

Service Appeal No. 1382/2019

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

ORDER

08th May, 2023

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

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

**SCANNED
KPST
Peshawar**



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

09/5723


through Secretary Education and others” Service Appeal No. 1693/2019 titled “Momin Khan Vs Government of Khyber Pakhtunkhwa through Secretary Education and others”, Service Appeal No. 1694/2019 titled “Hameed Ullah Vs Government of Khyber Pakhtunkhwa through Secretary Education and others”, Service Appeal No. 1695/2019 titled “Mehmood Khan Vs Government of Khyber Pakhtunkhwa through Secretary Education and others” Service Appeal No. 64/2020 titled “Bahramand Khan Vs Government of Khyber Pakhtunkhwa through Secretary Education and others” Service Appeal No. 4830/2021 titled “Nisar Ahmad Vs Government of Khyber Pakhtunkhwa through Secretary Education and others” & Service Appeal No. 7556/2021 titled “Bacha Khan Vs Government of Khyber Pakhtunkhwa through Secretary Education and others” are decided as all the same and can conveniently be decided together.

3. During the course of arguments consensus was developed that for considering the contention of the appellant that 50% quota of promotees was not exhausted whereas learned AAG while refuting the contention that in view of the Judgment of the Hon’ble Peshawar High Court, Peshawar in COC No.105-P/2018 in W.P no. 355/2011 and the said quota had already been exhausted, both of them while fairly assisting the Tribunal submitted that it would be appropriate that the department should make proper calculation of the number of posts, in the light of the above judgment coupled with the eligibility of appellants and to ascertain the quota accordingly. Order accordingly. Such exercise should be undertaken within a period of 90 days from the receipt of this order

Handwritten signature and date:
08/5/23


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

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



(Faryeha Paul)
Member (E)

Kaleem Ullah



(Kalim Arshad Khan)
Chairman

13th 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 ^{were} ~~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. Q

(Kalim Arshad Khan)
Chairman

Adnan Shah, PA

17th April, 2023

1. Counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Mr. Muhammad Zahid Khan, SDEO for the respondents present:

2. Arguments heard. Learned senior counsel for the appellant wants to make some more submission. He may do make on 08.05.2023 before the D.B. P.P given to the parties.

(Fareeha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

**Adnan Shah, PA

SCANNED
BY
PESHAWAR

11-5-22

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

R. Atal

25th 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 / 4 / 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

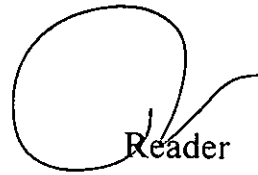
31.12.2020

Due to summer vacation, case is adjourned to 12.04.2021 for the same as before.


Reader

12.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 27.07.2021 for the same as before.



Reader

27.07.2021

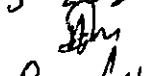
Counsel for the appellant present.

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

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


(Rozina Rehman)
Member(J)


Chairman

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

Reader

24.06.2020

Junior to counsel for the appellant present. Addl. AG for respondents present. Written reply/comments not submitted. Learned AAG seeks time to submit the same on the next date of hearing. Last opportunity granted. To come up for written reply/comments on 11.08.2020 before S.B.


MEMBER

11.08.2020

Junior to counsel for the appellant and Addl. AG alongwith Hussain Ali, Litigation Officer for the respondents present.


Respondents have furnished parawise comments which are placed on record. The matter is assigned to D.B for arguments on 26.10.2020. The appellant may furnish rejoinder, within a fortnight, if so advised.


Chairman

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 31.12.2020 for hearing before the D.B.



(Atiq-ur-Rehman Wazir)
Member


Chairman

20.01.2020

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

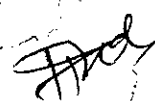
Learned AAG requests for time to contact the respondents and furnish reply/comments on the next date of hearing. Adjourned to 25.02.2020 on which date the requisite reply/comments shall positively be furnished.


Chairman

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 further time to contact the respondents and furnished reply/comments on the next date of hearing. Adjourned. To come up for written reply/comments on 01.04.2020 before S.B.


(Hussain Shah)
Member

01.04.2020




Due to public holiday on account of COVID-19, the case is adjourned to 24.06.2020 for the same. To come up for the same as before S.B.


Reader

FORM OF ORDER SHEET

Court of _____

Case No.- 1382/2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/10/2019	<p>The appeal of Mr. Usman Ghani resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	<p>22/10/19</p> <p>05.12.2019</p> <p>Appellant Deposited Security & Process Fee 15/12/19</p>	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>05/12/19</u>.</p> <p>Counsel for the appellant present.  CHAIRMAN</p> <p>On the strength of admitting note in Appeal No. 1232/2019, 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. To come up for written reply/comments on 31.01.2020 before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Mr. Usman Ghani CT Teacher GMS Jare District Swat received today i.e. on 10.10.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Wakalat nama in favour of appellant be placed on file
- 2- Annexures of the appeal may be attested.
- 3- Three more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1724 /S.T,

Dt. 10/10 /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

Sir,

All objections have been removed,
hence re-submitted today dated

M.

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

APPEAL No. 1382 /2019

USMAN GHANI

V/S

EDUCATION DEPTT:

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13.	Vakalatnama	-----	65.

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. 1382 /2019

Diary No. 1429

Dated 10-10-2019

Mr. Usman Ghani, CT (BPS-15),
GMS Jare, 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.

R/SHEWETH:

ON FACTS:

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

- 1- That initially the appellant was appointed as PET in the respondents Department vide order dated 05.12.1987 and later on the appellant was appointed as C.T in the respondent Department vide order dated 01.6.2012. Copy of the service book is attached as annexure

A.

Filed to-day
07/10/19
Registrar

Re-submitted to-day
and filed.

Registrar
10/10/19

- 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 entitled 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 through 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 CT (BPS-15) 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 **G, H & I.**
- 9- That feeling aggrieved the appellant and his colleagues knocked the door of august Peshawar high Court, Peshawar in various COC Petitions 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 **J.**
- 10- That feeling aggrieved the appellant preferred Departmental appeal but no response has been received so far. Hence the present appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure **K.**

GROUND:

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

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

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

Dated: 11.9.2019

APPELLANT


USMAN GHANI

THROUGH:


NOOR MOHAMMAD KHATTAK

&


MIR ZAMAN SAFI
ADVOCATES

(For use in Police Department only).

Heirs,

A-5

- 1.
- 2.
- 3.

Verification Roll No. dated received back

Left thumb-impression.

