

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1579 /ST Dated 05/06/2023

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

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

To

The Director,

Elementary and Secondary Education Department,

Khyber Pakhtunkhwa, Peshawar.

Subject:

JUDGMENT IN SERVICE APPEALS NO. 1382-88/2019, 1230-39/2019, 1305-09/2019, 1691-95/2019, 64/2020, 4830/2021 and 7556/2021, TITLE USMAN GHANI AND OTHERS -VS- THE GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT, PESHAWAR AND OTHERS.

I am directed to forward herewith a certified copy of judgment dated 08.05.2023, passed by this Tribunal in the above mentioned service appeal for strict compliance.

Encl. As above.

(AAMIR FAROOQ)

ASSISTANT REGISTRAR KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1382/2019

Usman Ghani Vs Government of Khyber Pakhtunkhwa through Secretary Education and others.

ORDER 08th May, 2023

KALIM ARSHAD KHAN, CHAIRMAN: Learned Counsel for the appellant present. Mr. Fazal Shah Mohamand, Additional Advocate General for the respondents present.

Through this single order this appeal and the connected Service Appeal No. 1230/2019 titled "Shamshad Khan Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1231/2019 titled "Akbar Zeb Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1232/2019 titled "Sher Ali Khan Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1233/2019 titled "Shah Nawaz Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1234/2019 titled "Ibni Amin Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1235/2019 titled "Muhammad Laiq Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1236/2019 titled "Misbah Ud Din Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1237/2019 titled "Raham Karam Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1238/2019 titled "Salah Ud Din Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1239/2019 titled "Naseer Hassan

Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1305/2019 titled "Mizaj Ud Din Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1306/2019 titled "Ismail Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1307/2019 titled "Amir Hatam Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1308/2019 titled "Fazal Rahim Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1309/2019 titled "Muhammad Feroz Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1383/2019 titled "Tahir Mulk Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1384/2019 titled "Kamran Ali Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1385/2019 titled "Khurshid Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1386/2019 titled "Mian Said Ali Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1387/2019 titled "Maslih Ud Din Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1388/2019 titled "Aziz Ahmad Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1691/2019 titled "Nisar-Muhammad Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1692/2019 titled "Fazal Manan Vs Government of Khyber Pakhtunkhwa

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with the directions to the authorities to associate the appellants with the proceedings and for the purpose if a committee is necessary to be constituted, the authority may consider that. Consign.

4. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 08th day of May, 2023.

Member (E)

(Kalim Arshad Khan) Chairman

Kaleem Ullah

08th May, 2023

- 1. Learned Counsel for the appellant present. Mr. Fazal Shah Mohamand, Additional Advocate General for the respondents present.
- 2. Vide our detailed order of today placed in service appeal No. 1382/2019 titled "Usman Ghani Vs Government of Khyber Pakhtunkhwa through Secretary Education and others" (copy placed in this file), this appeal is also disposed of. Cost shall follow the event. Consign.
 - 3. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 08th day of May, 2023.

SCANNED KPST Poshawar

> (Farecha Paul) Member (E)

(Kalim Arshad Khan) Chairman

Kalcem Ullah

13th April, 2023

Incharge of the pending files Branch. I was astonished to note that for what purpose the Reader had given such a long date in these appeals, which has caused quite long delay in disposal of these appeals. This act on the part of Reader has also paved way for a number of other aspersions on the reputation of the Tribunal, therefore, Mr. Pir Muhammad, Superintendent/working as Reader at the relevant point of time is called upon to explain his position as to why such acts of negligence, carelessness, inefficiency, irresponsible conduct was done by him and for the above acts why he should not be proceeded against under the relevant rules. His reply should reach the undersigned on 17.04.2023, the date given by him in the matters.

To STANKE

(Kalim Arshad Khan) Chairman

Adnan Shah, PA

- 17th April, 2023
- 1. Counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Mr. Muhammad Zahid Khan, SDEO for the respondents present.
- 2. Arguments heard. Learned senior counsel for the appellant wants to make some more submission. He may do make on 08.05.2023 before the D.B. P.P given to the parties.

(Fareeha Paul) Member (E)

(Kalim Arshad Khan) Chairman

**Adnan Shah, PA

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Hussain Ali, Litigation Officer for respondents present.

It was pointed out that a number of other appeals on the same subject matter were fixed on different dates. It was, therefore, requested that all such appeals might be clubbed and heard together. This case is thus adjourned to 1/2/2022 before the D.B. Learned counsel for the appellant is directed to submit an application to the Registrar of this Tribunal mentioning the details of all such appeals alongwith dates fixed therein within a week so that all such appeals could be fixed together with this appeal. On receipt of the application containing details of all similar appeal, the Registrar shall fix all those for the above date.

(Salah Ud Din) Member(Judicial)

Same to the discountry of the

(Kalim Arshad Khan) Chairman Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Hussain Ali, Litigation Officer for respondents present.

It was pointed out that a number of other appeals on the same subject matter were fixed on different dates. It was, therefore, requested that all such appeals might be clubbed and heard together. This case is thus adjourned to 17 / 04 /2022 before the D.B. Learned counsel for the appellant is directed to submit an application to the Registrar of this Tribunal mentioning the details of all such appeals alongwith dates fixed therein within a week so that all such appeals could be fixed together with this appeal. On receipt of the application containing details of all similar appeal, the Registrar shall fix all those for the above date.

(Salah Ud Din) Member(Judicial)

(Kalim Arshad Khan) Chairman 13-12-21

DB is on Tour case to come up. For the Same on Dated. 29-3-22

29-3-2022 Proper DB not available the case is adjourned to come up for the same a before on 11-5-2022

11-5-22 Praper DB mot amalable the case is adjæurned en 25-7-22 Robert .

07.2021 Appellant present through counsel.

Muhammad Adeel Butt learned Additional Advocate General alongwith Hussain Ali Litigation Assistant for respondents present.

Representative of respondents submitted written reply/comments. Learned counsel for the appellant requested that similar nature case titled Usman Ghani Vs. Government is fixed for hearing for 27.07.2021, therefore, instant case may also be fixed for the aforesaid date. Request is accorded. To come up for hearing on 27.07.2021 before D.B.

(Rozina Rehman) Member (J)

Chairman

27.07.2021

Counsel for the appellant present.

Mr.Javedullah, Learned Assistant Advocate General alongwith Mr. Hussain Ali, Litigation Officer for respondents present.

Learned counsel for the appellant seeks adjournment as he has not prepared the brief. Granted. To come up for arguments on 13.12.2021 before D.B.

(Rozina Rehman) Member(J) 01.04.2021

Nemo for parties.

Kabir Ullah Khattak learned Additional Advocate General present.

Grapes Whiteen

Preceding date was adjourned on a Reader's note, therefore, both the parties be put on notice for 14 / o7 2021 for arguments, before D.B.

(Atiq ur Rehman Wazir) Member (E) (Rozina Rehman) Member (J)

14,07,2021

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(Rozina Parian)

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06.08.2020

Junior counsel for the appellant is present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Hussain Ali, Litigation Officer for the respondents are also present.

Representative of the department submitted para-wise comments on behalf of respondents No. 1 to 3 which are placed on file. To come up for arguments on 26.10.2020 before D.B. The appellant may submit rejoinder within a fortnight, if so advised.

(MUHAMMAD JAMAL KHAN) MEMBER

26.10.2020

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

The Bar is observing general strike, therefore, the matter is adjourned to 30.12.2020 for hearing before the D.B.

(Atiq-ur-Rehman Wazir)

Member

Chairman

11-

30.12.2020 Due to summer vacation, case is adjourned to 01.04.2021 for the same as before.

Reader

25.02.2020

Junior to counsel for the appellant present. Mr. Kabirullah Khattak learned Additional AG for the respondents present.

Learned Additional Advocate General requests for time to contact the respondents and furnished reply/comments on the next date of hearing. Adjourned. To come up for written reply/comments on 31.03.2020 before S.B.

(Hussain Shah) Member

31.03.2020

Due to public holiday on account of COVID-19, the case is adjourned to 23.06.2020 for the same. To come up for the same as before S.B.

Reader

23.06.2020

Counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General on behalf of the respondents present.

The later requests for time to submit written reply/comments. Last chance is given. To come up for written reply/comments on 06.08.2020 before S.B.

Member

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. The appellant was though promoted as such in the year 2012 but his eligibility for the purpose and availability of vacancies in the year 2008/2009 was disregarded, it was added.

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.

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 25.02.2020 on which date the requisite reply/comments shall positively be furnished.

Chairmah 1

Form- A

FORM OF ORDER SHEET

Court of	
Case No	1230/ 2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1		
1-	07/10/2019 (The appeal of Mr. Shamshad Khan presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register
		and put up to the Worthy Chairman for proper order please.
		REGISTRAR 7/10/19
2-	14/10/19	This case is entrusted to S. Bench for preliminary hearing to be put up there on 26/11/19
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE **TRIBUNAL PESHAWAR**

APPEAL No. 1230 /2019

SHAMSHAD KHAN

V/S

EDUCATION DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal		1 – 4
2.	Service book	Α	5- 13
3.	Advertisement	В	14
4.	Act	С	15- 17
5.	Judgment	D	18- 39
6.	Apex court judgment	E	40
7.	Advertisements	. F	41- 44
8.	Notification	G	45- 48
8.	Seniority list	Н	49- 51
9.	Service rules	I	52- 58
10.	Educational testimonials	J	59- 65
11.	Judgment	K	66- 69
12.	Departmental appeal	L	70- 71
13.	Vakalatnama		72

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK,

ADVOCATE

ROOM NO. 3, UPPER FLOOR, NEW ISLAMIA CLUB BUILDING, KHYBER BAZAR, PESHAWAR CITY 0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1230 /2019

Khyher Pakhtukhwa Service Tribunal

Mr. Shamshad Khan, SST (BPS-16),

Dated 7-10-2019

GHS Qandil, District Swat APPELLAI

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.

R/SHEWETH: ON FACTS:

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

Filedto-day Registrar

7/11/19

- 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 C.T (BPS-15) to which the appellant belong have no prospects of promotion.
- 4- That in light of the said advertisement new appointments were made by the respondents on adhoc basis and even the promotion quota was also filled by the respondents though initial recruitment.
- 5- That in the meanwhile the Provincial Government Promulgated the employees regularization Act, 2009 whereby all the adhoc employees who were appointed as SST on temporary basis were regularized thus further affected the cadre to which the appellant belongs. That the promotion quota for which the appellant and his colleagues have waited for decades has been washed by operation of the said Act of 2009. Copy of the Act is attached as annexure
- 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

- 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 L.

GROUNDS:

- 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.

Dated: 11.9.2019

SHAMSHAD KHAN

THROUGH:

NOOR MOHAMMAD KHATTAK

MIR ZAMAN SAFI ADVOCATES

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ڈاہشی ڈائریکٹوربی اینڈ آر) درکن ایڈمرونز ڈیادمن اسمر نون نمبر:0201<u>90-0</u>201

INF (P) 2760 . Also available on www.nwlp.gov.pk

فکمه بدارس وخوا نزگی مسوییسر حد

المستور المست

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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. <u>Short title and commencement.</u>---(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. <u>Definitions.---(1)</u> 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

Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁸Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011



- (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 "adhoc 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 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:

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

- 4. <u>Determination of seniority.</u>—(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

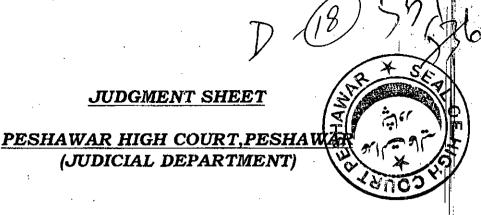
¹²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011



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





Writ Petition No.2905 of 2009.

ATTA ULLAH AND OTHERS.....PETITIONERS.

VERSUS.

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

JUDGMENT.

Appellant/Petitioner by Ghulam Nabi khan Advocate.

Respondent by Sanday Ali Raza Advocate & Wagar Ahmad Khan AAlg

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.

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

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

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

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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, inconstitutional 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 lateron their service were regularised through the North West Frontier Province Employees (Regularization of Services) Act, 2009; that almost all the petitioners have got the required qualifications and also got at their credit the length of service; that as per notification No.SO(S)6-2/97 dated 03/06/1998

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

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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

(23)

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.

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

- "(i) Forty percent from CT (Gen),
 CT(Agr), CT(Indust: Art) with at least 5
 years service as such and having the
 qualification mentioned in column 3.
- (ii) Four percent from amongst the DM with at least 5 years service as such and having qualification in column 3.
- (iii) Four percent from amongst the PET with at least 5 years service as such and having qualification mentioned in column 3. (iv) One percent amongst Instructional
- Material Specialists with at least 5 years

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service and having qualification mentioned in column 3."

It is further stated in the comments that due to the degradation/fall of quality education the Government abandoned the previous recruitment policy 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
Peshawar High Court

08 MAR 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





(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)----

"contract appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment. "employee" means adhoc or a contract employee appointed by Government on adhoc or contract basis or second shirt/night shift but does not include the employees for project post or appointed on work charge



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

S. 3 reads:-

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

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

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which they are regularized, nor had placed on record any documents showing that at the time of their appointment on contract they had made any objection. Even otherwise, the superior courts have time and again reinstated employees whose appointments were declared irregular by the Government Authorites, 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
EXAMINER
Peshawar High Court

0 8 MAR 2018

30

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.

"beneficial and remedial". A beneficial legislation is a statue 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 conductive to the public goods. The challenged

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Act, 2009, seems to be a curative statue 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 statue which purports to confer a benefit on individuals or a class of persons, by reliving them onerous obligations under contracts entered into by them or which tend protect persons against oppressive act from individuals with whom they stand in relations, is called a beneficial legislations....In interpreting such a statue, the principle established is that there is no room for taking a narrow view but that the court is entitled to be generous towards the persons on whom the benefit has

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been conferred. It is the duty of the court to interpret a provision. especially a beneficial provision, Liberally so as to give it a wider meaning rather than a restrictive meaning which would negate the very object of the rule. It is a well settled canon of construction that in constructing the provision 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

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

underlying such legislation."

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

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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 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 time and circumstances, from the mistakes and unadvised determinations of unlearned (or even learned) judges, or from any other cause whatsoever."

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

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

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

ATTESTED
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08 MAR 2018





I.A.Sherwani & others Versus Government of Pakistan, reported in 1991 SCMR 1041. Even otherwise, under Rule 3 (2) of the Khyber Pakhtunkhwa (Civil Servants) (appointment), promotion and transfer) Rules 1989, authorize a department to lay down method of appointment, qualification and other conditions applicable to the post in consultation with Establishment & Administrative Department and the Finance Department. In the instant case the duly elected Provincial Assembly has passed the Bill/Act, which was presented through proper channel i.e. Law and Establishment Department, which cannot be quashed or

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

declared illegal at this stage.

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

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

Peshawar High Court

0 8 MAR 2018

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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.

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 duly of public authorities as appointment is a trust in the hands of public authorities and it is their legal and moral duty to discharge their functions as

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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.

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

Peshawar High Course

regularized under the Act in question be calculated in that cadre and equal number i.e remaining 50 % are to promoted from amongst the eligible in service employees, other wise, eligible for promotion on the basis of sonority cum fitness." 19-In view of the above, this writ petition is disposed of in the following terms:-

- "The Act, XVI of 2009, commonly known as (Regularization Of Services) Act, 2009 is held as beneficial and remedial legislation, to which interference is advisable hence, upheld.
- (ii) Official respondents are directed to workout the backlog of the promotion quota as per above mentioned example, within 30 days and consider the in service employees, till the backlog is washed out, till then there would be complete ban on fresh recruitments.

Order accordingly.

<u>Announced.</u> 26th January 2015

CERTIFIED TO BE TRUE

08 MAR 2018

IN THE SUPREME COURT OF PAKISTAN (APPELLATE JURISDICTION).

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 26.1.20,15 of the Peshawar High Court, Peshawar passed in Writing Petition No.2905 of 2009, 30-17 of 2009, 664 of 2019

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

Attaullah and others. Nasruminullah and others. Mukhtar Ahmad and others.

...Respondent(s)

For the petitioner(s):

Mr. Mujahid Ali Khan, Addi. A.G. KPK

For the respondent(s):

Mr. Ghulam Nabi Khan, ASC

Mr. Abdul Qayyum Sarwar, AOR

Date of Hearing;

20.09.2017.

ORDER

Elaz 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.

20.09.20

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 Pakistar Islamabad

Date of Presentation

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Received by: ..

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رخواستين مطلوب هين

نیمر پختونخوااہوائٹمنٹ ،ڈیپیشن، پہنینگ اور زاسفراف نیچرز لیچررز ،انسٹر کٹرزاورڈ اکٹرزر بگولیٹری ایک 2011ء کے بیشن نبسر 4 کے تحت محک ایلیمنز ان اینڈ بیکنڈری ایموکیشن ٹیسر پختونخوا کے زیرانظام (مردانیازنانہ) سکولوں میں درجہ ذیل آسامیال پُر کرنے کے لئے فیمر پختونخوا کے متعلقہ اصلاع کے سکوتی اہل امیدداروں سے جوزہ فارم پر 30 سمبر 2016ء خیک

ا عمر	ئٹ (http://www.nts.pk) پردستیاب ہے۔ مقررہ ناریج رکزرنے کے بعد موسول ہونے والی درخواستو عو	تابلية	نام آسای	
Jレ35 r21	تى تىلىم ھېد دايوندورى ئەسىيىنىدۇلايون يېلىۋاڭرى جى ئىساتىدەر ياد يىلى دومضاھىنالاز ئى بول-	\$SST) كى ^{يج}	سینندری سکول نیچر (1
0033121	ستری بیالو تی (د دالو جی یا بائق)	£ (i)	بیانو جی <i>آگیسٹر</i> ی	
	تسى يحى تسليم خد ديو نيور تى سنة اليم است اليم كيشن يا ايم كيشن يس بيلير د گرى _	1	BPS, 16	
Ju35721	ن محی تسلیم شهر و بورش سے میکنڈ و ویژن پیلروگری مس کے ساتھ درج والی دومضایین لازی ووں۔		سیکنڈری سکول نیچر (آ	2
000000	زكن بيتمسA يا-(ii)- فوكن بيعمسB يا-(iii) فؤكن «المثلكن	ž -(i)	فربم إ ميتحس	
	كسي محل تسليم خلد وابو نحدر كل سنة المم السداء يجريكشن والمنجوميشن بش بخيلر واكرى _		BPS. 16	
Ji-35r21	ں بھی تشکیم شید ہ بینے نیوز نی سے سیکنڈ ڈویژان نیٹلر وگری جس کے ساتھ در ریاز بل دومضایان لاز نی ہوں ۔	را) کرن اجرل (1) کم	سیکنڈری سکول ٹیچر (SST	3
00.21	ریز فیلازی ، دومنینیژ کروپ یادیگرسیادی گروپ_		BPS. 16	
	كى بحى تسليم غده ويو يورسى سد ايج اسدا ديم يكش يا ايج يكش على ينيل والري	-(2)		

سليشن كريزيا: اما تذوك منيكش كيلي كريزيادرج ذيل بيكل 200 نمبرات كالمتيم ال المرح ي جايشي.

