


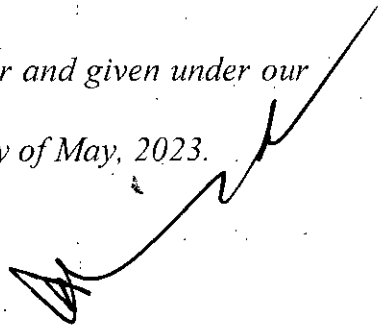
08<sup>th</sup> May, 2023

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 08<sup>th</sup> day of May, 2023.*

  
(Farceha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

\*Kaleem Ullah\*

SCANNED  
KPST  
Peshawar

13<sup>th</sup> April, 2023

Today this and connected appeals were brought by the 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 <sup>were</sup> ~~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.

SCANNED  
KFST  
Peshawar

(Kalim Arshad Khan)  
Chairman

\*Adnan Shah, PA\*

17<sup>th</sup> 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.

SCANNED  
KFST  
Peshawar

(Fareeha Paul)  
Member (E)

(Kalim Arshad Khan)  
Chairman

\*\*Adnan Shah, PA

25<sup>th</sup> July, 2022

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 17/04/2023 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

27.07.2021

Counsel for the appellant present.

Mr. Javed Ullah, 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)

  
Chairman

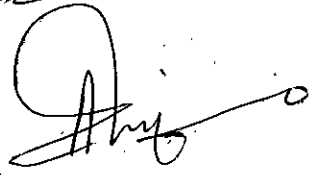
13.12.21

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

  
Reader

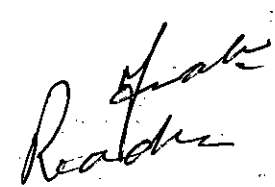
29-3-2022

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

  
Reader

11-5-22

Proper DB not available The case is adjourned  
on 25-7-22

  
Reader


01.04.2021

Nemo for parties.

Noted  
AFVP

Kabir Ullah Khattak learned Additional Advocate General present.

Preceding date was adjourned on a Reader's note, therefore, both the parties be put on notice for 14/7 2021 for arguments, before D.B.

  
(Atiq ur Rehman Wazir)  
Member (E)

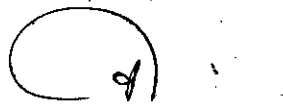
  
(Rozina Rehman)  
Member (J)

14.07.2021

Appellant present through counsel.

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

File to come up alongwith connected Service Appeal #.1230/2019 tilted Shamshad Khan Vs. Education Department on 27.07.2021 before D.B.

  
(Rozina Rehman)  
Member (J)

  
Chairman

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

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

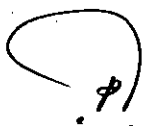
Due to public holiday on account of COVID-19, the case is adjourned to 23.06.2020 for the same. To come up for the same as before S.B.

  
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

26.11.2019

Counsel for the appellant present.

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

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

20/11/19  
20/11/19  
Appellant Deposited  
Security & Process Fee

  
Chairman

20.01.2020

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

Learned AAG requests for time to contact the respondents and furnish reply/comments on the next date of hearing. Adjourned to 25.02.2020 on which date the requisite reply/comments shall positively be furnished.

  
Chairman

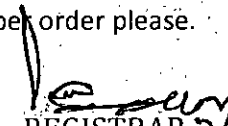



Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 1239/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/10/2019	<p>The appeal of Mr. Naseer Hassan 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.</p> <p style="text-align: right;"> REGISTRAR 7/10/19</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>26/11/19.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

**APPEAL No. 1239 /2019**

**NASEER HASSAN**

**V/S**

**EDUCATION DEPTT:**

**INDEX**

<b>S.NO.</b>	<b>DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE</b>
<b>1.</b>	Memo of appeal	-----	1 -4.
<b>2.</b>	Service book	<b>A</b>	5- 17.
<b>3.</b>	Advertisement	<b>B</b>	18.
<b>4.</b>	Act	<b>C</b>	19- 21.
<b>5.</b>	Judgment	<b>D</b>	22- 43.
<b>6.</b>	Judgment	<b>E</b>	44.
<b>7.</b>	Advertisements	<b>F</b>	45- 48.
<b>8.</b>	Seniority list	<b>G</b>	49- 51.
<b>9.</b>	Service Rules	<b>H</b>	52- 58.
<b>10.</b>	Educational testimonials	<b>I</b>	59- 65.
<b>11.</b>	Judgment	<b>J</b>	66- 69.
<b>12.</b>	Departmental appeal	<b>K</b>	70- 71.
<b>13.</b>	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**

Khyber Pakhtunkhwa  
Service Tribunal

APPEAL NO. 1239 /2019

Diary No. 1410

Mr. Naseer Hassan, CT (BPS-15),

Dated 7-10-2019

GHS Qandil, District Swat ..... **APPELLANT**

**VERSUS**

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

..... **RESPONDENTS**

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

**PRAYERS:**

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

Filed to-day  
Registrar  
2/10/19

**R/SHEWETH:**  
**ON FACTS:**

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

- 1- That initially the appellant was appointed as PST in the respondents Department vide order dated 03.12.1990 and later on the appellant was promoted as PSHT (BPS-15) in the respondent Department vide order dated 26.02.2013 and subsequently promoted as Certified Teacher vide order 23.07.2015. Copy of the service book is attached as annexure ..... **A.**

2-

That during service as certified Teacher the appellant was in the promotion zone to the post of SST (BPS-16) but the respondents instead promoting the appellant advertised the said posts of SST (BPS-16) on adhoc/contract basis. Copy of the advertisement is attached as annexure ..... **B.**

3-

That under protest the appellant and his colleagues applied for the said post through initial recruitment but the same was also refused to the appellant and colleagues of the appellant on the pretext that regular employees are not entitle to apply for the adhoc/contract posts of SST (BPS-16) thus appellant and his colleagues were deprived from prospects of promotion. That it is pertinent to mention that at the time of above mentioned advertisement the post/cadre of 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 ..... **C.**

6-

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

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

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

**Copy of the Judgment is attached as annexure ..... **D.****

7-

That the respondents assailed the said judgment of the august Peshawar High Court Peshawar in CPLAS No.127-P to 129-P/2015 but the same were dismissed as withdrawn vide judgment dated 20.9.2017. That then after the appellant and his colleagues time

and again visited the respondents for their promotion to the next higher scale but the respondents instead of redressing the grievance of the appellant and his colleagues advertised the posts through initial recruitment through various advertisements. Copies of the judgment and advertisements are attached as annexure .....

**E & F.**

- 8- That it is pertinent to mention that appellant is the senior most SCT (BPS-16) of the respondent department and also eligible in all respect for promotion to the post of SST (BPS-16). Copies of the seniority list, service rules and educational testimonials are attached as Annexure .....
- 9- That feeling aggrieved the appellant and his colleagues knocked the door of august Peshawar high Court, Peshawar in various COC Petitions numbers including COC Petition No.105-P/2018 and the same has been disposed of vide judgment dated 8.11.2018 with directions to approached the august Service Tribunal for claiming of promotion and seniority. Copy of the judgment is attached as annexure .....
- 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 .....

### **GROUND:**

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

- E- That the respondents acted in arbitrary and malafide manner by not ante dated promotion to appellant to the post of SST (BPS-16) despite the fact that the appellant was not allowed in the initial recruitment process because of the fact that he is in regular promotion zone and will soon be promoted to the post of SST (BPS-16).
- F- That the inaction of the respondents by not allowing/granting promotion to the appellant to the post of SST (BPS-16) is violative of section-9 of the Civil Servant Act 1973 read with Rule-7 of the (Appointment, Promotion & Transfer) Rules 1989.
- G- That as per Rules and regulation the appellant is entitle for promotion to the post of SST (BPS-16) with all consequential benefits including seniority.
- H- That according to Article 38(e) of the Constitution of Pakistan, 1973 the state is bound to reduce disparity in the income and earnings of individual including persons in the services of Federation.
- I- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 1.8.2019

**APPELLANT**



**NASEER HASSAN**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK**

**&**



**MIR ZAMAN SAPI**  
**ADVOCATES**

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

1. Name *Mr. NASEER HASSAN*

*A-5*

2. Race *Syed.*

3. Residence *village: Qandil, P.O. Madyan, Teh Bahmin, Dist Swat.*

4. Father's name and residence *Mr. Shah nazar Mian.*

5. Date of birth by Christian era as nearly as can be ascertained *Fifteenth, <sup>as above</sup> July, N.H. x second of Two.*  
*(15-7-1972)*

6. Exact height by measurement *5-6"*

7. Personal marks for identification *nil.*

8. Left hand thumb and Finger impression of (non-gazetted) officer

Little Finger

Ring Finger

Middle Finger

Fore Finger

Thumb

9. Signature of Government servant.

*Naseer Hassan*

10. Signature and designation of the Head of the Office, or other Attesting Officer.

*Sub. Medical Officer (M)*  
*Dugga, Dist. Swat*

*Distt. Edu. Officer (M)*  
*SWAT*

**ATTESTED**





10	11	12	13		14	15																	
			Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitible to another Government																			
Signature and designation of the head of the office or other attesting officer in attestation columns 1 to 3	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Period	Government to which debitible	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.																	
<del>S.D.E.O. (M) Daggal</del>	<del>5/4/91</del>	<del>Resced. F.S.C. Grant Allowed.</del>	<del>S.D.E.O. (M) Daggal</del>																				
<del>S.D.E.O. (M) Daggal</del>	<del>31/5/91</del>	<del>Scale Reinstated</del>	<del>S.D.E.O. (M) Daggal</del>																				
<del>S.D.E.O. (M) Daggal</del>	<del>30/11/91</del>	<del>Ann/Int.</del>	<del>S.D.E.O. (M) Daggal</del>																				
<del>S.D.E.O. (M) Daggal</del>	<del>31/2/92</del>	<del>Transferred</del>	<del>S.D.E.O. (M) Daggal</del>																				
S. D. E. O. Saidu Sharif	30/17/92	Ann. Inc.	S. D. E. O. Saidu Sharif																				
Service Verified w.e.f. to 31-12-93	1-4-93																						
Sub Divisional Edu. Officer (M) Saidu Sharif																							
<del>S. D. E. O. Saidu Sharif</del>	<del>28/2/93</del>	<del>Transf.</del>	<del>S. D. E. O. Saidu Sharif</del>																				
<del>S. D. E. O. Saidu Sharif</del>	<del>30/11/93</del>	<del>Ann. Inc.</del>	<del>S. D. E. O. Saidu Sharif</del>																				
<del>S. D. E. O. Saidu Sharif</del>	<del>1-6-94</del>	<del>Full Review</del>	<del>S. D. E. O. Saidu Sharif</del>																				
<del>S. D. E. O. Saidu Sharif</del>	<del>30/11/91</del>	<del>Ann. Inc.</del>	<del>S. D. E. O. Saidu Sharif</del>																				
<del>S. D. E. O. Saidu Sharif</del>	<del>30/11/92</del>	<del>Ann. Inc.</del>	<del>S. D. E. O. Saidu Sharif</del>																				
<p>Pay fixed in the K.P.S. no. 7.                  Rs. 1095-60-1995. Under formula B.</p> <table border="1"> <tr> <td>1) Pay as 31/5/91</td> <td>Rs. 812/-</td> </tr> <tr> <td>2) D. Pay "</td> <td>23/-</td> </tr> <tr> <td>3) 5% "</td> <td>41/-</td> </tr> <tr> <td>4) 10% "</td> <td>81/-</td> </tr> <tr> <td>5) D.A. "</td> <td>200/-</td> </tr> <tr> <td><b>Total</b></td> <td><b>Rs. 1157/-</b></td> </tr> <tr> <td><b>Inc. 8</b></td> <td><b>100/-</b></td> </tr> <tr> <td><b>Total</b></td> <td><b>Rs. 1257/-</b></td> </tr> <tr> <td><b>Pay fixed on 1/6/91</b></td> <td><b>Rs. 1275</b></td> </tr> </table>				1) Pay as 31/5/91	Rs. 812/-	2) D. Pay "	23/-	3) 5% "	41/-	4) 10% "	81/-	5) D.A. "	200/-	<b>Total</b>	<b>Rs. 1157/-</b>	<b>Inc. 8</b>	<b>100/-</b>	<b>Total</b>	<b>Rs. 1257/-</b>	<b>Pay fixed on 1/6/91</b>	<b>Rs. 1275</b>	<p>Sub Divisional Edu. Officer (M)                  Daggal Distt. Durg.</p> <p>Service Verified w.e.f. 1-12-90 to 31-12-92 from Reg. Roll &amp; Record kept in this office.</p> <p>Sub Divisional Edu. Officer (M)                  Daggal Distt. Durg.</p>	
1) Pay as 31/5/91	Rs. 812/-																						
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<b>Pay fixed on 1/6/91</b>	<b>Rs. 1275</b>																						

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	if officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
PTE	Bps No. 7		1095-60	-1995			
9MPS Nala Bandil	Bps		Rs 1455/-			1/12/92	Naseer Hassan
do	do	Bps No 7	Rs 1515/-			1/12/93	Naseer Hassan
" "	"	"	Rs 2047/-			1/6/94	Naseer Hassan
9PS Bandil	u		Rs 2122/-			1/12/94	Naseer Hassan
do	u		Rs 2209/-			1/12/95	Naseer Hassan
do	u	Bps-7 (1095-60-1995)	Rs 2452/-			3/7/96	Naseer Hassan
do	u		Rs 1275/-	✓		1/6/91	Naseer Hassan
do	u		Rs 1335/-			1/12/91	Naseer Hassan
do	u		Rs 1395/-			1/12/92	Naseer Hassan
do	u		Rs 1455/-			1/12/93	Naseer Hassan
do	u	Bps-7 (1480-81-2695)	Rs 1986/-	✓		1/6/94	Naseer Hassan
do	u		Rs 2047/-			1/12/94	Naseer Hassan

9	10	11	12	13		14	15
				Nature and duration of leave taken	Allocation of period of leave or average pay upto four months for which leave salary is debitable to another Government		
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Period	Government to which debitable	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
	30/11/93	Ann Gue	S. D. E. O. Saidu Sharif				
	31/5/94	Scale revision	Amr reh S. D. E. O. Saidu Sharif				
Amr reh S. D. E. O. Saidu Sharif	11/30/94	Ann Gue	Amr reh S. D. E. O. Saidu Sharif				
Amr reh S. D. E. O. Saidu Sharif	30/11/95	Ann Gue	Amr reh S. D. E. O. Saidu Sharif				
Amr reh S. D. E. O. Saidu Sharif	3/6/96	3 Adm. Juc.	Amr reh S. D. E. O. Saidu Sharif				
S. D. E. O. (M) Saidu Sharif	20-1-94	Scale revision	S. D. E. O. Saidu Sharif				
	30/11/91	Ann Gue	S. D. E. O. Saidu Sharif				
	30/11/92	Ann Gue	S. D. E. O. Saidu Sharif				
	30/11/93	Ann Gue	S. D. E. O. Saidu Sharif				
	31/5/94	Scale revision	S. D. E. O. Saidu Sharif				
	30/11/94	Ann Gue	S. D. E. O. Saidu Sharif				
	30/11/95	Ann Gue	S. D. E. O. Saidu Sharif				

Allowed fixation in Modified Scale vide Govt of NWFP Finance Notification No F.O (P.R.) 1-93 dtd 20-1-94

Pay on 3/5/93 in BPS No. 7 Rs 814/-

Pay fixed in Modified Scale Rs. 1335/-

Under Taking

To Mr. Nasir Hassan P/c Emps Nale

I do hereby give an undertaking to the effect, if any over payment is made to me as a result of an incorrect fixation will be recovered from my pay/pension/gratuity.

Signature: Nasir Hassan

Sub Divisional Edu. Officer (M)  
Saidu Sharif sub division, off

Form No. 257

Printed at Government of NWFP

10-30-94

2/00/

2-8-94

2-8-94

Nasir Hassan

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 if officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 P. y. in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of appointment	8 Signature of Government servant
DTC G.P.S. Dandari	SWS /M		Rs 2128/-			12/95	Naseer h
—	—		Rs 2371/-	✓		3/96	Naseer h
—	—		Rs 2452/-	✓		12/96	Naseer h
G.P.S. Jore	—		Rs 2533/- Rs 2452/-			6/98	Naseer h

Office of The Accountant General,  
N.W.F.P. Peshawar.  
Pay fixed in order of Rs 1980-81-2695  
S. Rs. 1964  
with next  
Accounts Office  
Pay Fixation Party N.W.F.P. Peshawar.