Academic Qualification				Professional Qual	
Qualification	R.No	Div	Year	Qualifications	Date
SSC (A) - Urdu	40528	II	C - 10-3-1983	Passed PTC for AIOU under Roll	
F.A(A) - English	9385	III	D - 18/9-1983	First Arts No. A-6723840 securing marks	
Sub Divisional Eda. Officer Pashtu Saidu Sherani, Sub Division, A				B. L. or B. A.	
Exam: Urdu	R-No 39772	Marks 247	Div II	Year 16	3/91
Plan-drawing					
Finger print	R.No 20248, marks 45/100				
Drill instructing	Date 29-10-1993				
Court duties	Sub Divisional Eda. Officer Saidu Sherani, Sub Division, A				
Reserve duties					
				Passed B.Ed Examination for University of Peshawar under R.No. 1957 in the session August 1996, Marks obtained 518/600 & placed in 2nd Div. Result declared on 20/09/1997	

Handwritten signatures and stamps:
 A. Sherani
 Saidu Sherani
 Sub Divisional Eda. Officer
 Pashtu Sub Division, A

Head Master
 GHS Mandan Swab
 PPO Cod No. 6070

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

116-86-831104³

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 *Usmani Ghani* (6)
2. Race *Afghan*
3. Residence *village & p.o. Fateh Pur Tehsil Khawazakhta Distt. Swat.*

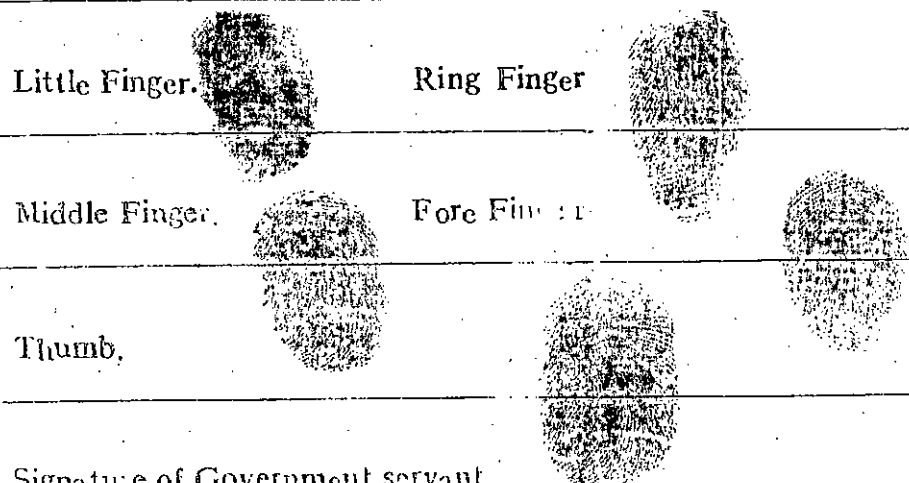
4. Father's name and residence *Agal Mohammad*
village & p.o. Fateh Pur Tehsil Khawazakhta, Distt. Swat.

5. Date of birth by Christian era as nearly as can be ascertained *Twelfth February M.H. & sixty Seven. (12-2-1967)*

6. Exact height by measurement *5-3"*

7. Personal marks for identification *nil*

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



9. Signature of Government servant *Usman Ghani*

10. Signature and designation of the Head of the Office, or other Attesting Officer. *Sub Divisional Edu. Officer, Saidu Sharif, Sub Division,*

Mirza-ud-Din
SC, Khawazakhta
S.H.S. Ghani, Distt. Swat.

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
P.T.C. Larkhalay (Bahrain)	Sub: Per		750/-	fixed P.M		5 ¹² / ₈₇	U.S. Man. Gd.
GMS. Ghini	-do-		750/-	fixed P.M		29 ⁸ / ₈₉	U.S. Man. Gd.
		BPS No 7	Rs: 750 - 31 - 1370				U.S. Man. Gd.
P.T.C. GMS Ghini	-do-		Rs: 812/-			30-11-90	U.S. Man. Gd.
-do-	-do-		Rs: 843/-	✓		1-12-90	U.S. Man. Gd.
-Do-	-Do-		Rs. 936/-	✓		16 ³ / ₉₁	U.S. Man. Gd.
		Scale revised BPS (1995 - 60 - 1995)					
-do-	-do-		Rs. 1455/-	✓		11 ⁶ / ₉₁	U.S. Man. Gd.
-Do-	-Do-		Rs. 1515/-			1 ¹² / ₉₁	U.S. Man. Gd.
-Do-	-Do-		Rs. 1575/-			1 ¹² / ₉₂	U.S. Man. Gd.
G.P.S No 12 Fatchpur.	Do.		Rs. 1575/-			19 ⁸ / ₉₂	U.S. Man. Gd.

Office of the Accountant General
 H. W. F. P. Peshawar.
 Pay fixed in the Revised Pay Scales 1991
 of Rs. 1455/- ... (B-1)
 @ Rs. 1455/- ... P.M.W.E.F. 1-6-1999
 With N.A. Increment on 1-12-1991

Stamp: 1999-10-12
 1999-10-12
 1999-10-12

Accounts Officer,
 Pay Fixation Party,
 H. W. F. P. Peshawar.

Signature of Government servant

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E: 1

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S: 5

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				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government		
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 debit	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.
S: D: E: O: Saidu Sharif	Appointed		S: D: E: O: Saidu Sharif				
S: D: E: O: Saidu Sharif	28/8/89	Transfer	S: D: E: O: Saidu Sharif				Appointed against PTC post vide DEO/1 Swat
S: D: E: O: Saidu Sharif	29/11/90	Partial promotion allowed	S: D: E: O: Saidu Sharif				Endest. No: - 27312-14/A-58 Dated - 3-12-87
S: D: E: O: Saidu Sharif	Running	Scale	S: D: E: O: Saidu Sharif				Sub Divisional Edu. Officer, Swat
S: D: E: O: Saidu Sharif	30/11/90	Passed	S: D: E: O: Saidu Sharif				Service Verified w.e.f. 5-12-87 to 21-12-89 from Reg. Rollo & other Record of this office.
S: D: E: O: Saidu Sharif	15/3/91	B-A-4 Ad-9 allowed					Sub Divisional Edu. Officer, Swat
S: D: E: O: Saidu Sharif	31/5/91	Scale	S: D: E: O: Saidu Sharif				Service Verified w.e.f. 21-12-90 from Reg. Rollo & other Record of this office.
S: D: E: O: Saidu Sharif	1/11/91		S: D: E: O: Saidu Sharif				Sub Divisional Edu. Officer, Swat
S: D: E: O: Saidu Sharif	1/11/91		S: D: E: O: Saidu Sharif				Final in on point to award...
S: D: E: O: Saidu Sharif	13/8/92	Transfer to SPS No. 2	S: D: E: O: Saidu Sharif				Pay in B.P. No. 1347 Pay in B.P. No. 1347
S: D: E: O: Saidu Sharif	30/11/92	Ann. Inc.	S: D: E: O: Saidu Sharif				Pay in R.P. No. 1347 Sub Divisional Edu. Officer, Swat
Service Verified w.e.f. from Reg. Rollo & other Record of this Office.							
Sub Divisional Edu. Officer, Saidu Sharif, Sub Division.							

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 Government Serv.
PTE		P.P.S. No	7	1095	62	1985	
G.P.S. Shik	Per set		Rs. 1455 1/2			1/6	
- do -	- do -		Rs. 1515/-			1/7	11/85
G.P.S. No II	- do -		Rs. 1515/-			1/9	11/85
Falekhan	- do -		Rs. 1515/-			1/5	10/85
- do -	- do -		Rs. 1575/-			1/12	11/85
- do -	- do -		Rs. 1635/-			1/9	11/85
		Rs. 1615/-				1/12	11/85
- do -	- do -	Rs. 1480-81	2600				
- do -	- do -		Rs. 2294/-			1/5	11/85
- do -	- do -		Rs. 2290/-			1/12	11/85
- do -	- do -		Rs. 2371/-			9/95	11/85
- do -	- do -		Rs. 2452/-			1/12	11/85
- do -	- do -		Rs. 2533 1/2			1/12	11/85
- do -	- do -		Rs. 2614			1/12	11/85

S.D.O.
Raidi Sharif

Service Certificate No. 30/1197 dated 1-12-96

[Signature]

Service Certificate No. 30/1196 dated 1-12-96

[Signature]

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 Government servant
PTC L.A. Pathan II	Sub/Per	Rs. 2614/-	B.P.S. 7	14/80		1-12-97	[Signature]
do	do	Rs. 2677/-	B.P.S. 7			1-12-97	[Signature]
do	do	Rs. 2772/-	B.P.S. 7			1-12-99	[Signature]
do	do	Rs. 2860/-	B.P.S. 7			1-12-2000	[Signature]
do	do	Rs. 4380/-	B.P.S. 7			1-12-2001	[Signature]
do	do	Rs. 4500/-	B.P.S. 7			1-12-2002	[Signature]
do	do	Rs. 4620/-	B.P.S. 7			1-12-2003	[Signature]

Office of the Accountant General

Pay fixed on 1-12-2001 at Rs. 4380/- with effect from 1-12-2001

Accounts Officer
Distt. Finance Dept. B.M.P.

