existing entries, the following Shall be substituted, in respective columns, namely:

1	2	3	4	5
"1B.	Secondary School Teacher (BPS-16)	I. At least second class Bachelor Degree's from a recognized University on need basis from the following groups with two subject (a) (Chemistry, Botany or Zoology), **Or** (b) (Physics, Maths "A" or "B" or Statistics) **Or** (c) (Humanities and other equivalent groups at degree level with English as compulsory subject; **and** II. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualifications from a recognized University.	21 to 35 years.	1. Seventy Five per cent by promotion, on the basis of seniority-cum-fitness, from the district concerned in the following manner: (a) forty per cent from amongst the Senior Certified Teachers (BPS-16), with at least five years service as Senior Certified Teacher and Certified Teacher and having qualification mentioned in column No.3: Provided that if no suitable candidate is available from amongst Senior Certified Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers, with at least five years service as such and having qualification mentioned in column No. 3; (b) four per cent from amongst the Senior Drawing Masters(BPS-16), with at least five years service as Senior Drawing Masters and Drawing Masters and having qualification mentioned in column No.3:

				Provided that if no suitable candidate is available from amongst Senior Drawing Masters for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Drawing Masters with at least five years service as such and having qualification mentioned in column No. 3; *(c) four per cent from amongst the Senior Arabic Teachers(BPS-16), with at least five years service as Senior Arabic Teachers and Arabic Teachers, and having qualification mentioned in column No.3:* *Provided that if no suitable candidate is available from amongst Senior Arabic Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from Arabic Teachers with at least five years service as such and having qualification mentioned in column No. 3;* *(d) four per cent from amongst the Senior Theology Teachers(BPS-16), with at least five years service as Senior Theology Teachers and Theology Teachers and having qualification mentioned in column No.3:*

				Provided that if no suitable candidate is available from amongst Senior Theology Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers with at least five years service as such and having qualification mentioned in column No. 3; *(e) three per cent from amongst the Senior Qaris (BPS-16), with at least five years service as Senior Qari and Qari and having qualification mentioned in column No.3:* *Provided that if no suitable candidate is available from amongst the Senior Qaris then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from Qaris with at least five years service as such and having qualification mentioned in column No. 3;* *(f) twenty per cent from amongst the Primary School Head Teachers (BPS-16), with at least seven years service as Primary School Head Teachers and Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No. 3:* *Provided that if no suitable candidate is available from amongst*

ATTESTED

				Primary School Head Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least seven years service as Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No.3: *Provided further that if no suitable candidate is available from amongst Senior Primary School Teachers for promotion then the post shall be filled from amongst Primary School Teachers with at least seven years service as such and having qualification mentioned in column No. 3; and* (ii) *twenty Five percent by initial recruitment.* ***Note:*** I. *If no suitable candidate is available in the relevant cadre of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment.* II. *Posts of General SST and SSTs-1 Science and SST-2 Science shall be filled by promotion or initial recruitment, each on need basis separately.".*

ATTESTED

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Endst : of even No & date:

1. The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department Peshawar.
3. The Secretary to Government of Khyber Pakhtunkhwa, Law Department Peshawar
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General Khyber Pakhtunkhwa Peshawar.
6. The Director, Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
7. The Director of Education (FATA) Peshawar.
8. The Director, Curriculum and Teacher Education Khyber Pakhtunkhwa Abbottabad.
9. The Director, (PITE) Khyber Pakhtunkhwa Peshawar.
10. The Director, ESRU Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
11. Manager Government Printing Press Khyber Pakhtunkhwa Peshawar.
12. The Deputy Director, EMIS (S&SE) Department Khyber Pakhtunkhwa Peshawar.
13. All District Education Officer (M&F) in Khyber Pakhtunkhwa.
14. All District Account Officer in Khyber Pakhtunkhwa.
15. All Agency Education Officer in FATA
16. All Agency Account Officer in FATA.
17. PS to Governor Khyber Pakhtunkhwa. Peshawar.
18. PS to Chief Minister Khyber Pakhtunkhwa. Peshawar.
19. PS to Chief Secretary Khyber Pakhtunkhwa. Peshawar.
20. PS to Minister E&SE Khyber Pakhtunkhwa. Peshawar.
21. PS to Secretary E&SE Khyber Pakhtunkhwa. Peshawar.
22. Master file