ب) تقلیمی قابلیت = 100 نبر جس کی مزیر تشیم اس طرح بوگی	(۱) يىم يۇنگ ئىيىت بەرىيد NTS= 100 ئىبر (س
الى	لقلين قابليت
مامل كردونير 20x فتيم كل نير	بیس ایس ی
حاصل كرده فيمبر 20x تشيم كل فيمر	الفائد / الفائدي
ماصل کرد و نبر ×20 تشیم کل نبر	ن ایل / ایل
ماصل کرد دنمبر ۱5x تشیم کل نیر	ایم
مام ل كرد ونبر ×15 تشيخ ك نبر	نِيائِهِ / ايم السائبر كيشن .
ماصل کرد ونیسر ×05 تقسیم کل نیسر	ايماية / ايم إن التجوكيش
حاصل كرد ونبر ×05 تغتيم كل نبر	ایم کر از کاری

نیانیں چاد سالد کورس کی صورت میں نبروں کی تشیم ہی ہلرے ہوگی۔ حاصل کروینبر ×35 تشیم کل نبر دجکہ پیشدراندا مجاسے ایج پیشن کی صورت میں نبر کی تشیم بطریق از این ہوگ ۔ ایجا اے ایج کشن حاصل کر دونبر ×20 تشیم کل نبر

خومت: (1) برسکول کاآسال کے لئے تلحدہ میرت است مرتب کی جا یکی جس بی امیده اروں کے NTS کے ماسل کردہ نبراہ دھنی تابیت کے نبروں کوئ کیا جائیگا۔ (2) برادیده ارت NTS فی درخواست دیا تو آس سے 800 دو پے تا NTS بیارج کریتے۔ جزکہ امیدوار خود برواشت کریں گے۔

(3) . NTS نست ين 40 فيصد تمر ليناخرون بد ـ 40 فيصدت م نم سينة والا احيد وارة الل تصور وكا اور يرين لست ين شال تين وكار

محمد رفیق ختک دانریکٹر ایلیمنٹری اینڈ سپکنڈری ایجوکیشن خیبر پختونخوا پشاور



مراد و وزیا سے وجہ ن ہوس وی ارور کا اور ہوروں ہوروں کا اور اور اور کا اور اور کا اور اور کا اور اور اور کا اور مارور کا اور کا کارور کا کارور کا اور کا کارور کی اور کا کا مام ال کار نے کا کے بیری کو کا اور اور اور کا کارو میک درخواتی مطوب ہیں۔ درخواست فارم (NTS) کی دیے سائٹ (http://www.nts.org.pk) کے دستیاب ہے۔ ستردہ تاریخ کوزئے کے بعد موسول مولمان

وفواستول بأفرثش كباجا يكاب

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	محمد رفيق خثك ، أالتراكث ايك	ی روانور ک	ایلیمنٹری این		کینڈری ایجوکیٹ	كنذرى ايجوكيشن ضيبر پذتونفوا پشاور	INF(P) 6749		F. A
1/2	WIS SIN DIST	مائت يملكا كل سيادة	قادم كساتى NTS كادعيسائك بيدى كالى سياد يرسكول كالفائك كلاديا كيا ي					•	
から	ماجاع كندم يمؤل	المي المسائم يتعدواها	بمرث دالماميداركو	プログイング	اعكـ(17) مذفيات ويدكام	خال ركماجاية كندمر يركون على اس كريندوياده يحرف واسك ميدود و يستقويا موحال تفريد (11) وفواست وسيط كالمريقة كار NTS كانده بها من كالموادين عن الرك كالموادين بين المرك الموادين والمرك الموادين والمرك الموادين والمرك الموادين والمرك الموادين والمرك الموادين والمرك الموادين والمركز المركز المركز الموادين والمركز المركز الموادين والمركز الموادين والمركز الموادين والمركز الموادين والمركز الموادين والمركز الموادين والموادين الموادين والمركز الموادين والمركز الموادين والمركز الموادين والمركز الموادين والموادين والمركز الموادين والمركز الموادين والمركز الموادين والموادين والم	של וענים של יולו ואים על יים	ميل بمل دائزوري	(
5	ساعين سيعداد	ودريمكا بهداميه	ויבינוילוכיו	إدريمون م	الميشن كالمدين عيدس كالمردي	عي خالي آ سامين كيلي ورخاست وسيد مل سيدوار سكوايك سينواده مكون عرميليش وك معدت عن س كالكردي كن ايك سكل عن في جائدة كاس معدت عن مكول بيلي المعدت عن مراح المعالم على الكرام المعالم	ويستان كالتحتاق اميذاركه بالمطلخ	بمكسي	<u>~</u>
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*	ي كاميرت عن درخار	ت قادم خود مخود ومنوع آن	يور مردوبور	بملايل	1/20 pt (13) - V= - polos	معلومات كى مورت عن ورخواست قارم توريخ وخور خور خور المايان المراجع المعاري الم	~J. 7 10(14) - Extent	なってついま	چر
۲	فطيح أسنا حرف محدثمنت سكطيم شده ادارد ل كالألحالية ل بعملًا	لميمشده اداريس كاعل	50(11) Ends	الميدل	باديني في كميدس كيون وال	ار(١١) اكركوا اسيدارك استاده الى إلى محمدة وسي من الوروية والمواجدة كالدورا مند المديدة والمحمدة والموركيا والمحاسرة والمراجدة	فكالأومت سكرك نامل لتعوركما	JE(12)-124	2
6	からぶんない メ	يحركان فيرساس المكاك	שיברוטיקסים	Sec. Constitution of the second	ميدامكرت كرمد(9) 0 مترد	الكرينييز كاية تيكة دكاجيك كانتي ماس ايرة كذا الماجالية ماجال وان سيم كياميده المحراق المواقرين كالموست يجريحة الاسكوركدية المحادث والعظام يديك والمواقع المعاجرت كالجادينين كالمراوي	تنارسكمطائي فالعتاجرت كحابج	إدريمين كل -(10)	Ś
P. S.	رمل عركناه	بنائين كالمركز	الحاياتندى الحذيها تزوجة	بمناكدي	-(٦) اگراس انتهاد سک بعد عکومت	الوافقيارماس عيائنة كالماجدة عاجرك مي وفت كما يروى طور بالجووي طورة كروسيد (٦) أكرس المتجاري ووف كوفرف عيد في كما يمامي والاستيان يميني المن يكون المركزي بالمواقع المركزي والمواقع المركزي والمركزي والمواقع المركزي والمواقع المركزي والمركزي المركزي والمركزي و	لامتيش يمثمان شدمنا يخطئ	رندک إيمامل	<u> </u>
C)	ربيكروالالحا	اشاوبمعافمناجأت امييه	والكريمات كراجو	(1)51(4)_	لياءا فروا الماميداس أوكل A	(3) انودخ سكه وقت المن طبي ابناد بمدائرا جاست اميداد كوي مدائرت كرنا بوست كسيراه المياسية والمسكرة المستركيل AVDA فين مياجانط و(5) مرف تقريدا وقت سكرا عدومول بوفيال دواستون بي فمركياجا يكار (6) ترييطى	عدموسول بونيرالي ددفناستون برخم	/ン(6) <u>- な</u> なび.	رکون
پیک	ر2) مفدرافراد کیلے دو	فيعدادر أقليتى اميدداددا	ن كيلي تين فيعد كالمذيخ	ے(مغدراہ	داد سکادد فیمد کوشش ب می کلید	ادى) مىغدادادكىيكەدد ئىدىدادداكىيتى اميدداددان كىلىدى ئىلى ئىدىداددان كىلىدى ئىلىردىرى ئىلىداددى ئىلىدىدى ئىلىدىدىدى ئىلىدىدىدى ئىلىدىدىدى ئىلىدىدىدى ئىلىدىدىدى ئىلىدىدىدى ئىلىدىدىدىدى ئىلىدىدىدى ئىلىدىدىدى ئىلىدىدىدى ئىلىدىدىدى ئىلىدىدىدى ئىلىدىدىدىدىدى ئىلىدىدىدىدىدىدىدىدىدى ئىلىدىدىدىدىدىدى ئىلىدىدىدىدىدىدىدىدىدىدىدىدىدىدىدىدىدىدى	بشرطيره معندوي فرائنس كاانجام	ردى عرز زيجادت	<u>ر</u> .
986	عصوصی هوائط: ـ (۱) تام ترریاں کوت نیر ہمو	1) قام آفردیان مکورت	シャノムリガイノ	وامين سكهمط	الى 25 قىمىد ئىلادكى ئىترىكى (cent	الله استراجة اللي ساسلة 25 فيد يميان ترك (Iniciai Appoinment) ين السطان الله الله الله الله المستوقف م الك مال كليه	فاعرش بمياس برائد باكسر محنا	فريكت يماتيسال	飞
75.	ایمال/فالگادی ماس کسائیر 10x تعیمال نیر	كىدىر×10 تىمىل				٥٠ فيرك يار العرال والمال المرامة الدير عالمت عيد المال على المال	كادر عرب لمدعمة الفي مركا		
<u>.</u>	なった。	حاسل كده فبر×05 تعييمال فبر	أبر الجالجان كالعامكيين	ماعيكش	مامل کرده نیر x05 تعیم کل فیر		のようとNTS(2)と使り	إلى فيعد فيركنا موددك	1
-ic	ليارع/لماليس مالل	حاسل كده فير 20x بفتيم كل فير	أبر انجاب الجائلون	ايري	and wife 20x and the		مرطامت مرتب لناجا يحل سمي ا	امیدادن سکTS	-
	·	مامل كدونير×20 بيميل فير	114	رزيار	1. J. 20x J. J. J.	でしょうかのだっかった。 Lax And to the Color	() () () () () () () () () ()		
िं	فلحكاقليت	بخرير	تياةلوكك	ç	う冷	ייי ייילה אין			
			•	•,					٠١
$ \varepsilon $	(۱) مگرفتگ نمیرٹ بذریعہNTS میر) کنر 100=NT	(ب)تطحاة لميت=100 فمبر	·7·	いてかる	النائعي جارمال كوري كاصورت عي فيرون كالتيم وسواري موري عن سامل كرده فير ×40 كتيم كال فيرا جك فيرث	راس لمرت بوی - حاسل کرده فریریدا	がだがか	<i>y</i> .
k	ن كريليزيا: اسات	ہ کے سلیکشن کیلا	ئے کویٹیویا درج نیل	0 K	سليكشن كريليزيا: اساتذه كے سليكشن كيلكے كريليريا درج نيل هے ـ كل 200 نمبراتٍ كي بالسيم اس طرح سے كى جاليگى -	رع سے کی جائیگی۔	•]
	16	BPS-16	(II) مسيني اورتوري-	كايروامك	(11) مسيق اورتورى سر الدي الدي الديك من كالأول والمستركة الما المستركة الم	- Jord JOH - RITE/			
Lu	تيندي بحول م	ئيندن کمل کچر(TSST) بترل	وسنهط مي ورد (۱)	فيزي ميا	لدوزج ويتجروكري حمسكماتمه	(۱) كى يى كىلى تىلى ئى ئىندى ئىلى ئىلى ئىلى ئىلى ئىلى ئىلى ئىلى ئى	ويجعيو كروب إدعكرمادى كروب-	- (1358ء)	
<u> </u>			(۱۱) مليشن اورتزري	ع بعرواء ک	الذكاريمك مكوتى ادارين PITE	- Grid CHE RITE!			
·	BPS-16-0	٠.	والمجاري	4	: .		٠.		
2.	يخدرى كول يمج	2	(۱) کی جی مشہوری	غدئ ے	نذودج كالجروكري جم سكساته	(1) کوئی کئیم شور می نفازگل سے سیکٹڈ دوج ان پیکر اوکری جس سے ساتھ دررج دیل دو مضایجن الاوی ہوں۔ (1) فزیم کی جھس 🗚 (11) فزیم کی جھس 🗚 (11) فزیم کی سیکھس 🕏 (11)	، ١٩٤٨ نوکن يخمس B و (١١	ال) 1958عل	_
<u> </u>	57.	يمشريBPS-16	(ii) مسيني الديوري	کیفزوایات	استيك ناورتورى كى بعدودا، كى الافرار يقد مكوس الدور الماست ماسل كرفى وكى	-JADJON-RITE	-		
-	تنذرى يمل مج	ئيندري سكول مجير (SST) ييالوي)	وياميكن والميران	ביל בילוג	داوچن عجراوكري جم سكرماتهدد	(۱) كى يى كىلىم شروغى ئىدى ئىسى ئىندۇدى يىن ئىلى دارى چى سىكىما تەرىبى دىرى دىدىلى دىلى دارى كىلىنى (دولولى ئالىلى)	(دواوی یا اُق)	JE35E19	_
Ž.		SLift			· · ·	عالمت		\ -	
	Ober Abia.			·					_ }

くらしいつかから、それのですというについのにのなられていかいかんできないないとしていますからないできていることが

アナントナインングライングラインというないのといいののことのというというないからなっていているのでは、

225.19 P1:22.35 -ナンジューンないかられていていていることでいっていることにいっていまたとうないないという (の)ないからないからないなられていていていていていていていていていていていていていないない 一つかりくりしょれていますからかんからいまれているからから in the Act of the and the contract of the co an Period Lectority B. Towns In The Land State J7(52T)よりだいが いかいかしょういろう BLA ROY F-18-0-37.75

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はないからいっていたいとうしていているというというというできる رگياف رح ـــ رياساز پرخپايندازه دياستان کا ديد مايناوي لييكيخ ڪليخ نيخيال مادنيك الييكيارانڪيك うつつているう

		-		Control of the state of the sta
3/1/2	<u>ز</u> ر. خ <u>ر</u>	2315	15	The state of the s
يريجيءًا	プランシャン・メックン・	وج رخاسياد والسيم	Milak cos Entite.	ではいていることでは、これできることできません。
سيداناندانا	איוליי זפג ליותיילי	لازفالالاسالاا	5474. 2017. July	ととて コップ・ブライン・カー・ウー・イン・クー・イン・カー・ファン・イン・カー・カー・ファン・ファン・ファン・ファン・ファン・ファン・ファン・ファン・ファン・ファン
ź	1. J.	المرجد الزااتالوا	177 82 3777.	一个つからなりでするです。これとは、かられないからできないからないできない。 とうだっていない のかなったいがは N
いたいいさい	الزائدة العدريسالات			- داريك الدريديات بريعام المارية الميواد الخرية الحسطاء

טייליב שיר ביותיום). לריוים לבעל מל הלי הביל ליוליה ינוה). להילול להל ללי בי בי הנייו איזים בי ליומי לי בי הינים הינים 出ていては、これにくつかできないというないないないないのできないないのできないないできないできないないできないというないというできないというできないというできないというできないというできない。 だいてつるこれのことがなくといかかり、ないかとうないからかいかいましていっているというないないできていていたかないというというというというというというできているとうというというというというというという 、これがいってしているつかっていかしのは、またいのでは、これないなどでは、これのないというないないできないないできないないできない。これでは、これではないできない。 十万つかんろうんとかからかんかんかん かんとうかんかん

در خواستین مطلوب هین

انتونو الإمست النابي منظل اورز المغرى الميكر والمعرد المراوا الزاريكي ليرى الدين 2011 مستيك في محت مخل الميموك البينيكذوى المجيكش فيرويخوتواك القام (مردانه ازائد) سكول من درجه فريل الساميان يركرن ليلي فيريخونواك متعلقه اطناع كسكن الل اميدوارول سة مجزوة وم بر 10 ومير 2014 وتحد وفواتش ب بين درخواست فارم (NTS) كي ويب سالت (http://www.nts.org.pk/) يوستياب بمقروة ارزة كزرف كه بعد وصول وف والى دونواستون برفورتش دو

	1		
	ا الميت	Suign	-
ور 121 125 مال	ا کی بھی تشکیم شده ویو نیورٹی ہے سیکنڈ ڈویژان تیکرڈ گرئی جس کے ساتھ ورٹ ڈیل دومضا مین لا زقی ہوں۔ ا) کیسنہ تی نیالو ٹی (ڈوالو ٹی یا بائن) آ) کسی بھی تشکیم شدہ ویو نیورٹی ہے ایم اے ایم کیشن یا دیجر کیشن جس بیلز ڈکر ئی	ئىيىنىدىن ئىنول ئىچر SST يۈلۈنى 1 ئىمىنىن BPS . 16	
で21 Jレ35	۱۰ کا می سام معروع میوری سے سیئیدا دیران پالیم بیستن بیل بیپرواری ۱) کا بھی شلیم شدوع نیورنی سے سیئیدا دیران پیلوا گری جس کے ساتھ درج ذیلی دوسفا مین لازی ہوں۔ ۱) تو کس میمس Aیا (8) فوکس مینیمس Bیا (8) فوکس) استفکس 2) کا بھی شلیم شدوع نیورنی سے آیم ہے ابھر کیشن یاد بچوکیشن میں پیلوز تری	BP3.102 107	
r21 كال 35	ا کی می شایم شده یو نورش سے بینند ذویژن کار اگری جس کے ساتھ درین ذیل دومضا بین ادری دوں۔ ایک می شایم شده یو نورش سے بینند ذویژن کار اوپ (2) سی جی شنیم شده یو نورش سے ایم اے ایم کیشن یا ایم کیشن میں کار کر کری	سيندر أن سنول عجر SST	
		7 3 1 4 7 7 7	