Pay Scale No. 7
@ Rs. 2,200-3,100
vide GO (PRC) 1-1-2001
Pay in existing scale Rs. 2860
Annual increment Rs. 2860/-
Equal/Next Scale Rs. 4380/-
Pay fixed on 1-12-2001 Rs. 4380/-
with effect from 1-12-2001

Result notified on 1-12-2001
No. B.P.S. 7-2001 from Govt. and
other Record of this office.

Dy. Distt. Officer (P)
Primary Smt.

8	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 a notation 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 to which 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.
	<i>[Signature]</i> SI D: B: O: 2 Saibu Sharif	30-11-98	Ann Que	<i>[Signature]</i>			Service Verified w. e. 1-1-94 to 31-12-94 from acq. Rolls & other Record of this office.	
	<i>[Signature]</i> SI D: B: O: 2 Saibu Sharif	30-11-99	M/over to (8)	<i>[Signature]</i>			<i>[Signature]</i> Sub Divn: B: O: 2 Saibu Sharif, Swat.	
	<i>[Signature]</i> SI D: B: O: 2 Saibu Sharif	30-11-2000	Ann inc	<i>[Signature]</i> SI D: B: O: 2 Saibu Sharif			Service Verified w. e. 1-1-95 to 31-12-95 from acq. Rolls & other Record of this office.	
	<i>[Signature]</i> SI D: B: O: 2 Saibu Sharif	30-11-2001	Scale Revised	<i>[Signature]</i>			<i>[Signature]</i> Sub Divn: B: O: 2 Saibu Sharif, Swat.	
	<i>[Signature]</i> SI D: B: O: 2 Saibu Sharif	30-11-2002	Ann Inte	<i>[Signature]</i>			Service Verified w. e. 1-1-98 to 30-11-98 from acq. Rolls & other Record of this office.	
	<i>[Signature]</i> SI D: B: O: 2 Saibu Sharif	30-11-2003	Ann Inte Entry revised 1-12-2001	<i>[Signature]</i>			Sub Divn: B: O: 2 Saibu Sharif, Swat.	
	<i>[Signature]</i> SI D: B: O: 2 Saibu Sharif	1-12-2001		<i>[Signature]</i>			Service Verified w. e. 1-12-99 to 30-11-99 from acq. Rolls & other Record of this office.	
	<i>[Signature]</i> SI D: B: O: 2 Saibu Sharif	30-11-2000		<i>[Signature]</i>			<i>[Signature]</i> Sub Divn: B: O: 2 Saibu Sharif, Swat.	
	<i>[Signature]</i> SI D: B: O: 2 Saibu Sharif	1-12-2001		<i>[Signature]</i>			Service Verified w. e. 1-12-99 to 30-11-99 from acq. Rolls & other Record of this office.	
	<i>[Signature]</i> SI D: B: O: 2 Saibu Sharif	30-11-2000		<i>[Signature]</i>			<i>[Signature]</i> Sub Divn: B: O: 2 Saibu Sharif, Swat.	

M/over to APS 8 V6
DFO (P), P. Swat and all Encl
No 70-71 dated 5/1/2000
w. e. of 1-12-1999 at S No 2

31-12-2002

1-12-2001

30-11-2000

1-12-99

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
P.T.C - L.P.S. NO. 12 - Fatehpur	Subj / per	R.B.P.S. No 27 B-2270-120-5820	Ry 4380/-	✓		1/12/2001	11/500
- do -	- do -		Ry 4800/-	✓		12/2002	11/500
- do -	- do -		Ry 4600/-	✓		1/12/2003	11/500
- do -	- do -		Ry 4740/-	✓		1/12/2004	11/500
- do -	do	R.B.P.S. No 70 B-2865-185-8415	5990/-			7/2005	11/500
do	do		5635/-			1/12/2005	11/500
do	do		5775/-			1/12/2006	11/500
do	R.B.P.S. a	R.B.P.S. No 29 B-160-7760	6620/-			1/7/2007	11/500

2555-140-6755 (7)
 54157
 M. Khan
 Secy

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	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Nature and duration of leave taken	Allocation of period of leave or average pay upto four months for which leave salary is debit to another Government		
					Period		
<i>[Signature]</i> Dy. D.O. (M) Pry: Swat. A	30/11/70	Annul Sub	<i>[Signature]</i> Dy. D.O. (M) Pry: Swat. A				
<i>[Signature]</i>	30/11/70	Annul Sub	<i>[Signature]</i>				Sanction accorded to the E. J. M. over to B-9 vide
<i>[Signature]</i>	30/11/70	Annul Prof	<i>[Signature]</i>				D.C. Swat Enclst No: 3769-70 dt 31-12-70 and F.D.O (D) Swat Enclst No: 12504-6 dt 12-1-71
<i>[Signature]</i>	30/11/70	Annul Scale	<i>[Signature]</i> D.D.O. (M) Pry: Swat. A				S-NO 188 dt 1-12-70
<i>[Signature]</i>	30/11/70	Annul Sub	<i>[Signature]</i> D.D.O. (M) Pry: Swat. A				<i>[Signature]</i>
<i>[Signature]</i>	30/11/70	Annul Sub	<i>[Signature]</i> D.D.O. (M) Pry: Swat. A				Dy. Dist Officer (M) Pry: Swat. A
<i>[Signature]</i>	30/11/70	Annul Scale	<i>[Signature]</i> D.D.O. (M) Pry: Swat. A				FLATION IN B-9
<i>[Signature]</i>	30/11/70	Annul Sub	<i>[Signature]</i>				Payon 12/11/70 in B-8 Rs. 2860/-
<i>[Signature]</i>	30/11/70	Annul Sub	<i>[Signature]</i>				Pay on 12/11/70 in B-9 Rs. 2866/-
<i>[Signature]</i>	30/11/70	Annul Sub	<i>[Signature]</i>				Pay for col in RBPS dt 07/11/70 Rs. 4380/-

C.R. No. 3530 Date 7/3
 Drawn difference 250/- w.e.f. 8/12/70.
 to 2872/-05 dt 10/12/70 B.P.S. 069
 Total Rs. 624/-

A Dy. Dist. Officer,
 Swat.
[Signature]

[Signature]

[Signature]

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
PS T							
EPS Benowra	Sub/ per		Rs. 6780/-			12/2007	US - J
		B-12 R	3630-2600-11430			12/2007	US - J
		BPS 12 R	4353-310-13655			2/2007	US - J
			8385/-			7/08	US - J
-d-	-d-		Rs. 8680/-			12-2007	US - J
-d-	-d-		Rs. 9005/- pm			12/2009	US - J
-do-	-do-		Rs. 9005/pm.			01/08/07	US - J
-do-	-do-		Rs. 9315/pm.			01/12/07	US - J
-do-	-do-		Rs. 9315/pm.			01/07/07	US - J
		RBPS NO 12 @ Rs (7000-500-22000)					
-do-	-do-		Rs. 15000/pm.			01/07/07	US - J
			Rs. 15500/pm.			12/2011	US - J
		BPS NO 9 @ Rs (6200-380-17600)					
-do-	-do-		Rs. 15320/pm.			01/06/07	US - J
-do-	-do-		Rs. 15700/pm.			01/12/07	US - J