Payment made & recorded up  
6/91 to 5/94 @ 60 P.M x 36 M = 2160/-  
6/94 to 12/97 @ 81 P.M x 43 M = 3483/-  
Total = 5643/-

Total of Payment Due to one Anomaly Amc. w.o.f.  
1-6-91 to 31-12-97 Rs: 5643/-  
Recovery of Anomaly Amc. started in computer pay  
Roll w.o.f. 1-7-98 @ Rs: 500/- P.M vide P.O No. 370  
1-8-98

Sub Divl: Edu. Officer (M)  
Baidu Sharif Swat,

Study  
allowance of  
4/10/97 to 3/1/98  
P.O No. 1  
1-8-98



1	2	3	4	5	6	7	8
Name of post	Whether substan- tive or officiating and whether permanent or temporary	if officiating state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
M.S. G.P.S. Jare	Sub Per	Rs. 2614/-				12 1/98	
All cutting attested							
Sub Divl: Edu. Officer (M) Saidu Sharif Swat							
P.T.C G.P.S. Jare	Sub/ Per	Rs. 2614/-				1 12 98	Naseerhar
Dr.	Dr.	R. 2695/-				1 12 99	Naseerhar
Service Verified w.e.f. 1-1-99 to 3-11-2000 from acq: Roll & other record of this office.							
Sub Divl: Education Officer (M) Saidu Sharif Sub Division							



1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 if officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of appointment	8 Signature of Government servant
PTC CPS-Jare	Sub/ Perm	BPS No 8	Rs. 2772/-	1540-88-2860		1/12/2002	Naseer Hassan
di	di	BPS No 7	Rs. 2860/-	(2220-120-5820)		1/12/2001	Naseer Hassan
di	di	BPS No 7	Rs. 3420/4380/-	BPS No 7	1/12/2001	1/12/2001	Naseer Hassan
di	di	BPS No 7	Rs. 3560/500/-	BPS No 7	1/12/2002	1/12/2002	Naseer Hassan
			4620/-			1/12/2003	Naseer Hassan
			4740/-			1/12/2004	Naseer Hassan
		RBPS No 7	5495/-	2555-100-6755		1/12/2005	Naseer Hassan
			5695			1/12/2005	Naseer Hassan
Pay Scale (Rs.)	7	1-12-2001	2772/-				
Pay in Existing	8	1-12-2001	2860/-				
Pay Fixed at	8	1-12-2001	3420/4380/-				

30/12/04  
 Office of the Accountant General  
 NWFP, Peshawar,  
 Head Office, BPS No 7  
 5820 B-7  
 1-12-2001  
 1-12-2000  
 Accounts Officer  
 Peshawar  
 Peshawar Party NWFP, Peshawar

Service Verified on 1-1-99  
 10/31/12/99  
 other  
 Dy. Distt. Officer (M)  
 Primary, Swat.

DY. DISTT. OFFICER (M)  
 Primary, Swat.





1 Name of post	2 Whether substan- tive or officiating and whether permanent or temporary	3 if officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of appointment	8 Signature of Government servant
PST							
lps Jare	Sub/ Per		Rs. 5775/-			10/12 2006	Maseer Hassan
"	"		7 Rs. 2960-160-7760			1/7 2007	Maseer Hassan
"	"		Rs. 6620/-			1/12 2007	Maseer Hassan
"	"		Rs. 6780/-			1/12 2007	Maseer Hassan
"	"		12 Rs. 3600-260-11430			2/12 2007	Maseer Hassan
do	do-BPS		12 Rs. 4735-310-13655			7/2008	Maseer Hassan
"	"		Rs. 8385/-			1/12 2008	Maseer Hassan
"	"		Rs. 8695/- per.			1/12 2008	Maseer Hassan
"	"		Rs. 9005/- pm			1/12 2009	Maseer Hassan

9	10	11	12	13		14	15
				Nature and duration of leave taken	Allocation of period of leave or average pay upto four months for which leave salary is debit to another Government		
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Allocation of period of leave or average pay upto four months for which leave salary is debit to another Government	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Period	Government to which debit		
<i>[Signature]</i> D.D.O. (M) Pry: Swat	30/6/27	Scale Revised	<i>[Signature]</i> D.D.O. (M) Pry: Swat			<i>[Signature]</i> Dy. Distt. Officer (M) Primary, Swat.	2003
<i>[Signature]</i> D.D.O. (M) Pry: Swat	30/4/207	A1 Int.	<i>[Signature]</i> D.D.O. (M) Pry: Swat			<i>[Signature]</i> Dy. Distt. Officer (M) Primary, Swat.	
<i>[Signature]</i> D.D.O. (M) Pry: Swat	1/12/27	up grad B-12	<i>[Signature]</i> D.D.O. (M) Pry: Swat			<i>[Signature]</i> Dy. Distt. Officer (M) Primary, Swat.	1-1-2004
<i>[Signature]</i> D.D.O. (M) Pry: Swat	30/6/08	Scale Revised	<i>[Signature]</i> D.D.O. (M) Pry: Swat			<i>[Signature]</i> Dy. Distt. Officer (M) Primary, Swat.	
<i>[Signature]</i> D.D.O. (M) E&S Edu: Swat	30/11/2008	Ann gnc.	<i>[Signature]</i> D.D.O. (M) E&S Edu: Swat			<i>[Signature]</i> Dy. Distt. Officer (M) Primary, Swat.	1-1-2005
<i>[Signature]</i> D.D.O. (M) E&S Edu: Swat	30/11/2009	Ann gnc.	<i>[Signature]</i> D.D.O. (M) E&S Edu: Swat			<i>[Signature]</i> Dy. Distt. Officer (M) Primary, Swat.	
<i>[Signature]</i> D.D.O. (M) E&S Edu: Swat	30/11/2010	A/gnc.	<i>[Signature]</i> D.D.O. (M) E&S Edu: Swat			<i>[Signature]</i> Dy. Distt. Officer (M) Primary, Swat.	

Office of the Dy. District Officer (M)  
Elementary & Secy. Edu. Swat  
Pay Fixed in Scale 2005  
Rs. 2555-1400-6755  
Rs. 5495/-  
With Next Annual Increment on 1-12-2005

Departmental Pay Fixation in Revised  
Pay Scale No. 7  
Rs. 2555-1400-6755  
W.E.F. 1-12-2005  
Pay in Extension of Rs. 5495/-  
Equal/Next Level Revised Pay scale Rs. 5495/-  
Pay Fixed on 1-7-2005 Rs. 5495/-  
With Next Annual Increment on 1-12-2005

Service Verified w.o.f. 1-1-2006  
to 31-12-2009 from seq: Roll  
& other Record of this office

*[Signature]*  
Dy. District Officer (M)  
Elementary & Secy. Edu. Swat.

1 Name of post	2 Whether substan- tive or officiating and whether permanent or temporary	3 if officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of appointment	8 Signature Govern- servant
PST GPS Jase	Sub/ Perm.		Rs. 9315/-			12 1/2010	Jaseer H
		BPS 12 (7000-500-22000)					
do	do		Rs. 15000/-			7 2/2011	Jaseer H
do	do		Rs. 15500/-			12 2/2011	Jaseer H
do	do		Rs. 16000/- pm			01/12 01/12	Jaseer H
		BPS No 15 @ Rs (8500-700-29500)					
PSHT at GPS Talsar, swat	do		Rs. 16900/pm			01/03 01/13	Jaseer H
		66207/07					
		8385/12/08					
		15000/pm					

Office of the Accountant General  
Khyber Pakhtun Khwa Peshawar

Pay Fixed in the Revised Basic Pay Scales

R.B.P.S 0940 (607740) B7

Pay Fixed @ Rs 6620/- w.e.f. 01.07.2007

Adl 4355340 (13655) B 8

Pay Fixed @ Rs 8385/- w.e.f. 01.07.2008

R.B.P.S 7000 (500-22000) B 12

Pay Fixed @ Rs. 15000/- w.e.f. 01.12.2011

Date of Next Increment 01.12.2011

Accounts Officer  
Pay Fixation Party  
9/1/13

1	2	3	4	5	6	7	8
Name of post	Whether substan- tive or officiating and whether permanent or temporary	if officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	P y in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
PST Jase	Sub/ Perm.		Rs. 9315/-			12/2010	Jaseer Jaseer
			BA 12 (7000-500-22000)				Jaseer Jaseer
do	do		Rs. 15000/-			7/2011	Jaseer Jaseer
do	do		Rs. 15500/-			12/2011	Jaseer Jaseer
do	do		Rs. 16000/- pm			01/12/012	Jaseer Jaseer
SHT at G.P.S Jalsar, Swat	do		Rs. 16900/pm			01/03/013	Jaseer Jaseer
66257			Rs. 17600/-			12/13	Jaseer Jaseer
8385/120							
15000							

Signature designation head of the other officer in attendance of columns 1

Dy. S.O. (EAS) Swat

D.D.O. (D.W.R.)

D.D.O. (D.W.R.)

S.D.E.O (Pry. Swat)

S.D.E.O (Pry. Swat)

Service Verified w.e.f. 11/12/2014 to 11/7/14 req: Rolls & other Record of this office,

Sub Divnl. Edu. Officer (M) Primary, Swat

Promoted to C.T. Post at GHS, Mianjhan via DEO (M) Swat office with No. 8623-R7 dated 11/7/2014 at S.No. 18

Sub Divnl. Edu. Officer (M) Primary, Swat

Office of the Accountant General  
Khyber Pakhtun Khwa Peshawar  
Fixed in the Revised Basic Pay Scales  
P.S. 9940 (607740) B.7  
Fixed @ Rs. 6620/- w.e.f. 01.07.2007  
4355340 (13655) B.9  
Pay Fixed @ (Rs. 8385) w.e.f. 01.07.2008  
R.B.P.S. 7000 500 22500 B.12  
Pay Fixed @ Rs. 15000/- w.e.f. 01.07.2011  
Date of Next Increment 12-2011

Accounts Officer  
Pay Fix with Party  
9/7/13

Signature and Date of the office or other attesting officer in attestation columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Leave	
				Natu- re and dura- tion of leave taken	Allocation of period of leave or average pay upto four months for which leave salary is debitable to another Government

Service Verified  
by Dy. Dist. Officer (M)  
from a/c: Roll & other Records  
of this Office

Reference to any  
other Government  
Servant.

Signature and Date of the office or other attesting officer in attestation columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Leave	
				Natu- re and dura- tion of leave taken	Allocation of period of leave or average pay upto four months for which leave salary is debitable to another Government

Service Verified  
by Dy. Dist. Officer (M)  
from a/c: Roll & other Records  
of this Office

Reference to any  
other Government  
Servant.

Signature and Date of the office or other attesting officer in attestation columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Leave	
				Natu- re and dura- tion of leave taken	Allocation of period of leave or average pay upto four months for which leave salary is debitable to another Government

Service Verified  
by Dy. Dist. Officer (M)  
from a/c: Roll & other Records  
of this Office

Reference to any  
other Government  
Servant.

Signature and Date of the office or other attesting officer in attestation columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Leave	
				Natu- re and dura- tion of leave taken	Allocation of period of leave or average pay upto four months for which leave salary is debitable to another Government

Service Verified  
by Dy. Dist. Officer (M)  
from a/c: Roll & other Records  
of this Office

Reference to any  
other Government  
Servant.

Signature and Date of the office or other attesting officer in attestation columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Leave	
				Natu- re and dura- tion of leave taken	Allocation of period of leave or average pay upto four months for which leave salary is debitable to another Government

Service Verified  
by Dy. Dist. Officer (M)  
from a/c: Roll & other Records  
of this Office

Reference to any  
other Government  
Servant.

Promotion to B-15 on PSHT.  
Promoted to B-15 on PSHT at  
G.P.S Talsar, Swat vide the promotion  
order issued by the D.E.O (M) Swat  
Under Endost: No. 6774-80 Dt:  
26/02/2013 at S. No. 639.

Sub Divnl. Edu. Officer (M)  
Primary, Swat.

Undertaking

I do hereby give an Under  
taking to the effect that if any  
over payment is made to me due  
to incorrect award of B-15 on PSHT.  
It shall be recovered from my  
Pension, pension etc

**ATTESTED**

Signature - Nasser Hasser

Sub Divnl. Edu. Officer (M)  
Primary, Swat.

Sl. No. 933 Date 6/5/13  
Drawn dues of B-15  
w.e.f 1/3/12 to 30/4/13 Rs. 2760/-

D.E.O

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	if officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other increment falling under the term "Pay"	Date of appointment	Signature of Government servant

BPS No. 15 (10985-905-38135)

C.T. Post at RHS Qandil	Sub/Per.		Rs 24560/-			23/7/2015	nascerhan
do	do		Rs 25465/-			1/12/2015	nascerhan
do	do	BPS No. 15 (13510-1120-47110)	Rs 31430/-			1/7/2016	nascerhan
do	do		Rs 32550/-			01/12/2015	nascerhan

+1 PM

Office of the Accountant General  
Khyber Pakhtunkhwa Peshawar  
Pay Fixed in the Revised Basic Pay Scales

10985-905-38135 15

Pay Fixed @ Rs. 24560/- 01-12-2015

R.B.P.S. 13510-1120-47110 15

Pay Fixed @ Rs. 31430/- 01-07-2016

Date of Next increment is 01-12-2016

24560/15

31430/16

*[Signature]*

BPS NO 15 @ Rs (16120-1330-56020)

do	do		Rs 38730/PM			01/07/17	nascerhan
do	do		Rs 40060/PM			01/12/17	nascerhan







Name of post

Whether substantive or officiating and whether permanent or temporary

state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.

Pay in substantive post

Additional Pay for officiating

Other emolument falling under the term "Pay"

Date of appointment

Signature of Government servant

Entries revised due to award of merit stage + pre mature incr: in promotion where service in previous post is less than 3 years vide Notification issued by the Govt. of KPK Finance Dept. Under No. FD (SOSR-1) 2-123/2017 Dt: 11/10/17

option

BPS 10/15 @ RA (8500-700-29500) 11/07/2014 RA, 19700/pm

01/12/2014 RA, 20400/pm

BPS 10/15 @ RA (10985-905-38135)

01/07/015 RA, 26370/pm

01/12/015 RA, 27275/pm

BPS 10/15 @ RA (13510-1120-47110)

01/07/016 RA, 33670/pm

01/12/016 RA, 34790/pm

BPS 10/15 @ RA (16120-1330-56020)

01/07/017 RA, 41390/pm

01/12/017 RA, 42720/pm

Revised

15

26370/15

Office of the Accountant General Khyber Pakhtunkhwa Peshawar Pay Fixed in the Revised Basic Pay Scale

R.B.P.S 10985-905-38135 15

33670/15

Pay Fixed @ Rs 26370/15 dt. 01-07-2015

Head Master Govt. High School Gandil Swat

41390/15

R.B.P.S 13510-1120-47110 15

Pay Fixed @ Rs 33670/15 dt. 01-07-2016

R.B.P.S 16120-1330-56020 15

Pay Fixed @ Rs 41390/15 dt. 01-07-2017

Date of Next increment is dt. 01-12-2017

Account Officer Pay Fixation Party







C - (19)

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

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

AN  
ACT

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

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

It is hereby enacted as follows:-

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

(2) It shall come into force at once.

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

- (a) "Commission" means the <sup>8</sup>[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;

<sup>3</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

<sup>4</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

<sup>5</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

<sup>6</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

<sup>7</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

<sup>8</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

ATTACHED

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

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

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

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

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

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

<sup>9</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

<sup>10</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

<sup>11</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

<sup>12</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

21

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.