ن كَدِينَ إِسامًا مَدُّ وَكَ سَلِيكُ وَكُوبِيَ إِدِدِ فَا فِيلِ مِن إِلَى 200 لَمِرات في تشيم الدافرت في جائ في سَرُ يَنْكُ لَمِيتُ بِذِرِبِهِ \$100 NT لَمِيرِ اللهِ (_) القلح الأطلق \$100 لَم جِن أوج و تشيم الراح

ست بذرید NTS=100 نبر (پ) تعلیم کابلیت=100 نبرجم کی در پیشیمان طرن بوکی۔ تعلیم کابلیت انسان ایس میں انفسان ایس بی میں کاروفر میں کا فیر

انیدا نے اور ایس کا میں کا نیس کا کی نیس کا میں کا میں کا میں کا نیس کار نیس کا نیس کار نیس کا نیس کار نیس کا نیس کار نیس کا نیس کار نیس کا نیس کار نیس کا نیس کار نیس کار نیس کا نیس کار نیس کار

ایج اید ادیج اے ایج پیشن مامش کرد و نمبر ×05 مشیم کل فیمر ایم نام کرد و نمبر ×05 مشیم کل فیمر ایم نام کرد و نمبر کل فیمر ایم نام کرد و نمبر کل فیمر

ل جارسان کورن کی صورت می نمبرون کی تعلیم ال طرن بوگی جامل کرد ونبر ×35 تعلیم کل نبر جنگ چاورندایم اسدایج کیشن کی صورت می نبری تعلیم بطریند فیل بوگی . سایج پیشن ماسل کرد ونبر ×20 تعلیم کل نبر

۱ بر سکول کی آسائی کیلے میرو ولیرو و میرت سن مرتب کی بعادی جس می اصدواروں کے NTS کی ماصل کروہ نمبراورتعلی کا بلیت کے نمبروں کوئٹ کیا جائے کا۔ 2) بر وارے NTS فی ورخواست آرم 1/300 و پ جارٹ کیا جائے کا اگر ایک اصدوار پانچ سکولوں کے لئے ورخواست وے کا تواس سے مرف 800 روپ ی NTS جارٹ کر ہے ، میدوارخود رواشت کریں گے۔

اله (P) 4383 من الله المنابعة المنابعة الله المنابعة الم

Por SST

عمر	قابليت	نامآآسای	نمبرثنار
35t 21	مسمی بھی شکہ میں نیورٹی ہے۔ سیسکنڈ ڈ ویژن بھیلر وگری ڈینئے ساتھ درج ذیل دومضا مین لازمی ہوں	ئينڈري سکرل ٹيچر (SST)	1
سال	(۱) کیسٹری میالوجی (ذوالوجی باباتی) (2) کس بھی تنام میرویو نورش سے ایم اے ایجوکیش با بیجیکش میں پیچارڈ گری	بيالو <i>بي / كيسٹر</i> ي 16-BPS	
35121	كن الله المعالم الله الله الله الله الله الله الله ا	ىكىدرى كىل المجرز (SST)	2
النال	(1) فريمن منتشب A يا (11) أير مراجعة من ظايا (17) فرين الميسكس التي من من الميم شده يوني إسابي الميم كمثن ما يجرك من من يجرو كرى	BPS-16 - 7/1/9	! !
35121	سن سن مجرّ المليم هنده او نيورش بين سيئترو ويزن بينجر ذكري هيئي ساتحدورج ويل دومضامين لازمي مول	سِين ري عول في (CSS)	3.
سال	(۱) انگریز فالازی ہومیٹیر گروب یاد گجرمہ مادی گروپ (2) کسی بھی تشاہ اپونیورٹ سے ایم اے ایم کیشن یا ایم کیشن میں بیپارڈ گری		

کل نبیر	تنبيس فابليت	كل شهها	تعليمي فابليت
حاصل کرده نمبر×15 تنسیم کل نمبر	بنالمُرابِمُ الحالِمُ كِنْ اللهِ	حاصل كرده نمبري الأنسي كل نبير	البراليزي
حاصل كرد ونمبر×05 تقسيم كل نمبر	المالم المالم المالكيش	حاصل كرده فمبر برياني يميم كل فمبر	اليب اير 'ايت السرامي
حاصل کردہ نمبر×05 تقسیم کل نمبر	34 0350 UF (A.	عاصل كروه في المالية	-50/13/21U
	ماسل كره (بسر) د 15 تقسيم كل نبير		المياك/ الميالين عي

ے: 1 - ہرسکول کرتے بینای کیلیے علیمدہ علیمدہ میرٹ کسٹ مرتب کیا جائے گا جس میں امیدوارون کے NTS کے حاصل کروہ نمبراورتعلیمی تابلیت کے نیبروں کوئت کیا جائے گا۔ - ہرائے وارت کا NY فی درخواست فارم 300 دوسے جارج کر نگا۔ بوکدا سیدوارتو و پروائشت کریٹھے۔

ای شراک (۱) این می می تورد و بی این می تورد و بی این استان می تارد و این می استان می موجود کی می تارد و این می تارد و این می استان می تارد و این می تارد و این می استان می تارد و این می استان می تارد و این می تارد و این می تارد و این ت

INF(P) 3360

بربختونخوا ڏبگري گارڏنز پشاور

ATTESTED

Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar



PH No. 091-9210389, 9210938, 9210437,9210957, 9210468 Fax 091-9210936 E-mail <u>desekpk@yahoo.com</u> G-45

S-NO: 82

page . 6.

Notification.

Consequent upon the recommendation of the Khyber Pakhtunkhwa Public Service Commission, appointment of the following candidates is hereby ordered against the post of Secondary School Teacher (SST Gen) in BPS-16 (Rs.1000-800-34000) plus usual allowances as camissible under the rules on regular basis under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with urmediate effect and further their Services are placed at the disposal of EDO(E&SE) expectived for further posting against vacant SST Gen posts:-

	Name	Father's	Domicile	Zo	Permanent Address	Place of posting
, No.		Name		ne	•	
, , , , , , , , , , , , , , , , , , , 	Asar Olla'i	Starif Ulah	Charsai'de	2	VPO & Tehsil Tangi Mol . Akhtar 7.bad Distt: Charsacda	Services placed at the disposal of
			: 			EDO (S&SE) Peshawer for further posting against yaccut SST Gen posts
<u> </u>	Farman Ullat	18 am Ollah	Mardan .	\ \tag{2}	Sharif Abad Bagudada Yebsil & Distt: Mardan	Services praced at the disposal of EDO (E&SE)
			: 			Mardan for further postung against vacarit SST Gen posts
3	Jrshad Ahmad	Mu Baoshah	Maraan	2	Moh: Fazid Khan Ward # 2 PO & Tehsil Fakht Bl.ai D'ste. Mardan	Do
4	Shabir Ahar ed	She: Zameen Khar	Mardar.	2	VPO Dhevi Likpani Tehşil & Distt:Mavdan	Po
1	Rooh Udei Jan	Abilia Mojecd Khan	Teslawar	2	Moh: Pir m VPO Main G.ijer Tehsil & Distt:Peshawar	Services placed at the disposal of EDO (S&SE) Nowshehra for further posting against vacan' SST Gen posts
6	Sarfe, az Khan	Saul Mul'ammad	Peshawar	2	Street Mi injee Abad VPC Larama Distt: Peshawar	Services placed at the disposal of EDO (S&SE) Kohistan for further posting against vacant SST Gen posts
	•	1		1	1 X / / / / / / / / / / / / / / / / / /	1



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75	Hussain Zada	Muhammad Zarin	Swat	3	Moh: Usaman Abad Mingora Swat	-Do
76	Jalal ud Din	Bakht Baidar	Swat	3	Regional Centre AIOU Saidu Sharif Swat	Do
77	Miraj Mahmood	Sami ur - Rahman	Swat	3	Umar Khan Book Store Udyana Market Swat	
78	Yaqoob		Swat	.3	VPO Tindodag Distt: Swat	
. 79	Muhammad Youaf	Shuaib	Swat	3	Vill: Manai PO Shah Dheri Tehsil Kabal Distt: Swat	Do
ਲੇਹ	Nawab Ali	Muhammad Amin	Swat	3	Molt: Zove Chum Saidu Shavif Swat	Du
81	Raza Shah	Zahir Shah	Swat	3	Vill: Mahak PO Deolai Tehsil Kabal Distt: Swat	Do
82	Sham Shad Khan	Lali	Swat	3	Vill: Qandil PO Madyan Tehsil " Bahrain Distt; Swat	Do
83	Sikandar Khan	Sher Muhammad Khan	Swat	3	VPO Kokarai Tehsil & Distt: Swat	Do
84	Abdul Basir	Yar Muhammad Khan	Swat	3	VPO Haji Road Kokari Swast	Services placed at the disposal of EDO (S&SE) Bunner for further posting against vacant SST Gen posts
85	Gauhar Ali	Mohabat Khan	Swat	3	VPO Kokarai Haji Baba Road Swat	`Do
73	Amir Zeb	Mian Said Karim	Swat	3	Vill: Sapat Bandi PO Saidu Sharif Tehsil Babozai Distt: Swat	Do
86	Khalid Mahmood	Muhammad Yousaf	UDA Manschra	3	GHS Lassan Nawab Tehsil & Distt: Manschra	Services placed at the disposal of EDO (S&SE) Mansehra for further posting against vacant
87	Abdul Qayyum Khan	Muhammad Raqoob Khan	Bannu -	4	. Vill: Shah Dev PO Ismaili Mama Khel Bannu	SST Gen posts Services placed at the disposal of EDO (S&SE) Kohat for further posting against vacant
88	Afsar Ali Khan	Mir Zali Khan	Bannu	4	Vill: Zeri Gul PO Kakki Distt: Bannu	SST Gen posts Do
89	Allah Nawaz Khan	Muhammad Riaz Khan	Bannu	4	Kala Khel Masti Khan Bannu	·Do
90	Gul Baz Khan	Sher Andaz Khan	Bannu	. <u>.</u>	Distt: Bannu PO Kakki Khas	Do



r 6th Appointment Order SST(G)

			·		·	(1)
170	Zargul Shah	Qaisar Shah	Haripur	5.	VPO Basso Maira Tehsil & Distt: Haripur	Do
171	Sajid Elahi "	Imam Din	Mansehra	5	Vill: Bhangian Tehsil Balakot Distt: Manschra	Services placed at the disposal of
	. :			5	<u>-</u>	EDO (S&SE) Manschra for further posting against vacant SST Gen posts
172	Musharraf Khan	Mir Samad Khan	Mansehra	5 °	Vill: Ghanian PO Dilbori Tehsil Oghi Mansehra	Do
173	Khalid Mehmood	Saced Ahmed Khan	Mansehra	-5	Moh: Dhodehari PO & Tehsil balakot Mansehra	Do
174	Rafaqat Naveed	Aurangzeb	Mansehra	5	VPO Bajna Tehsil & Distt: Mansehra	Do
175	Tufail Muhammad	Molvi Fazal ur Rehman	Mansehra	5	VPO Battal Tehsil & Distt: Mansehra	<i>Do</i>
176	Waris Mehmood	Mehmood	Manschra	5	Vill: Dheri Narah UC Garlat PO & Tehsil Balakot Mansehra	Do

Terms and conditions:-

- His services will be considered regular but without Pension & Gratuity in terms of Section-19 of the NWFP Civil Servant Act, 1973 as amended vide NWFP Civil Servants (Amendment) Act, 2005. He will however be entitled to Contributory Provident Fund in such a manner and at such rates as per prescribed by the Govt.
- In case, he is already in Government: service and working against pensionable post on regular basis before 1st day of July 2001, without any service break, on application to Khyber Pakhtunkhwa Public Service Commission through proper channel and selection by the Commission, is appointed and allowed choice of option either to retain benefit of pension & gratuity as allowed to him under his previous terms of appointment or to avail the benefit of Contributory Provident Fund allowed to him under new appointment.
- 3 His services are liable to termination on one month's notice from either side.
 In case_of resignation without notice his one-month pay/allowance's shall be forfeited to the Government.
- He should join his post within 30 days of the issuance of this notification. In case of failure to join their post within one month of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained.
- 5 He would be on probation for a period of one year extendable for another one year.



- He will be governed by such rules and regulations as may be issued from time to time by the Govt.
- His services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be proceeded under the rules framed from time to time.
- 8 Charge report should be submitted to all concerned.
- The EDOs concerned would furnish a certificate to the effect that the candidate 9 has joined the post or otherwise after one month of the issue of his posting orders.
- The EDOs concerned will verify their documents before release of pay. 10
- His seniority will be maintained as determined by the Khyber Pakhtunkhwa 11 Public Service Commission.
- No TA/DA will be allowed to the appointee for joining his duty. 12

(Muhammad Rafiq Khattak)

— Director

Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.

Endst: No. 2517, 2805 / File No.2/A-14/SST/PSC/Apptt: Dated Peshawar the 14/03/2012.

Copy forwarded for information and necessary action to the: -

1. Accountant General Khyber Pakhtunkhwa Peshawar.

2. Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar.

- 3. Executive District Officer (E&SE) Concerned
- 4. District Accounts Officer Concerned
- 5. Official Concerned.
- 6. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
- 7. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.

8. M/File

Dy: Director (Estab)

Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

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Page No: 25

FINAL SENRIOTY LIST OF CTS O/O THE DISTRICT EDUCATION OFFICER (M) DISTRICT SWAT UPTO 31/05/2018

FINAL SENRIOTY LIST OF CTS O/O THE DISTRICT EDUCATION OFFICER (M) DISTRICT SWAT UPTO 31/05/2018

1		FINAL SERRIOTT L					W			Date of	Seniority position	1
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1. 2	I the contribution of the second seco		Desi	PBS	D/O Birth	Domic	Aca demi	Profess	D/O:1st	against	as CT or D/O	-
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ew	academic /		on		Take 1 4	212.24	SECTION OF		- 16 B	post	whichever is later	
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1	Hamayun Khan	Khairullah	SCT	16	4/10/1964		MA	CT/B.Ed	5/3/1986	5/3/1986	5/3/1986	1 1
<u>_</u>	Astambool	Muhammad Kamal	SCT	16	4/1/1961		BSc	CT/B.Ed	10/11/1982		1/6/1987	· 1
3		Muhammad Junain	SCT	16	3/15/1966		MA MA	CT/B.Ed	8/1/1982	8/21/1982	5/26/1987	
<u>3</u>	Khan Ali	Umar Bakht	SC1	16	3/3/1961		MA	CT/B.LG	9/17/1987	9/17/1987	9/17/1987	
5 .		Swal Faqir	SCT	16	3/4/1962			CT ;	11/6/1982	11/6/1982	11/29/1987	
5	Bakht Sherawan 1	Mahmood Khan	SCT	16	1/1/1960		MA		8/17/1980	1/8/1988	3/6/1988	
		Said Mahmood	SCT	16	2/3/1959	Swat_	BA	СТ	7/10/1982	7/10/1982	11/30/1988	
	Toti Rahman	Fazal Rahman	SCT	16	2/7/1960		MA	CT/B.Ed	1/15/1985		9/16/1989	
9	Mohammad Salim Khan	Amanullah Khan	SCT	16	3/1/1965	3.000	MA		3/9/1982		1	
9 10		Muhammad Zarin	SCT	16	5/11/1962	3,,,,,	MA	CT/P 6d	7/20/1982		10/1/1989	
11	1301113113	Abdul Ghafar	SCT	16	5/4/1963	Swat	MA	CT/B.Ed	11/13/1984			_
12	Fazal Ranim	Fazal Ahad	SCT	16	1/1/1961	Swat	MA	CT	1/0/1005	11/15/1983	1/17/1990	
<u>14</u> 13	Azizullah	Tota	SCT	16	10/1/1964		MA	CT	3/1/1988		· · · · · · · · · · · · · · · · · · ·	
14	Shah Rom Khan	Hakim Khan Mian	SCT	16	1/1/1962		MA	CT	6/1/1988			
15	Sadig Ahmad	Aboul Hamid	SCT	16	1/4/1961	Swat	MA	CT	2/6/1990			
16	Jacoid Lines	Badish	SCT	16	3/1/1963		B.Sc	CT	2/8/1990			
17		Hazrat Ahmad	SCT	16	2/3/1964		MA	CT	4/18/1983		the second secon	
18	Hedayatullah 3rd Division		SCT	16	1/1/1959		MA	CT/B.ed	12/8/1990			
	Rashid Ali	Ghulam Nabi	SCT	16	3/12/1968		MA	CT				
<u>19</u> 20		Pir Dad	SCT	16	4/9/1965		ВА	CT_	12/9/1990			
	Hazrat Bilal	Zirat Gul	SCT	16	2/8/1963		MA	CT	12/11/1990			
21	Aziz Ahmad	Fazal Khaliq	SCT	16	4/4/1969		MSC	CT/B.Ed	12/11/1990		. 1. 1. 0.0	
22	Fazal Wahab	Gul Mahmood	SCT	16	12/12/1964	Swat	MA	СТ	5/6/1986			
23	Muhammad Majid	Umar Zada	SCT	16	1/1/1966		MA	СТ	5/4/1986			
24_	Rahman Deyar	Sultan Mehmood	SCT	16	1/1/1964		BA	СТ	11/5/1986	5/11/1986		
25	Haroon - Ur - Rashid	Khisat Gul	SCT	16	8/1/1962		ВА	CT ·	11/24/1986	11/24/1986		
<u>26</u>	Muhammad Alam	Alam Zeb Khan	SCT	16	4/1/1963		MA	СТ	4/2/1987	4/10/1991		
27		Abdur Rashad	SCT	16	12/9/1961		MA	СТ		11/24/1984	. <u> </u>	
28	Adalat Khan i	Ghulam Muhammad	SCT	16	5/15/1964		BA	СТ	3/11/1985		1 - 1 - 1 - 1 - 1	
29	Akhter Ali	Mashooq Ali	SCT	16	3/20/1959	Swat	MA	СТ	5/6/1986			
30	Imran Ali Muhammad Rahman	Bakht Zad	SCT	16	1/10/1967	Swat	FA	СТ	5/17/198			
31	Sharafat Ali Khari	Afsar Khan	SCT	16	2/2/1961		MA	СТ	3/1/198		·)	딁
32		Muhammad Zareen	SCT	16	4/2/1964		BA	СТ	6/1/198			딁
33	Amir Zeb 1	Tota Mian	SCT	16	5/15/196		ВА	CT/B.Ed	9/22/198			
34	Amir Muhammad	Ahmad	SCT	16	3/2/1967	7 Swat	BA	СТ	8/14/199	2 8/14/1997	- I	
<u>35</u>	Akhtar Hussain 3rd Divi	Habibur Rahman	SCT	16	3/10/1968		MA	CT/B.Ed	9/2/198	6 1/9/199	-	
36	Muhammad Ziaud Din	Shah Rome	SCT	16	4/8/1960		MSC		9/2/199		·	
37	Sultan Rome	Malak Sherin	SCT	16	1/1/1962		MA	CT	4/23/198			
38	Umar Hussain 1	IGhulam	SCT	16	5/1/1963		MA	CT/B.Ed	4/17/198			<u> </u>
39	Muhammad Nabi		SCT	16	4/14/1966		ВА	CT/B.Ed	11/1/198	6 4/21/199	3 4/21/1993 4/20/1993	3
40	Jamshid Khan Bakhtyar 3rd Divi	Hazrat Jee Bacha	SCT	16	7/3/196		BA	CT/B.Ed	1/20/199	0 1/20/199	0 4/29/1993	3