Signature of Government servant

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GHS
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PRD
GHS
DI

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Govt
Plan

Secy
Govt
Plan

9	10	11	12	13		14	15
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	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Nature and duration of leave taken	Allocation of period of leave or average pay upto four months for which leave salary is debit to another Government		
				Period	Government to which debit		
<i>[Signature]</i>	12/07	Appointed	<i>[Signature]</i>				
<i>[Signature]</i>	30/08	Scale	<i>[Signature]</i>				
<i>[Signature]</i>	30/08	Revised	<i>[Signature]</i>				
<i>[Signature]</i>	30/11/08	Appr.	<i>[Signature]</i>				
<i>[Signature]</i>	30/11/08	Ann.	<i>[Signature]</i>				
<i>[Signature]</i>	31/07/10	Shifted to cluster	<i>[Signature]</i>				
<i>[Signature]</i>	30/11/10	Annual	<i>[Signature]</i>				
<i>[Signature]</i>	31/12/10	Guest: Cluster	<i>[Signature]</i>				
<i>[Signature]</i>	30/05/11	Revised	<i>[Signature]</i>				
<i>[Signature]</i>	30/11/11	Annual	<i>[Signature]</i>				
<i>[Signature]</i>	31/05/12	Appr. CT	<i>[Signature]</i>				
<i>[Signature]</i>	30/11/12	Annual	<i>[Signature]</i>				
<i>[Signature]</i>	31/01/13	Guest: B-14	<i>[Signature]</i>				

Service verified w.o.f. 31/12/09 from acc: Roll & other record of this office.

By District Officer (Secondary & Secy. Edu. Swat)

Service Verified w.o.f. 31/12/10 from acc: Roll & other record of this office.

Principal
Govt. Higher Secondary School,
Fatehpur, Distt: Swat

Service Verified w.o.f. 31/05/12 from acc: Roll & other record of this office.

[Handwritten notes and signatures]

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	Sign Govt
CT at GHS		Revised BPS 1000					
Mianadam, Swat. Subs: per:			Rs. 16540/Pm	J		01/05/02	US
do-	do-		Rs. 16900/Pm.			01/07/02	US
do-	do-		Rs. 17600/Pm			01/12/02	US
do		BPS 1000	Rs. 18300/Pm				US
do		BPS 1000	Rs. 22940 - 1600 = 22440 (?)				
do		BPS 1000	Rs. 6620 / month				
do		BPS 1000	Rs. 4355 - 310 = 4045		(12)		
do		BPS 1000	Rs. 8385 / month				
do		BPS 1000	Rs. 2000 - 500 = 1500		(12)		
do		BPS 1000	Rs. 15000 / month				

207
6625/07
8385/08
15000/09

Revised BPS 1000

Approved by
Pay Band

8	9	10	11	12	13	14	15
				Leave			
Signature and signature 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 debitable to another Government	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
					Period	Government to which debitable	
		30/06/12	Announced B-15	Head Master Govt. High School Miandam Swat		Appointement order as CT.	
		30/11/12	Pay required due to option	Head Master Govt. High School Miandam Swat		Appointed as CT teacher at this school against the vacant CT post vide the appnt. order issued by the EDO ETS/Edu. Swat under Endost. No. 3261-70/Abptt. Dt: 31/05/2012 at S.No. 16 (CT (M) 60% seniority cum fitness quota).	
		30/11/12	Announced	Head Master Govt. High School Miandam Swat			
		24/02/13	Transfer to GHS Miandam Swat	Head Master Govt. High School Miandam Swat		Head Master GHS Miandam Swat DDO Cod No. 6070	
						Announced of BPS No. 14 w.e.f. 01/06/12	
						Announced Graded Pay scale BPS No 14 on passing P.T.E Exam. w.e.f 01/06/2012 vide the office order issued by DDO (M) Swat under Endost. No. 5444-96 Dt: 18/01/2013	
						Head Master GHS Miandam Swat DDO Cod No. 6070	
						Announced of up-gradation of pay scale BPS No 15 w.e.f 01/07/12	
						Announced Upgraded Pay scale B-15 w.e.f 07/07/12 vide the order issued by the Govt. of KPK Finance Dept: Under No. 50 (FR) FD 10-22 (3) Dt: 26/06/12	
						Head Master GHS Miandam Swat DDO Cod No. 6070	

533

3/11/12

3/11/12

27/06/12

6/12

11/6/12

19/12

19/12

19/12

19/12

19/12

19/12

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19/12

19/12

19/12

19/12

19/12

19/12

19/12

Head Master GHS Miandam Swat DDO Cod No. 6070

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
<p>Entries revised due to arrival of premature Mex. in the form of with no arrears paid to him.</p> <p>BPS 10070 @ Rs. 6600/m 01/07/007 Rs. 6600/m BPS 10012 @ Rs. 7010/m 01/10/007 Rs. 7010/m 01/12/007 Rs. 7270/m BPS 10012 @ Rs. 8695/m 01/07/008 Rs. 8695/m 01/12/008 Rs. 9005/m 01/12/009 Rs. 9315/m 01/12/010 Rs. 9625/m BPS 10012 @ Rs. 15500/m 01/07/011 Rs. 15500/m 01/12/011 Rs. 16000/m BPS 10009 @ Rs. 16080/m 01/06/012 Rs. 16080/m BPS 10015 @ Rs. 16900/m 01/07/012 Rs. 16900/m 01/12/012 Rs. 17600/m</p> <p style="text-align: right;">By. Distt. Education Officer (M) - District Swat.</p>							

8	9	10	11	12	13		14	15
					Natural duration of leave taken	Leave		
						Allocation of period of leave or average pay upto four months for which leave salary is debitable to another Government		
						Period	Government to which debitable	
					<p><i>05/06/1985</i></p> <p>I do hereby opt for the re-fixation of my pay in B 15 w.e.f. 01/12/02 instead of 01/07/2012 in the light of Finance Deptt. order issued under no. FD (PRE) 1-1/85-VI (A) dt. 05/06/1985.</p> <p><i>Signature -</i> <i>U.S. Ch</i></p> <p>Head Master GHS Mialdam Swat DDO Cor No. 6070</p>			
					<p><i>05/06/1985</i></p> <p>By Dist. Magistrate Officer (W) Mialdam Swat.</p>			

For the Government of Punjab
The Govt. of Punjab, Finance Deptt.
has allowed pro-rata leave to apply for the
Notification issued under no. FD (PRE) 1-1/85-VI (A) dt. 05-06-2014 with no effect prior to 05-05-2014.