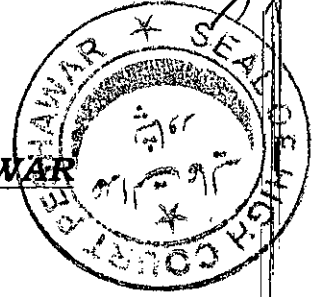


D-22

59/2016

JUDGMENT SHEET

PESHAWAR HIGH COURT, PESHAWAR  
(JUDICIAL DEPARTMENT)



Writ Petition No.2905 of 2009.

ATTA ULLAH AND OTHERS.....PETITIONERS.

VERSUS.

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

JUDGMENT.

Date of hearing 26.01.2015

Appellant/Petitioner by Ghulam Nabi Khan Advocate.

Respondent by Sardar Ali Raza Advocate &  
Waqar Ahmad Khan AAG

WAQAR AHMAD SETH, J:- Through this single

judgment we propose to dispose of the instant Writ Petition  
No.2905 OF 2009 as well as the connected Writ Petition  
Nos.2941, 2967,2968,3016. 3025,3053,3189,3251,3292 of  
2009,496,556,664,1256,1662,1685,1696,2176,2230,2501,2696,  
2728 of 2010 & 206, 355,435 & 877 of 2011 as common  
question of law and fact is involved in all these petitions.

ATTESTED

Peshawar High Court

08 MAR 2018

ATTESTED

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

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

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

ATTESTED  
EXAMINER  
Peshawar High Court

08 MAR 2018

24

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

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

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

08 MAR 2013

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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.

ATTESTED  
EXAMINER  
Peshawar High Court

06 MAR 2019

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

APPROVED  
01 MAR 2018

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

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

**ATTESTED**EXAMINER  
Peshawar High Court

08 MAR 2019

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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 of promotion/appointment/recruitment and in order to improve the standard of teaching cadre in Elementary & Secondary Education Department of KPK, vide Notification dated 09/04/2004 wherein at serial No. 1.5 in column 5 the appointment of SS prescribed as by the initial recruitment and that the (North West Frontier Provincial) Khyber Pakhtunkhwa Employees(Regularization of Services)Act, 2009 (ACT No.XVI of 2009 dated 24<sup>th</sup> 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**

EXAMINER  
Peshawar High Court

08 MAR 2018



30

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

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

ATTESTED  
EXAMINER  
District and Sessions Court  
08 MAR 2019

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

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

**S.2 Definitions. (1)---**

a)---

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

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

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

S. 3 reads:-

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

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

ATTORNEY GENERAL

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28 MAR 2008

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

**ATTESTED**  
EXAMINER  
Peshawar High Court  
08 MAR 2018

(34)

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

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

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

35

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

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

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

manners:-

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

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36

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

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

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

**ATTESTED**  
 EXAMINER  
 Madhya Pradesh High Court  
 02 MAR 2013

(37)

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

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

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

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



38

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 26<sup>th</sup> 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**EXAMINER  
Peshawar High Court

08 MAR 2018



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

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

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

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

ATTORNEY  
 GENERAL  
 GOVERNMENT OF PAKISTAN  
 08 MAY 2018

(40)

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

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

ATTESTED  
EXAMINED  
Peshawar High Court

08 MAR 2018

(41)

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

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

**ATTESTED**  
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Peshawar High Court  
08 MAR 2018

(42)

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

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

APPROVED  
08 Mar 2013

43

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.

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

*Handwritten signature and date: 2/2/15*

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JUDGE

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Examiner  
Peshawar High Court Peshawar  
Authorized Under Article 87 of  
The Constitution of Pakistan Order 1984

08 MAR 2015

IN THE SUPREME COURT OF PAKISTAN  
(APPELLATE JURISDICTION)

E - 59

PRESENT:

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

CIVIL PETITIONS NO. 127-P TO 129-P OF 2015.  
(Against the judgment dated 26.1.2015 of the  
Peshawar High Court, Peshawar passed in With  
Petition No. 2905 of 2009, 3045 of 2009, 264 of 2010

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

Versus

Attoullah and others,  
Nasruminullah and others,  
Mukhtar Ahmad and others. ...Respondent(s)

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

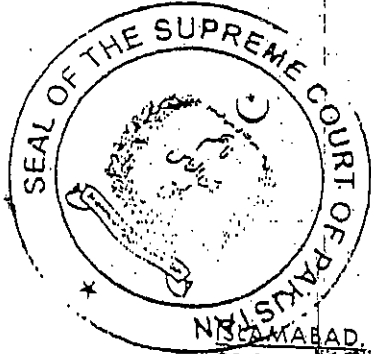
For the respondent(s): Mr. Ghulam Nabi Khan, ASC  
Mr. Abdul Qayyum Sarwar, AOR

Date of Hearing: 20.09.2017.

ORDER

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

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



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

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ATTESTED

خیبر پختونخوا ایجوکیشن، پوسٹنگ اور ٹرانسفر آف ٹیچرز ریگولیشنز، انسٹرکٹرز اور اسیسٹنٹ انسٹرکٹرز ریگولیشنز ایکٹ 2011ء کے سیکشن نمبر 4 کے تحت عملی طور پر ایڈمیشن کیلئے درخواستیں قبول کی جائیں گی۔  
 پختونخوا کے زیر انتظام (مراد از زبان) سکولوں میں درج ذیل آسامیاں پُر کرنے کے لئے خیبر پختونخوا کے متعلقہ اضلاع کے سکولوں میں امیدواروں سے مجوزہ فارم پر 30 ستمبر 2016ء تک درخواستیں مطلوب ہیں۔ درخواست فارم (NTS) کی ویب سائٹ (http://www.nts.pk) پر دستیاب ہے۔ مقررہ تاریخ گزارنے کے بعد موصول ہونے والی درخواستوں پر غور نہیں کیا جائے گا۔

نمبر شمار	نام آسامی	تالیفیت	عمر
1	سیکنڈری سکول ٹیچر (SST) بیالوجی/کیمسٹری BPS. 16	کسی بھی تسلیم شدہ ویونیورسٹی سے سائنس ڈگری میں سائنس اور بیالوجی/کیمسٹری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (i) کیمسٹری، بیالوجی (ڈیپلومی یا بائی)۔ (ii) کسی بھی تسلیم شدہ ویونیورسٹی سے ایم اے ایجوکیشن یا ایجوکیشن میں پیچھڑاگری۔	35±21 سال
2	سیکنڈری سکول ٹیچر (SST) فزکس/کیمسٹری BPS. 16	(1) کسی بھی تسلیم شدہ ویونیورسٹی سے سائنس ڈگری میں سائنس اور بیالوجی/کیمسٹری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (i) فزکس، کیمسٹری یا (ii) فزکس، کیمسٹری یا (iii) فزکس، کیمسٹری۔ (2) کسی بھی تسلیم شدہ ویونیورسٹی سے ایم اے ایجوکیشن یا ایجوکیشن میں پیچھڑاگری۔	35±21 سال
3	سیکنڈری سکول ٹیچر (SST) جزل BPS. 16	(1) کسی بھی تسلیم شدہ ویونیورسٹی سے سائنس ڈگری میں سائنس اور بیالوجی/کیمسٹری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (i) انگریزی لازمی، ویونیورسٹی یا دیگر ماسٹری گریپ۔ (2) کسی بھی تسلیم شدہ ویونیورسٹی سے ایم اے ایجوکیشن یا ایجوکیشن میں پیچھڑاگری۔	35±21 سال

سیکشن کرپٹا: اساتذہ کے سیکشن کیلئے کریٹریا درج ذیل ہے۔ کل 200 نمبرات کی تقسیم اس طرح سے کی جائیگی۔

(ا) سکریننگ ٹیسٹ بیزریہ NTS = 100 نمبر (ب) تعلیمی قابلیت = 100 نمبر جس کی مراد تقسیم اس طرح ہوگی

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

بی ایس چار سالہ سکولوں کی صورت میں سکولوں کی تقسیم اس طرح ہوگی۔ حاصل کردہ نمبر 35x تقسیم کل نمبر جبکہ پیشہ ورانہ ایم اے ایجوکیشن کی صورت میں سکولوں کی تقسیم بطریق ذیل ہوگی۔  
 ایم اے ایجوکیشن حاصل کردہ نمبر 20x تقسیم کل نمبر

**نوٹ:** (1) ہر سکول کی آسامی کے لئے لیٹروں کی تعداد میرٹ لسٹ مرتب کی جائیگی جس میں امیدواروں کے NTS کے حاصل کردہ نمبر اور تعلیمی قابلیت کے نمبروں کو جمع کیا جائیگا۔ (2) ہر امیدوار سے NTS کی درخواست فارم 300 روپے چارج کیا جائے گا۔ اگر ایک امیدوار 5 سکولوں کے لئے درخواست دیا تو اس سے 800 روپے یعنی NTS چارج کرینگے۔ جو کہ امیدوار خود برداشت کریں گے۔  
 (3) NTS ٹسٹ میں 40 فیصد نمبر لینے ضروری ہے۔ 40 فیصد سے کم نمبر لینے والا امیدوار اہل تصور ہوگا اور میرٹ لسٹ میں شامل نہیں ہوگا۔

**عمومی شرائط:-** (1) تمام تقرریاں حکومت خیبر پختونخوا کے موجودہ قوانین کے مطابق بنیادی تقرری Initial Appoinment کے 25 فیصد

کونے کے تحت خالصتاً عارضی بنیادوں پر Adhoc کنٹریکٹ پر ایک سال کے لئے ہوں گی۔ (2) معذور افراد کے لئے دو فیصد اور تعلیمی امیدواروں کے لئے تین فیصد کوٹیشن ہے۔ (3) انٹرویو کے وقت اصلی تعلیمی اعزازات، اخراجات امیدوار کو برداشت کرنا ہوں گے۔ (4) انٹرویو کے لئے آنے والے امیدواروں کو کوئی ٹی اے ڈی ایس نہیں دیا جائے گا۔ (5) صرف مقررہ وقت کے اندر موصول ہونے والی درخواستوں پر غور کیا جائے گا۔ (6) زبردستی کو اختیار حاصل ہے کہ کوئی امیدوار تین سے زائد ایڈ ہونے پر انٹرویو میں شرکت کرے۔ (7) اگر اس امیدوار کے بعد حکومت وقت کی طرف سے مقررہ طریقہ کار میں تبدیلی کی گئی تو سیکشن نمبر 4 کے مطابق عمل کرنے کی پابندی ہوگی۔ (8) عملی طور پر ایڈ ہونے والی امیدواروں کو اختیار حاصل ہوگا کہ وہ تمام خالی آسامیوں سے کم پر امیدوار مقرر کرے۔ (9) تمام تقرریاں حکومت خیبر پختونخوا کے مقرر کردہ قوانین اور دیگر طریقہ کار کے مطابق خالصتاً میرٹ کی بنیاد پر ہوں گی۔ (10) تمام تعلیمی اساتذہ صرف گورنمنٹ کے تسلیم شدہ اداروں کی قابل قبول ہوگی۔ (11) اگر کسی امیدوار کی اسناد جعلی پائے گئے تو اس کے خلاف قانونی چارہ جوئی کی جائے گی اور اسکے لئے اسے سرکاری ملازمت کے لئے اہل تصور کیا جائے گا۔ (12) بائبل فارم یا مطبوعات کی صورت میں درخواست فارم خود بخود منسوخ تصور کیا جائے گا جس کے لئے کوئی اپیل منظور نہیں کی جائے گی۔ (13) انٹرویو کے لئے الگ شیڈول چارج کیا جائیگا۔ جس میں ڈاکٹمنٹس چیک کئے جائیں گے۔ (14) تمام تقرریاں متعلقہ اضلاع کے ڈویژنل آفیسر کی بنیاد پر ہوں گی۔ امیدوار کا کوئی شادی کا راز ڈویژنل آفیسر میں متعلقہ ضلع کا مستقل ہے لازمی ہے۔ 30 ستمبر 2016ء کے بعد پتہ میں کسی قسم کی تبدیلی قابل قبول نہ ہوگی۔ (15) امیدوار کو کسی سکول میں مقرر کرنا ہوگا کہ قابل تیار ہوگی۔ (16) ایک امیدوار ایک وقت 5 سکولوں میں خالی آسامیوں کے لئے درخواست دے سکتا ہے۔ امیدوار کے ایک یا ایک سے زیادہ سکولوں میں سیکشن کی صورت میں اس کی تقرری کسی ایک سکول میں کی جائے گی اس صورت میں سکول سیکشن کا امتحان امیدوار کو حاصل نہیں بلکہ اس میں اس بات کا خیال رکھا جائے گا کہ دوسرے سکولوں میں اس کے بعد زیادہ میرٹ والے امیدوار کو سیکشن کا موقع مل سکے۔ (17) درخواست دینے کا طریقہ کار NTS کے ویب سائٹ پر موجود ہے۔ (18) متعلقہ اضلاع کی خالی آسامیوں کی تفصیل سکول دائرہ درخواست فارم کے ساتھ NTS کے ویب سائٹ پر دی گئی ہے اور ہر سکول کو اپنا گواہ کیا جائے۔

ATTESTED







# درخواستیں مطلوب ہیں

پریختونخوا ایجوکیشن ڈیپارٹمنٹ اور ٹرانسفر آف ٹیچرز لیگیشن اور ڈائریکٹوریٹ آف ایجوکیشن خیبر پختونخوا کے انتظام (مروانہ/ زنانہ) سکولوں میں درج ذیل آسامیوں پر کرنے کیلئے خیبر پختونخوا کے متعلقہ اضلاع کے سکولوں میں امیدواروں سے مجوزہ فارم پر 5 جنوری 2014ء تک درخواستیں مطلوب ہیں۔  
 فاسٹ فارم NTS کے ویب سائٹ (<http://www.nts.org.pk/>) پر دستیاب ہے۔ مقررہ تاریخ گزرنے کے بعد موصول ہونے والی درخواستوں پر غور نہیں کیا جائیگا۔

نمبر شمار	نام آسامی	تفصیلات	عمر
1	سیکنڈری سکول ٹیچر (SST)	کسی بھی تسلیم شدہ یونیورسٹی سے سیکنڈ ڈیگری میں ایجوکیشن کے ساتھ درج ذیل دو مضامین لازمی ہوں	35±21 سال
2	پرائمری/ایگزیکیوٹو BPS-16	(i) کیسٹری بیچالوجی (ذوالوجی/بیاٹمی) (ii) کسی بھی تسلیم شدہ یونیورسٹی سے ایم اے ایجوکیشن یا ایجوکیشن میں پیچرڈ ڈگری	35±21 سال
3	سیکنڈری سکول ٹیچر (SST)	کسی بھی تسلیم شدہ یونیورسٹی سے سیکنڈ ڈیگری میں ایجوکیشن کے ساتھ درج ذیل دو مضامین لازمی ہوں	35±21 سال

اساتذہ کے سلیکشن کیلئے کریٹیریا درج ذیل ہیں۔ کل 200 نمبرات کی تقسیم اس طرح سے کی جائیگی۔ (1) سکریننگ ٹیسٹ بذریعہ NTS = 100 نمبر - ب۔ تعلیمی قابلیت = 100 نمبر۔  
 باقی سب سے زیادہ تقسیم اس طرح ہوگی۔

تعلیمی قابلیت	کل نمبر	تفصیلی قابلیت	کل نمبر
ایم اے ایجوکیشن	150	ایم اے ایجوکیشن	150
ایف اے ایف ایس سی	50	ایم اے ایجوکیشن	50
بی اے ایف ایس سی	50	ایم اے ایجوکیشن	50
ایم اے ایجوکیشن	150	ایم اے ایجوکیشن	150