[KAMIN KHAN MOHMAND]
SECTION OFFICER (PRIMARY)

ATTESTED

[1]*Civil Servants Act, 1973
(Act No. LXXI of 1973)

An Act to regulate the appointment of persons to, and the terms and conditions of Service of persons in, the service of Pakistan.

WHEREAS it is expedient to regulate by law, the appointment of persons to, and the terms and conditions of service of persons, in the service of Pakistan, and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:-

1. **Short title, application and commencement.-(1)** This Act may be called the Civil Servants Act, 1973.

(2) it applies to all civil servants wherever they may be.

(3) It shall come into force at once.

2. **Definitions.-(1)** In this act, unless there is anything repugnant in the subject or context,-

(a) "ad hoc appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending recruitment in accordance with such method;

(b) "civil servant" means a person who is a member of an All-Pakistan Service or of a civil service of the Federation or who holds a civil post in connection with the affairs of the Federation, including any such post connected with defence, but does not include-

(i) a person who is on deputation to the Federation from any Province or other authority;

(ii) a person who is employed on contract, or on work-charged basis or who is paid from contingencies; or

(iii) a person who is "worker" or "workman" as defined in the Factories Act, 1934(XXV of 1934), or the Workman's Compensation Act, 1923 (VIII of 1923):

(c) "initial appointment" mans appointment made otherwise than by promotion or transfer.

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*The Act received assent of the President on the 26th September, 1973 and was published in the Gazette of Pakistan, Extra, Part I, September 29, 1973.

(b) if he was appointed to such service or, post by promotion or transfer, be reverted to the service or post from which he was promoted or transferred and against which he holds a or, if there be no such service or post, be discharged.

Provided that, in the case of initial appointment to a service or post, a civil servant shall not be deemed to have completed his period of probation satisfactorily until his character and antecedents have been verified as satisfactory in the opinion of the appointing authority.

7. **Confirmation.-** (1) A person appointed on probation shall, on satisfactory completion of his probation, be eligible for confirmation in a service or, as the case may be, a post as may be prescribed.

(2) A civil servant promoted to a post on regular basis shall be eligible for confirmation after rendering satisfactory service for the period prescribed for confirmation therein.

(3) There shall be no confirmation against any temporary post.

(4) A civil servant who, during the period of his service, was eligible to be confirmed in any service or against any post retires from service before being confirmed shall not, merely by reason of such retirement, be refused confirmation in such service or post or any benefits accruing therefrom.

(5) Confirmation of a civil servant in a service or post shall take effect from the date of occurrence of permanent vacancy in that service or post or from the date of continuous officiation, in such service or post, whichever is later.

8. **Seniority.-** (1) For proper administration of a service, cadre, or post the appointing authority shall cause a seniority list of the members for the time being of such service, cadre or post to be prepared, but nothing herein contained shall be construed to confer any vested right to a particular seniority in such service, cadre or post as the case may be.

(2) Subject to the provisions of sub-section (1), the seniority of a civil servant shall be reckoned in relation to other civil servants belonging to the same service or cadre whether serving in the same department or office or not, as may be prescribed.

(3) Seniority on initial appointment to a service, cadre or post shall be determined as may be prescribed.

(4) Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post.