FINAL SENRIOTY LIST OF CTS O/O THE DISTRICT EDUCATION OFFICER (M) DISTRICT SWAT UPTO 31/05/2018

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22 Asraf Ali 1 Hazrat Ali SCT 16 5/12/1965 Swat MA CT/8.Ed 5/8/19/19/19/19/19/19/19/19/19/19/19/19/19/	post	· II f. (to Tribulation of the Control of the Cont
42 Ashraf Ali Hazrat Ali SCT 16 5/12/1965 Swat MA CT 9/24/194 43 Shah Bakht Rawan Umara Khan SCT 16 1/7/1965 Swat MA CT 9/24/194 44 Muhammad Hamayun Faramoz Khan SCT 16 1/2/1965 Swat BA CT 10/2/196 45 Amir Bahadar Sarwar Gul SCT 16 5/17/1962 Swat BA CT 11/29/194 46 Bakht Sherwan Fazal Rahman SCT 16 2/24/1967 Swat BA CT 11/29/194 47 Bakht Muhammad Muamber Khan SCT 16 1/16/1967 Swat BA CT 11/29/194 48 Noor Rahman Jumma Gul Khan SCT 16 5/17/1965 Swat BA CT 12/4/194 49 Mehboob Ali Amir Rahman SCT 16 9/11/1965 Swat BA CT 12/12/194 50 Muhammad Sadiq Qalandar SCT 16 9/11/1965 Swat BA CT 12/12/194 51 Maqsood Ahmad Dawray SCT 16 9/11/1965 Swat BA CT 12/12/194 52 Shuja Mulk Said Karam SCT 16 12/31/1965 Swat BA CT 10/3/194 53 Alamgir Sadbar Khan SCT 16 12/31/1960 Swat MA CT/B.Ed 6/10/194 54 Anwarullah Hasham Khan SCT 16 1/20/1960 Swat MA CT/B.Ed 6/10/194 55 Razal Hameed Fazal Wahab SCT 16 4/15/1969 Swat MA CT/B.Ed 9/26/194 56 Nadar Khan Mian Said Buhar SCT 16 3/3/1966 Swat MA CT/B.Ed 1/10/194 56 Sher Bahadar Khan Amir Rawan SCT 16 3/21/1964 Swat MA CT/B.Ed 6/14/194 56 Sher Bahadar Khan Gul Zaman SCT 16 5/11/1965 Swat MA CT/B.Ed 1/10/194 57 Bad Shah Ikhan Amir Rawan SCT 16 3/21/1964 Swat MA CT/B.Ed 1/10/194 58 Sher Bahadar Khan Gul Zaman SCT 16 3/21/1964 Swat MA CT/B.Ed 1/10/194 59 Aziz Ahmad Muhammad Rashid SCT 16 3/21/1964 Swat MA CT/B.Ed 1/11/1974 60 Afzal Shah Badshah Zada SCT 16 3/21/1964 Swat MA CT/B.Ed 1/11/1974 61 Bakht Alam Ghulam Qadir SCT 16 3/21/1964 Swat MA CT/B.Ed 1/11/1974 62 Muhammad Rahman ScT 16 3/21/1964 Swat MA C	F/0/100	
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82 Wazir Zada Gulzar Khan SCT 16 5/1/1967 Swat BA CT 1 10/1/19.	9 10/1/198	1/9/1995



FINAL SENRIQTY LIST OF CTS O/O THE DISTRICT EDUCATION OFFICER (M) DISTRICT SWAT UPTO 31/05/2018

	Section 1	Harmon Commission (Commission Commission Com								Date of	Seniority position
	Name of	A A A A A A A A A A A A A A A A A A A	0:	7	7 7 7 3 8 1		AC2			apptt	D/O taking over charge
	Teacher/Qualification	new years and real room management with	Desi		D/O Birth	Domic	Aca demi	Profess	∵D/O₁1st á	5. 50 AC -3. W. W.	as CT or D/O
	利で れししい ていさかりがつれんれいしょういち モ	II. Fathor's Name - · · i	gnati		/ Domicile	ile	cemi	≟ional≃	Apptt:		declaration CT Exam:
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83	Anwar Iqbal i	Khan Sherin	SCT	16	5/1/1961	Swat	MA	CT/B.Ed	10/2/1989	10/2/1989	1/9/1995
84	Muhammad Zahir Shah 1	Shahzada	SCT	16	2/2/1965	Swat	MA	CT/B.Ed	11/28/1989	11/28/1989	1/9/1995
85		Siahoosh Khan	SCT	16	6/5/1963	Swat	MA	CT/B.Ed	12/10/1989		
86		Musharaf Khan	SCT	16	6/5/1963	Swat	8A	CT/B:Ed	1/13/1990	1/13/1990	
87	Afral Hussain I	Bahroz Khan	SCT	16	5/25/1962	Swat	MA	CT/B:Ed	/19/1990	1/19/1990	
88		Sher Alam Khan	SCT	16	1/1/1969	Swat	ВА	CT ;	1/19/1990	1/23/1990	1/9/1995
89	Farzand Ali • I	Syed Rashad	SCT	16	3/15/1963	Swat	ВА	CT:	2/15/1990	2/15/1990	1/9/1995
90	Amir Zeb Khan 1	Bakht Biland Khan	SCT	16	2/18/1963	Swat	ВА	CT :	3/1/1990	3/1/1990	
91		Amir Faqeer	SCT	16	3/10/1963		MA	ст -	4/1/1990	4/1/1990	
92	Gul Muhammad Shah 1	Mubin	SCT	16	2/5/1964	Swat	MA	CT	4/14/1990	4/14/1990	
93	Muhammad Laiq 1	Amir Hamza	SCT	16	6/1/1963	Swat	MA	CT/B.Ed	4/21/1990	4/21/1990	
94		Shah Dilbar Mian	SCT	16	3/17/1969	Swat	MA	CT/B.Ed	5/13/1990	5/13/1990	
95	Akbar Ali 1	Qaisar Khan	SCT_	16	1/1/1963	Swat	MA	CT/B.ed	\$/13/1990		1/9/1995
96	1, "1,6."	Khalilur Rahman	SCT	16	7/1/1964	Swat	MA	CT/B.Ed	\$/13/1990	5/13/1990	1/9/1995
97		Ahmad	SCT	16	12/1/1959	Swat	MA	CT /o c.t.	8/20/1990		
98	Karim Ullah I	Muhammad Karim	SCT	16	3/15/1970	3	MA	CT/B.Ed	10/10/1988	5/24/1992	1/9/1995
99	lbdahim t		SCT	16	6/17/1959	Swat	BA	CT/B.Ed	5/24/1992 9/1/1989	12/1/1994	1/9/1995
100		Muhammad	SCT	16	4/3/1966		MA	CTOCA	6/11/1987	1/16/1995	1/16/1995
101	Muhammad Fahim Khan	Ahmad Shah	SCT	16	3/7/1963	Swat	MA	CT B.Ed	\$/25/1992	1/16/1995	1/16/1995
102	Muhammad Dawood Kha		SCT	16	4/26/1967	Swat	MA	CT M.Ed	3/6/1990	1/18/1995	1/18/1995
0 103	Miraj Gul	Sani Gul	SCT	16	4/21/1959	Swat	BA	CT /o.c.	1/19/1995		1/21/1995
104	Jehan Sher	Umara Jan	SCT	16	5/1/1962	Swat	MA	CT/B.Ed			
105	Hanif Khan (Abdul Qadir Khan	SCT	16	1/12/1967	Swat	MA	СТ	2/20/1990 2/21/1995	2/22/1995	
106	Abdul Wahab	Amir Bashar	SCT	16	3/3/1969	Swat	MA MA	CT	; 2/2/1995	4/10/1995	
107		Taj Khan	SCT	16	5/5/1964		MA	CT/M.Ed	2/2/1995	4/10/1995	4/10/1995
108		Alam Zeb Khan	SCT	16	5/4/1970 1/1/1967			CT/B.Ed	4/7/1988		4/17/1995
109		Ghulam Nabi	SCT	16	5/1/1970		MA	CT/M.Ed	11/7/1994	4/17/1995	4/17/1995
10	Mizajud Din 4	Mirajud Din	SCT	16	1/30/1966		BA	CT	10/17/1988	5/15/1995	
111	Bakht Biland I	Shah Zada	SCT-	16	11/8/1962	Swat Swat	MA	CT	8/8/1984	8/1/1995	
112		Khyber	SCT	16 16	1/10/1966	Swat	MA	CT/B.Ed	5/14/1992		
113		Muhammad Ghafoor	SCT		4/5/1964	Swat	MA	CT/B.Ed	2/29/1984	8/7/1995	
114	, , , , , , , , , , , , , , , , , , ,	Amir Nawab	SCT	16 16	1/1/1967	Swat	BA	CT/B.Ed	8/22/1995	8/22/1995	
115	THE PROPERTY OF THE PARTY OF TH	Akbar Khan Naik Muhammad	SCT	16	3/15/1963		MA	CT	9/27/1988	8/24/1995	
116			SCT	16	4/1/1967	Swat	MA	CT.	5/14/1987	9/1/1995	
117		Fazal Rahman Muhammad Mian	SCT	16	3/20/1964		MA	Cī	4/3/1995	9/15/1995	
118		Muhammad Zaman	SCT	16	1/15/1962		MA	CT/B.Ed	3/17/1984	9/23/1995	9/23/1995
119	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	<u> </u>	SCT	16	10/1/1970		MA	CT/B.Ed	9/24/1995	9/24/1995	
120	Muhammad Afzal Khan # Muhammad Nisar #	Ahmad Khan	SCT	16	4/16/1975		MA	CT	5/1/1996		
121	1.50	Muhammad Perviz	SCT	16	4/13/1969	Swat	MA	CT/M.Ed	9/16/1992	9/16/1992	5/5/1996
122		Muhammad Yousaf	SCT	16	4/15/1972	Swat	MA	CT/M.Ed	3/17/1996		
123	razaisiaui . 1	Tricitation (Copp.	130.	1 20	1 ,,	, 5		·	·	•	

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GOVERNMENT OF THE KHYBER PAKHTUNKHWA ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.



NOTIFICATION

Peshawar, dated the November 13,2012.

No.SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre:- In pursuance of the provisions contained in sub rule (2) of rule Jostine Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all Notifications issued in this behalf, the Elementary and Secondary liducation 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

Endst. No. & Date as abo

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

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 Pakhlunkhwa, Law Department.
- 4. The Secretary Khyber Pakhlunkhwa, Public Service Commission Peshawar. 5. The Accountant General, Khyber Pakhtunkhwa Peshawar.
- 6. The Director (E3SE) Khyber Pakhlunkhwa Peshawar.
- 7. The Director Education (FATA), Peshawar,
- 8. Copy to Maigari Ustazan KPK

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8. The Director Curriculum & Teachers Education Appoilabad.

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 Pakhturkawa.

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.

Section Officer (Primary)

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			<u>APPENDIX</u>		
	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.
Red	1.	No Juota for PST3	···	18 to 35 Years.	
					(iii) four percent from amongst the Physical Education Teachers with at least five



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

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BE	TTER COPY O	F PAGE-(27)	(56)
10	Teacher	(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	
11	Theology Teacher (TT) (BPS- 15)	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	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
12	(BPS-15)		By promotion on the basis of seniority-cum-fitness from amongst Qaris with at least five years service as such and
13	. Certified Teacher (General)	Bechlor's Degree or equivalent qualification from a recognized	having qualification as prescribed for initial recruitment. (a) Forty percent by initial recruitment; and

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14.



	Certified or two years Associate Degree in Education from a recognized University or eighteen months Diploma in Education.	(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-cumfitness 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.
Certified Teacher (Industrial Arts) (BPS- 15)	(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	(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
and the second	(b) Bechlor's Degree from a recognized	for initial recruitment of

from a recognized

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certified teacher

APPENDIX

anclatura	the site		
Nomenclature of post.	initial appointment or by trans	ence for Age sfer. limit.	Method of recruitment.
Secondary School (BPS-16).	acher (i) Second class Bachelor's Degree subjects as Chemistry, Botany Physics, Mathematics, Statistics and other equivalent groups recognized University; or (ii) M.A in Education or Bachelor's Education, from a recognized University.	e with two 18 to 35 (a) [V. Zoology, years. of the from a (i)	Certified Teachers (General). Certified Teachers (Agriculture). Certified Teachers (Industrial Arts) and Certified Fetchers (Home Economics) with at least five years service as such and having qualification mentioned in column No. 3: four per cent from amongst the Drawing Masters with at least five years service as such and having qualification mentioned in column
	Approximation	(iii	N0.5;

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	• •	•	The control of the co
			(iv) one per cent from
			(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 (v) one per cent from amongst the Arabic Teachers with at lower 5.
			years services live
Senior Arabic Teacher (SAT) (BPS-16)	-	B	No.3: and Column by lifty per cently initial rectuitment.
Senior Theology Teacher (STT) (B-16).	7-1-1-		y promotion, on the basis of seniority-cum- ness from antongst Arabic Teachers, with at alification as prescribed for initial cruitment of Arabic Teacher.
Senior Certified Teacher		By Titne at le	promotion, on the basis of seniority-cum-
(SCT)(General) (BPS-16).		By p	romotion, on the basis of seniority and having
	ATTESTE	and b	s. from amongst Certified Teachers ral), with at least five years service as such ment of Certified Teacher (General).
	Pg.		

•	•	•	,	
	Tropher (AT)	(i) Second Class Secondary School Certificate,	20 to 35	By initial recruitment
10.	Arabic Teacher (AT)	from a recognized Board with Shahdatul	years.	
· .	(BPS-15).	Alamia Fil Uloomul Arabia wal Islamia from	•	
		a recognized Tanzimuatul Wafaqul Madaris:	•	
		or Darul Uloom Saidu Sharif Swat, Darul		
	·	Uloom Charbagh Swat, Darul Uloom Chitral,	•	
•		Darul Uloom Darosh Chitral and any other		
•	- i.	Government run Darul Uloom, as notified by		
	. •	the Government from time to time; or	•	
	·	(ii) Second Class Master's Degree in Arabic from		h . []
		a recognized University.		
11.	Theology Feacher (TT)	(i) Second Class Secondary School Certificate,	20 to 35	(a) Seventy-live per cent by initial
, , ,	(BPS-15).	from a recognized Board with Shahdatul	years.	recruitment; and
	1	Alamia from a recognized Tanzimatul		(i) twenty-five per centry promotion, on the
	1	Wafaqul Madaris or Darul Uloom Saidu		bask by senjority-cum-fitness, from
•		Sharif Swat, Darul Uloom Charbagh Swat,		roughest the Senior Qaris, with at least
		Darul Uloom Chitral, Darul Uloom Darosh	(1	five years service and having
•		Chitral and any other Government run Parul Uloom, as notified by the Government from		qualification prescribed for initial
		Time to time; or		recruitment of Theology Teacher:
		Time to time, or		Note: In case of non availability of suitable
		Gib Scool Class Master's Degree in Islamiyat		person for promotion, then by initial
	1	from a recognized University.		, recruitment.
	\/			By promotion, on the basis of seniority-cum-
1 ,	Senior Qari (BPS -15).			fitness, from amongst Qaris, with at least five I
	(1013-13).			years service as such and having qualification
•			\ .	prescribed for initial recruitment.
13.	Certified Teacher	Bachelor's Degree or equivalent qualification from a	18 to 35	(a) Forty per cent by initial recruitment; and
	(General) (BPS-15).	recognized University with Certified Teacher	years.	
		The state of the s		•

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•			Certificate or two years Associate Degree in Education from a recognized University or eighteen months Diploma in Education. (b) sixty per cent by promotion, on the oasis of seniority-cum-fitness, from amongst the Primary School Head Teachers with
			qualification prescribed for initial recruitment of Certified Teacher (General): Provided that if no suitable candidate is available amount of the candidate is available amount of the candidate is available.
			Primary School Head Teachers for transfer, then the posts will be filled by pronotion on the basis of seniority-cum-litteess, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (General).
	14,	(Industrial Arts) (BPS-15).	Note: In case of non availability of suitable person_for_promotion, then_by_initial_recruitment.
ē	·		b) Bachelor's Degree from a recognized qualification prescribed for initial recruitment of Certified Teacher

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Category of Qualification

didate of Science group
urks for FSc, 5 Extra marks for B.Sc and 5 ks for M.Sc will be added to the total incert by a candidate during his selection

Category of Qualification	Total Marks 100 For Humanities group at	
<u> </u>	Intermediate Level	For Candidate of Science group -
22C.	Marks obtained X 20 / total marks =	5 Extra marks for FSc, 5 Extra marks for B.Sc and 5
HSSC	Marks obtained X 10 / total marks =	Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection
B.1/BSc	Marks obtained X 25/ total marks =	- Commission of a commission of a concention
PST Certificate/ Diploma in Education IADE.	Marks obtained X 20 / total marks =	
MANASCAM. Ed / MA Edu	Marks obtained X 20 / total marks =	\mathcal{L}_{1} , ()
MPhiVPhD	Marks = 05	1 19 11

Other conditions:-

The concerned Appointing Authority will scrutinize and verify the documents and make the appointment as per prescribed rule and the will get the documents var fied after the issuance of applintment orders within shortest possible time, not exceeding ninety (90) days.