1۔ ہر سکول کے آپہا کیلئے علیحدہ علیحدہ میرٹ لسٹ مرتب کیا جائیگا۔ اس میں امیدواروں کے NTS کے حاصل کردہ نمبر اور تعلیمی قابلیت کے نمبروں کو جمع کیا جائیگا۔  
 ہر امیدوار کو NTS کی درخواست فارم 500 روپے چارج کرنا چاہئے۔ چونکہ امیدوار خود درخواست لے رہے ہیں۔  
 اہلی شرائط (1) تمام تقرریاں حکومت خیبر پختونخوا کے موجودہ قوانین کے مطابق بنیادی تقرری Initial Appointment کے 25 نمبر کوٹے کے تحت خالصتاً عارضی بنیادوں پر Adhoc اور ٹریکٹ پر ایک سال کیلئے ہوتی ہیں (2) اہل امیدواروں کی موجودگی کی ضرورت کسی بھی کو بھی Age Relaxation نہیں دیا جائیگا (3) انٹرویو کے وقت اصلی تعلیمی اسناد بعد حاصل شناختی کارڈ اور ٹیسٹ کے بعد صرف اصلی شناختی کارڈ لازمی ہے (4) میرٹ پر آنے والے امیدواروں کی اسناد کے ادارے سے تصدیق کرائی جائے گی جس کے تمام اخراجات امیدواروں کو برداشت کرنا ہوں گے (5) ریو کے لئے آنے والے امیدواروں کو کوئی TAVDA نہیں دیا جائیگا۔ انٹرویو کے وقت ایک اندر موصول درخواستیں پر غور کیا جائیگا (7) زیر تخطی و اختیار حاصل ہے کہ کوئی امیدوار نے بغیر کسی بھی مدت کلی یا جزوی پر اپنا ریویو منسوخ کر دے (8) اگر اس امیدوار نے حکومت کے طرف سے تھری کی طرف سے تھری کے طریق کار میں تبدیلی کی گئی تو سلیکشن کمیٹی اس کے مطابق عمل کر سکی پابند ہوگی (9) سلیکشن کمیٹی ایجوکیشن کو اختیار حاصل ہوگا کہ وہ تمام خالی آسامیوں یا اس سے کم پر امیدوار بھرتی کرے (10) تمام تقرریاں حکومت خیبر پختونخوا کے مقرر کردہ قوانین و مجوزہ طریقہ کار کے مطابق خالصتاً میرٹ کی بنیاد پر ہوں گی (11) تمام تعلیمی اسناد صرف گورنمنٹ کے تسلیم شدہ اداروں کی قابل قبول ہوں گی (12) اگر کسی امیدوار کی اسناد جعلی پائے گئے تو اس کی خلاف قانونی چارہ جوئی کی جائے اور آئندہ کیلئے اسے سرکاری ملازمت کیلئے نااہل تصور کیا جائیگا (13) فارم یا معلومات کی صورت میں درخواست فارم خود بخود منسوخ تصور کیا جائیگا جس کیلئے کوئی اپیل منظور نہیں کی جائے گی (14) ریو کیلئے ایک شیڈول جاری کیا جائیگا (15) تمام تقرریاں متعلقہ اضلاع کے ڈیویژنل آفس میں جاری ہوں گی۔ اگر اس ضلع میں امیدوار دستیاب نہ ہو تو قریبی ضلع کے امیدوار سے میرٹ کی بنیاد پر تقرریاں کی جائیں گی (16) امیدوار کو اس سکول میں جوں جوں کی جگہ ملے گا قابل تبادلہ ہوگی (17) ایک امیدوار ایک ہی وقت 5 سکولوں میں خالی آسامیوں کیلئے درخواست دے سکتا ہے (18) درخواست دینے کا طریقہ NTS کے ویب سائٹ پر موجود ہے (19) متعلقہ اضلاع کے خالی آسامیوں کی تفصیلی کاپیاں درخواست فارم کے ساتھ NTS کے ویب سائٹ پر دی گئی ہیں اور ہر سکول کو اپنا کوڈ دیا گیا ہے۔

INF(P) 3360

## خیبر پختونخوا ایجوکیشن ڈیپارٹمنٹ

ڈائریکٹر ایجوکیشن، خیبر پختونخوا ایجوکیشن ڈیپارٹمنٹ، پشاور

S.No New	Name of Teacher/Qualification academic / professional	Father's Name	Desi gnati on	PBS	D/O Birth / Domicile	Domic ile	Aca demi c	Profess ional	D/O 1st Apptt.	Date of apptt. against Present post	Seniority position D/O taking over charge as CT or D/O declaration CT Exam whichever is later
1	Hamayun Khan	Khairullah	SCT	16	4/10/1964	Swat	MA	CT	5/8/1984	5/8/1984	5/8/1984
2	Astambool	Muhammad Kamal	SCT	16	4/1/1961	Swat	BSc	CT/B.Ed	5/3/1986	5/3/1986	5/3/1986
3	Fazal Rabi	Muhammad Junain	SCT	16	3/15/1966	Swat	MA	CT/B.Ed	10/11/1982	10/11/1982	1/6/1987
4	Khan Ali	Umar Bakht	SCT	16	3/3/1961	Swat	MA	CT/B.Ed	8/1/1982	8/21/1982	5/26/1987
5	Muhammad Ihsanullah	Swal Faqir	SCT	16	3/4/1962	Swat	MA	CT	9/17/1987	9/17/1987	9/17/1987
6	Bakht Sherawan	Mahmood Khan	SCT	16	1/1/1960	Swat	MA	CT	11/6/1982	11/6/1982	11/29/1987
7	Muhammad Ali	Said Mahmood	SCT	16	2/3/1959	Swat	BA	CT	8/17/1980	1/8/1988	3/6/1988
8	Toti Rahman	Fazal Rahman	SCT	16	2/7/1960	Swat	MA	CT	7/10/1982	7/10/1982	11/30/1988
9	Mohammad Salim Khan	Amanullah Khan	SCT	16	3/1/1965	Swat	MA	CT/B.Ed	1/15/1985	4/26/1989	9/16/1989
10	Jamshed Khan	Muhammad Zarin	SCT	16	5/11/1962	Swat	MA	CT	3/9/1982	9/17/1989	9/17/1989
11	Rahmat Ali	Abdul Ghafar	SCT	16	5/4/1963	Swat	MA	CT/B.Ed	7/20/1982	10/1/1989	10/1/1989
12	Fazal Rahim	Fazal Ahad	SCT	16	1/1/1961	Swat	MA	CT	11/13/1984	10/1/1989	10/1/1989
13	Azizullah	Tota	SCT	16	10/1/1964	Swat	MA	CT	1/9/1982	11/15/1983	1/17/1990
14	Shah Rom Khan	Hakim Khan Mian	SCT	16	1/1/1962	Swat	MA	CT	3/1/1988	3/1/1988	1/17/1990
15	Sadiq Ahmad	Abdul Hamid	SCT	16	1/4/1961	Swat	MA	CT	6/1/1988	6/1/1988	1/17/1990
16	Muhammad Rafiq	Badish	SCT	16	3/1/1963	Swat	B.Sc	CT	2/6/1990	2/6/1990	2/6/1990
17	Fida Hussain	Hazrat Ahmad	SCT	16	2/3/1964	Swat	MA	CT	2/8/1990	2/8/1990	2/8/1990
18	Hedayatullah 3rd Division	Sultan Sikandar	SCT	16	1/1/1959	Swat	MA	CT/B.ed	4/18/1983	4/18/1983	11/14/1990
19	Rashid Ali	Ghulam Nabi	SCT	16	3/12/1968	Swat	MA	CT	12/8/1990	12/8/1990	11/14/1990
20	Zahid Khan	Pir Dad	SCT	16	4/9/1965	Swat	BA	CT	12/9/1990	12/9/1990	12/9/1990
21	Hazrat Bilal	Zirat Gul	SCT	16	2/8/1963	Swat	MA	CT	12/11/1990	12/11/1990	12/11/1990
22	Aziz Ahmad	Fazal Khaliq	SCT	16	4/4/1969	Swat	MSC	CT/B.Ed	12/11/1990	12/11/1990	12/11/1990
23	Fazal Wahab	Gul Mahmood	SCT	16	12/12/1964	Swat	MA	CT	5/6/1986	1/1/1990	1/1/1991
24	Muhammad Majid	Umar Zada	SCT	16	1/1/1966	Swat	MA	CT	5/4/1986	4/5/1986	3/14/1991
25	Rahman Deyar	Sultan Mehmood	SCT	16	1/1/1964	Swat	BA	CT	11/5/1986	5/11/1986	3/14/1991
26	Haroon - Ur - Rashid	Khisat Gul	SCT	16	8/1/1962	Swat	BA	CT	11/24/1986	11/24/1986	3/14/1991
27	Muhammad Alam	Alam Zeb Khan	SCT	16	4/1/1963	Swat	MA	CT	4/2/1987	4/10/1991	4/10/1991
28	Adalat Khan	Abdur Rashad	SCT	16	12/9/1961	Swat	MA	CT	11/24/1984	11/24/1984	10/22/1991
29	Akhter Ali	Ghulam Muhammad	SCT	16	5/15/1964	Swat	BA	CT	3/11/1985	3/11/1985	10/22/1991
30	Imran Ali	Mashooq Ali	SCT	16	3/20/1959	Swat	MA	CT	5/6/1986	5/6/1986	10/22/1991
31	Muhammad Rahman	Bakht Zad	SCT	16	1/10/1967	Swat	FA	CT	5/17/1987	5/17/1987	4/2/1992
32	Sharafat Ali Khan	Afsar Khan	SCT	16	2/2/1961	Swat	MA	CT	3/1/1988	3/1/1988	4/2/1992
33	Amir Zeb	Muhammad Zareen	SCT	16	4/2/1964	Swat	BA	CT	6/1/1988	6/1/1988	4/2/1992
34	Amir Muhammad	Tota Mian	SCT	16	5/15/1963	Swat	BA	CT/B.Ed	9/22/1987	12/20/1989	4/2/1992
35	Akhtar Hussain 3rd Divi	Ahmad	SCT	16	3/2/1967	Swat	BA	CT	8/14/1992	8/14/1992	8/14/1992
36	Muhammad Ziaud Din	Habibur Rahman	SCT	16	3/10/1968	Swat	MA	CT/B.Ed	9/2/1986	1/9/1992	9/1/1992
37	Sultan Rome	Shah Rome	SCT	16	4/8/1966	Swat	MSC	CT/B.Ed	9/2/1992	9/2/1992	9/2/1992
38	Umar Hussain	Malak Sherin	SCT	16	1/1/1962	Swat	MA	CT	4/23/1988	4/23/1988	11/21/1992
39	Muhammad Nabi	Ghulam	SCT	16	5/1/1963	Swat	MA	CT/B.Ed	4/17/1988	4/17/1988	11/22/1992
40	Jamshid Khan	Hazrat Jee	SCT	16	4/14/1966	Swat	BA	CT/B.Ed	11/1/1986	4/21/1993	4/21/1993
41	Bakhtyar 3rd Divi	Bacha	SCT	16	7/3/1964	Swat	BA	CT/B.Ed	1/20/1990	1/20/1990	4/29/1993

ATTESTED

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

S.No New	Name of Teacher/Qualification academic / professional	Father's Name	Designation	PBS	D/O Birth / Domicile	Domicile	Academic	Professional	D/O 1st Apptt:	Date of apptt: against Present post	Seniority position D/O taking over charge as CT or D/O declaration CT Exam: whichever is later
42	Ashraf Ali	Hazrat Ali	SCT	16	5/12/1965	Swat	MA	CT/B.Ed	5/8/1993	5/8/1993	8/5/1993
43	Shah Bakht Rawan	Umara Khan	SCT	16	1/7/1964	Swat	MA	CT	9/24/1989	9/24/1989	12/25/1993
44	Muhammad Hamayun	Faramoz Khan	SCT	16	1/2/1965	Swat	BA	CT	10/2/1989	10/2/1989	12/25/1993
45	Amir Bahadar	Sarwar Gul	SCT	16	5/1/1962	Swat	MA	CT/B.ed	3/10/1989	10/3/1989	12/25/1993
46	Bakht Sherwan	Fazal Rahman	SCT	16	2/24/1967	Swat	BA	CT	11/29/1989	11/29/1989	12/25/1993
47	Bakht Muhammad	Muamber Khan	SCT	16	1/16/1967	Swat	BA	CT	11/30/1989	11/30/1989	12/25/1993
48	Noor Rahman	Jumma Gul Khan	SCT	16	5/1/1965	Swat	BA	CT	12/4/1989	12/4/1989	12/25/1993
49	Mehboob Ali	Amir Rahman	SCT	16	2/1/1963	Swat	BA	CT	12/12/1989	12/12/1989	12/25/1993
50	Muhammad Sadiq	Qalandar	SCT	16	9/11/1965	Swat	BA	CT/B.ed	12/14/1989	12/14/1989	12/25/1993
51	Maqsood Ahmad	Dawray	SCT	16	6/5/1963	Swat	MA	CT/B.Ed	12/17/1989	12/17/1989	12/25/1993
52	Shuja Mulk	Said Karam	SCT	16	12/3/1966	Swat	BA	CT	10/3/1989	1/4/1990	12/25/1993
53	Alamgir	Sadbar Khan	SCT	16	1/20/1960	Swat	MA	CT/B.Ed	6/10/1990	6/10/1990	12/25/1993
54	Anwarullah	Hasham Khan	SCT	16	3/1/1969	Swat	MA	CT/B.Ed	9/26/1988	11/10/1994	11/10/1994
55	Fazal Hameed	Fazal Wahab	SCT	16	4/15/1969	Swat	MA	CT/B.ed	11/10/1994	11/10/1994	11/10/1994
56	Nadar Khan	Mian Said Buhar	SCT	16	3/3/1966	Swat	MA	CT	9/8/1986	11/11/1994	11/11/1994
57	Bad Shah Ikhan	Amir Rawan	SCT	16	5/1/1965	Swat	MA	CT/B.Ed	6/14/1987	11/12/1994	11/12/1994
58	Sher Bahadar Khan	Gul Zaman	SCT	16	1/1/1964	Swat	BA	CT	12/12/1989	12/12/1989	11/15/1994
59	Aziz Ahmad	Muhammad Rashid	SCT	16	2/2/1964	Swat	MA	CT/B.Ed	11/10/1994	11/15/1994	11/15/1994
60	Afzal Shah	Badshah Zada	SCT	16	5/12/1967	Swat	MA	CT/B.Ed	11/15/1994	11/15/1994	11/15/1994
61	Bakht Alam	Ghulam Qadir	SCT	16	3/20/1969	Swat	MA	CT/B.Ed	11/15/1994	11/15/1994	11/15/1994
62	Muhammad Rahman	Sherin Jalal	SCT	16	2/1/1965	Swat	MA	CT/B.Ed	12/1/1986	11/16/1994	11/16/1994
63	Sher Ali Khan	Sadar	SCT	16	2/11/1968	Swat	MA	CT/M.Ed	8/1/1987	11/16/1994	11/16/1994
64	Ziaullah Khan	Muhammad Alam Gul	SCT	16	7/20/1969	Swat	MA	CTB.Ed	11/16/1994	11/16/1994	11/16/1994
65	Muhammad Munir	Habibullah Khan	SCT	16	4/2/1964	Swat	MA	CT/B.Ed	9/28/1988	11/18/1984	11/18/1994
66	Gul Pervize	Rahmani Gul	SCT	16	1/20/1965	Swat	MA	CT/B.ed	11/21/1984	11/21/1994	11/21/1994
67	Abdul Qadoos	Ghulam Khaliq	SCT	16	6/5/1964	Swat	B.Sc	CT	5/12/1992	11/24/1994	11/24/1994
68	Sarir Ud Din	Fazal Wahid	SCT	16	3/26/1963	Swat	M.Sc	CT/M.Ed	11/27/1986	12/20/1994	12/20/1994
69	Muhd Zahir Shah	Azizur Rahman	SCT	16	12/2/1960	Swat	MA	CT/B.Ed	4/2/1987	12/21/1994	12/21/1994
70	Muhammad Ghafar	Khan Bahadar	SCT	16	2/27/1961	Swat	MA	CT	6/7/1987	12/21/1994	12/21/1994
71	Amanullah Khan	Sakhi Rawan	SCT	16	9/12/1961	Swat	MA	CT/M.Ed	8/11/1988	12/21/1994	12/21/1994
72	Sher Azim Khan	Taj Muhammad Khan	SCT	16	9/9/1958	Swat	MA	CT/M.Ed	9/28/1988	12/21/1994	12/21/1994
73	Fatehur Rahman	Fazal Rahman	SCT	16	2/2/1969	Swat	MA	CT/M.Ed	6/24/1987	12/22/1994	12/22/1994
74	Rafiq Ahmad	Hermooz Khan	SCT	16	1/1/1965	Swat	MA	CT	9/29/1988	1/10/1988	12/25/1994
75	Alam Zeb	Abdul Jabbar	SCT	16	4/15/1965	Swat	BA	CT/B.Ed	12/25/1994	12/25/1994	12/25/1994
76	Inamullah Khan	Muhammad Karam	SCT	16	1/1/1968	Swat	MA	CT	9/4/1986	12/27/1994	12/27/1994
77	Alam Zeb	Bughdaday	SCT	16	1/1/1960	Swat	MA	CT/M.Ed	12/27/1994	12/27/1994	12/27/1994
78	Azizullah	Haji Muhammad	SCT	16	2/16/1964	Swat	MA	CT/M.Ed	9/26/1988	1/1/1995	1/1/1995
79	Amjad Ali	Faqir Khan	SCT	16	4/10/1966	Swat	MA	CT/B.Ed	12/5/1989	12/5/1989	1/5/1995
80	Samiullah	Roohul Amin	SCT	16	2/15/1965	Swat	MA	CT/B.Ed	5/3/1986	5/3/1986	1/9/1995
81	Dost Muhammad Khan	Taj Muhammad Khan	SCT	16	3/8/1958	Swat	BA	CT/B.Ed	4/1/1987	4/1/1987	1/9/1995
82	Wazir Zada	Gulzar Khan	SCT	16	5/1/1967	Swat	BA	CT	10/1/1989	10/1/1989	1/9/1995

50



H-52



GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

NOTIFICATION

Peshawar, dated the November 13, 2012.