Provided that civil servants who are selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

9. **Promotion** – (1) A civil servant possessing such minimum qualifications as may be prescribed shall be eligible for promotion to a higher post for the time being reserved under the rules for departmental promotion in the service or cadre to which he belongs:

[3]["**Provided that the posts of –**

(a) **Additional Secretary and Senior Joint Secretary may, in the public interest, be filled by promotion from amongst officers of regularly constituted Occupational Groups and services holding, on regular basis, posts in Basic Pay Scale 20; and**

(b) **Secretary may, in the pubic interest, be filled by promotion from amongst officers of regularly constituted Occupational Groups and services holding, on regular basis, posts in Basic Pay Scale 21, in such manner and subject to such conditions as may be prescribed."**

(2) A post referred to in sub-section (1) may either be a selection post or a non-selection post to which promotions shall be made as may be prescribed-

(a) in the case of a selection post, on the basis of selection on merit; and

(b) in the case of a non-selection post, on the basis of seniority-cum-fitness.

[4][(3) **Promotion to posts in basic pay scales 20 and 21 and equivalent shall be made on the recommendations of a Selection Board which shall be headed by the Chairman, Federal Public Service Commission.**

10. **Posting and transfer.-** Every civil servant shall be liable to serve anywhere within or outside Pakistan, in any equivalent or higher post under the Federal Government, or any Provincial Government, or local authority, or a corporation or body set up or established by any such Government;

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region:

Provided further that, where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

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[3] Inserted vide Ord. No. XXXIII of 01, dt. 4.8.01

PESHAWAR.

SERVICE APPEALS NO. 11/2015

Date of institution ... 06.07.2012
Date of judgment ... 13.06.2016

Sanaullah Jan, Senior Primary School Teacher (BPS-14),
Govt: Primary School Loya Banda, District Malakand.

... (Appellant)

VERSUS

1. Govt: of Khyber Pakhtunkhwa through Secretary Elementary and Secofndary Education, Peshawar.
2. Director School Elementary and Secondary Education Directorate of Elementary and Education of Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Male) Elementary and Secondary Education Malakand.

... (Respondents)

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORDER DATED 31.08.2012 OF DIRECTOR SCHOOL ELEMENTARY AND SECONDARY EDUCATION DIRECTORATE OF ELEMENTARY AND EDUCATION OF KHYBER PAKHTUNKHWA PESHAWAR OR ANY RULE WHEREBY THE SENIORITY CANNOT BE CONSIDERED FROM THE DATE OF APPOINTMENT AS UNTRAINED TEACHER.

Mr. Nazir Ahmad, Advocate. .. For appellant.
Mr. Muhammad Jan, Government Pleader .. For respondents

MR. PIR BAKHSH SHAH .. MEMBER (JUDICIAL)
MR. ABDUL LATIF .. MEMBER (EXECUTIVE)

JUDGMENT

PIR BAKHSH SHAH, MEMBER: Admittedly, the appellant was appointed as untrained PTC Teacher on 29.10.1989 and his name was included in the seniority list of PTC Teachers when he passed PTC examination on 24.12.1993. He has brought this service appeal for the following prayer:-

That on acceptance of this appeal, 2296/A/KC/SET(M&F)SL/inform dated 31.8.2012 or any order

or rule in respect of not considering untrained service towards seniority be set aside, declare discriminatory, arbitrary, void ab-initio and the appellant untrained service w.e.f 01.11.1989 be considered towards seniority, consequent thereof the appellant be given seniority w.e.f 01.11.1989, the (date when the appellant was regularly appointed) with all consequential benefits."

2. Arguments heard and record perused.

3. Learned counsel for the appellant argued that the department has wrongly considered regular appointment of the appellant w.e. from 24.12.1993 the date on which appellant passed his PTC course and his service period as untrained teacher was wrongly ignored which started from 29.10.1979. He submitted that even the first appointment of the appellant on 29.10.1979 was a regular appointment when seen in the light of the Finance Department Notification dated 30.03.2009 and dated 12.10.2009. He submitted that by way of the said notifications the untrained teaching period was excluded only for the purpose of arrears of the increments and allowances but once the graded pay was allowed to the appellant from the date of their first appointment on 29.10.1979 so his seniority cannot be refused to the reckoned from the said date.