The secrit list prepared by the expectned appointing authority shall be displayed for ten days to receive the objections appeals, if any, and shall issue the finel medit list after making necessary corrections while addressing the observations/objections/appeals, followed by requisite appointment cockers,

3. In case a documents) istar found faket forgedt bugus upon scrutingt verification; the service of the teacher concerned shall be terminated and the annual. 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.

Deni Asnaul from recognized Tozecmot-ul-Wafaqul Madaris, Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Darosh 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



476244 Roll No. Pochawar N.W.F.P. Pakistan Peshawar N.W.F.P. Pakistan Secondary School Certificate Examination SESSION 1985 (ANNUAL) THIS IS TO CERTIFY THAT _____ SHAMSHAD KHAN TO LALI'' I i Son/Daughter of _ and a student of GOV TE HIGH SCHOOL, MADYAN (SWAT) has passed the Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Peshawar held in April 1985 <u>484</u> Marks out of 850 as a Regular candidate. He/She obtained_ and has been placed in Grade Representing The Candidate passed in the following subjects: 1. English: 5. PAK. STUDIES 7. MATHEMATICS 3. Islamiyat PH#SICS -6. CHEMISTRY He/She has been awarded Grade internal assessment by the Institution concerned. Date of birth according to admission form is TRST APRIL S.E.T. (Gazetie d) ousand nine hundred and __SIXTY EIGHT (_15.4.1968) 8 August, 1985 This certificate is issued without alteration or erasure.

s.Nº 209858



27487

Peshawar N.W.F.P. Pakistan

INTERMEDIATE EXAMINATION

Humanities Group

SESSION SUPPLEMENTARY 1988



SESSION SUPPLEMENTARY 1988

THIS IS TO CERTIFY THAT _	Shameheid Kham
Son/Daughter of	Leti
and a resident of	Swat District
	has passed the <i>Intermediate Examination</i> of a part of the following section in Feb/March 1989 have been section.
as a <i>Private candidate</i> . He/She obtained	
and has been placed in <i>Grade</i> C	Representing
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University of Peshavar

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Roll No.	90-PA-45239	<u>-</u>	Charles Services		Countersigned Vice-Chancellor	



University of Peshawar



(Pakistan)

Session Annual 1996	
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and a student Private Candidate of District Swat	
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In <u>First</u> Division	-સં .
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Registration	No. 90-PA-4523) -		S.E.TORNOLL S.	•	Countersigned

Vice-Chancellor

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Serial No. 22945

Certified that Mr. / Ms. SHAMSHAD KHAN

Son / Daughter of LALI

Registration No: 88-NST-0144 Roll No: G-6594619

having successfully completed the prescribed requirements

in semester:

AUTUMN 1998 is awarded the degree of.

Master of Education (M. Ed.)

He/She has secured 55 % marks and has been placed in grade.

Allest I

Vice-Chancellor

ATTESTED

Result declared on:

September 30, 1999

Date of Issue:

January 24, 2011

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWARC
(JUDICIAL DEPARTMENT)

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

JUDGMENT

Date of hearing: 08,11,2018

Petitioner (s): Ninar & Shmal Dg. Mo. Noor Mulumonsed Whatek

Respondent (s): 1 Juliammad Dam Leten) by-

Sheh DD4.

K-(66)

WAQAR AHMAD SETH, CJ:-

Through this

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

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

ATTESTED

EXAMINER

Prahawar High Court

3 0 NOV 2018

ATTESTED



obliging their own person. They further prayed that the notification No. A-14 / SET (M) dated 11.12.2009 and Notification No. A-17 / SET (5) Contract-Apptt: 2009 dated 11.12.2009, as well as Notification No. SO(G) / ES / 185 / 2009 / SS(Contract) dated 31.05.2010 issued as a result of above noted impugned Act whereby all the private respondents have been regularized may also be set-aside in the light of the above submission, being illegal, unlawful, unconstitutional and against the fundamental rights of the petitioners. The writ petitions came up for hearing and vide judgment/order dated 26.01.2015, the same were disposed of in the following terms:-

- "(i) The Act, XVI of 2009, commonly known as (Regularization of Services) Act, 2009 is held as beneficial and remedial legislation, to which no interference is advisable hence, upheld.
- workout the backlog of the promotion quota as per above mentioned example, within 30 days and consider the in service employees, till the backlog is washed out, till then there would be complete ban on fresh recruitments".
- After passing the above said judgment, the petitioners were quite hopeful regarding their promotion to the next higher grade being senior most employees but the respondents have again started recruitment process by advertising the posts of various cadres for initial recruitment in various Districts of Khyber Pakhtunkhwa and as such, the inaction of respondents squarely fall within the ambit of

attested

Personal Market

(3)

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

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

CATESTED STED

7. In view of the above, the instant as well as connected contempt petitions are disposed of in terms above.

Show cause notice issued to respondents is hereby recalled.

ANNOUNCED.
Dated: 08.11.2018

Chief Justice

Judge

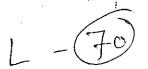
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30 NOV 2018

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 CT in your good self Department vide order dated 22.11.1986 and later on was appointed as AT vide order dated 01.06.1991. During service as Certified Teacher 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 CT (BPS-15) to which I belong have no prospects of promotion. In light of the said advertisement new appointments were made by the authorities on adhoc basis and even the promotion quota was also filled by the authority though initial Provincial the Government meanwhile In the 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: 4

- (i)- The act XVI of 2009, commonly known as (Regularization of services) act, 2009 is held as beneficial and remedial legislation, to which no interference is advisable hence, upheld.
- (ii)- Official respondents are directed to work out the backlog of the promotion quota as per above mentioned example, within thirty days and consider the in service



employees, till the backlog is washed out, till then there would be complete ban on fresh recruit. The concerned authority assailed the said judgment of the august Peshawar High Court Peshawar in CPLAS No.127-P to 129-P/2015 but the same were dismissed as withdrawn vide judgment dated 20.9.2017. That then after me and my colleagues time and again visited the concerned quarter for our promotion to the next higher scale but the concerned authority instead of redressing the grievances advertised the posts through initial recruitment through various advertisements. That it is pertinent to mention that I was promoted to the post of SST (BPS-16) vide Notification dated 14.03.2012 with immediate effect rather than retrospective effect i.e. from the date when the quota was filled up through initial recruitment. 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: 12.6.2019

Your Obediently

SHAMSHAD KHAN SST (BPS-16), GHS Qandil, District Swat

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Before the KP Service	Tochanah
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I/We Shamshad Whan	
compromise, withdraw or refer to my/our Counsel/Advocate in the without any liability for his default engage/appoint any other Advocate I/we authorize the said Advocate treceive on my/our behalf all sums deposited on my/our account in the	arbitration for me/us as above noted matter, and with the authority to Counsel on my/our cost. to deposit, withdraw and amounts payable or
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S	HAHZULLAH YOUSAFZAI
	MIR ZAMAN SAFI ADVOCATES
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BEFORE THE KHYBER PAKFUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 1230/2019
Shamshad (BPS-16) GHS Qandil, District Swat.

SST

......Appellant

Versus

- 1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar.
- 2. Director Elementary and secondary education Khyber Pakhtunkhwa at Peshawar.
- 3. District Education officer (Male) Swat.

..... Respondents

Parawise Comments on Behalf of the Respondents:

Respectfully Shewith

Preliminary objections

- 1. That the Appellant is not an aggrieved person within the meaning of Section 4 of the service Tribunal Act, 1974.
- 2. That the Appellant has no cause of action / locus standi.
- 3. That the Appellant has not come to this Honorable Court with clean hands.
- 4. That the Appellant has filed this instant service appeal just to pressurize the respondents.
- 5. The present service appeal is liable to be dismissed for non-joinder/miss joinder of necessary parties.
- 6. That the instant service appeal is against the prevailing law and rules.
- 7. That the Appellant has filed this instant Service Appeal on malatide motives.
- 8. That the instant appeal is badly time barred.
- 9. That the instant service appeal is not maintainable in the present form, and above in the present circumstances of the issue.
- 10. That the Appellant has estopped by his own conduct.
- 11. That the Appellant has concealed the material facts from this Honorable Tribunal.

FACTS:

- 1. That the Para No.1 is correct. Hence no comments.
- 2. That the Para No.2 is correct to the extent of advertisement, the rest of the Para is incorrect and not admitted. The Appellant was not in promotion zone at the time of the above mentioned advertisement. There was no promotion policy from CT to SST at the time of the mentioned advertisement. Later on in 2012 policy was promulgated and amended in 2014. According to this policy there are three categories of SST i.e SST I (Chemistry, Botany or Zoology), SST II (Physics, Maths A or B or Statistics) & SST General. The appellant will be promoted in his category on his own turn. (Policy as annexure A)
- 3. That the Para No.3 is correct to the extent that there was no promotion policy from CT BPS-15 to SST BPS-16 at the time of the above

mentioned advertisement. However, as stated in the foregoing Para, now the policy exists for promotion from CT BPS-15 to SCT BPS-16 and SST BPS-16. The promotions have been made on the basis of seniority cum fitness basis according to the policy. If the Appellant felt aggrieved of any order of promotion he should file departmental appeal before the competent authority.

- 4. That the Para No.4 is correct to the extent of appointments on ad-hoc basis. The rest of the Para is incorrect and denied. On one hand the Appellant admits in Para No.3 that there was no policy of promotion from CT to SST while on the other hand the Appellant says that promotion quota was filled by appointments.
- 5. That the Para No. 5 is correct to the extent of regularization Act 2009 the rest of the Para is irrelevant as the Honorable Peshawar High Court has already declared the regularization Act as beneficial.
- 6. That the Para No. 6 is correct.
- 7. That the Para No.7 is correct to the extent of judgments of the Honorable Courts the rest of the Para is incorrect and denied. According to the judgment dated 08-11-2018 of the Honorable Peshawar High Court in COC No. 105-P/2018 in W.P NO. 355/2011 it has clearly been mentioned that backlog was worked out by that time 2725 employees/teachers were in the promotion zone and as such were promoted. If the Appellant felt aggrieved of any order of promotion he should file departmental appeal before the competent authority. (Judgment as annexure B)
- 8. That the Para No. 8 is incorrect and denied. The Appellant has not been promoted on his own turn to the post of SST. He has been appointed on the recommendation of KPPSC vide notification dated 14.03.2012. There was no policy of promotion from CT to SST at the time of advertisement. According to the policy 2012 amended in 2014 the Appellant will be promoted to the post of SCT or SST on his turn in his category as stated above. No one junior than the Appellant has been promoted to SST in the cadre and category to which Appellant belongs. Moreover, the Appellant has already been appointed as SST BPS-16 vide notification dated 14.03.2012, how can he claim promotion to the said post. (Last promotion order as annexure C)
- 9. That the Para No. 9 is correct. However as stated in the foregoing paras the Appellant has to wait till his turn of promotion.
- 10. That the Para No. 10 is correct to the extent of appeal however, the Appellant has to wait till his turn of promotion. He cannot be promoted without his turn.
- 11. That the instant service appeal of the Appellant is bereft of any merit, hence liable to be dismissed inter alia following grounds.

GROUNDS

- A. That the Para No. A is incorrect and denied. The respondent department has to act according to the rules, policy and law. The Appellant has been treated in accordance with law, rules and policy.
- B. That the Para No. B is incorrect and denied. The Appellant has been treated in accordance with law, rules and policy. The respondent department cannot even think of the violation of any Article of the constitution.
- C. That the Para No. C is repetition of above para, hence no comments.
- D. That the Para No. D is incorrect and denied. Detail reply of this Para has already been given in the above Paras.
- E. Para No. E is repetition of above para, hence no comments.
- F. That the Para No. F is incorrect and not admitted. As stated in the foregoing Paras, the respondents have acted in accordance with rules and policy.
- G. That the Para No. G is again the repetition of the Paras, hence no comments.
- H. That the Para No. H is irrelevant to the present issue, hence no comments.
- I. That the Para No. I is irrelevant, however the respondents also seek permission of this Honorable Tribunal to advance further grounds at the time of arguments.

It is, therefore, very humbly prayed that the instant service appeal of the Appellant may be dismissed with cost in favor of the respondents.

DISTRICT EDUCATION OFFICER (M)
SWAT AT GULKADA

ELEMENTARY AND SECONDARY EDUCATION KHYBER PAKHTUNKHWA

ELEMINTARY AND SECONDARY EDUCATION PESHAWAR



FIGURE SECONDARY EDUCATION DEPARTMENT

Peshawar, dated the 24th July, 2014.

NOTIFICATION

No.SO(PE)4-5/SSRC/Meeting/2013/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(G)S&L/1-69/06/Vol-1/DPE/LIB dated, 13-11-2007, and 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:

thserted in respectibe communs, minery.			,	
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		(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, for the relevant
		subject; and	٠.	subject from amongst the Secondary School
-		ii. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualification from a	ţ.	Teachers (BPS-16), with at least five years service as such and having qualification mentioned in column No. 3.
		recognized University.	٠.	Note: If no suitable candidate is available in the relevant subject the post falling in their promotion quota shall be filled by initial

			•	recruitment (b) = fifty j
JA	Director Physical Education (BPS-17)	At least second class Master's Degree in Physical Education from a recognized University.	22-35 years	(a) Fifty po seniorit Physica at least Educati Teacher
			. •	. mention
				is avail Educati post sl
				basis antongs with at having No. 3;
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				(b) fifty per

recruitment; and

- (b) fifty percent by initial recruitment .
- (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 above teachers ,the post falling in their promotion quota shall be filled by initial recruitment; and

(b) fifty percent by initial recruitment "; and

(ii) a_{prince} 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, Eotany or Zoology),	21 to 35 years.	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
			(b) (Physics, Maths "A" or "B" or Statistics)		Certified Teachers (BPS-16), with at least five years service as Senior Certified
			(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 MA Education or equivalent qualifications from a recognized University.		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 has 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

promotion then the post shall be filled by promotion, on the basis of seniority cumfitness, 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:

- 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.".

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
- The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
- 5. The Accountant General Khyber Pakhtunkhwa Peshawar.
- The Director, Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
- 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

(ZAMIN KHAN MOMAND) SECTION OFFICER CPRIMARY

JUDGMENT SHEET PESHAWAR HIGH COURT, PESHAWARCOUR

(JUDICIAL DEPARTMENT

JUDGMENT

Date of hearing: 08.11,2018

Petitioner (s): Nigar Whomal Do. Mr. Noor Mulinomed Wholesk

Respondent (s): Aubammad

WAQAR AHMAD SETH, CJ:- Through this

single judgment, we propose to dispose of instant contempt petition as well as connected COC No. 107-P/2018 in WP No. 1662/2010, COC No. 108-P/2018 in WP No. 2967/2009 & COC No. 109-P/2018 in WP No. 3189/2009 because in all the petitions, the petitioners have sought initiation of contempt of proceedings against the respondents for implementing the judgment/order dated 26.01.2015.

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

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obliging their own person. They further prayed that the notification No. A-14 / SET (M) dated 11.12.2009 and Notification No. A-17 / SET (5) Contract-Apptt: 2009 dated 11.12.2009, as well as Notification No. SO(G) / ES / 185 / 2009 / SS(Contract) dated 31.05.2010 issued as a result of above noted impugned Act whereby all the private respondents have been regularized may also be set-aside in the light of the above submission, being illegal, unlawful, unconstitutional and against the fundamental rights of the petitioners. The writ petitions came up for hearing and vide judgment/order dated 26.01.2015, the same were disposed of in the following terms:-

- "(i) The Act, XVI of 2009, commonly known as (Regularization of Services) Act, 2009 is held as beneficial and remedial legislation, to which no interference is advisable hence, upheld.
- (ii) Official respondents are directed to workout the backlog of the promotion quota as per above mentioned example, within 30 days and consider the in service employees, till the backlog is washed out, till then there would be complete ban on fresh recruitments".
- 3. After passing the above said judgment, the petitioners were quite hopeful regarding their promotion to the next higher grade being senior most employees but the respondents have again started recruitment process by advertising the posts of various cadres for initial recruitment in various Districts of Khyber Pakhtunkhwa and as such, the inaction of respondents squarely fall within the ambit of

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

- Respondents No. 2 & 3 have filed reply to the show cause and prayed for dismissal of instant petitions.
- 5. Arguments heard and record perused.
- 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.

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7. In view of the above, the instant as well as connected contempt petitions are disposed of in terms above.

Show cause notice issued to respondents is hereby recalled.

ANNOUNCED. Dated: 08.11.2018

Chief Justice

Juded

Newsb Shah SC9 (DB) Justice Wager Ahmed Seth, C.J.E. Justice Nubermed April When 3

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Pathawar Han Court, Pashawar Authorised Under Artinio 817 67 THE Ganussantahadat Order 10

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SWAT AT GULKADA

PHONE/FAX 9240228
E-Mail
deomswat@gmail.com
www male.sed.edu.pk

NOTIFICATON

Consequent upon the Notification issued by the Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar vide his office Endst: No 681-85/File No.1//Promotion SST (B-16) Dated Peshawar the 05-02-2020. The following SSTs (whose services were placed at the disposal of DEO (M) Swat for further adjustment) are hereby adjusted against the post in the schools noted against each in the interest of public service under the existing policy of the Provincial Government on, the terms and conditions given in the afore mentioned notification of the Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar with immediate effect.