*[Handwritten signature]*

D-25

No.SO(PEM-5/SSRC/Meeting/2012/Teaching Cadre:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all Notifications issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby lays down the method of recruitment, qualification and other conditions specified in the Appendix to this Notification which shall be applicable to all the posts specified in Column No. 2 of the said Appendix and the schedule therewith.

KPK

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

Endst. No. & Date as above.

Copy forwarded to:-

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

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53

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

KPK

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*[Handwritten signature]*

Section Officer (Primary)

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19



APPENDIX

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

*SET → Redesignated*

*No quota has been allocated for PST's cadre.*

ATTESTED



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

ATTESTED



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

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

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APPENDIX

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

*KPK. Jis R. 15/11/2015*

**ATTESTED**

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*(M)*

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

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

ATTESTED

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57

		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 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): Provided that if no suitable candidate is available amongst the Primary School Head Teachers for transfer, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (General). 31
14.	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 Center; or (b) Bachelor's Degree from a recognized	18 to 35 years.	Note: In case of non availability of suitable person for promotion, then by initial recruitment. (a) Forty per cent by initial recruitment; and (b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher

ATTESTED

*[Signature]*



Primary School Teacher

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

Other conditions:-

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

**ATTESTED**

*[Handwritten signature]*

85

s.No 600842

Roll No. 23354

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

I-59

**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION**



**Peshawar N.W.F.P. Pakistan**  
**Secondary School Certificate Examination**

SESSION 1988 (ANNUAL)

THIS IS TO CERTIFY THAT Naseer Hassan  
Son/Daughter of Shah Nazar  
and a student of Govt: High School Madyan Swat


has passed the *Secondary School Certificate Examination*  
of the Board of Intermediate and Secondary Education, Peshawar held in April 1988  
as a *Regular candidate*. He/She obtained 579 Marks out of 850  
and has been placed in Grade  Representing Very Good

The Candidate passed in the following subjects:

- |            |                     |                |            |
|------------|---------------------|----------------|------------|
| 1. English | 3. Islamiyat        | 5. Mathematics | 7. Physics |
| 2. Urdu    | 4. Pakistan Studies | 6. Chemistry   | 8. Biology |

He/She has been awarded Grade  on the basis of internal assessment by the Institution concerned.

Date of birth according to admission form is Fifteenth July,  
one thousand nine hundred and Seventy Two (15-7-1972)

  
Asstt. Secretary  
31st August 1988

  
This certificate is issued without alteration or erasure.

  
Secretary

**ATTESTED**

S.No. 0261885

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Roll No. 593

Revised

60

**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION**



**Peshawar N.W.F.P. Pakistan**  
**INTERMEDIATE EXAMINATION**  
Pre/Medical Group  
**SESSION (SUPPLEMENTARY) 1990**

THIS IS TO CERTIFY THAT Naseer Hassan  
Son/Daughter of Shah Nazar  
and a resident of Swat District  
Registered No. 4-B/MT-88 has passed the *Intermediate Examination* of  
the Board of Intermediate & Secondary Education, Peshawar held in Feb/March 1990  
as a *Private candidate*. He/She obtained 475 Marks out of 1100  
and has been placed in Grade D Representing Fair  
The Examination was taken as a whole /in parts.  
Issued in lieu of Oc. N. 0256494.

S.M.  
Asstt: Secretary  
Dwi

AM-1-20  
Headmaster  
Govt. High Scho  
Gandhi Sq. Swat  
Secretary

This certificate is issued without alteration or erasure.



61

# University of Peshawar (Pakistan)

Session ANNUAL 1995

NAGEER NASSAN ✓ Son of SHAH NAZAR ✓ and a student  
of SWAT DISTRICT having passed the prescribed examination  
held in August 1995, is this day admitted by the University of Peshawar  
to the Degree of  
**Bachelor of Arts**  
in the SECOND division.

The Examination was taken as a whole / in parts.

Serial No 026546

Registered No 92-P/C-14701

Roll No: 70412

Result declared on MARCH 7, 1996



*Attested*

*[Signature]*  
Head Master  
Govt. High School  
Gandil Swat

*Razli Hamid*  
Registrar

Countersigned  
*[Signature]*  
Vice-Chancellor

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

62

# University of Peshawar

(Pakistan)

Session ANNUAL 2002

NASEER HASSAN SON OF SHAH NAZAR and a student  
of DISTRICT SWAT having passed the prescribed examination  
held in SEPTEMBER 2002 is this day admitted by the University of Peshawar  
to the Degree of

## Master of Arts

in SECOND Division

The Subject of Examination being Urdu

The examination was taken as a whole ~~in parts~~

*AM*  
*[Signature]*  
Head Master  
Govt. High School  
Gandhi Swat

Serial No 038324

Registration No. 92-PC-14701

Roll No. 29168

Result Declared on MARCH 31, 2003



*M. Iqbal Khan*  
Registrar

Countersigned

*[Signature]*  
Vice-Chancellor

## UNIVERSITY OF THE PUNJAB



1997

This is to Certify

that

Naseer Hassan

son/daughter of

Shah Nazar

of the

Govt. College of Education for Men, Lahore

has obtained the Degree of

Bachelor of Education

in this University at the Examination held

in August, 1998 and that he/she was placed

in the Second Division.

The Examination was taken as a whole/ex parts.

Special Subjects offered:

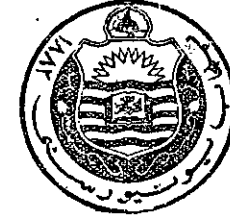
(1) Urdu (2) Islamiyat

Also passed in Optional Subject

Marks obtained. 634/1100

63

پنجاب یونیورسٹی



1998

تصدیق کی جاتی ہے

صیر حسن

شاہ ناز

گورنمنٹ کالج آف ایجوکیشن ٹارمین - لاہور

نے اس بولڈورسٹی کے امتحان منعقدہ اگست 1998 کی بنا پر

بی۔ ایڈ۔

کی ڈگری درجہ دوم میں حاصل کی

انہوں نے امتحان میں کلی / لکچر / شرکت کی

اس امتحان میں ان کے خاص مضامین یہ تھے:

(1) اردو (2) اسلامیات

انہوں نے اختیاری مضمون xxxxxxxxxxxx میں بھی

کامیابی حاصل کی

نمبر حاصل کردہ 1100/232

CHANCELLOR

چانسلر

CONTROLLER  
OF EXAMINATIONS

کنٹرولر امتحانات

(64)

# Alama Iqbal Open University Islamabad



Serial No. 18262

Certified that Mr. / Ms. NASEER HASSAN

Son / Daughter of SHAH NAZAR

Registration No: 05-NSI-0016

Roll No: Q-671690

having completed the prescribed requirements in semester

SPRING 2006

is awarded the degree of:

*Master of Education (M.Ed.)*

He / She has secured 64 % marks and has been placed in B grade.

*Ali Javed*

Head Master  
Govt. High School  
Gandhi Swat

CONTROLLER OF EXAMINATIONS

Result declared on: March 08, 2007

ISLAMABAD. DATED: July 06, 2009



*Mahmood Butt*

VICE-CHANCELLOR

# Allama Iqbal Open University Islamabad



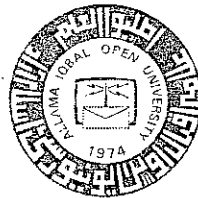
65

Serial No. 107370

Certified that *Mr/Ms* **NASEER HASSAN**  
*Son/Daughter of* **SHAH NAZAR**  
*Registration No* **05-NSI-0016** *Roll No* **AL658412**  
*Semester* **SPRING 2012** *having met all the requirements under*  
*the semester system is this day awarded the*

## Certificate of Teaching

*He/She has secured* **73 %** *marks*  
*and placed in* **A** *grade*



*Attested*  
  
**Head Master**  
**Govt. High School**  
**Qandil Swat**

Result declared on: **January 16, 2013**

Date of issue: **June 21, 2013**

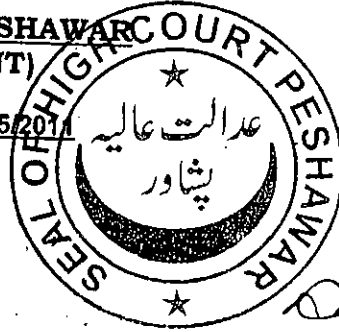
**Controller of Examinations**



J-66

**JUDGMENT SHEET**  
**PESHAWAR HIGH COURT, PESHAWAR**  
**(JUDICIAL DEPARTMENT)**

COC No. 105-P/2018 in WP No. 355/2011



**JUDGMENT.**

Date of hearing: 08.11.2018

Petitioner (s): Nisar Ahmad) & No. Noor Muhammad Wazir

Respondent (s): Muhammad Azam Khan) & Iqbal Qadir Ali  
Plus ADH.

**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 24<sup>th</sup> 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**

**ATTESTED**  
**EXAMINER**  
Peshawar High Court  
30 NOV 2018

(67)

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

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

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

APPROVED  
EXAMINED  
Peshawar High Court  
31 NOV 2010

68

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

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

5. Arguments heard and record perused.

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

30 NOV 2018

20

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

Pravara Bench (C) Judge with added Bench (1) & Justice (Pravara Bench)

**CERTIFIED TO BE TRUE COPY**  
30 NOV 2018

No. of Pages: 1207  
Date of Presentation of Application: 30/11/18  
Copying Fee: 20  
No. of Copies: 2  
No. of Copies: 2  
No. of Copies: 2

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

K - 70

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

**Respected Sir,**

With due respect it stated that I was initially appointed as PST in your good self Department vide order dated 03.12.1990 and later on was appointed as C.T vide order dated 23.02.2015. 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 C.T (BPS-15) to which I belong have no prospects of promotion. In light of the said advertisement new appointments were made by the authorities on adhoc basis and even the promotion quota was also filled by the authority though initial recruitment. In the meanwhile the Provincial Government Promulgated the employee's regularization Act, 2009 whereby all the adhoc employees who were appointed as SST on temporary basis were regularized thus further affected the cadre to which I belong. That the promotion quota for which me and my colleagues have waited for decades has been washed by operation of the said Act of 2009. I was feeling aggrieved alongwith my others colleagues knocked the door of the Peshawar High Court through various writ petitions 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**

**ATTESTED**

71

**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 am the senior most CT (BPS-15) of your good self Department and also eligible in all respect for promotion to the post of SST (BPS-16). I am feeling aggrieved filed this Departmental appeal before your good self for redressal of my grievances.

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

Dated: 12.6.2019

Your Obediently

*Naseer*

**NASEER HASSAN** CT (BPS-15),  
GHS *Dandil* District Swat

J-66

# DETAIL MARKS CERTIFICATE

## TRAINING CLASSES EXAMINATION P.T.C. 1990

Roll No 1933 ... Name Nasir Hassan ... Son/Daughter of Shah Nazam Mir

Serial No.	SUBJECT	Max Marks	Marks Obtained		TOTAL
			Interi:	Exteri:	
1.	Principles of Edu, and Method of Teaching	100			63
2.	Child Devept: and Counselling	100			44
3.	School Org: and Class Room Management	100			66
4.	Lang: and Method of Teaching	100			45
5.	Mathematics and method of Teaching	100			71
6.	Science and Method of Teaching	100			56
7.	Social Studies and Method of Teaching	100			56
8.	Islamiat and Method of Teaching	100			63
9.	Art and Craft, Art and Method of Teaching	100			54
10.	Health and Principle of Education	100			70
11.	Teaching Practice	200			102
Grand Total		1200			690

Passed/Failed Passed

Division II

To Re-appear in  
1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_

Prepared by [Signature]

Checked \_\_\_\_\_ Date of declaration 14/11/90

[Signature]  
Head Master  
Govt. High School  
Qandil Swat

[Signature]  
Dr. Registrar  
Departmental Examination,  
Education Department,  
N.W.F.P., Peshawar.

**VAKALATNAMA**

Before the KP Service Tribunal Peshawar

OF 2019

Naseer Hassan

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Deptt.

(RESPONDENT)  
(DEFENDANT)

I/We Naseer Hassan

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_/\_\_\_/2019

  
\_\_\_\_\_  
CLIENT

  
**ACCEPTED**  
**NOOR MOHAMMAD KHATTAK**

**SHAHZULLAH YOUSAFZAI**

**&**

  
**MIR ZAMAN SAFI**  
**ADVOCATES**

OFFICE:

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

Mobile No.0345-9383141



**BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR.**

Service Appeal No. 1239/2019

Naseer Hassan CT (BPS-15) GHS Qandil, District Swat.

.....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 malafide 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. The Appellant has annexed seniority list of SCT but it is worth to mention here that there is no promotion quota from CT to SST at the time of the said 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 correct to the extent of promotion of the Appellant to the post of SCT BPS-16 the rest of the Para is denied. No one junior than the Appellant has been promoted to SST in the cadre and category to which the Appellant belongs.**(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.


### **GROUND**

- 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

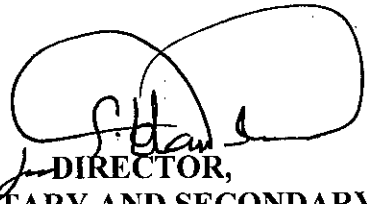
department cannot even think of the violation of any Article of the constitution.