4. The appeal was resisted by learned Government Pleader on the ground that the above referred notification were valid to the extent of the graded pay and by no stretch of imagination those could be stretched to include regular appointment of the appellant. He submitted that the appellant was appointed on contract basis, on fixed pay, and he was never regular appointee much less in the prescribed manner in accordance with rules. He further submitted that the subject matter of this appeal is seniority but it is evident that no private respondents who now stands senior to the appellant, have been made party in this appeal. He submitted that being devoid of merits, the appeal may be dismissed.

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We have heard pro & contra arguments at length and have carefully perused the ord. Ordinarily on a post for which a certain special training/examination is must so such ointment without such course/examination cannot be treated as a regular examination. e admitted position in this case is that the appellant was initially appointed as untrained acher. He was appointed against a fixed pay. There is no legislation or notification from the espondents side specifying in particular that appointment of the PTC Teacher (appellant) will be regular appointment from the date of their first appointment. The Tribunal is afraid to subscribe to the view of the learned counsel for the appellant that in the light of the referred notifications the appellant became regular servant from the date of their first appointment. A egular appointment means an appointment of a duly qualified person in the prescribed manner in accordance with the law and rules which standard is evidently lacking in case of he appellant. After passing the PTC course on 24.12.1993 it seems that the appellant was accordingly regularized in service, therefore, he was given his due position in the seniority list after his regular appointment which step is in accordance with the law and the rules on the subject. In the light of the foregoing discussion, the Tribunal is of the considered view that being devoid of merits, the instant appeal is liable to be dismissed. The same is therefore, dismissed. Parties are left to bear their own cost. File be consigned to the record room.

ANNOUNCED
13.06.2016

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1253/2016

BEFORE:	SALAH UD DIN	---	MEMBER(J)
	MIAN MUHAMMAD	---	MEMBER(E)

Sabir Ahmad, SPST Government Primary School No. 1, Topi, District Swabi..... *(Appellant)*

VERSUS

1. Province of Khyber Pakhtunkhwa through Secretary to Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Civil Secretariat Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. District Education Officer, (Male) Elementary and Secondary Education, District Swabi.

..... *(Respondents)*

Present:

ASAD ZEB,
Advocate --- For Appellant.

MUHAMMAD JAN,
District Attorney --- For respondents.

Date of Institution.....19.06.2020
Date of Hearing.....14.09.2022
Date of Decision 14.09.2022

JUDGEMENT.

MIAN MUHAMMAD, MEMBER(E):- The appellant has invoked jurisdiction of the Service Tribunal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 with the prayer that "on acceptance of the instant appeal the respondents may kindly be directed to give due seniority to the appellant since the date of appointment in service i.e. 16.01.1990 instead of 07.09.1993 alongwith all consequential benefits".

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02. Brief facts, as per memorandum of appeal, are that the appellant was appointed as Primary School Teacher (untrained) in the respondent department on 09.01.1989 on temporary basis. Services of the appellant were subsequently regularized on 16.01.1990. During his service, the appellant acquired professional educational qualification i.e. M.A, M.Sc (PS), B.ed and PTC. The respondent department circulated tentative revised seniority list of PSTs (2016) wherein the appellant's seniority was reckoned from the date of acquiring PTC i.e. 07.09.1993 though also allegedly given graded pay from the date of appointment but he was not given seniority from the date of his appointment. He therefore, preferred departmental appeal on 18.08.2016 which was not responded within the stipulated period of 90 days, whereafter he filed the instant service appeal in the service Tribunal on 16.12.2016.

03. On admission of the service appeal in preliminary hearing on 23.02.2017, the respondents were put on notice to submit written defense through reply/para-wise comments. Reply/Parawise comments were submitted on 26.04.2017. We have heard learned counsel for the appellant as well as learned District Attorney for the respondents in Divisional Bench and gone through the record thoroughly with their valuable assistance today.