SST(MATHS & PHYSICS)

S: #	Name	Present School	School Where adjusted	Remarks
01	MR.FAZAL SUBHAN C.T	GHSS MINGORA SWAT	GHS MANAI SWAT	AGAINST VACANT POST
02	MR.IFTIKHAR C.T	GHSS NO 3 MINGORA	GHSS NO 3 MINGORA SWAT	AGAINST VACANT POST
03	MR.ANWAR KHALIQ .SPST	GPS SAMSARAY SWAT	GMŞ DADAHARA SWAT	AGAINST VACANT POST
04	MR ABDUL QADOOS SPST (GENERAL)	GPSDELAY SWAT	GHS QANDIL SWAT	AGAINST VACANT POST

	SPST		,	TIONING! VACAIVI FOST
ST ((GENERAL)			
S:#	Name	Present School	School Where	Remarks
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1	MR ADIL JAN SCT	GHS SERSENAI	GHS SHAH DEHRAI	AGAINST VACANT POST
2	MR.MUHAMMAD	GHS ASALA	GHS ASALA SWAT	
	ALAM SCT		OND HOMEN OWN	AGAINST VACANT POST
3	MR.SAMIULLAH SCT	GHS NOI MINGORA		
_		OHS NOT MINGORA	GHS NAWAKALY (M)	AGAINST VACANT POST
				_
4	MR.ANWAR IQBAL	GHS AMANKOT	GHS AMANKOT SWAT	AGAINST VACANT POST
	SCT			
5	MR.MUKARAM	GCMHSS WADOODIA	GCMHSS WADUDIA	ACAINIST VACAINT TO THE
	KHAN SCT		SWAT	AGAINST VACANT POST
6	MR.FAZAL: RAHMAN	GHS TOTANO BANDAI	GHS TOTANO BANDAI	
	SCT	Dinton	GUS TOTANO BANDAI	AGAINST VACANT POST
	MR-MUHAMMAD			
7	LAIQ SCT	GHS MATTA		
8	MR.GUL	UNS MATTA	GHSS BAMAKHELA	AGAINST VACANT POST
U				
· .	MUHAMMAD SHAH	GHS SWEEGALAI	GMS MALOOCH SWAT	AGAINST VACANT POST
9	MR ALAMGIR SCT	GHS UDIGRAM	GHS UDIGRAM SWAT	AGAINST VACANT POST
•-	1			LIOURIST AMOMINI POST
10	MR.FAZAL AZIM			
	SDM	GHSS KHWAZAKHELA	Civia	
	• " •	SHOO KITWALAKHELA	GHSS BATAI	AGAINST VACANT POST
11	MR.UMAR ZADA		KHWAZAKHELA	
1		!	•	•
	SDM	GHS NO 4 MINGORA	GHSS CHARBAGH	AGAINST VACANT POST
12	MR FAZAL AZIM AT	GHS DURUSHKHELA	GHS DURUSHKHELA	
			- SONOOTH TELA	AGAINST VACANT, POST
	1	1		

13 MR.KHURSHID 'ALI ΑT **GHSS DEOLAI** GHSS DEOLAI SWAT AGAINST VACANT POST

(MUHAMMAD RIAZ)

District Education Officer (M)

/Promotion/SST Swat

Swat ! Dated_

7 2020

Copy forwarded for information and necessary action to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar with reference to his No cited above.

- District Accounts Officer Swat at Saidu Sharif!
- Principals/Headmasters concerned.
- Budget & Accounts Officer Local Office.
- Superintendent Local Office.
- Official Concerned.

District Education Officer (M) Swat

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No: 1230/2019

Shamshad Khan SST (BPS-16) GHS Qandil, District Swat Appellant.

VERSUS

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

JOINT PARAWISE COMMENTS FOR& ON BEHALF OF RESPONDENTS No: 1-3.

Respectfully Sheweth:-

The Respondents submit as under:-

PRELIMINARY OBJECTIONS.

- 1 That the Appellant has got no cause of action/locus standi.
- 2 That the instant Service Appeal is badly time barred.
- 3 That the Appellant has concealed material facts from this Honorable Tribunal.
- 4 That the instant service appeal is based on mala fide intentions.
- 5 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 6 That the instant Service Appeal is against the prevailing law & rules.
- 7 That the Appellant has been treated as per law, rules & policy.
- 8 That the appeal is not maintainable in its present form.
- 9 That the appeal is bad for miss-joinder & non-joinder of the necessary parties.
- 10 That the instant Service Appeal is barred by law.

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- 11 That the Appellant is not competent to file the instant appeal against the respondents.
- 12 That the Notification dated 24/10/2009 is legally competent & is not applicable of the appellant to the extant of promotion along with the grant of all back service benefits under the rules.
- 13 That the appellant has correctly been promoted against the SST BPS-16 post in view of the rules, criteria & policy by the Respondent Department.

ON FACTS

- 1 That Para-1, needs no comments, being pertains to the service records of the appellant relating to the appointed vide order dated 22/11/1986 as PST & vide an other order dated 01/06/1991 against the AT post in the Respondent Department.
- 2 That Para-2 is correct to the extent that the Respondent Department has advertised SST B-16 post in the National press on adhoc / contract basis for only for fresh candidates by barring the in service Teachers in the Respondent Department for initial period one year as per policy of the govt. (Copy of the advertisement is annexed as Annexure-A).
- 3 That Para-3 is incorrect & not admitted on the grounds that the appellant was appointed against the SST BPS-16 post on adhoc/contract base in view of the terms & conditions in the advertisement for the said post & cannot claim regularization wef 24/10/2009 against the SST Post in the Respondent Department. Therefore, the claim of the appellant is baseless & liable to be rejected (Copy of the Act of 2009 is Annexure-B).
- 4 That Para-4 is correct. The factum of the applying for the SST post on Adhoc/contract basis cannot be accrued any legal rights for the grant of seniority & other allied service benefits against the SST B-16 post to the appellant. As it can only be allowed to a candidate for the SST post on adhoc/contact basis appointed by the Respondent Department in view of the terms & conditions.
- 5 That Para-5 is correct that the services of the adhoc/contract SSTs in B-16 were regularized under the Regularization services Act of 2009 by the Respondent Department & a copy of the said Act of 2009 is already attached as Ann-B for ready reference.

- 6 That Para-6 is correct to the extent of filling of writ petition No.2905/2009 under title Atta Ullah etc VS The Chief Secretary Govt. of KPK & others before the Honorable Peshawar high Court Peshawar which was decided on 26/01/2015 with the direction to the Respondent Department as under:
 - i. The Act.XVI of 2009, commonly known as (Regularization of service Act, 2009 is held as beneficial & remedial legislation to which no interference is advisable, hence, up held.
 - 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 judgment is Ann-C).
 - 7 That the Para-7 is correct. That vide judgment 20/09/2017, the august Supreme Court of Pakistan dismissed CPs No.127-129/P/2015 case titled the Chief Secretary Govt.of KPK etc VS Atta Ullah & others in favor of the Respondent Department.(copies of the judgment, & applications for the appointments against the SSTs B-16 post through NTS are attached as Ann-D,E,F,G & H).
 - 8 That Para-8, is correct that the appellant has been promoted to the post of SST B-16 vide notification dated 14/03/2012 with immediate effect rather than with retrospective effect in view of the APT rules 1989 from SCT to SST B-16 post in the Respondent Department on the basis of reserved quota for promotion under the relevant criteria/policy dated 13/12/2011 of the Respondent Department (Copy of the said policy is Ann-I).
 - 9 That para-9 is correct that COC No.105-P/2018 in the above said WP No.2905/2009 Atta Ullah etc VS Govt. of KPK & others has been dismissed vide order dated 08/11/2018 on the grounds of jurisdiction by the Honorable Peshawar High Court Peshawar (copy of the order dated 08/11/2018 is Ann-J).
 - 10 The para-10 is legal. However, the Respondents further submits on the following grounds inter alia:-

ON GROUNDS

A <u>Incorrect & not admitted.</u> The stand of the appellant is without any cogent reason & legal justification & liable to be rejected as the act of the Respondent Department with in legal parameter & liable to be maintained.

- Incorrect & not admitted. The stand of the appellant is without any cogent reason & legal justification & liable to be rejected as the act of the Respondent Department with regard to the non-grant of promotion wef 24/10/2009 against the SST B-16 post is within legal sphere having no question of violating the mandatory provision of Articles-4 & 25 of the constitution of Islamic Republic of Pakistan 1973.
- C <u>Incorrect & not admitted.</u> The act of the Respondent Department with regard to the non-grant of promotion wef 24/10/2009 against the SST B-16 post is within legal sphere is in accordance with law & rules. Therefore, the plea of the appellant is liable to be rejected.
- D <u>Incorrect & not admitted.</u> The plea of the appellant is baseless as the act of the Respondent Department is legally competent & liable to be maintained in favor of the Respondents.
- E <u>Incorrect & not admitted.</u> The plea of the appellant is baseless as the act of the Respondent Department is legally competent & liable to be maintained in favor of the Respondents.
- F <u>Incorrect & not admitted.</u> The plea of the appellant is baseless as the act of the Respondent Department is legally competent & liable to be maintained having no question of violating the provision of S-9 of civil servants Act r/w Rules-7 of the APT Rules-1989.
- Incorrect & not admitted. The plea of the appellant is baseless as the act of the Respondent Department is legally competent & liable to be maintained as he is not entitled for the grant of consequential benefits including seniority wef 24/10/2009 against the SST B-16 post in the Respondent Department.
- H Incorrect & not admitted. The stand of the appellant is without any cogent reason & legal justification & liable to be rejected as the act of the Respondent Department with regard to the non-grant of promotion wef 24/10/2009 against the SST B-16 post is within legal sphere having no question of violating the mandatory provision of Article 38(e) of the constitution of Islamic Republic of Pakistan 1973.
- I <u>Legal</u>. However, the Respondents also seek leave of this Honorable Tribunal to submit additional grounds, record & case law at the time of arguments on the date fixed.

In view of the above made submissions, it is most humbly requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant Service Appeal in favor of the Respondents in the interest of justice.

Dated ____/ /2020

Director

E&SE Department Khyber Pakhtunkhwa, Peshawar. (Respondents No: 2&3)

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

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AFFIDAVIT

I, <u>Hayat Khan Asstt: Director (Litigation-II)</u> E&SE Department Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant Parawise Comments are true & correct to the best of my knowledge & belief.

Deponent

المراجع (22) بالمراجع المراجع ادر پیش انجینتر گف گوشل ادر بینل دیزل رسیدا ادر پیش شناخی کارد کا 6کا وی ست^ک اور مسد فی فقول در کز كرن بن ميكيداد كام اذكره وفرائند وإلهاد في لينزليز بيد أورا در ينزل مم بدار كالدر ينل شانتي كارؤاد رمتها يد كانذابت اسلّ.

دُوشِي دُائريكِتْررِسِي اينِدُ آرِي ورنس الندمرونز في بيار ثمنت بالسحوه . نون نمبر: <u>920190-9</u>27

INF (P) 2760 Also available on www.nwfp.gav.pk

تكمه بدارس وخوا ندكئ مسويرس حيد

تخلیده ادب نواندگی این تیجنده ی مکول کیمپرز (SST) 16 × 10 (SST) یه شیستانه مند (SS) 17 فی فال آسانیون برنداستا مارض کشریک ادراء بین دیرمندگی بنیا، برخیمنانی کیٹے 10 آگست 10 الا م12 ہے دد پیرکک میرف انٹرنیٹ ، آفلہ جاگی، بر سائن ۱۸۰۳ مای ۱۸۰۳ میلید و بیش مرف سویه بر مدارد زنانی بیم کسی با شده دن کرامید و امران ایران و شده ما (دارید سائن میلی دند این مطاب میلی از ایران مرف سویه بر مدارد زنانی بیم کشوری کارورد اور از این معراب کارورد ایران م مرمزاد کام آسای هم از کرانه می تا بین از مرک سد

ے آن الکن ور فور تیس طاب ہیں۔ ایک المبری تا بھیا۔ کر کی مطاب المبری المبری کو الفرائد کے المبری کو الفرائد کی المبری کو المبر ا بیرکیشن میرکیک می شارسید. میرکیک می شارسید. امری است ایزا اگری بدر ل اماایات سرل کم ایلایم اب میرکش سرس باک مند برا میاند در دن (لات) ایمان روش سرد ایم در ایماد درات فرس ایس می الالماش (ان من سے اکر کہا ہے) رے نے برانصن ان م مم سنری میانوی) امیدااردل کی میرم مترانی ہے مشروط ہوگی

ه کمرنران (۱) ایش ایس لی مه شرک کید امید داره ایمه ایس می کودگری مستری نیام می (۱ وافری (کری) در داخری (۱ سه یال) نی کم از کم دوستا تین میں باس شروعوا لائل ہے۔ (2) موب مرحداد والائے نظاد مکی اور بکدے والیسال رکنے والیا امرو وال ور المانتيار ميانات المربيب (3) كام إب الميدواد ولي كما تمر مكافرة إدا واتنا محرات لبت كي غياد براميدواد م مكتر كالمنام البيني من الدون انتول على بدك وازاء تال جار والى ما الم المرحم شك لا بني عن موذ ول أميد واد موزونه موذ ومرية هل الميش ير امیدادین کونینانی کی موثل ب بروال وار دوگی (4) ای مداد و مناتین می MNMSC ک در رک وال وسنا إلى كم مورت عن كامياب اميد واده ل كمسوب عن مجمع في بكات باسكا بيم حمد ينفينا في جوكرة قاعل جأول ادومسلة ودن عی مود ال امیددادگی مدم و دولی سند فروه موک (5) انوری ک وقت و مدر پاسیدوت ما بز صدر تساوم ادر آم مس تشکی عیام در اداری بدان در مرک در بیدا کر مرافع این که برا تروی ک تا یک مودی ما برمدان برات سید و مدوسد و تول این دیر کرد.

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المسلم من المسلم المسل (3) امناه (سرنیکیش ادر دکرین) محیلیج مغرو کرده و باده بیسے دلیاه وغیرون کی محنسیل مسب زیل بول پ

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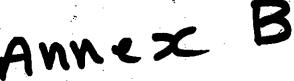
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اس امرک امنا حت مرد دی ہے کہ اس اشتراد سے تحت نمٹ شامید واروں کو بنیا دی مرامات مثلاً کی تیمن شہر برولیات میشن و فیرو ما فی کنن دول از این بات بیش می ایم نیس دول که و افزار است کم با تا مدود این ادروی و بدران بدا ال کرید میلاگی می صرالت به دری فند کرین کار داده مدارد در در میدان با این کیلا و بید ما در میسود در ل ما المراح من المراح من من المستوانين المستوانين المستوانين المستوانين المستوانين المستوانين المستوانين المستوانين المستوانين المراح المستوانين المستوانين المراح المستوانين المس ما الى الروك الدوار الما والدون كون ك ما أي كان أو مول بدوا و كام ما بدوار الدون الدون كان الدوار كان والا المرك وفتر مي ماريكي كارويدود بدؤيل جريز والإمام ما

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

- 4A. Overriding effect.—Notwithstanding any thing to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.
- 5. Repeal.—The North-West Frontier Province Employees (Regularization of Services) Ordinance, 2009 (N.-W.F.P. Ordinance No. VII of 2009) is hereby repealed.



(39)

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

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

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

Order accordingly.

<u>Announced.</u> 26th January 2015 citone

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Peshawar High Court Peshawar

Jew 10/15

IN THE SUPREME COURT OF PAKISTAN (APPELLATE JURISDICTION).

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

CIVIL PETITIONS NO. 127-P TO 129-P OF 2015, (Against the Judgment dated 26.1.20,15 of the Peshawar High Court, Peshawar passed in With Pelition No. 2705 of 2009, 30-17-F 2009, CC4, F 2019

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

Attaullah and others.

Nasruminullah and others. Mukhtar Ahmad and others.

...Respondent(s)

For the petitioner(s):

Mr. Mujahid Ali Khan, Addl. A.G. KPK

For the respondent(s):

Mr. Ghulam Nabi Khan, ASC

Mr. Abdul Qayyum Sarwar, AOR

Date of Hearing:

20.09.2017.

ORDER.

Elaz 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.

SUPREME 20.09.20

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

Civil/Criminal Date of Presentation:

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IN THE SUPREME COURT OF PAKISTAN (APPELLATE JURISDICTION)

PRESENT:

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

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ر خواستیں مطلوب میں

تيمر پختونخواالهائمنست ، ذيبيغيش ، پوسنيگ اورز اسفر آف يجرز ليكورز ، اسفر كافرزاورة اكموز ريكولينزيء يكب 2011 و كتيشن نهر ٨ تي تحت محكه اليمنز في الينزيك اي ايجهيش پختو کمنو استخام (مردانیا زبانه) سکولوں میں درجہ ذیل آ سامیاں پر کرنے کے لیے فیبر پختو نموا کے متعلقہ اصلاح کے سکونتی امل امید داروں سے بخوزہ فارم پر 30 ستمبر 2016 ہے: درخواتیم مطلوب میں۔ درخواست فارم (NTS) کی وزیب سائٹ (http://www.nts.pk) پر دستیاب ہے ۔ مقرر د تاریخ گزر نے کے بعد موسول ہونے والی درخواستوں پڑٹورٹیتن کیا جائے گا۔ نسرتار | نامآسای ⁻ سم البحن تشکیم فید و بو نیورش سے بیند ؤاؤیزان بیلز و محرق جس کے ساتھ درین الی دومضاعی اوزی ہوں۔ سيئنذري سكول نيخيرمر JU35=21 برالوجی *اسمیستر*ی (۱) کیمسٹزی میالوجی (زوالو تی یا بائن) (ii) - محمل بحي تسليم خد ويو ننورش سندانيم استايم كيشن يا ايم كيشن بين بين بيلر و كري . BPS, 16 (SST) (1) كې يې تاسلىم شد د يو تيورش ئے سيئندا دويان يېلرد اگرى جس كے ساتھ درين ويل دومنساين اارى جوال ـ سيئنذري سئول نيحير 35٪21ل فرنمی *اینتخس* (i) - فزكن بيتحس A يا - (ii) - فزكس بيتحس B يا - (iii) فزكس بالمنطكس (2) مرا مسمى بحى تسليم خد واو نيورش سائيم اسانيم كيشن يا الجوكيشن بين يجلزو تري BPS. 16 (1) سمی بھی صلیم هیده دیو نیورنی سے سکنڈ اور پڑال بیچلر و گرئ جس کے ساتھ درین اور مضافین لاز فی ہون ۔ (SST)×زل سيكنفرز إسكول يحمر 35721 كال (۱) _ انگریزی الازی ، تومینیز کروپ یاد نگر ساوی کروپ _ **BPS 16**

> سنيکشن کرينم يا اما تذوي سنيکشن کيليځ کرينر يادرج زيل نب کي 200 نمبرات کاتشيم ان طرح سه کی جائيل. ۱۱ کيسکر خنگه نسب مذرو ۱۳۲۶ ۱۳۸۰ نسر

(2) - كى بمى تىلىم خدە دەيغەرى سائىم ايماك المجيكشن يالىجۇئىشن بىلى تىكىرۇ كرى .