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
CT at SMS							
Jarraj, snat. sub. per:			Rs 18300/m			01/12/03	
do	do		Rs 19000/m			01/12/04	
do	do	BPSM 15C	Rs 22633	Rs 24560/m		07/01/05	
do	do	245	Rs 25465/m			07/01/05	
do	do	BPSM 15C	Rs 31430	Rs 31430/m		07/01/06	
do	do	31430	Rs 32550/m			12/01/06	

11/11/15
2005/15
17/03/15
30/03/15

Pay Fixed @ Rs. 23655/- 07-2015
R.B.P.S. 3370-1170-3813 15
Pay Fixed @ Rs. 30340/- 07-2015
Date of Next Increment is on 07-12-2016

Accounts Officer
Pay Fixation Path
Conduct

9 Signature and position of the head of the office or other attesting officer in attestation columns 1 to 8	10 Date of termination of appoint- ment	11 Reason of termination (such as promotion, transfer, dismissal, etc).	12 Signature of the head of the office or other attesting officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Allocation of period of leave or average pay upto four months for which leave salary is debitable to another Government			
				Natu- re and dura- tion of leave taken	Period Government to which debitable		
Signature	30/11/04	Annual Guer.	Signature				
Signature	30/06/05	Pay of scale revised	Signature				
Signature	30/11/05	Annual Guer.	Signature				
Signature	30/06/06	Pay of scale revised	Signature				
Signature	30/11/06	Annual Guer.	Signature				
Signature	30/06/07	Pay of scale revised	Signature				

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
ctat GMS		BPS No 150		Ra 10120-1330-36000			
Tary swat	Pons: per:		Ra 37400/pm			01/07/07	
do	do		Ra 38730/pm			01/12/07	
do	do		Ra 40060/pm			01/12/08	
<p style="text-align: center;">2017</p> <p>Office Of The Accountant General Khyber-Pakhtun-Khwa-Peshawar Pay Fixed in The R.B.P.S 2017</p> <p>RBPS 16120 - 1330 - 36000</p> <p>At Rs. 37400 (F.M. No. 10120-1330-36000) 07-2017</p> <p>With Next Increment On 1-12-2017</p>							
<p style="text-align: center;">Accounts Officer Pay Fixation Peshawar Khyber Pakhtunkhwa</p>							

15

37400/15

(15)

9	10	11	12	13	14	15
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 on average pay upto four months for which leave salary is debitable to another Government Government to which attributable	Reference to any recorded punishment or award or praise of the Government servant.
	30/11/07	Annual Sick				
	30/11/08	Annual Sick				
			<i>[Signature]</i>			
				<i>[Signature]</i>		
				<i>Misg-nd-Office</i>		
				<i>S. C. I. (Govt. Serv.)</i>		
				<i>G.H.S. Enall, Dist. Swat</i>		

B-16

22) Val. period کے دن تک (23) اور 24 مئی تک یہ دورہ سب سے پہلے اور پھر نئی سرکاری ایجنسیوں اور دیگر ایجنسیوں کے ذریعے جاری کیا جائے گا۔ اور صحت نقل اور صحت کے ساتھ ساتھ...

ذاتی ڈائریکٹر (سی ایف ڈی) آئی ڈی آر
دراستی ایگزیکٹو ڈائریکٹر، ایف ڈی آر
فون: 920190-0997

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

مکتبہ مدارس دختران کی مسودہ سرحد

مکتبہ مدارس دختران کی مسودہ سرحد کے تحت سرحد میں سکول نمبر 16 (SST) اور 17 (SS) کی نالی کے ساتھ ساتھ...

Table with 4 columns: Roll No., Name, Date of Birth, and Address. It lists details for two divisions (16 and 17) including names like 'Sanaullah' and 'Sanaullah'.

مکتبہ مدارس دختران کی مسودہ سرحد کے تحت سرحد میں سکول نمبر 16 (SST) اور 17 (SS) کی نالی کے ساتھ ساتھ...

Table with 4 columns: Qualification, Total Marks, 1st Division, 2nd Division, 3rd Division. It lists qualifications like SSC, FAFSC, and MAJSC.

Table with 4 columns: Qualification, Total Marks, 1st Division, 2nd Division, 3rd Division. It lists qualifications like O.Ed and M.Ed.

Higher Education Than the prescribed qualification
One Stage Above = 0 marks (M.Phil)
Two Stage Above = 8 marks (Ph.D)
Three Stage Above = 12 marks (Post.Doc or less of 6 months)

ذاتی ڈائریکٹر (سی ایف ڈی) آئی ڈی آر (1) کل نمبر 02 (2) انٹرویو کے کوئی نمبر نہیں ہے۔

Table with 4 columns: Qualification, Total Marks, 1st Division, 2nd Division, 3rd Division. It lists qualifications like SSC, FAFSC, and MAJSC.

Table with 4 columns: Qualification, Total Marks, 1st Division, 2nd Division, 3rd Division. It lists qualifications like O.Ed and M.Ed.

Higher Education Than the prescribed qualification
One Stage Above = 0 marks (MAJSC)
Two Stage Above = 8 marks (M.Phil)
Three Stage Above = 12 marks (Ph.D)

اس امر کی وضاحت ضروری ہے کہ اس اہتمام کے تحت منتخب شدہ خواتین اور لڑکیوں کی سرکاری سرگرمیوں کی نگرانی کی جائے گی اور ان کی تعلیمی اور پیشہ ورانہ ترقی کے لیے تمام ممکنہ سہولتیں فراہم کی جائیں گی۔

Table with 3 columns: Roll No., Name, and Date. It lists roll numbers and names for the 2007 selection.

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

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

AN
ACT

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

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

It is hereby enacted as follows:-

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

(2) It shall come into force at once.

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

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

³Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁴Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁵Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁶Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁷Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁸Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

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

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

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

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

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

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

⁹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

¹⁰Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

¹¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

¹²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

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

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

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

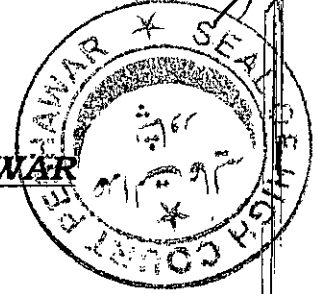
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JUDGMENT SHEET

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.

M. J.

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Peshawar High Court

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

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

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

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EXAMINER
Peshawar High Court

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

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

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



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

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

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

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

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EXAMINER
Peshawar High Court

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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 24th October, 2009 is legal, lawful and in accordance with the Constitution of Pakistan which was issued by the competent authority and jurisdiction, therefore, all the writ petitions are liable to be dismissed.

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

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EXAMINER
Peshawar High Court

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

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

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

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

S.2 Definitions. (1)---

a)----

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

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

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

S. 3 reads:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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EXAMINER
Peshawar High Court

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

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

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

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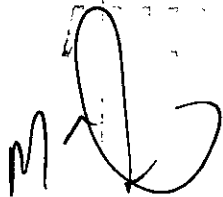
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but those who fall within the promotion zone do have the right to be considered for promotion.

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



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

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

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 08 MAR 2018

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

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

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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.

Muzam Ali Khan
Muzam Ali Khan

Announced.
26th January 2015

JUDGE

JUDGE

Muzam Ali Khan

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court, Peshawar
Authorized Under Article 17 of
The Constitution of Pakistan Order 1984

08 MAR 2015

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IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

E-42

PRESENT:

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

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

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

Versus

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

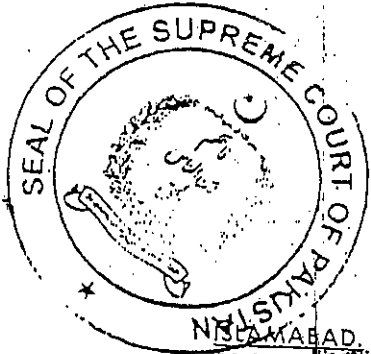
Date of Hearing: 20.09.2017.