04. Learned counsel for the appellant argued that the respondent department has wrongly considered the seniority of appellant from the date of his acquiring professional qualification i.e. PTC w.e.f. 07.09.1993 and not from the date of regularization of his service w.e.f 16.01.1990. The appellant was granted graded pay from the date of his

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appointment, therefore, his seniority is also required to be reckoned from the date of his appointment. He argued that inaction on part of the respondent department to give seniority to the appellant from the date of his appointment i.e. 16.01.1990, is against the provision of Article 4 of the Constitution of Islamic Republic of Pakistan. He further argued that he may be granted seniority from the date of his appointment in service i.e. 16.01.1990 instead of acquiring profession qualification w.e.f. 07.09.1993 with all consequential back benefits, while concluding his arguments.

05. Learned District Attorney on the other hand, contended that due to lack of prescribed professional qualification for the post of PTC, the first appointment of appellant as untrained PTC was purely temporary and upon acquiring the prescribed qualification on 07.09.1993 he became eligible for the post of PTC. His seniority was therefore, correctly reckoned from the date of 07.09.1993. He further argued that the appellant has not arrayed any private person as respondent who now stands senior to the appellant in the impugned seniority list. He contended that regular appointment means an appointment of a duly qualified person in the prescribed manner in accordance with law and rules; the standard which is lacking in the case of appellant. Moreover, after passing the PTC course i.e. 07.09.1993 the appellant was accordingly regularized in service and he was given his due position in seniority list after his regular appointment. He relied on Service Tribunal judgement of 13.06.2016 delivered in service appeal No. 11/2015 of Samaullah Jan SPST (BS-14) versus Secretary Elementary & Secondary Education and others.

ATTESTED

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The service appeal in hand being devoid of any merit may be dismissed, he concluded.

06. It is evident from the record and which is not disputed that the appellant was initially appointed as PTC (untrained) (now PST) on temporary/adhoc basis on fixed pay on 09.01.1989 and his services were later on, regularized on 16.01.1990. It was during service that the appellant acquired the required qualification for the post of PST on 07.09.1993 and as such his seniority was shown in column 16 (Date of taken over charge) against PST post from the date of passing PTC examination, in the tentative revised seniority list of PSTs (2016). The Service Tribunal in its judgement dated 13.06.2016 delivered in service appeal No. 11/2015 titled Sanaullah Jan SPST (BS-14) Versus Secretary Elementary & Secondary Education Khyber Pakhtunkhwa laid down the following principle:-

> *"Ordinarily on a post for which a certain special training/ examination is must so such appointment without such course/examination cannot be treated as a regular examination. The admitted position in this case is that the appellant was initially appointed as untrained teacher. He was appointed against a fixed pay. There is no legislation or notification from the respondents side specifying in particular that appointment of the PTC Teacher (appellant) will be regular appointment from the date of their first appointment. The Tribunal is afraid to subscribe the view of the learned counsel for the appellant that in the light of the referred notifications the appellant became regular servant from the date of their first appointment. A regular appointment means an appointment of a duly qualified person in the prescribed manner in accordance with the law and rules which standard is evidently lacking*

TESTED

Khyber Pakhtunkhwa Tribunal

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in case of the appellant. After passing the PTC Course on 24.12.1993 it seems that the appellant was accordingly regularized in service, therefore, he was given his due position in the seniority list after his regular appointment which step is in accordance with the law and rules on the subject."

07. Similarly, Section 8 (4) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 is relevant to be quoted here which lays down the principle for determining seniority of a civil servant in the following;

> *"Seniority in a post, service or cadre to which a Civil Servant is promoted shall take effect from the date of regular appointment to that post."*

08. In view of the foregoing discussion, it can be concluded that as the appellant was appointed as regular PST with effect from the date of passing the basic required qualification for the post of PTC on 07.09.1993 he has therefore rightly been placed in the tentative revised seniority list (2016) from such date. We, therefore, find that the appellant has been treated in accordance with law and relevant rules. The service appeal being devoid of merit, is dismissed. Parties are left to bear their own costs. File be consigned to record room.

09. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 14th day of September, 2022.*

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PESHAWAR.