 (ب) ملين قابليت = 100 نبر جس کي مزيد تعميم ان طرح بوگي	۱۱- ۲ر منگ حیث بدراید NTS بسر
کل نیر	تعليق قابليت
دامل کرد دنبر ×20 تشیم کل نبر	ايم المين ي
جان کرد و نبر 20x تشیم کل نبر	رایف اے / ایف انس ی
ماصل کردونبر ×20 تشیم کی نمبر	لیاے / اِبالی
ماصل كرد ونير 15x تشيم كل نير	العالم الأسلام المالية
عاصل كرده نبر X5x تحتيم كل نبر	. في الجار الجالي .
عامل كرد ونبر ×05 تضيم كل نبر	انجابية / ايجائية المجايئة ا
ماصل کرده نمبر ×05 تشیم کل نمبر	ايم ل پانځوي
	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1

نِ این خاد مناف کورس کی صورت میں نبروں کی تعلیم ہی طرح ہوگی۔ حاصل کروہ نبر ×35 تعلیم کی نبر دھیکہ پیٹرہ داندا کم اے بیج کیٹن کی صورت میں نبر کا تعلیم بھریق و فی دوگ ۔ ایم اے ایج کشن عاصل کروہ نبر کم 200 تعلیم کی نبر

خومت: (1) برسول کی آسای کے سے بلید و تکور و برت است فرت کی جا بھی جس میں امیدواروں کے NTS کے دامل کروو نیمر اور تعلق کا بیت کے نبروں کوئل کیا جائے۔ (2) برامیدوارت NTS فی درخوار سے فادم 300 دویا جاری کریتے ۔ جو کرامیدوارخوو برواشت کریں گے۔ فادم 300 دویا جاری کیا جائے گا۔ آلرائیک امیدوار 6 سکوئوں کے لئے درخواست دیکا تو آس سے 800 دویا کی اسیدوارخوو برواشت کریں گے۔ (3)۔ NTS شنت میں 40 فیصد نیمر لینا مشروری سے مسلم سے کم نبر لینے وال افیدوار تا الی تصور بوگا اور بر شاست میں شال تھیں۔ وکا۔

عمد وصلى الله واقتط (- (1) قام ترميال مكومت فيمر يمتونخ الكرورة وأن كمطابق بنيادي تقرري Initial Appoinment 25 والمد

کسنے کے تحق خالفتا ماد میں بیادوں پر Adhoc کورکٹ پرایک مال کے لئے ہول گا۔ (2) معذوہ افراد کے نئے وہ نسداہ دوائی اسیدہ دوائی اسیدہ دوائی بیادہ میں بیادہ دوائی بیادہ میں میں بیادہ میں میں بیادہ میں میں بیادہ میں بیادہ میں میں بیادہ میں میں بیادہ میں میں بیادہ میں بیادہ میں میں بیادہ میں میں بیادہ ب

يبروحوم الهاعشف، في يسن ، بي سنتك اورواس المروز المستروز السروز الدوا الزور بلايزي المدن المدا والمعتر المعترون المراس ال م مل مل من المام المان المان المان عن درجد في آمام ال بركرة ك الم خير وكو توالدان ك سكوى الى اميد دارد ل المراد ال ک ورخواشی مطلوب ایل ـ ورخواست قارم (NTS) کی ویب سائف (http://www.nts.org.pk) پر دستیاب ہے ..مقرره تاریخ محزر نے کے بعد موسول موغوالی

درخواستول برخوريس كياجانيا

•	قابت	اب الله الله	مبرثار
JL35119	(i) کی می تسلیم شده این ندر تی سے پیکٹڈ ڈویژن بھی آروکری جس کے ساتھ درج ڈیل دومضاعی لازی موں۔(i) کی سٹری، بیانو بی (زوانو بی بابانی)	ميكندرى سكول مجر (SST) بيانو ي	1 1
00033117	(ii) مليش اورتقررى كي بعد 19 فى كالاى تريك مورى الدول RITE/PITE عمامل كرنى موكى _		
الاعتدال الاعتدال	(i) کی بھی تلیم شدہ بر غور کی سے سیکٹر اور یون بھیر واکری جس کے ساتھ ورج ویل دومضاین لازی ہوں۔ (i) فزیم میعمس A یا (iii) فزیم میعمس B یا (iii)	ميكندوي مكول فيجر (SST) فزكس ا	2
	فزيمن المثلكس	عصر -BPS-16	' [
	(۱۱) كى الى الى الى الى الى الى الى الى الى ال		
ال 35119	المراكة المائد والماد والم	ميكندوى مكول فيجر (SST) جزل	3
	(ii) مسيش اورتقرري كر بعد 19 وي كان ي فرينك مكوتي اوارول RITE/PITE يه ماصل كرني موكي_	BPS-16	

سلیکشن کریٹیریا: اساتذہ کے سلیکشن کیلئے کریٹیریا س ج نیل مے ۔کل 200 نمبرایت کی پیٹسیم اس طرح سے کی جائیگ*ی*

(۱) سكرينك ثميث يذريد NTS=100 نبر (ب) تعلى قابليت =100 نمر جي كوران مي المام موك لى الى جاد مالدكوس كامودت عى فبرول كالتيم اس طرح موى - مامل كرد وفبر × 40 كتيم كل فبر جكريية

ودانا كالسعا يجيشن كامورت على فبركاتسيم بطريقة إلى موكار ماس كرده بر ×20 و ميل برا الما ي يكن ماس كرده بر ×10 متيم كل برر 5 بر لي الم +15 ايم الم NTS _ ایرسکول کا اسای کیلے ملیره ملیره میر ف اسف مرحب کی جا تی جس عی امیددارد س MTS المراد المراد والمراد المراد المرد المرد المرد المراد المراد المراد المرد المراد المر -40 يملك عرائي المالية المال الم المراد مراسد عرال المن موا-

تقليحا قايليت لتنم قالميت اليمالصك مامل كردونبر×20 تحقيم كل نبر النسار النسالي ال مامل كرد فبر 20x تعيم كل فبر لي النه / لمالي لي الم الدام الس مامل کردونسر 20x تعیم کل مامل كرد فمبر x 05 تشيم كل نبر الم المراام اسعا يوكيش مامل کرده نمبر x05 تعسیمکل فمبر · مامل كردونبر 10x تقييم كل نبر الم الرائعة

عمومی شوانط : و (1) تمام تقرریال مکومت نیر مخوفوا کی مرور قوائی کے مطابق 25 فید بہادی تقرری (Inicial Appoinment) کے مطابق کا فید بہادی تقرری کے ایک مال کیلے ہوگی۔(2)مغدورافراد کیلئے دو فیمداور آفلیتی امیدواروں کیلئے تمن فیمدکو دیختل ہے (مغدورافراد کے دو فیمدکو دیختل ہے جس کیلئے شینڈ کک میڈیکل بورڈ کا مرفیک کے ان انجام وہ میں کا انجام وہ میں میا وہ شدہ ہے۔ (3) اعزوی کوت اسل تعلی اساد بھائرا جات امیدوارکو بداشت کرنا ہو تھے۔(4) اعرویہ کیلئے آئے والے ایمیداروں کوکن TA/DA نیس دیا جائے۔(5) مرف مترره وقت کے اعدموصول ہوندال ورخواستوں پیٹور کیا جائیا۔(6) زیر دیکل کوافتیار مامل ہے کدووکن وجہ مناع افتر کی وقت کی یا جروی طور پراغرویومنون کردے۔ (7) اگراس اشتہار کے بعد حکومت وقت کی طریقہ کار میں تبدیل کی گاؤ ملیفٹ کیٹن اس کے مطابق عمل کرنے کی باید ہوگ۔ (8) مجسائلينو كاين سيك ركاني سيكيش كواهتياره صل موكا كده قنام خالي آسام وليا الاست كم جاميده ادجر تى كرب (9) قنام تقرريال مكومت فيرو بخوشوا كم مقرد كده قوانين و بحل الحريث خال معالق خالعتا مرب كي فياديمون كي (10) قنام تعلی اسا دسرف کورشٹ کے تعلیم شدہ اداروں کی قائل تول ہوگا۔(11) اگر کی امید دار کی اساد جلی پائی گئی تو اس کے طلاف قالونی جارہ جرفی کی جائے گا درآ تعدہ کے لئے اے سرکاری طا زمت کے لئے ماالی تصور کیا جا پیگا۔(12) عظم قارم یا مطومات کی مورت عی درخواست قارم خود بخو دسنون تسود کیا جائی جس کے لئے کو گیا اتل منفور ٹیل جائے گا۔ (13) انٹرد پر کیلئے الگ شیرول جاری کیا جائی جس عی اواکوشش چیک کے جا کیگئے۔ (14) آنام تقرر ال متعلقہ احلاج کے اور ماک ک بناد ي مول ميدواد كادويماك سعلة ديل كامونالازى بـ 201 مر 2017 م يدويد على كائر يل قائل أول شاموك (15) اسدواركوا كاسكول عرمروس كنا مول جوك قائل والدوي و (16) ايك وقت 5 سكولول عی خالی آسامیوں کیلے درخواست دے سکا ہے۔ امیدوار کے ایک سے زیادہ سکولوں عی سکیفن کا صورت عی اس کی تقریب کی ایک سکول میں اس کی تقریب کی اس اس عی اس استان استعمال کا میں استعمال کی میں استعمال کا میں کا میں کو میں کا میں کی کا میں کی کا میں ک خیال دکھا جانگا کندم سے سکونوں عن اس کے بعد زیادہ برے والے امیدوارکوسکیشن کاموقع ل سکے۔ (17) ورفواست دیے کا طریقہ کار NTS کی دیم سے سکونوں عن اس کے بعد زیادہ بر طاق کے خال آ سامیوں کا تعمیل سکول وائز درخواست فادم كماتحد NTS كاديبهاكث يردك في بهادد برسكول كاينا كاديا كارياكا باي-

INF(P) 6749

محمد رفیق خٹک ،ڈائریکٹر ایلیمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخوا بشاہ،

در خواشتین مطلوب هیر

عنونو الهمسنة البونيش باستك اور السفر نج ارتيكور الموز اكترزر كاليكوى كن 2011 مريكش فير 4 كت مخل الميمكري البويكش فير ومنونوا ك غلام (مردان ازى) سكول كرش درجه ولي أكساس بركران كيلا فير و منونوا المستعقة امتلاث كسكنج ولى اميد دارواني سنة نجز و 6 وم بر 2010 مر 2014 و مناور المواسش ب تين دراوات فارم (NTS) كرويب سائت (http://www.nts.org.pk/) بردستياب به مقرر و تاريخ كزور في يعدمومول بوائد والى در فواستول برفورتيك

	4		
· · · · · · · · · · · · · · · · · · ·	المنت المناسبة المناس	آمِ آمِ ان	4.5
<i>y</i>	أني في	سَيْنَهُ ، في سُول نجي SST بيانو ني	1
-21	ا کی جمی کشنیم شده بونیور کاسته میشند اویژن پیچرا کری جس کے ساتھ ورن فریل و دمنداین لازی بوں۔) میسنر ن پیالون (اوالون یا اِنْ)		
ا 35 ال	<u>فَا الْنَ مِنْ تَشْلِيمِ شَهِ وَلِي نُورِنَى سِيَاتِيمِ إِنِ الجِرِكِيثِنِ إِلَيْ يَثِينَ مِن يَعِلْ إِلَى أِ</u>		+
:21	ا) کسی بھی شلیم شدونے نیورٹی سے نئیننڈ اورژن پھراؤ کر بی جس کے ساتھ درین آقی و درمضا میں اوری ہوں۔ ا) فؤکس میں ۱۹ (قا) فزکس میٹ مس 8 یا (قا) فزکس استعمال		
ا 35 سال	في) كل مجل تسليم شدوع خور كل بينه أيم إل البحركيش بالايم كيش مع يطن ترز		+
:21) کسی مجمی حسیم شده بو نده تن سے شیئندا ویژن پیچرا محربی جس کے ساتھ ور ن فیل وہ مضامین لاز می ہوں۔) آئریز نی لازئی بیرمیسیمیز تروپ کی دیمہ سیادی تروپ (2) سی مجمی شنیم شدوم بندر کی سے ایم اے ایم کیشن یا بر کیشہ سیر بھل بھی	1	
35 نال. د	り/ <i>1/4-0-0</i> * た	ا اسلاما قدوئے تعلیش کرینز اور مزد ف	ر ریخ

نُ كُرِيخ بِإِسَامَا مَدُّ وَكُنْلِيكُنْ كُرِينِمْ بِإِدِنْ فَا لِي بِي كُلِ 200 كَبِرات فَاسْمِهِمَ مُ طِنْ ف سُرِينْكُ نِيتَ بِدَ ، بِهِ NTS=100 نَبِرِ (ب) تَعْلَى 6 بِلِيتَ =100 نَبِرِ مِن كَامِ بِيتَمَامِ مِنْ بِولَ.

اکل نبر 20x میم کا با ایس ایس ایس کرده نبر 20x میم کا بر ایس کرده نبر 20x میم کا بر ایس کرده نبر 20x میم کا بر ایس ایس کرده نبر 20x میم کا بر ایس کرده نبر 20x میم کا بر

ں جارسال کورٹ کی مورٹ میں فہروں کی تعلیم اس طرب ہوگی ایدا مل کروہ فہر ×35 تعلیم کی فہر جکہ چناور ندایم اے انجو کیشن کی مورک میں بطریقہ آویل ہوگی۔ سانج کیشن مامل کروہ فہر 20x تعلیم کی فہر

۱) برسکول گاآ ساق کیلے میری و بیٹی و میرے لسٹ مرتب کی باسکی جس میں اصیدواروں کے NTS کے ماصل کردو نیراورتعلی قابلیت کے نیروں کوئٹ کیا جائے گا۔ 2) بر اس سے NTS فی ورتوارے قدم 300روپ چادن کیا جائے اگرا کیے امیدوار پانٹی سٹون سے لئے ورتوارے و سے کا تواس سے سرف 800روپ ی NTS جاری کر ہے۔ میدوار خود پرواٹٹ کر ہے۔

موهی شرافط (۱۱) تا بقربال کی مدور از ایک مرود قوانی کرم و قوانی کرم و قانی بادی تقربی المان کا میدور کا کا تا می کا مدور از ایک مرود قوانی کا مدور از ایک این و کی مدور از ایک کا تین کا می کا مدور از ایک کا تین کا می ایرو کی کا تین کا می ایرو کی کا تین کا می ایرو کی کا تین کا تین کا می ایرو کا ایرو کی کا تین کا تین کا می ایرو کی کا تین کا کا تین کا کا تین ک

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ل کو بر پھتو تنو الپوائٹندٹ کو پیپلیٹن 'پیسلینگ اورٹرانسٹر آف فیچرز کی بیٹر کاٹرز رورڈ اکٹرز ریگولیٹری ایکٹ 2011ء کی بیٹشن نمبر 4 کے تحت محکمہ ایلیمٹر کی اینڈ سیکنڈری ایجوکیشن نجبر پھٹونٹنی الپر اسٹونوں سے محوزہ فارم پر 5 جنوری 2014ء تک درخواشیں مطلوب انقام (مردانہ/ زنانہ) سکونوں میں دردید ڈکیل آسامیاں پر کرنے کیلئے فیبر پھٹونٹو اے متعاقد اطناع کے سکوئی الل امیدواروں سے مجوزہ فارم پر 5 جنوری 2014ء تک درخواشیں مطلوب انواست فارم NTS کے ویب سائٹ (/ittp://www.nts.org.pk/) پروستیاب ہے۔مقررہ تاریخ گزرنے کے بعدموصول کونے والی درخواستوں پرفورٹیس کیا جائیگا۔

عمر .	قابليت	نامآآسامی	تمبرشار
35t 21	مسي جي شام شده يو نيورش سيريخة فرويژن يجلر فرگري جيئے ساتھ درج ذيل دومضا مين لازمي ون	سکینڈری سکرل نیچر (SST).	1
سال	(۱) تحمسٹری میالوجی (ذوانوجی پاپائی) (2) سن بھی شدہ اپنے بعد آئی ہے ایم اے ایجوکیشن یا ایم کیشن میں پیچلرڈ گری	بيانو بي /كيسفري 16-BPS	
35121	المنظمة المنظمة المنظمة المنظمة المنظمة المنظمة المنطقة المنطق	ىكىزرى ^ك ىل ئېرز (S§T).	2
بنال .	(۱) فزیمن میسته شام ۱۱) از سر این می ظایا (۱۱) فزیمن استیمکس (سر کسی جمی سیم شده مین برای سے ایم اے بیکویشن میا بیچرکیشن میں بیپلروگری	BPS-16 16/1/	:
35¢21	من حن المبارثيده إد نيورش بيسيكند دُوريزن بجلر ذَّ لرى جيئ ساتحد در ما فايل دومشرا من لازي مول	ایکنڈری سکوا نیچر(SS)	
سال	(ا) انگریز ن لازی بومیطور گروب یادیگر مه مادی گروپ (2) کس مجی تشکیم شده یو نبورش سے ایم اسے ایم کیشن یا ایموکیشن میں بیچگرو گری		

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اسا تذہ کے کمیش کیلیے کریٹریادرج ذیل ہیں کل 200 نمبرات کی تشیم اس طرح سے کی جا بیگ (اسکریٹنگ ٹیٹ بذراید NTS = 100 نمبر ر ب ب یقلیمی قابلیت = 100 نمبر بدر ملک میں مسلوم کی استوجہ اس حدوج حوکش