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



20.09.2017
M. Azhar Malik
25/9/17

ATTESTED
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خیبر پختونخوا اہلکاروں کی پوزیشن، پوسٹنگ اور ٹرانسفر آف نیچر زنگورز، انسٹرکٹرز اور انکریڈیٹڈ ٹیچرز کی پوزیشن ایکٹ 2011ء کے سیکشن نمبر 4 کے تحت عمل درآمد کی اینڈ سیکنڈری ایجوکیشن خیبر پختونخوا کے زیر انتظام (مرواٹہ زمانہ) سکولوں میں درج ذیل آسامیاں پر کرنے کے لئے خیبر پختونخوا کے متعلقہ اضلاع کے سکول اہل امیدواروں سے مجوزہ فارم پر 30 ستمبر 2016 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	تالیف	عمر
1	سیکنڈری سکول نیچر (SST) بیالوجی/کیمسٹری BPS. 16	کسی بھی تسلیم شدہ ویب سائٹ سے سیکنڈ ڈیگری میں بیچلر ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (i) کیمسٹری، بیالوجی (ذوالوقی یا ہائی) (ii) کسی بھی تسلیم شدہ ویب سائٹ سے ایم اے ایجوکیشن یا ایجوکیشن میں بیچلر ڈگری۔	21±35 سال
2	سیکنڈری سکول نیچر (SST) فزکس/بیسنس BPS. 16	(1) کسی بھی تسلیم شدہ ویب سائٹ سے سیکنڈ ڈیگری میں بیچلر ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (i) فزکس، بیسنس A یا (ii) فزکس، بیسنس B یا (iii) فزکس، بیسنس (2) کسی بھی تسلیم شدہ ویب سائٹ سے ایم اے ایجوکیشن یا ایجوکیشن میں بیچلر ڈگری۔	21±35 سال
3	سیکنڈری سکول نیچر (SST) جنرل BPS. 16	(1) کسی بھی تسلیم شدہ ویب سائٹ سے سیکنڈ ڈیگری میں بیچلر ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (i) انگریزی لازمی، ہونٹنٹن گروپ یا دیگر مساوی گروپ۔ (2) کسی بھی تسلیم شدہ ویب سائٹ سے ایم اے ایجوکیشن یا ایجوکیشن میں بیچلر ڈگری۔	21±35 سال

سیکشن کریمیا اساتذہ کے سلیکشن کیلئے کریمیا درج ذیل ہے۔ کل 200 نمبرات کی تقسیم اس طرح کی جائیگی۔

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

تعلیمی تالیف	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 کورس کی صورت میں نمبروں کی تقسیم اس طرح ہوگی۔ حاصل کردہ نمبر 35x تقسیم کل نمبر جبکہ پیشہ ورانہ ایم اے ایجوکیشن کی صورت میں نمبروں کی تقسیم بطریق ذیل ہوگی۔
ایم اے ایجوکیشن حاصل کردہ نمبر 20x تقسیم کل نمبر

نوٹ: (1) ہر سکول کی آسامی کے لئے طلبہ و طلبہ و صبرت سے مراد کی جائیگی جس میں امیدواروں کے NTS کے حاصل کردہ نمبر اور تعلیمی تالیف کے نمبروں کو جمع کیا جائیگا۔ (2) براہیدار سے NTS کی درخواست فارم 300 روپے چارج کیا جائے گا۔ اگر ایک امیدوار 5 سکولوں کے لئے درخواست دے تو اس سے 800 روپے ہی NTS چارج کریں گے۔ جو کہ امیدوار خود برداشت کریں گے۔
(3) NTS ٹیسٹ میں 40 فیصد نمبر لینا ضروری ہے۔ 40 فیصد سے کم نمبر لینے والا امیدوار تامل تصور ہوگا اور صبرت سے متعلق نہیں ہوگا۔

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

کولنے کے تحت نافذ کیا جائیگی۔ (2) Adhoc کٹریکٹ پر ایک سال کے لئے ہوں گی۔ (3) معذور افراد کے لئے دو فیصد اور تعلیمی امیدواروں کے لئے تین فیصد کوٹیشن ہے۔ (4) اندرونی کے وقت اصلی تعلیمی ایسٹابلیشمنٹ اور اجازت امیدوار کو برداشت کرنے ہوں گے۔ (5) اندرونی کے لئے آنے والا امیدواروں کو کوئی فی اے ڈی ای نہیں دیا جائے گا۔ (6) صرف مقررہ وقت کے اندر موصول ہونے والی درخواستوں پر غور کیا جائے گا۔ (7) اندرونی کو اختیار حاصل ہے کہ وہ کوئی جگہ بنائے بغیر کسی بھی وقت کسی یا زوری طور پر اندرونی منسوخ کر دے۔ (8) اگر اس اختیار کے بعد حکومت وقت کی طرف سے مقررہ طریقہ کار میں تبدیلی کی گئی تو سلیکشن کمیٹی اس کے مطابق عمل کرنے کی پابند ہوگی۔ (9) عملہ ایجوکیشن کو اختیار حاصل ہوگا کہ وہ تمام نالی آسامیوں یا اس سے کم پر امیدوار مقرر کرے۔ (10) تمام تقرریاں حکومت خیبر پختونخوا کے مقرر کردہ قوانین اور طریقہ کار کے مطابق نافذ کرنا ضروری ہے۔ (11) تمام تقرریاں حکومت خیبر پختونخوا کے مقرر کردہ قوانین اور طریقہ کار کے مطابق نافذ کرنا ضروری ہے۔ (12) تمام تقرریاں حکومت خیبر پختونخوا کے مقرر کردہ قوانین اور طریقہ کار کے مطابق نافذ کرنا ضروری ہے۔ (13) تمام تقرریاں حکومت خیبر پختونخوا کے مقرر کردہ قوانین اور طریقہ کار کے مطابق نافذ کرنا ضروری ہے۔ (14) تمام تقرریاں حکومت خیبر پختونخوا کے مقرر کردہ قوانین اور طریقہ کار کے مطابق نافذ کرنا ضروری ہے۔ (15) تمام تقرریاں حکومت خیبر پختونخوا کے مقرر کردہ قوانین اور طریقہ کار کے مطابق نافذ کرنا ضروری ہے۔ (16) تمام تقرریاں حکومت خیبر پختونخوا کے مقرر کردہ قوانین اور طریقہ کار کے مطابق نافذ کرنا ضروری ہے۔ (17) تمام تقرریاں حکومت خیبر پختونخوا کے مقرر کردہ قوانین اور طریقہ کار کے مطابق نافذ کرنا ضروری ہے۔ (18) تمام تقرریاں حکومت خیبر پختونخوا کے مقرر کردہ قوانین اور طریقہ کار کے مطابق نافذ کرنا ضروری ہے۔