- 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**



**DIRECTOR,  
ELEMENTARY AND SECONDARY  
EDUCATION KHYBER PAKHTUNKHWA**



**SECRETARY,  
ELEMENTARY AND SECONDARY  
EDUCATION PESHAWAR**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Peshawar, dated the 24<sup>th</sup> 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:

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

IA	Director Physical Education (BPS-17)	At least second class Master's Degree in Physical Education from a recognized University.	22-35 years	<p>recruitment; and          (b) fifty percent by initial recruitment.</p> <p>(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:</p> <p>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;</p> <p>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</p>
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(ii) against Serial No. 1B, as so remembered, for the existing entries, the following shall be substituted, in respective columns, namely:

1	2	3	4	5
1B.	Secondary School Teacher (BPS-16)	<p>I. At least second class Bachelor Degree's from a recognized University on need basis from the following groups with two subject</p> <p>(a) (Chemistry, Botany or Zoology),</p> <p style="text-align: center;">Or</p> <p>(b) (Physics, Maths "A" or "B" or Statistics)</p> <p style="text-align: center;">Or</p> <p>(c) (Humanities and other equivalent groups at degree level with English as compulsory subject;</p> <p style="text-align: center;">and</p> <p>II. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualifications from a recognized University.</p>	21 to 35 years.	<p>1. Seventy Five per cent by promotion, on the basis of seniority-cum-fitness, from the district concerned in the following manner:</p> <p>(a) forty per cent from amongst the Senior Certified Teachers (BPS-16), with at least five years service as Senior Certified Teacher and Certified Teacher and having qualification mentioned in column No.3:</p> <p style="text-align: center;">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;</p> <p>(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:</p>

*Provided that if no suitable candidate is available from amongst Senior Drawing Masters for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Drawing Masters with at least five years service as such and having qualification mentioned in column No. 3;*

*(c) four per cent from amongst the Senior Arabic Teachers(BPS-16), with at least five years service as Senior Arabic Teachers and Arabic Teachers, and having qualification mentioned in column No.3:*

*Provided that if no suitable candidate is available from amongst Senior Arabic Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from Arabic Teachers with at least five years service as such and having qualification mentioned in column No. 3;*

*(d) four per cent from amongst the Senior Theology Teachers(BPS-16), with at least five years service as Senior Theology Teachers and Theology Teachers and having qualification mentioned in column No.3:*

*Provided that if no suitable candidate is available from amongst Senior Theology Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers with at least five years service as such and having qualification mentioned in column No. 3;*

- (e) three per cent from amongst the Senior Qaris (BPS-16), with at least five years service as Senior Qari and Qari and having qualification mentioned in column No.3;*

*Provided that if no suitable candidate is available from amongst the Senior Qaris then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from Qaris with at least five years service as such and having qualification mentioned in column No. 3;*

- (f) twenty per cent from amongst the Primary School Head Teachers (BPS-16), with at least seven years service as Primary School Head Teachers and Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No. 3;*

*Provided that if no suitable candidate is available from amongst*

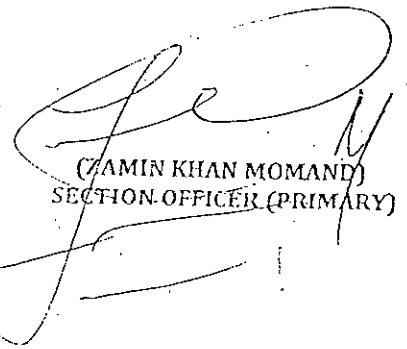


			<p><i>Primary School Head Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least seven years service as Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No.3:</i></p> <p><i>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</i></p> <p><i>(ii) twenty Five percent by initial recruitment.</i></p> <p><b>Note:</b></p> <p><i>I. If no suitable candidate is available in the relevant cadre of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment.</i></p> <p><i>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."</i></p>

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

*Endst : of even No & date:*

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

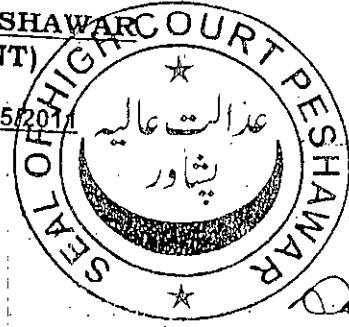
  
(ZAMIN KHAN MOMAND)  
SECTION OFFICER (PRIMARY)

Annexure "B"

ES9

**JUDGMENT SHEET**  
**PESHAWAR HIGH COURT, PESHAWAR**  
**(JUDICIAL DEPARTMENT)**

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



**JUDGMENT.**

Date of hearing: 08.11.2018

Petitioner (s): Nisar Ahmad & Mr. Nisar Muhammad Wadai

Respondent (s): Muhammad Azam Khan & Spd Officer Di. Psh. Adh.

**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 24<sup>th</sup> 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  
Peshawar High Court  
30 NOV 2018

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

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

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

APPOINTED  
EXAMINER  
Peshawar High Court  
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(61)

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

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

5. Arguments heard and record perused.

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

30 NOV 2018

62

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

ANNOUNCED.  
Dated: 08.11.2018

Chief Justice

Judge

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

No. 15857

Date of Presentation of Application 25.11.18

No of Pages 3

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Court Fee 20

Preparation of Copy 30 11.18

Number of Copy 3 11.18

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**CERTIFIED TO BE TRUE COPY**

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

**30 NOV 2018**



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

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

**NOTIFICATION**

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	GMS DADAHARA SWAT	AGAINST VACANT POST
04	MR ABDUL QADOOS SPST	GPSDELAY SWAT	GHS QANDIL SWAT	AGAINST VACANT POST

**SST (GENERAL)**


S:#	Name	Present School	School Where adjusted	Remarks
1	MR ADIL JAN SCT	GHS SERSENAI	GHS SHAH DEHRAI	AGAINST VACANT POST
2	MR.MUHAMMAD ALAM SCT	GHS ASALA	GHS ASALA SWAT	AGAINST VACANT POST
3	MR.SAMIULLAH SCT	GHS NOI MINGORA	GHS NAWAKALY (M)	AGAINST VACANT POST
4	MR.ANWAR IQBAL SCT	GHS AMANKOT	GHS AMANKOT SWAT	AGAINST VACANT POST
5	MR.MUKARAM KHAN SCT	GCMHSS WADOODIA	GCMHSS WADUDIA SWAT	AGAINST VACANT POST
6	MR.FAZAL RAHMAN SCT	GHS TOTANO BANDAI	GHS TOTANO BANDAI	AGAINST VACANT POST
7	MR.MUHAMMAD LAIQ SCT	GHS MATTA	GHSS BAMAKHELA	AGAINST VACANT POST
8	MR.GUL MUHAMMAD SHAH	GHS SWEEGALAI	GMS MALOOCH SWAT	AGAINST VACANT POST
9	MR ALAMGIR SCT	GHS UDIGRAM	GHS UDIGRAM SWAT	AGAINST VACANT POST
10	MR.FAZAL AZIM SDM	GHSS KHWAZAKHELA	GHSS BATAI KHWAZAKHELA	AGAINST VACANT POST
11	MR.UMAR ZADA SDM	GHS NO 4 MINGORA	GHSS CHARBAGH	AGAINST VACANT POST
12	MR FAZAL AZIM AT	GHS DURUSHKHELA	GHS DURUSHKHELA	AGAINST VACANT POST

13	MR.KHURSHID ALI AT	GHSS DEOLAI	GHSS DEOLAI SWAT	AGAINST VACANT POST
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(MUHAMMAD RIAZ)  
District Education Officer (M)

Endst: No 551-67 /Promotion/SST Swat Dated 19/5 Swat / 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.
2. District Accounts Officer Swat at Saidu Sharif.
3. Principals/Headmasters concerned.
4. Budget & Accounts Officer Local Office.
5. Superintendent Local Office.
6. Official Concerned.

  
District Education Officer (M)  
Swat



4  
**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR.**

Service Appeal No: 1239/2019

Naseer Hassan CT (BPS-15) 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.

- 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 extent 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

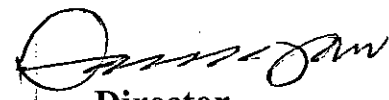
- A **Incorrect & not admitted.** The stand of the appellant is without any cogent reason & legal justification & liable to be rejected as the act of the Respondent Department with in legal parameter & liable to be maintained.

- (4)
- B **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 **Incorrect & not admitted.** 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 **Incorrect & not admitted.** 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 **Incorrect & not admitted.** 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 **Incorrect & not admitted.** 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.
- G **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 **Legal.** 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


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

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

**AFFIDAVIT**

I, Hayat Khan Asstt: Director (Litigation-II) 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.

  
**Director**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

  
**Deponent**



Annex

B

7

17

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

(8)

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.

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

*M. Waqar Ahmad Khan J*  
*M. A. Hameed Khan J*

JUDGE

JUDGE

*Recd 2/2/15*

=====

CERTIFIED TO BE TRUE COPY

Examiner,  
Peshawar High Court, Peshawar



IN THE SUPREME COURT OF PAKISTAN  
(APPELLATE JURISDICTION)

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

E-40

CIVIL PETITIONS NO. 127-P TO 129-P OF 2015  
(Against the judgment dated 26.1.2015 of the  
Peshawar High Court, Peshawar passed in Writ  
Petition No.2905 of 2009, 30.12.2009, 204 of 2010)

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

Versus

Ataullah and others,  
Nasruminullah and others,  
Mukhtar Ahmad and others. ...Respondent(s)

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

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

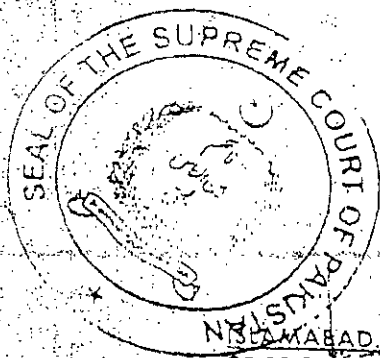
Date of Hearing: 20.09.2017.

ORDER

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

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

*[Signature]*  
29/9/17  
Court Associate  
Supreme Court of Pakistan  
Islamabad



20.09.2017  
M. Azhar Malik  
25/9/17

ATTESTED  
*[Signature]*

GR No: 14572/17 Civil/Criminal  
Date of Presentation: 29-9-17  
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Date of Co: 29/9/17  
Date of deliv: 24/11/17  
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Received by: *[Signature]*

D

IN THE SUPREME COURT OF PAKISTAN  
(APPELLATE JURISDICTION)

E-40

PRESENT:

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

CIVIL PETITIONS NO. 127-P TO 129-P OF 2015.

[Against the Judgment dated 26.1.2015 of the  
Peshawar High Court, Peshawar passed in Writ  
Petition No.2905 of 2009, 30.5.2009, 204 of 2010

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

Versus

Attaullah and others.  
Nasruminullah and others.  
Mukhtar Ahmad and others. Respondent(s)

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

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

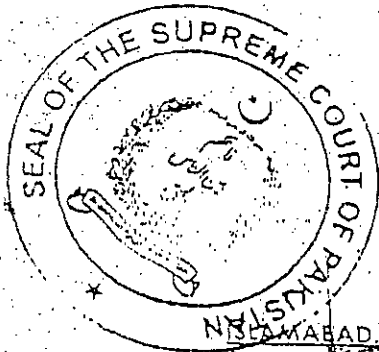
Date of Hearing: 20.09.2017.

ORDER

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

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

*[Signature]*  
29/9/17  
Court Associate  
Supreme Court of Pakistan  
Islamabad



Islamabad  
20.09.2017  
M. Azhar Malik  
25/9/17

ATTESTED  
*[Signature]*

GR No: 14572/12 Civil/Criminal

Date of Presentation: 29-9-12

No of Writs: 30

No of Filings: 3

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Court Fee Rs: 600

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Compared by/Prepared by: *[Signature]*

Received by: *[Signature]*



# درخواستیں مطلوب ہیں

درخواستوں پر غور نہیں کیا جائیگا۔

سیر، جٹو، اچانٹ، ڈیپن، پوسٹنگ اور اسراف پھر، چکر، چکر، اسٹریٹرز اور ڈائریکٹوریٹ 2011ء کے سین 4 سے صحت سے مستحق امیدواروں کی طرف سے۔  
 بخیر خواہ کے ذریعہ اقدام (مرحلتہ امتحان) سکولوں میں درجہ اول آسامیاں پر کرنے کے لیے خیر خواہوں کے متعلقہ اطلاع کے سکولوں میں امیدواروں سے گزراہ نام سوریہ 20 دسمبر 2017ء تک درخواستیں مطلوب ہیں۔ درخواستی فارم (NTS) کی ویب سائٹ (http://www.nts.org.pk) پر دستیاب ہے۔ مقررہ تاریخ گزرنے کے بعد موصول ہونے والی

نمبر شمار	نام آسامی	تالیف
1	یکٹوری سکول ٹیچر (SST) یا لوی ا / کیمسٹری - BPS-16	(i) کسی بھی تسلیم شدہ یونیورسٹی سے سیکنڈ ڈیگری ہونے والی اور (ii) کیمسٹری، بیالوجی (روالوٹی یا پانی) (iii) سلیکشن اور تقرری کے بعد 9 ماہ کی لازمی ٹریڈنگ حکومتی اداروں RITE/PITE سے حاصل کرنی ہوگی۔
2	یکٹوری سکول ٹیچر (SST) فزکس / کیمسٹری - BPS-16	(i) کسی بھی تسلیم شدہ یونیورسٹی سے سیکنڈ ڈیگری ہونے والی اور (ii) فزکس، کیمسٹری یا (iii) فزکس، کیمسٹری (iii) سلیکشن اور تقرری کے بعد 9 ماہ کی لازمی ٹریڈنگ حکومتی اداروں RITE/PITE سے حاصل کرنی ہوگی۔
3	یکٹوری سکول ٹیچر (SST) جنرل / کیمسٹری - BPS-16	(i) کسی بھی تسلیم شدہ یونیورسٹی سے سیکنڈ ڈیگری ہونے والی اور (ii) انگریزی لازمی ہوں۔ (iii) انگریزی لازمی، ہونٹنٹیلو گروپ یا دیگر مساوی گروپ۔ (iii) سلیکشن اور تقرری کے بعد 9 ماہ کی لازمی ٹریڈنگ حکومتی اداروں RITE/PITE سے حاصل کرنی ہوگی۔

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

کلیف تالیف	کل نمبر	کلیف تالیف = 100 نمبر	ب (ب) کلیف تالیف = 100 نمبر	ج (ج) کلیف تالیف = 100 نمبر
ایس ایس سی	مائل کردہ نمبر 20x	تقسیم کل نمبر	ای اے / ای اے ایس سی	مائل کردہ نمبر 20x
ای اے / ای اے ایس سی	مائل کردہ نمبر 20x	تقسیم کل نمبر	ای اے / ای اے ایس سی	مائل کردہ نمبر 20x
ای اے	مائل کردہ نمبر 05x	تقسیم کل نمبر	ای اے / ای اے ایس سی	مائل کردہ نمبر 05x
ای اے / ای اے ایس سی	مائل کردہ نمبر 10x	تقسیم کل نمبر		

**عمومی شرائط :-** (1) تمام تقرریاں حکومت خیر خواہوں کے مروجہ قوانین کے مطابق 25 فیصد بنیادی تقرری (Initial Appointment) کے تحت خالصتاً عارضی بنیادوں پر ای اے ہاک / کنٹریکٹ پر ایک سال کیلئے ہونگی۔ (2) مستور افراد کیلئے وہ فیصد اور اقلیتی امیدواروں کیلئے تن فیصد کوڈ مختص ہے (مستور افراد کے دو فیصد کوڈ مختص ہے جس کیلئے سینئر ٹیکہ ایڈیکل بورڈ کا سرٹیفکیٹ پیش کرنا لازمی ہے بشرطیکہ وہ مستوری فرائض کی انجام دہی میں نکالت ہو)۔ (3) اعتراف کے وقت اعلیٰ اساتذہ بھارتیہ اساتذہ اور امیدوار کو ہدایت کرنا ہوگی۔ (4) اعتراف کیلئے آنے والے امیدواروں کو کوئی TANDA نہیں دیا جائیگا۔ (5) صرف مقررہ وقت کے اندر موصول ہونے والی درخواستوں پر غور کیا جائیگا۔ (6) از پر عمل کو اختیار حاصل ہے کہ کوئی بچہ تائے بغیر کسی بھی وقت کی یا جزوی طور پر اعتراف و منسوخ کر دے۔ (7) اگر اس اشتہار کے بعد حکومت وقت کی طرف سے تبدیلی کے طریقہ کار میں تبدیلی کی گئی تو سلیکشن کمیٹی اس کے مطابق عمل کرنے کی پابند ہوگی۔ (8) محکمہ تعلیمی اریڈیکٹوری اچھیکیشن کو اختیار حاصل ہوگا کہ وہ تمام خالی آسامیوں میں سے کم ہر امیدوار بھرتی کرے۔ (9) تمام تقرریاں حکومت خیر خواہوں کے مقرر کردہ قوانین و ضوابط کے مطابق خالصتاً عارضی بنیادوں پر ہوں گی۔ (10) تمام تعلیمی اساتذہ صرف گورنمنٹ کے تسلیم شدہ اداروں کی قابل قبول ہوں گی۔ (11) اگر کسی امیدوار کی اساتذہ جلی پائی گئی ہو تو اس کے خلاف قانونی چارہ جوئی کی جائے گی اور اس کے لئے اسے سرکاری ملازمت کے لئے نااہل تصور کیا جائیگا۔ (12) ایک سال کا فارم یا معلومات کی صورت میں درخواست فارم خود بخود منسوخ تصور کیا جائیگا جس کے لئے کوئی اپیل منظور نہیں کی جائے گی۔ (13) اعتراف کیلئے الگ شیڈول جاری کیا جائیگا جس میں ڈاکومنٹیشن چیک گئے جائیگی۔ (14) تمام تقرریاں متعلقہ اطلاع کے ذریعہ اس کی بنیاد پر ہوں گی امیدوار کا اڈریس متعلقہ ضلع کا ہونا لازمی ہے۔ 20 دسمبر 2017ء کے بعد چھ ماہ میں کسی قسم کی تبدیلی قابل قبول نہ ہوگی۔ (15) امیدوار کو کسی سکول میں سرورس کرنا ہوگی جو کہ قابل تبادلہ ہوگی۔ (16) ایک امیدوار ایک وقت 5 سکولوں میں خالی آسامیوں کیلئے درخواست دے سکتا ہے۔ امیدوار کے ایک یا ایک سے زیادہ سکولوں میں سلیکشن کی صورت میں اس کی تقرری کسی ایک سکول میں کی جائے گی اس صورت میں سکول سلیکشن کا امتحان امیدوار کو حاصل نہیں بلکہ اس میں اس بات کا خیال رکھا جائیگا کہ وہ سکولوں میں اس کے بعد زیادہ بھرتی والے امیدوار کو سلیکشن کا موقع مل سکے۔ (17) درخواست دینے کا طریقہ کار NTS کی ویب سائٹ پر موجود ہے۔ (18) متعلقہ اطلاع کے خالی آسامیوں کی تسلیل سکول واٹرز درخواست فارم کے ساتھ NTS کی ویب سائٹ پر دی گئی ہے اور ہر سکول کو اپنا کواڈ کیا گیا ہے۔