کل نمین	فتنيمي فابليت	كل دغي	تعليمس فالمليث
حاصل کروہ نمبر ×15 تشیم کل نمبر	فِي اللَّهُ إِنَّ إِنَّ السَّالِكِ السَّالِي المُحْكِثُن	حاصل كروه فمبر بازل المسته كل فبر	البرالين المرابع
حاصل كرده نمبر x 05 تقسيم كل نمبر	أَيُّ اللهِ المُحالِمُ المُحالِمُ المُحالِمُ المُحالِمُ المُحالِمُ المُحالِمُ المُحالِمُ المُحالِمُ المُحالِمُ	حاصل كرده نمبر بريايي فيمثل فبر	الله اب (الله السي
حاصل كروه نمبر×05 تقشيم كل نمبر	30 0350 016 13L	عال كرده في المراه المراع المراه المراع المراه المر	ن الماران المالي
	اسُل كروه أبريد15 تقسيم كل نبسر		ايُّمَ السُراعِمُ السُّيِّي

ے: 1 ۔ ہرسکول کے پہلی کیلئے علیحدہ علیمہ میرے کسٹ مرتب کیاجا بڑتا جس میں امیدوارون کے NTS کے حاصل کردہ نمبراورتعلیمی تابلیت کے نمبروں کوجع کیاجا بڑگا۔ کہرامیہ وارٹ کا NY فی درخواست فارم 000 کروسیہ جارج کر بڑگا۔ جز کدائسیہ وارخود پر داشت کرنے تھے۔

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1	•	EINIAI SENRIOTY L	ST OF	cts o/o	THE DISTRIC	TEDUCA	101			Date of	Seniority position
- 1			<u> </u>					.		apptt:	D/O taking over charge
	NAME OF THE PROPERTY OF THE PR		Desi		D/O Birth		Aca	Profess	⊚D/O:1st	against	as CT or D/O
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	The state of the s	Khairullah	SCT	16	4/10/1964			CT/B.Ed	5/3/1986	5/3/1986	5/3/1986 1/6/1987
1 1	Hamayuri Kirari	Muhammad Kamal	SCT	16	4/1/1961	1_3,,,,,	BSc	CT/B.Ed	10/11/1982	10/11/1982	5/26/1987
2	Astambool	Muhammad Junain	SCT	16	3/15/1966	1 3000	MA MA	CT/B.Ed	8/1/1982	8/21/1982	9/17/1987
3	Fazai Navi	Umar Bakht	SCT	16	3/3/1961	JWOL	MA	CT	9/17/1987	9/17/1987	11/20/1007
4	I N I A I I A I I	Swal Fagir	SCT	16	3/4/1962	1 3000	MA	ci ;	11/6/1982	11/6/1982	3/6/1988
5	Monattitiae magnetic	Mahmood Khari	SCT	16	1/1/1960		BA	CT	8/17/1980	1/8/1988	11/30/1988
6	Dakiit Silici attor	Said Mahmood	SCT	16	2/3/1959		MA	CT	7/10/1982	7/10/1982	5/46/1000
7	Mutistiffico	Fazal Rahman	SCT	16_	2/7/1960		MA	CT/B.Ed	1/15/1985	4/26/1989	0.74 7.74 0.00
8	HOUNGIIII = = =	Amanullah Khan	SCT	16	3/1/1965	Swat	MA	CT CT	3/9/1982	9/17/1989	
9		Muhammad Zarin	SCT	16	5/11/1962	Swat	MA	CT/B.Ed	7/20/1982	10/1/1989	7-14-14-000
10	Jamsneo Kron ;	Abdul Ghafar	SCT	16	5/4/1963	Swat	MA -	CT	11/13/1984	10/1/1989	- 4000
11	Rahmat Ali	Fazal Ahad	SCT	16	1/1/1961	Swat	MA -	<u> </u>	1/9/1982	11/15/1983	1/42/4000
12	Fazal Ranim	Tota	5CT	16	10/1/1964	Swat	MA	Ст	3/1/1988	.3/1/1988	
13	Azizullah	Hakim Khan Mian	SCT	16	1/1/1962		MA	CT	6/1/1988	6/1/1988	7-1-000
14	Shah Rom Khan :	Abdul Hamid	SCT	16	1/4/1961	Swat	B.Sc	CT	2/6/1990	2/6/1990	0/0/4000
15	Sadiq Ahmad	Badish	SCT	16	3/1/1963	3 Swat	MA	CT -	2/8/1990	2/8/1990	7 - 74 000
16	Muhammad Rafiq	Hazrat Ahmad	SCT	16	2/3/1964	1 Swat	MA	CT/B.ed	4/18/1983	4/18/1983	
17	Fida Hussain	Hazrac Allinoo	SCT	16	1/1/1959	Swat	MA	C1	12/8/1990	T 12/8/1990	
18	Hedayatullah 3rd Divisio	Ghulam Nabi	SCT	16	3/12/1968	8 Swat	BA	CT -	12/9/1990	12/9/1990	
19	Rashid Ali	Pir Dad	SCT	16	4/9/196	5 Swat	MA	Ict -	12/11/1990	12/11/1990	10/44/4000
20) Zahid Khan	Zirat Gul	SCT	16	2/8/196	3 Swat	MSC		12/11/1990	T12/11/1990	1/1/1001
21	Hazrat Bilal	Fazal Khaliq	SCT	16	4/4/196	9 Swat	MA	CT	5/6/1986	1/1/1990	
22	Aziz Ahmad	Gul Mahmood	SCT	16	12/12/196	4 Swat	MA	-CT	5/4/1986	4/5/198	7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7
2	Fazal Wahab	Umar Zada	SCT	16	1/1/196			CT	11/5/1986	5/11/198	
24	Muhammad Majid	Sultan Mehmood	SCT	16	1/1/196	4 Swat	BA	CT CT	11/24/1986	11/24/198	
2	Rahman Deyar	Khisat Gul	SCT	16	8/1/196	2 Swat	BA MA	ci -	4/2/198	7 4/10/199	1
26	Haroon - Ur - Rashid	Alam Zeb Khan	SCT	16	4/1/196	3 Swat		- cr	11/24/1984	1 1 1 1 / 2 4 / 1 9 8	100/4001
2	Muhammad Alam	Abdur Rashad	SCT	16	12/9/196			cr	3/11/1985	3/11/198	5
28	Adalat Khan	Ghulam Muhammad	SCT	16	5/15/196	4 Swat		- ci	5/6/1980	5/6/198	
129	Akhter Ali		SCT	16	3/20/195		- A	CT	5/17/198	7 5/17/198	1/2/2002
- 5 .	n Ilmran Ali	Mashooq Ali Bakht Zad	SCT	16	1/10/196			CT	3/1/198	3/1/198	8 4/2/1992 8 4/2/1992
3	1 Muhammad Rahman	Afsar Khan	SCT	16	2/2/196	1 Swat	MA	CT	6/1/198	6/1/198	
3	2 Sharafat Ali Khan	Muhammad Zareen	SCT	16	4/2/196	4 Swat	- BA	CT/B.Ed		7 12/20/198	
3	3 Amir Zeb		SCT	16	5/15/196		BA		8/14/199	2 8/14/199	0/2/2003
3	4 Amir Muhammad	Tota Mian	SCT	16	3/2/196			CT/B.Ed		6 1/9/199	9/1/1992
3	5 Akhtar Hussain 3rd Divi	Ahmad	SCT	16	3/10/196		. 457	 		2 9/2/199	92 9/2/1992
3	6 Muhammad Ziaud Din	Hapipor Karimen	SCT	16	4/8/196		- 1		4/23/198	8 4/23/198	38 11/21/1992
₄ 3	7 Sultan Rome :	Shah Rome	SCT	16	1/1/196				1 1 0.0	8 4/17/198	38 11/22/1992
3	R Umar Hussain	Malak Sherin	SCT	16	5/1/196	53 Swa		CT/B.Ec		6 4/21/199	93 4/21/1993
3	g Muhammad Nabi	Ghulam	SCT	16	4/14/196	56 Swa		CT/B.Ed		- 12.04	90 4/29/1993
4	O Jamshid Khan	Hazrat Jee	SCT	16	7/3/190	54 Swa	BA	C1/0.C0	-, -, -, -		
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FINAL SENRIOTY LIST OF CTS O/O THE DISTRICT EDUCATION OFFICER (M) DISTRICT SWAT UPTO 31/05/2018

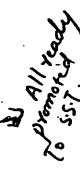
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42	Wath at Wh	Hazrat Ali	SCT	16	1/7/1964	Swat	MA:	CT	9/24/1989	9/24/1989	
43	Shah Bakht Rawan	Official a Kitch	SCT	16	1/2/1965	Swat		CT .	10/2/1989	10/2/1989	
,	Muhammad Hamayun	T BI BITTOE WILL	SCT	16	5/1/1962	Swat	MA:	CT/B.ed	3/10/1989	10/3/1989	
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1 1	Bakht Sherwan	320110111111	SCT	16	1/16/1967	Swat	BA :	CT	11/30/1989	11/30/1989	
47	00,1174	WIGGITIBE! THIS!	SCT	16	5/1/1965	Swat		CT·	12/4/1989	12/4/1989	l
48	Noor Rahman	Jumma Gul Khan	SCT	16	2/1/1963	Swat		ב	12/12/1989	12/12/1989	
49	Mehboob Ali	All III Kollinov	SCT	16	9/11/1965	Swat			12/14/1989	12/14/1989	
50	Muhammad Sadiq	Qalaliusi	<u>scr</u>	16	6/5/1963	Swat	MA:	CT/B.Ed	12/17/1989	12/1//1989	
51	Magsood Ahmad	0011101	SCT	16	12/3/1966	Swat	BA	CT	10/3/1989	1/4/1990	
52	Shuja Mulk	Jaio Raioni	sci -	16	1/20/1960	Swat	MA	CT/B.Ed	6/10/1990	6/10/1990	·
53	Alamgir	380001 1111011	SCT	16	3/1/1969	Swat	MA	CT/B.Ed	9/26/1988	11/10/1994	
	Anwarullah	1183110111 1111011	SCT	16	4/15/1969	Swat	MA		11/10/1994	11/10/1994	
	Fazal Hameed	Fazal Wahab	SCT	16	3/3/1966	Swat	MA	CT	9/8/1986	11/11/1994	
	110001 1411011	IVIIAII JAID BUILD.	SCT ·	16	5/1/1965	Swat	MA	CT/B.Ed	6/14/1987	11/12/1994	
57_	Bad Shah Ikhan	All III Tideson	sci	16	1/1/1964	Swat	ВА		12/12/1989	12/12/1989	
	31.0.	G01 20111011	SCT	16	2/2/1964	Swat	MA	CT/B.Ed	11/10/1994	11/15/1994	
1	, 12.2	WIGHTON THE THE	SCT	16	5/12/1967	Swat	MA	CT/B.Ed	11/15/1994	11/15/1994)
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		Gribient Goon	SCT	16	2/1/1965	Swat	MA	CT/B.Ed	12/1/1986	11/16/1994	1
	Muhammad Rahman	31161111 36101	SCT	16	2/11/1968	Swat	MA	CT/M.Ed	8/1/1987	11/16/1994	
1 100	Sher Ali Khan	34001	SCT	16	7/20/1969	Swat	MA		11/16/1994	11/16/1994	
			SCT	16	4/2/1964	Swat	MA	CT/B.Ed	9/28/1988	11/18/1984	\
1 124	, , , , , , , , , , , , , , , , , , , ,	1180100mail rates.	sci	16	1/20/1965	Swat	MA	CT/B.ed	11/21/1984	11/21/1994	·
	Gul Pervize	North Co.	SCT	16	6/5/1964	Swat	B.Sc	CT	5/12/1992	11/24/1994	
, , , , , ,	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Ghulam Khaliq	SCT	16	3/26/1963	Swat			11/27/1986	12/20/1994	
	Sarir Ud Din	Fazal Wahid	scr	16	12/2/1960	Swat	МА	CT/B.Ed	4/2/1987	12/21/1994	
1 1		AZIZOT RETITION	SCT	16	2/27/1961	Swat	MA	CT	6/7/1987	12/21/1994	
	Muhammad Ghafar	Kitaii boileas:	SCT	16	9/12/1961	Swat	MA	CT/M.Ed	8/11/1988	12/21/1994	
	Amanuliah Khan		SCT	16	9/9/1958	.Swal	MA	CT/M.Ed	9/28/1988	12/21/1994	
		Tal IVIditalitities titles	SCT	16	2/2/1969	Swat	ΜA	CT/M,Ed	6/24/1987	12/22/1994	
	Fatehur Rahman	. 9101 1/011111011	SCT	16	1/1/1965	Swat	MA	CT	9/29/1988	1/10/1988	1
1		THETHIOOZ KITOTI	sci –	16	4/15/1965	Swat	ВА		12/25/1994	12/25/1994	
	Alam Zeb	Abdul Jabbar	SCT	16	1/1/1968	Swat	MA	CT	9/4/1986	12/27/1994	
76		TVI GITIGITITI CO TICE CO	SCT	16	1/1/1960	Swat	MA	CT/M.Ed	12/27/1994	12/27/1994	
1 1 1 1 1	Alam Zeb	0061100007	SCT	16	2/16/1964	Swat	MA	CT/M.Ed	9/26/1988	1/1/1995	
78		11011101101101111110	SCT.	16	4/10/1966	Swat	MA:	CT/B.Ed	12/5/1989		
· 79	· · · · · · · · · · · · · · · · · · ·	1 aqri Tiriott	SCT	16	2/15/1965	Swat	MA .	CT/B.Ed	5/3/1986	5/3/1986	
80	Samiullah		SCT	16	3/8/1958	Swat	ВА	CT/B.Ed	4/1/1987	4/1/1987	
81		10) 11/0/10/11/11	SCT	16	5/1/1967			CT I	10/1/1989	10/1/1989	1/9/1995
82	Wazir Zada	Gulzar Khan	JUI.	70	3/2/2331						

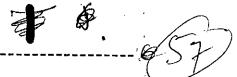
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- [108	Anwar Zeb	Alam Zeb Khan	SCT		1/1/1967	Swat	BA	CT/B.Ed	4/7/1988	4/16/1995	4/17/1995
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}		Muhammad Nisar · 7	Ahmad Khan	SCT	16	4/16/1975		MA	CT	9/16/1992	9/16/1992	5/5/1996
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۱,			Muhammad Yousaf	SCT	16	4/15/1972	Swat	MA	CT/M.Ed	3/17/1996	3/11/1330	
- 1	123	ratai Havi ,							•			:









Certified or two years Associate Degree in Education from a recognized University or eighteen months Diploma in Education.

(b.) sixty percent promotion on the basis of seniority-cum-fitness from . amongst the Primary School Head Teachers with at least five years servi<u>ce</u> qualification having prescribed: for initia recruitment of Certified Teacher (General).

if 🖁 no tḥat Provide suitable candidate available amongst the Primary School* Head Teachers for transfer, then the posts will be filed by promotion on the basis of seniority-cumfitness 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

availability of suitable person for promotion then by initial recruitment.

14. Certified
Teacher
(Industrial
Arts) (BPS15)

(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) Bechlor's Degree

from a recognized

(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

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

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	Ba in a	ducation achelor's D Education			(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 percent
No g		us been de .		ated	the Drawing Masters with a least five years service as such and having qualification mentioned in column No. 3. (iii) four percent from amongs the Physica

Teachers

at least five

with



GOVERNMENT OF THE KHYBER PAKHTUNKHWA ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

NOTIFICATION

Peshawar, dated the November 13,2012

No.SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre:- In pursuance of the provisions contained in sub rule (2) of rule Jostine Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all Notifications is used in this bonalf, 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

Endst. No. & Date as abo

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

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 Pakhlunkhwa, Law Department.

4. The Secretary Kryber Pakhtunkhwa, Public Service Commission Peshawar.

5. The Accountant General, Khyber Pakhtunkhwa Peshawar.

The Director (E3SE) Khyber Pakhlunkhwa Peshawar.

The Director Sociation (FATA), Peshawar. 8. Copy to Maigan Ustazan KPK

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Annex J

JUDGMENT SHEET
SHAWAR HIGH COURT, PESHAWAR

OC No. 105-P/2018 in WP No. 355/20

JUDGMENT.

Date of hearing: <u>08,11,2018</u>

Petitioner (8): Nigar Obmul Do: Mr. Noor Mulesonned Wholek

Respondent (s): 1 Juliammad Dram thur ky Girl Caiser De

WAQAR AHMAD SETH, CJ:- Through this

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

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

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Notification No. A-14 / SET (M) dated 11.12.2009 and Notification No. A-17 / SET (5) Contract-Apptt: 2009 dated 11.12.2009, as well as Notification No. SO(G) / ES / 185 / 2009 / SS(Contract) dated 31.05.2010 issued as a result of above noted impugned Act whereby all the private respondents have been regularized may also be set-aside in the light of the above submission, being illegal, unlawful, unconstitutional and against the fundamental rights of the petitioners. The writ petitions came up for hearing and vide judgment/order dated 26.01.2015, the same were disposed of in the following terms:-

- "(i) The Act, XVI of 2009, commonly known as (Regularization of Services) Act, 2009 is held as beneficial and remedial legislation, to which no interference is advisable hence, upheld.
- ii) Official respondents are directed to workout the backlog of the promotion quota as per above mentioned example, within 30 days and consider the in service employees, till the backlog is washed out, till then there would be complete ban on fresh recruitments".
- After passing the above said judgment, the petitioners were quite hopeful regarding their promotion to the next higher grade being senior most employees but the respondents have again started recruitment process by advertising the posts of various cadres for initial recruitment in various Districts of Khyber Pakhtunkhwa and as such, the inaction of respondents squarely fall within the ambit of

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

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

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(B)

In view of the above, the instant as well as connected contempt petitions are disposed of in terms above. Show cause notice issued to respondents is hereby recalled. ANNOUNCED.
Dated: 08.11.2018 Chief Justice CERTIFIED TO BE TRUE COPY 3.0 NOV 2018

Date of Presentation of Application
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