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درخواستیں مطلوب ہیں

درخواستوں پر غور نہیں کیا جائیگا۔

بختونخوا ایجوکیشن ڈیپارٹمنٹ، پوسٹنگ اور ٹرانسفر آف ٹیچرز، پوسٹنگ اور ٹرانسفر آف ٹیچرز اور ڈائریکٹوریٹ ایجوکیشن، پشاور۔
بختونخوا کے زیر انتظام (مراد: ازبند) سکولوں میں درج ذیل آسامیاں پر کرنے کے لئے خیرہ بختونخوا کے متعلقہ اضلاع کے سکولوں میں امیدواروں سے گمزہ فارم نمبر 20 دسمبر 2017ء تک درخواستیں مطلوب ہیں۔ درخواست 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	م
1	سیکنڈری سکول ٹیچر (SST) بیالوجی / کیمسٹری - BPS-16	(i) کسی بھی تسلیم شدہ یونیورسٹی سے سیکنڈ ڈیویژن بیچلر ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (i) کیمسٹری، بیالوجی (زوالوجی یا بائی) (ii) سٹیٹسٹکس اور تقرری کے بعد 9 ماہ کی لازمی ٹرییننگ حکومتی اداروں RITE/PITE سے حاصل کرنی ہوگی۔	19 35 19 سال
2	سیکنڈری سکول ٹیچر (SST) فزکس / کیمسٹری - BPS-16	(i) کسی بھی تسلیم شدہ یونیورسٹی سے سیکنڈ ڈیویژن بیچلر ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (i) فزکس، کیمسٹری یا (ii) فزکس، کیمسٹری یا (iii) فزکس، ایٹمیٹکس (ii) سٹیٹسٹکس اور تقرری کے بعد 9 ماہ کی لازمی ٹرییننگ حکومتی اداروں RITE/PITE سے حاصل کرنی ہوگی۔	19 35 19 سال
3	سیکنڈری سکول ٹیچر (SST) جنرل - BPS-16	(i) کسی بھی تسلیم شدہ یونیورسٹی سے سیکنڈ ڈیویژن بیچلر ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (i) انگریزی لازمی، ہونٹینگریٹو گروپ یا دیگر مساوی گروپ۔ (ii) سٹیٹسٹکس اور تقرری کے بعد 9 ماہ کی لازمی ٹرییننگ حکومتی اداروں RITE/PITE سے حاصل کرنی ہوگی۔	19 35 19 سال

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

(1) سکریننگ ٹیسٹ بذریعہ NTS=100 نمبر		(ب) تقابلی تالیف =100 نمبر		جس کی مزید تقسیم اس طرح ہوگی	
تعلیمی تالیف	کل نمبر	تعلیمی تالیف	کل نمبر	تعلیمی تالیف	کل نمبر
ایس ایس سی	مائل کردہ نمبر 20x	ایب اے / ایف ایس سی	مائل کردہ نمبر 20x	ایب اے / ایف ایس سی	مائل کردہ نمبر 20x
بی اے / بی ایس سی	مائل کردہ نمبر 20x	ایم اے / ایم ایس سی	مائل کردہ نمبر 20x	ایم اے / ایم ایس سی	مائل کردہ نمبر 20x
بی ایڈ	مائل کردہ نمبر 05x	ایم ایڈ / ایم اے ایچ کیو	مائل کردہ نمبر 05x	ایم ایڈ / ایم اے ایچ کیو	مائل کردہ نمبر 05x
ایم فل / پی ایچ ڈی	مائل کردہ نمبر 10x				

بی ایس چار سالہ کورس کی صورت میں نمبروں کی تقسیم اس طرح ہوگی۔ مائل کردہ نمبر 40x تقسیم کل نمبر جبکہ پیش درنا نام اے ایچ کیو کی صورت میں نمبر کی تقسیم بطریق ذیل ہوگی۔
ایم اے ایچ کیو مائل کردہ نمبر 10x تقسیم کل نمبر (5 نمبر بی ایڈ + 5 ایم ایڈ)

نوٹ: (1) ہر سکول کی آسامی کیلئے ملحدہ ملحدہ سرٹ لسٹ مرتب کی جائیگی جس میں امیدواروں کے NTS کے مائل کردہ نمبر اور تعلیمی تالیف کے نمبروں کو جمع کیا جائیگا۔ (2) NTS ٹیسٹ میں 40 فیصد نمبر لینے ضروری ہے۔ (3) 40 فیصد سے کم نمبر لینے والا امیدوار نااہل تصور ہوگا اور سرٹ لسٹ میں شامل نہیں ہوگا۔

عمومی شرائط :- (1) تمام تقرریاں حکومت خیرہ بختونخوا کے مروجہ قوانین کے مطابق 25 فیصد بنیادی تقرری (Initial Appointment) کے تحت خالصتاً عارضی بنیادوں پر ایڈ ہاک / کنٹریکٹ پر ایک سال کیلئے ہوگی۔ (2) معذور افراد کیلئے دو فیصد اور اقلیتی امیدواروں کیلئے تین فیصد کوٹیشن ہے (معذور افراد کے دو فیصد کوٹیشن ہے جس کیلئے سٹیٹسٹکس کیلئے ایک بل بورڈ کا سرٹیفکیٹ پیش کرنا لازمی ہے بشرطیکہ وہ معذوری فراہم کی انجام دہی میں رکاوٹ نہ ہو)۔ (3) انٹرویو کے وقت اصلی تعلیمی اسنادوں کے ساتھ اعداد و احوال کو برواشت کرنا ہوگا۔ (4) انٹرویو کیلئے آنے والے امیدواروں کو کوئی TADA نہیں دیا جائیگا۔ (5) صرف مقررہ وقت کے اندر موصول ہونے والی درخواستوں پر غور کیا جائیگا۔ (6) ذریعہ تخیل کو اختیار حاصل ہے کہ کوئی وجہ بتائے بغیر کسی بھی وقت گلی یا جڑی طور پر انٹرویو منسوخ کر دے۔ (7) اگر اس اشتہار کے بعد حکومت وقت کی طرف سے برتنی کے طریقہ کار میں تبدیلی کی گئی تو سٹیٹسٹکس کمیٹی اس کے مطابق عمل کرنے کی پابند ہوگی۔ (8) عملی تعلیمی ایڈیٹو سیکنڈری ایچ کیو کے اختیار حاصل ہوگا کہ وہ تمام خالی آسامیوں یا اس سے کم پر امیدوار برتنی کرے۔ (9) تمام تقرریاں حکومت خیرہ بختونخوا کے مقرر کردہ قوانین و محکمہ طریقہ کار کے مطابق خالصتاً سرٹ لسٹ کی بنیاد پر ہوں گی۔ (10) تمام تعلیمی اسناد صرف گورنمنٹ کے تسلیم شدہ اداروں کی قابل قبول ہوگی۔ (11) اگر کسی امیدوار کی اسناد جعلی پائی گئی تو اس کے خلاف قانونی کارروائی کی جائے گی اور اس کے لئے اسے سرکاری ملازمت کے لئے نااہل تصور کیا جائیگا۔ (12) مائل 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) انٹرویو کیلئے الگ شیڈول جاری کیا جائیگا جس میں ڈاکوٹیشن چیک کئے جائیں گے۔ (14) تمام تقرریاں متعلقہ اضلاع کے ڈویژنل آفس کی بنیاد پر ہوں گی۔ امیدوار ڈویژنل متعلقہ ضلع کا ہونا لازمی ہے۔ 20 دسمبر 2017ء کے بعد پندرہ سے زیادہ سکولوں میں سٹیٹسٹکس کی صورت میں اس کی تقرری کسی ایک سکول میں کی جائے گی اس صورت میں سکول سٹیٹسٹکس کا احتیاق امیدوار کو حاصل نہیں بلکہ اس میں اس بات کا خیال رکھا جائیگا کہ دوسرے سکولوں میں اس کے بعد زیادہ سرٹ لسٹ والے امیدوار کو سٹیٹسٹکس کا موقع مل سکے۔ (17) درخواست دینے کا طریقہ کار NTS کی ویب سائٹ پر موجود ہے۔ (18) متعلقہ اضلاع کے خالی آسامیوں کی تفصیل سکول وائزر درخواست فارم کے ساتھ NTS کی ویب سائٹ پر دی گئی ہے اور ہر سکول کو اپنا کٹوا دیا گیا ہے۔