# درخواستیں مطلوب ہیں

44

پیر پختونخوا ایجوکیشن ڈویژن نے پبلک اور ٹرانس آف ٹیچرز لیگیشن اور ڈاکنرز اور ڈاکنرز ریگولیشن ایکٹ 2011ء کے سیکشن نمبر 4 کے تحت محکمہ ایجوکیشن کے ایجوکیشن نیشنل ایسٹابلیشمنٹ (مرادنا/زناتہ) سکولوں میں درج ذیل آسامیاں پر کرنے کیلئے خیر پختونخوا کے متعلقہ اضلاع کے سکولوں میں امیدواروں سے مجوزہ فارم پر 5 جنوری 2014ء تک درخواستیں منسلک دست نامہ NTS کے ویب سائٹ (<http://www.nts.org.pk/>) پر دستیاب ہے۔ مقررہ تاریخ گزرنے کے بعد موصول ہونے والی درخواستوں پر غور نہیں کیا جائیگا۔

نمبر شمار	نام آسامی	تفصیلات
1	سیکنڈری سکول ٹیچر (SST) یا یونی/کیسٹری/16-BPS	کسی بھی تسلیم شدہ یونیورسٹی سے سیکندری ڈگری یا بیچلر ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں (1) کیسٹری/پیا یو بی (ڈی ایل او بی/ایچ ای) (2) کسی بھی تسلیم شدہ یونیورسٹی سے ایم اے ایجوکیشن یا ایجوکیشن میں بیچلر ڈگری
2	سیکنڈری سکول ٹیچر (SST) ٹریننگ ایسٹابلیشمنٹ BPS-16	کسی بھی تسلیم شدہ یونیورسٹی سے سیکندری ڈگری یا بیچلر ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں (1) ٹریننگ ایسٹابلیشمنٹ (2) ایم اے ایجوکیشن یا ایجوکیشن میں بیچلر ڈگری (3) ایسٹابلیشمنٹ
3	سیکنڈری سکول ٹیچر (SST) جنرل BPS-16	کسی بھی تسلیم شدہ یونیورسٹی سے سیکندری ڈگری یا بیچلر ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں (1) انگریزی لازمی ہو سٹیٹیز گروپ یا دیگر مساوی گروپ (2) کسی بھی تسلیم شدہ یونیورسٹی سے ایم اے ایجوکیشن یا ایجوکیشن میں بیچلر ڈگری

اساتذہ کے سیکشن کیلئے کریٹیریا درج ذیل ہیں کل 200 نمبرات کی تقسیم اس طرح سے کی جائیگی (ا) سکریٹنگ ٹیسٹ بازیادہ NTS = 100 نمبر - ب - تعلیمی قابلیت = 100 نمبر

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

1- ہر سکول کے آپہنای کیلئے علیحدہ علیحدہ میرٹ لسٹ مرتب کیا جائیگا جس میں امیدواروں کے NTS کے حاصل کردہ نمبر اور تعلیمی قابلیت کے نمبروں کو جمع کیا جائیگا۔

2- ہر امیدوار کو NTS کی درخواست فارم 300 روپے چارج کر کے پیش کرنا اور درخواست نامہ لڑنے کے لیے۔

3- ہر امیدوار کو اپنی شراکت (1) تمام تقرریاں حکومت خیر پختونخوا کے موجودہ قوانین کے مطابق بنیادی تقرری Initial Appointment کے 25 نمبر کوٹے کے تحت خالدنا عارضی بنیادوں پر Adhoc ٹریٹمنٹ پر ایک سال کیلئے ہونی (2) اہل امیدواروں کی موجودگی کی صورت میں کسی کو بھی Age Relaxation نہیں دیا جائیگا (3) انٹرویو کے وقت اصلی تعلیمی اسناد سے اصل شناختی کارڈ اور ایسٹیبلیشمنٹ میں صرف اصلی شناختی کارڈ لازمی ہے (4) میرٹ پر آنے والے امیدواروں کی اسناد اور اس سے تعلقہ اپنی کرائی جائے گی، جس کے تمام اخراجات امیدواروں کو برداشت کرنا ہوں گے (5) درج ذیل آئے والے امیدواروں کو کوئی TAVDA نہیں دیا جائیگا۔ مقررہ وقت کے اندر موجودہ اپنی درخواستوں پر نوٹ کیا جائیگا (7) مزید تفصیلی واقعات حاصل ہے کہ کوئی وجہ نہ تھے پھر ی بھی وقت کی باجروئی پر پرائیمری و سنیور سٹیڈی کر دے (8) اگر اس اشیرتہ حکومت وقت کی طرف سے پھرتی کے طریقہ کار میں تبدیلی کی گئی تو سلیکشن کمیٹی اس کے مطابق عمل کر سکتی ہے (9) ایجوکیشن ڈویژن کی ایجوکیشن کو اختیار حاصل ہوگا کہ وہ تمام خالی آسامیوں یا اس سے کم پر امیدوار مقرر کرے (10) تمام تقرریاں حکومت خیر پختونخوا کے مقرر کردہ قوانین و مجوزہ طریقہ کار کے تحت خالصتاً میرٹ کی بنیاد پر ہوں گی (11) تمام تعلیمی اسناد صرف گورنمنٹ کے تسلیم شدہ اداروں کی قابل قبول ہوں گی (12) اگر کسی امیدوار کی اسناد جعلی پائے گئے تو اس کی خلاف قانونی چارہ جوئی کی جائے اور اسے سزا کیلئے سزا کا درجہ ملازمت کیلئے نااہل تصور کیا جائیگا (13) باقی تمام معلومات کی صورت میں درخواست فارم خود بخود منسوخ تصور کیا جائیگا جس کیلئے کوئی اپیل منظور نہیں کی جائے گی (14) ریویو کیلئے ایک شیڈول جاری کیا جائیگا (15) تمام تقرریاں متعلقہ اضلاع کے ڈیوٹی ایس ایس سی کی بنیاد پر ہوں گی۔ ایم اے ایجوکیشن میں امیدوار دستیاب ہوا تو قرعہ قرعہ کے تحت اس کی بنیاد پر تقرریاں کی گئی (16) امیدوار کو اس سکول میں ہجرت کرنا ہوگی جو کہ قابل اجازت ہوگا (17) ایک امیدوار ایک وقت 5 سکولوں میں خالی آسامیوں کیلئے درخواست دے سکتا ہے (18) درخواست دینے کا طریقہ NTS کے ویب سائٹ پر موجود ہے (19) متعلقہ اضلاع کے خالی آسامیوں کی تفصیلی سکول اور درخواست فارم کے ساتھ NTS کے ویب سائٹ پر دی گئی ہیں اور ہر سکول کو اپنا کوڈ دیا گیا ہے۔

INF(P) 3360

## ڈاٹر گیس ایسٹیبلیشمنٹ کے خیر پختونخوا ڈگری کارڈز سائور

S. No. Nqw.	Name of Teacher/Qualification Academic / Professional	Father's Name	Designation	PBS	D/O Birth / Domicile	Domicile	Academic	Professional	D/O 1st Apptt.	Date of apptt. against Present post	Seniority position D/O taking over charge as CT or D/O declaration CT Exam whichever is later
1	Hamayun Khan	Khairullah	SCT	16	4/10/1964	Swat	MA	CT	5/8/1984	5/8/1984	5/8/1984
2	Astambool	Muhammad Kamal	SCT	16	4/1/1961	Swat	BSc	CT/B.Ed	5/3/1986	5/3/1986	5/3/1986
3	Fazal Rabi	Muhammad Junain	SCT	16	3/15/1966	Swat	MA	CT/B.Ed	10/11/1982	10/11/1982	1/6/1987
4	Khan Ali	Umar Bakht	SCT	16	3/3/1961	Swat	MA	CT	8/1/1982	8/21/1982	5/26/1987
5	Muhammad Ihsanullah	Swal Faqir	SCT	16	3/4/1962	Swat	MA	CT	9/17/1987	9/17/1987	9/17/1987
6	Bakht Sherawan	Mahmood Khan	SCT	16	1/1/1960	Swat	MA	CT	11/6/1982	11/6/1982	11/29/1987
7	Muhammad Ali	Said Mahmood	SCT	16	2/3/1959	Swat	BA	CT	8/17/1980	1/8/1988	3/6/1988
8	Toti Rahman	Fazal Rahman	SCT	16	2/7/1960	Swat	MA	CT	7/10/1982	7/10/1982	11/30/1988
9	Mohammad Salim Khan	Amanullah Khan	SCT	16	3/1/1965	Swat	MA	CT/B.Ed	1/15/1985	4/26/1989	9/16/1989
10	Jamshed Khan	Muhammad Zarin	SCT	16	5/11/1962	Swat	MA	CT	3/9/1982	9/17/1989	9/17/1989
11	Rahmat Ali	Abdul Ghafar	SCT	16	5/4/1963	Swat	MA	CT/B.Ed	7/20/1982	10/1/1989	10/1/1989
12	Fazal Rahim	Fazal Ahad	SCT	16	1/1/1961	Swat	MA	CT	11/13/1984	10/1/1989	10/1/1989
13	Azizullah	Tota	SCT	16	10/1/1964	Swat	MA	CT	1/9/1982	11/15/1983	1/17/1990
14	Shah Rom Khan	Hakim Khan Mian	SCT	16	1/1/1962	Swat	MA	CT	3/1/1988	3/1/1988	1/17/1990
15	Sadiq Ahmad	Abdul Hamid	SCT	16	1/4/1961	Swat	MA	CT	6/1/1988	6/1/1988	1/17/1990
16	Muhammad Rafiq	Badish	SCT	16	3/1/1963	Swat	B.Sc	CT	2/6/1990	2/6/1990	2/6/1990
17	Fida Hussain	Hazrat Ahmad	SCT	16	2/3/1964	Swat	MA	CT	2/8/1990	2/8/1990	2/8/1990
18	Hedayatullah 3rd Division	Sultan Sikandar	SCT	16	1/1/1959	Swat	MA	CT/B.ed	4/18/1983	4/18/1983	11/14/1990
19	Rashid Ali	Ghulam Nabi	SCT	16	3/12/1968	Swat	MA	CT	12/8/1990	12/8/1990	11/14/1990
20	Zahid Khan	Pir Dad	SCT	16	4/9/1965	Swat	BA	CT	12/9/1990	12/9/1990	12/9/1990
21	Hazrat Bilal	Zirat Gul	SCT	16	2/8/1963	Swat	MA	CT	12/11/1990	12/11/1990	12/11/1990
22	Aziz Ahmad	Fazal Khaliq	SCT	16	4/4/1969	Swat	MSC	CT/B.Ed	12/11/1990	12/11/1990	12/11/1990
23	Fazal Wahab	Gul Mahmood	SCT	16	12/12/1964	Swat	MA	CT	5/6/1986	1/1/1990	1/1/1991
24	Muhammad Majid	Umar Zada	SCT	16	1/1/1966	Swat	MA	CT	5/4/1986	4/5/1986	3/14/1991
25	Rahman Deyar	Sultan Mehmood	SCT	16	1/1/1964	Swat	BA	CT	11/5/1986	5/11/1986	3/14/1991
26	Haroon - Ur - Rashid	Khiasat Gul	SCT	16	8/1/1962	Swat	BA	CT	11/24/1986	11/24/1986	3/14/1991
27	Muhammad Alam	Alam Zeb Khan	SCT	16	4/1/1963	Swat	MA	CT	4/2/1987	4/10/1991	4/10/1991
28	Adalat Khan	Abdur Rashad	SCT	16	12/9/1961	Swat	MA	CT	11/24/1984	11/24/1984	10/22/1991
29	Akhter Ali	Ghulam Muhammad	SCT	16	5/15/1964	Swat	BA	CT	3/11/1985	3/11/1985	10/22/1991
30	Imran Ali	Mashooq Ali	SCT	16	3/20/1959	Swat	MA	CT	5/6/1986	5/6/1986	10/22/1991
31	Muhammad Rahman	Bakht Zad	SCT	16	1/10/1967	Swat	FA	CT	5/17/1987	5/17/1987	4/2/1992
32	Sharafat Ali Khan	Afsar Khan	SCT	16	2/2/1961	Swat	MA	CT	3/1/1988	3/1/1988	4/2/1992
33	Amir Zeb	Muhammad Zareen	SCT	16	4/2/1964	Swat	BA	CT	6/1/1988	6/1/1988	4/2/1992
34	Amir Muhammad	Tota Mian	SCT	16	5/15/1963	Swat	BA	CT/B.Ed	9/22/1987	12/20/1989	4/2/1992
35	Akhter Hussain 3rd Divi	Ahmad	SCT	16	3/2/1967	Swat	BA	CT	8/14/1992	8/14/1992	8/14/1992
36	Muhammad Ziaud Din	Habibur Rahman	SCT	16	3/10/1968	Swat	MA	CT/B.Ed	9/2/1986	1/9/1992	9/1/1992
37	Sultan Rome	Shah Rome	SCT	16	4/8/1966	Swat	MSC	CT/B.Ed	9/2/1992	9/2/1992	9/2/1992
38	Umar Hussain	Malak Sherin	SCT	16	1/1/1962	Swat	MA	CT	4/23/1988	4/23/1988	11/21/1992
39	Muhammad Nabi	Ghulam	SCT	16	5/1/1963	Swat	MA	CT/B.Ed	4/17/1988	4/17/1988	11/22/1992
40	Jamshid Khan	Hazrat Jee	SCT	16	4/14/1966	Swat	BA	CT/B.Ed	11/1/1986	4/21/1993	4/21/1993
41	Bakhtyar 3rd Divi	Bacha	SCT	16	7/3/1964	Swat	BA	CT/B.Ed	1/20/1990	1/20/1990	4/29/1993