SERVICE APPEALS NO. 11/2015

Date of institution ... 06.07.2012
Date of judgment ... 13.06.2016

Sanaullah Jan, Senior Primary School Teacher (BPS-14),
Govt: Primary School Loya Banda, District Malakand.

... (Appellant)

VERSUS

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JUDGMENT

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4. The appeal was resisted by learned Government Pleader on the ground that the above referred notification were valid to the extent of the graded pay and by no stretch of imagination those could be stretched to include regular appointment of the appellant. He submitted that the appellant was appointed on contract basis, on fixed pay, and he was never regular appointee much less in the prescribed manner in accordance with rules. He further submitted that the subject matter of this appeal is seniority but it is evident that no private respondents who now stands senior to the appellant, have been made party in this appeal. He submitted that being devoid of merits, the appeal may be dismissed.

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ANNOUNCED
13.06.2016

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GOVERNMENT OF NWFP
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated 21-03-09

NOTIFICATION

No.SO(PE)2-6/SET(B-16)Upgradation to B-17: The Competent Authority on the recommendation of Departmental Promotion Committee and in consultation with Finance Department is pleased to allow one time up gradation from B-16 to B-17 (Personal) to the following 163 SETs Male, 132 SETs Female and 14 SETs (Technical) with immediate effect subject to the condition that the posts of SET shall be downgraded from B-17 to B-16 as and when vacated by the incumbents.

i) **163 SETs Male(General)**

S.No	Seniority List No.	Name of Officer	Date of Appointment as Regular SET	Present Place of Posting,
1	736A	Pasham Khan	27-11-85	A.A.E.O Office F.R.D.I.Khan
2	838	Muhammad Shoaib	04-11-86	GHS Billitang Kohat
3	869	Mohabbat Khan	14-12-86	GHS Kam-Shalman Landi Kotal Khyber Agency.
4	870	Yousaf Hussain	01-11-86	GHS Shalozan Kurram
5	879	Munir Hussain	16-12-86	GHS Zeran Kurram
6	942	Javed Khan	24-02-87	GHS Dingi Haripur
7	943	Bahadar Ali	24-02-87	GMS Alamganj Swat
8	944	Mohammad Younis	25-02-87	GMS Afzal Abad Mansehra
9	953	Shamsher ali	04-03-87	ADO S/L DIK Surkamar (Khyber)

GHS Kowar Surkamar (KKOB)

		Mehmood		
9.	96	Muhammad Iqbal	25-04-85	GCMS #-3 Mardan
10.	99	Muhammad Zahir Shah	01-07-86	GHSS TOTAKAN Mkd Agency
11.	102	Ayaz Khan	30-10-=86	GCHSS Konat
12.	103	Muhammad Hassan	04-11-82	GHSS Jamrud Khyber Agency
13.	111	Ibad Ullah	16-10-89	GTHSS Gulbahar Peshawar
14.	113	Naqib Ullah	16-10-90	GEC Mir Ali Miran Shah

SECRETARY TO GOVT. OF NWFP
ELEMENTARY AND SECONDARY
EDUCATION DEPARTMENT.

Endst No. No.SO(PE)2-6/SET(B-16)Upgradation to B-17: Dated 21-03-09

Copy Forwarded to the :

1. **The Accountant General NWFP Peshawar**
2. **Secretary to Govt .of NWFP Establishment Department**
3. **Secretary to Govt .of NWFP Finance Department**
4. **Director Elementary & Secondary Education NWFP Peshawar**
5. **Director PITE NWFP Peshawar**
6. **Director Education FATA NWFP Peshawar**
7. **All EDOs E&SE in NWFP**
8. **All District /Agency Accounts Officers**
9. **PS to Chief Secretary NWFP**
10. **Officers concerned**
11. **PS to Minister Elementary & Secondary Education NWFP**
12. **PS to Secretary Elementary & Secondary Education NWFP**
13. **Office Order File**

ARIF JAMIL
SECTION OFFICER (PRIMARY)