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

S.No New	Name of Teacher/Qualification academic/ professional	Father's Name	Desi gnati on	PBS	D/O Birth /Domicile	Domic ile	Aca demi c	Profess ional	D/O 1st Apptt	Date of apptt against Present post	Seniority position D/O taking over charge as CT or D/O declaration CT-Exam whichever is later
											8/5/1993
42	Ashraf Ali	Hazrat Ali	SCT	16	5/12/1965	Swat	MA	CT/B.Ed	5/8/1993	5/8/1993	12/25/1993
43	Shah Bakht Rawan	Umara Khan	SCT	16	1/7/1964	Swat	MA	CT	9/24/1989	9/24/1989	12/25/1993
44	Muhammad Hamayun	Faramoz Khan	SCT	16	1/2/1965	Swat	BA	CT	10/2/1989	10/2/1989	12/25/1993
45	Amir Bahadar	Sarwar Gul	SCT	16	5/1/1962	Swat	MA	CT/B.ed	3/10/1989	10/3/1989	12/25/1993
46	Bakht Sherwan	Fazal Rahman	SCT	16	2/24/1967	Swat	BA	CT	11/29/1989	11/29/1989	12/25/1993
47	Bakht Muhammad	Muammar Khan	SCT	16	1/16/1967	Swat	BA	CT	11/30/1989	11/30/1989	12/25/1993
48	Noor Rahman	Jumma Gul Khan	SCT	16	5/1/1965	Swat	BA	CT	12/4/1989	12/4/1989	12/25/1993
49	Mehboob Ali	Amir Rahman	SCT	16	2/1/1963	Swat	BA	CT	12/12/1989	12/12/1989	12/25/1993
50	Muhammad Sadiq	Qalandar	SCT	16	9/11/1965	Swat	BA	CT/B.ed	12/14/1989	12/14/1989	12/25/1993
51	Maqsood Ahmad	Dawray	SCT	16	6/5/1963	Swat	MA	CT/B.Ed	12/17/1989	12/17/1989	12/25/1993
52	Shuja Mulk	Said Karam	SCT	16	12/3/1966	Swat	BA	CT	10/3/1989	11/4/1990	12/25/1993
53	Alamgir	Sadbar Khan	SCT	16	1/20/1960	Swat	MA	CT/B.Ed	6/10/1990	6/10/1990	12/25/1993
54	Anwarullah	Hasham Khan	SCT	16	3/1/1969	Swat	MA	CT/B.Ed	9/26/1988	11/10/1994	11/10/1994
55	Fazal Hameed	Fazal Wahab	SCT	16	4/15/1969	Swat	MA	CT/B.ed	11/10/1994	11/10/1994	11/10/1994
56	Nadar Khan	Mian Said Buhar	SCT	16	3/3/1966	Swat	MA	CT	9/8/1986	11/11/1994	11/11/1994
57	Bad Shah Ikhan	Amir Rawan	SCT	16	5/1/1965	Swat	MA	CT/B.Ed	6/14/1987	11/12/1994	11/12/1994
58	Sher Bahadar Khan	Gul Zaman	SCT	16	1/1/1964	Swat	BA	CT	12/12/1989	12/12/1989	11/15/1994
59	Aziz Ahmad	Muhammad Rashid	SCT	16	2/2/1964	Swat	MA	CT/B.Ed	11/10/1994	11/15/1994	11/15/1994
60	Afzal Shah	Badshah Zada	SCT	16	5/12/1967	Swat	MA	CT/B.Ed	11/15/1994	11/15/1994	11/15/1994
61	Bakht Alam	Ghulam Qadir	SCT	16	3/20/1969	Swat	MA	CT/B.Ed	11/15/1994	11/15/1994	11/16/1994
62	Muhammad Rahman	Sherin Jalal	SCT	16	2/1/1965	Swat	MA	CT/B.Ed	12/1/1986	11/16/1994	11/16/1994
63	Sher Ali Khan	Sadar	SCT	16	2/11/1968	Swat	MA	CT/M.Ed	8/1/1987	11/16/1994	11/16/1994
64	Ziaullah Khan	Muhammad Alam Gul	SCT	16	7/20/1969	Swat	MA	CT/B.Ed	11/16/1994	11/16/1994	11/16/1994
65	Muhammad Munir	Habibullah Khan	SCT	16	4/2/1964	Swat	MA	CT/B.Ed	9/28/1988	11/18/1984	11/18/1994
66	Gul Pervize	Rahmani Gul	SCT	16	1/20/1965	Swat	MA	CT/B.ed	11/21/1984	11/21/1994	11/21/1994
67	Abdul Qadoos	Ghulam Khaliq	SCT	16	6/5/1964	Swat	B.Sc	CT	5/12/1992	11/24/1994	11/24/1994
68	Sarir Ud Din	Fazal Wahid	SCT	16	3/26/1963	Swat	M.Sc	CT/M.Ed	11/27/1986	12/20/1994	12/20/1994
69	Muhd Zahir Shah	Azizur Rahman	SCT	16	12/2/1960	Swat	MA	CT/B.Ed	4/2/1987	12/21/1994	12/21/1994
70	Muhammad Ghafar	Khan Bahadar	SCT	16	2/27/1961	Swat	MA	CT	6/7/1987	12/21/1994	12/21/1994
71	Amanullah Khan	Sakhi Rawan	SCT	16	9/12/1961	Swat	MA	CT/M.Ed	8/11/1988	12/21/1994	12/21/1994
72	Sher Azim Khan	Taj Muhammad Khan	SCT	16	9/9/1958	Swat	MA	CT/M.Ed	9/28/1988	12/21/1994	12/21/1994
73	Fatehur Rahman	Fazal Rahman	SCT	16	2/2/1969	Swat	MA	CT/M.Ed	6/24/1987	12/22/1994	12/22/1994
74	Rafiq Ahmad	Hermooz Khan	SCT	16	1/1/1965	Swat	MA	CT	9/29/1988	11/10/1988	12/25/1994
75	Alam Zeb	Abdul Jabbar	SCT	16	4/15/1965	Swat	BA	CT/B.Ed	12/25/1994	12/25/1994	12/25/1994
76	Inamullah Khan	Muhammad Karam	SCT	16	1/1/1968	Swat	MA	CT	9/4/1986	12/27/1994	12/27/1994
77	Alam Zeb	Bughdaday	SCT	16	1/1/1960	Swat	MA	CT/M.Ed	12/27/1994	12/27/1994	12/27/1994
78	Azizullah	Haji Muhammad	SCT	16	2/16/1964	Swat	MA	CT/M.Ed	9/26/1988	1/1/1995	1/1/1995
79	Amjad Ali	Faqir Khan	SCT	16	4/10/1966	Swat	MA	CT/B.Ed	12/5/1989	12/5/1989	1/5/1995
80	Samiullah	Roohul Amin	SCT	16	2/15/1965	Swat	MA	CT/B.Ed	5/3/1986	5/3/1986	1/9/1995
81	Dost Muhammad Khan	Taj Muhammad Khan	SCT	16	3/8/1958	Swat	BA	CT/B.Ed	4/1/1987	4/1/1987	1/9/1995
82	Wazir Zada	Gulzar Khan	SCT	16	5/1/1967	Swat	BA	CT	10/1/1989	10/1/1989	1/9/1995

16

50



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

S.No New	Name of Teacher/Qualification academic / professional	Father's Name	Designation	PBS	D/O Birth / Domicile	Domicile	Academic	Professional	D/O 1st Apptt.	Date of apptt. against Present post	Seniority position D/O taking over charge as CT or D/O declaration CT Exam whichever is later
83	Anwar Iqbal	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	Shahzada	SCT	16	2/2/1965	Swat	MA	CT/B.Ed	11/28/1989	11/28/1989	1/9/1995
85	Bakhtmand	Siahooosh Khan	SCT	16	6/5/1963	Swat	MA	CT/B.Ed	12/10/1989	12/10/1989	1/9/1995
86	Mukaram Khan	Musharaf Khan	SCT	16	6/5/1963	Swat	BA	CT/B.Ed	1/13/1990	1/13/1990	1/9/1995
87	Afzal Hussain	Bahroz Khan	SCT	16	5/25/1962	Swat	MA	CT/B.Ed	1/19/1990	1/19/1990	1/9/1995
88	Zahoor Hayat	Sher Alam Khan	SCT	16	1/1/1969	Swat	BA	CT	1/19/1990	1/23/1990	1/9/1995
89	Fazand Ali	Syed Rashad	SCT	16	3/15/1963	Swat	BA	CT	2/15/1990	2/15/1990	1/9/1995
90	Amir Zeb Khan	Bakht Biland Khan	SCT	16	2/18/1963	Swat	BA	CT	3/1/1990	3/1/1990	1/9/1995
91	Fazal Rahman	Amir Faqeer	SCT	16	3/10/1963	Swat	MA	CT	4/1/1990	4/1/1990	1/9/1995
92	Gul Muhammad Shah	Mubin	SCT	16	2/5/1964	Swat	MA	CT	4/14/1990	4/14/1990	1/9/1995
93	Muhammad Laiq	Amir Hamza	SCT	16	6/1/1963	Swat	MA	CT/B.Ed	4/21/1990	4/21/1990	1/9/1995
94	Ali Bash Khan	Shah Dilbar Mian	SCT	16	3/17/1969	Swat	MA	CT/B.Ed	5/13/1990	5/13/1990	1/9/1995
95	Akbar Ali	Qaisar Khan	SCT	16	1/1/1963	Swat	MA	CT/B.Ed	5/13/1990	5/13/1990	1/9/1995
96	Alamgir	Khalilur Rahman	SCT	16	7/1/1964	Swat	MA	CT/B.Ed	5/13/1990	5/13/1990	1/9/1995
97	Fazal Azim	Ahmad	SCT	16	12/1/1959	Swat	MA	CT	8/20/1990	8/20/1990	1/9/1995
98	Karim Ullah	Muhammad Karim	SCT	16	3/15/1970	Swat	MA	CT/B.Ed	10/10/1988	11/20/1990	1/9/1995
99	Ibrahim	Amir Hatam	SCT	16	6/17/1959	Swat	BA	CT/B.Ed	5/24/1992	5/24/1992	1/9/1995
100	Ruhul Amin	Muhammad	SCT	16	4/3/1966	Swat	MA	CT	9/1/1989	12/1/1994	1/9/1995
101	Muhammad Fahim Khan	Ahmad Shah	SCT	16	3/7/1963	Swat	MA	CT/B.Ed	6/11/1987	1/16/1995	1/16/1995
102	Muhammad Dawood Khan	Amanullah Khan	SCT	16	4/26/1967	Swat	MA	CT/M.Ed	8/25/1992	1/16/1995	1/16/1995
103	Miraj Gul	Sani Gul	SCT	16	4/21/1959	Swat	BA	CT	3/6/1990	1/18/1995	1/18/1995
104	Jehan Sher	Umara Jan	SCT	16	5/1/1962	Swat	MA	CT/B.Ed	1/19/1995	1/19/1995	1/21/1995
105	Hanif Khan	Abdul Qadir Khan	SCT	16	1/12/1967	Swat	MA	CT	2/20/1990	2/1/1995	2/1/1995
106	Abdul Wahab	Amir Bashir	SCT	16	3/3/1969	Swat	MA	CT	2/21/1995	2/22/1995	2/22/1995
107	Sajawal Khan	Taj Khan	SCT	16	5/5/1964	Swat	MA	CT	2/2/1995	4/10/1995	4/10/1995
108	Anwar Zeb	Alam Zeb Khan	SCT	16	5/4/1970	Swat	MA	CT/M.Ed	2/2/1995	4/10/1995	4/10/1995
109	Kishwar	Ghulam Nabi	SCT	16	1/1/1967	Swat	BA	CT/B.Ed	4/7/1988	4/16/1995	4/17/1995
110	Mizajud Din	Mirajud Din	SCT	16	5/1/1970	Swat	MA	CT/M.Ed	11/7/1994	4/17/1995	4/17/1995
111	Bakht Biland	Shah Zada	SCT	16	1/30/1966	Swat	BA	CT	10/17/1988	5/15/1995	5/15/1995
112	Muhammad Sadiq	Khyber	SCT	16	11/8/1962	Swat	MA	CT	8/8/1984	8/1/1995	8/1/1995
113	Khaista Mand	Muhammad Ghafoor	SCT	16	1/10/1966	Swat	MA	CT/B.Ed	5/14/1992	8/1/1995	8/1/1995
114	Muhammad Qadim	Amir Nawab	SCT	16	4/5/1964	Swat	MA	CT/B.Ed	2/29/1984	8/7/1995	8/7/1995
115	Amiz Khan	Akbar Khan	SCT	16	1/1/1967	Swat	BA	CT/B.Ed	8/22/1995	8/22/1995	8/22/1995
116	Shah Anwar Badshah	Naik Muhammad	SCT	16	3/15/1963	Swat	MA	CT	9/27/1988	8/24/1995	8/24/1995
117	Ali Rahman	Fazal Rahman	SCT	16	4/1/1967	Swat	MA	CT	5/14/1987	9/1/1995	9/1/1995
118	Sayed Javid Iqbal	Muhammad Mian	SCT	16	3/20/1964	Swat	MA	CT	4/3/1995	9/15/1995	9/15/1995
119	Mufti	Muhammad Zaman	SCT	16	1/15/1962	Swat	MA	CT/B.Ed	3/17/1984	9/23/1995	9/23/1995
120	Muhammad Afzal Khan	Sher Dil Khan	SCT	16	10/1/1970	Swat	MA	CT/B.Ed	9/24/1995	9/24/1995	1/24/1996
121	Muhammad Nisar	Ahmad Khan	SCT	16	4/16/1975	Swat	MA	CT	5/1/1996	5/1/1996	5/1/1996
122	Muhammad Iftikhar	Muhammad Perviz	SCT	16	4/13/1969	Swat	MA	CT/M.Ed	9/16/1992	9/16/1992	5/5/1996
123	Fazal Hadi	Muhammad Yousaf	SCT	16	4/15/1972	Swat	MA	CT/M.Ed	3/17/1996	3/17/1996	5/5/1996

4/10/1995 No. they were promoted

All ready promoted to S.S.T.

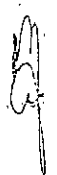
	<p>Certified or two years Associate Degree in Education from a recognized University or eighteen months Diploma in Education.</p>	<p>(b) sixty percent by promotion on the basis of seniority-cum-fitness from amongst the Primary School Head Teachers with at least five years service and having qualification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

ATTESTED

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10.	Arabic Teacher (AT) (BPS-15)	<p>(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</p> <p>(ii) Second Class Master's Degree in Arabia from a recognized University.</p>	By initial recruitment
11.	Theology Teacher (TT) (BPS-15)	<p>(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</p> <p>(ii) Second Class Master's Degree in Arabia from a recognized University.</p>	<p>(a) Seventy five percent by initial recruitment; and</p> <p>(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;</p> <p>Note: In case of non availability of suitable person for promotion then by initial recruitment.</p>
12.	Senior Qari (BPS-15)		By promotion on the basis of seniority-cum-fitness from amongst Qaris with at least five years service as such and having qualification as prescribed for initial recruitment.
13.	Certified Teacher (General)	Bechlor's Degree or equivalent qualification from a recognized	(a) Forty percent by initial recruitment; and

ATTESTED



55

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

ATTESTED



(20)

3

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

KPK

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Section Officer (Primary)

ATTESTED

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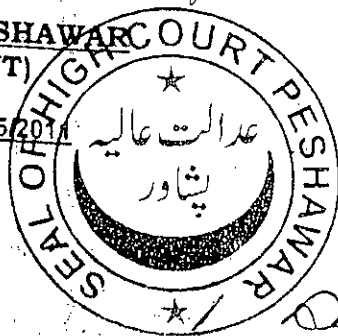
310

Annex J

66

**JUDGMENT SHEET**  
**PESHAWAR HIGH COURT, PESHAWAR**  
**(JUDICIAL DEPARTMENT)**

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



**JUDGMENT.**

Date of hearing: 08.11.2018

Petitioner (s): Nisar Ahmad Qazi, Mr. Noor Mahmood Ullah

Respondent (s): Muhammad Draz Khan Qazi, Spd Qazi Ali  
Plus ADD.

**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 24<sup>th</sup> 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  
Peshawar High Court

30 NOV 2018

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

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

5. Arguments heard and record perused.

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

30 NOV 2018

J

69

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

No. 15857

Date of Presentation of Application 25.11.18

No of Pages 3

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EXAMINER  
Peshawar High Court, Peshawar  
Authorized Under Article 175 of  
The Constitution of Pakistan

**30 NOV 2018**