INF(P) 6749

محمد رفیق خانک، ڈائریکٹر ایجوکیشن، پشاور، کنڈری ایجوکیشن خیرہ بختونخوا پشاور

درخواستیں مطلوب ہیں

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خواتین کی اپوزیشن پاسنگ اور ریسٹریکٹڈ سیکٹرز کے لیے 2011ء کے سیکشن نمبر 4 کے تحت عملی طور پر ایڈیٹنگ ڈیپارٹمنٹ میں ایڈیٹنگ ڈیپارٹمنٹ کے نظام (مراتب ازمانہ) سکولوں میں درج ذیل آسامیاں پر کرنے کیلئے ایڈیٹنگ ڈیپارٹمنٹ کے متعلقہ اضلاع کے کلیدی اہل امیدواروں سے مجوزہ فارم پر 10 دسمبر 2014ء تک درخواستیں بھرنی ہیں۔ درخواست فارم (NTS) کی ویب سائٹ (<http://www.nts.org.pk>) پر دستیاب ہے۔ مقررہ تاریخ گزرنے کے بعد معمول ہونے والی درخواستوں پر غور نہیں کیا جائے گا۔

نمبر	تہ امتحانی	فہرست	عمر
521 35 سال	سیکنڈری سکول لکچر SST چانوائی (یکمبسنری 16 BPS)	کسی بھی تسلیم شدہ و بیحد ترقی سے سیکنڈ ذریعہ میں چھڑاؤ کرنی جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (1) یکمبسنری چانوائی (ذوالہدیٰ ایبائی) (2) کسی بھی تسلیم شدہ و بیحد ترقی سے ایم اے ایچ ایکشن یا ایکشن میں چھڑاؤ کرنی	
521 35 سال	سیکنڈری سکول لکچر SST فونکس ایکٹنس 16 BPS	(1) کسی بھی تسلیم شدہ و بیحد ترقی سے سیکنڈ ذریعہ میں چھڑاؤ کرنی جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (1) فونکس ایکٹنس A یا (2) فونکس ایکٹنس B یا (3) فونکس ایکٹنس (2) کسی بھی تسلیم شدہ و بیحد ترقی سے ایم اے ایچ ایکشن یا ایکشن میں چھڑاؤ کرنی	
521 35 سال	سیکنڈری سکول لکچر SST بزل 16 BPS	(1) کسی بھی تسلیم شدہ و بیحد ترقی سے سیکنڈ ذریعہ میں چھڑاؤ کرنی جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (1) انگریزی لازمی ہوگی۔ گروپ یا دیگر مساوی گروپ (2) کسی بھی تسلیم شدہ و بیحد ترقی سے ایم اے ایچ ایکشن یا ایکشن میں چھڑاؤ کرنی	

ٹی اے ایم اے کے سلیکشن کے لیے یارڈن ذیل میں کل 200 نمبرات کی قسمیں اس طرح کی جائے گی۔
سکریٹریٹ نمبر NTS=100 نمبر (ب) تعلیمی قابلیت = 100 نمبر جس کی مزید قسمیں اس طرح ہوں گی۔

- کل نمبر
- مہاسل کردہ نمبر 20x تسلیم کل نمبر
- مہاسل کردہ نمبر 20x تسلیم کل نمبر
- مہاسل کردہ نمبر 20x تسلیم کل نمبر
- مہاسل کردہ نمبر 15x تسلیم کل نمبر
- مہاسل کردہ نمبر 15x تسلیم کل نمبر
- مہاسل کردہ نمبر 05x تسلیم کل نمبر
- مہاسل کردہ نمبر 05x تسلیم کل نمبر

- تعلیمی قابلیت
- ایس ایس سی
- ایف اے / ایل ایس سی
- بی اے / بی ایس سی
- ایم اے / ایم ایس سی
- پی ایچ ڈی / ایم اے ایچ ایکشن
- ایم اے ایم اے ایچ ایکشن
- ایم اے ایم اے ایچ ایکشن

۳ پار سالہ کورس کی صورت میں نمبروں کی قسمیں اس طرح ہوں گی مہاسل کردہ نمبر 35x تسلیم کل نمبر جبکہ چاروں ایم اے ایچ ایکشن کی صورت میں نمبر کی قسمیں اس طرح ہوں گی۔
سیکنڈری سکول لکچر SST چانوائی 20x تسلیم کل نمبر

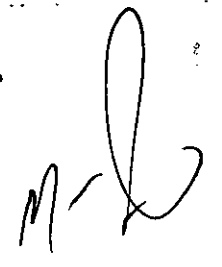
1. ہر سکول کی آسامی کیلئے یکھ دو مہرت لٹ مرتب کی جا سکتی جس میں امیدواروں کے NTS کے مہاسل کردہ نمبر اور تعلیمی قابلیت کے نمبروں کو جمع کیا جائے گا۔ (2) ہر ادارے سے NTS درخواست فارم 300 روپے چارج کیا جائے گا، ایک امیدوار پانچ سکولوں کے لئے درخواست دے گا تو اس سے صرف 800 روپے ہی NTS چارج کرینگے۔ امیدوار خود یہ وارنٹ کریں گے۔

موسمی شرائط

1) تمام تقرریاں حکومت خیر بہمنخوا کے سرحدی قوانین کے مطابق بنیادی تقرری Initial Appointment کے 25 فیصد کوٹے کے تحت نمائندہ ماحضی اس پر Adhoc کٹنگوں پر ایک سال کیلئے ہوں گی (2) معذور افراد کیلئے دو فیصد اور اقلیت امیدواروں کے لئے تین فیصد کوٹہ منسوخ ہے (3) انٹرویو کے وقت اصلی تعلیمی اسناد ہمہ اہل امیدوار کو برادہ کر دی جائے گی (4) انٹرویو کیلئے آنے والے امیدواروں کو کوئی فی اے ڈی ایس کے لیے ایسی ہیجس (5) صرف مقررہ وقت کے اندر معمول ہونے والی درخواستوں کیا جائے گی (6) ایڈیٹنگ کو اختیار حاصل سے کہہ کوئی ہونے والا ہے کسی بھی وقت کی یا ذرا کی طور پر انٹرویو منسوخ کر دے (7) انٹریو ایڈیٹنگ کے بعد حکومت وقت کی طرف سے مہرتی ریزنگ کار میں تبدیلی کی کسی تو سلیکشن نہیں اس کے مطابق عمل کرنے کی پابندی ہوتی (8) کلر ایڈیٹنگ یا ایڈیٹنگ ڈیپارٹمنٹ کو اختیار حاصل ہوگا کہ وہ تمام خالی آسامیوں یا اس سے کم پر برتری کرتے (9) تمام تقرریاں حکومت خیر بہمنخوا کے مقررہ قوانین و مجوزہ طریقہ کار کے مطابق نمائندہ مہرت کی بنیاد پر ہوں گی (10) تمام تعلیمی اسناد صرف کورسٹ کے تسلیم ہزاروں کی قوش قبول ہوں گی (11) اگر کسی امیدوار کی اسناد جعلی پائے گئے تو اس کے خلاف قانونی چارہ جوئی کی جائے گی اور آئندہ کے لئے اسے سرکاری وزارت کے لئے قابل لیا جائے گا (12) ہر عملہ فارم یا معلومات کی صورت میں درخواست فارم خود بخود منسوخ تصور کیا جائے گا جس کے لئے کوئی اجیل حکمران نہیں کی جائے گی (13) انٹرویو کیلئے ایک ل جاری کیا جائے گا۔ جس میں ڈاکومنٹس چیک کیے جائیں گے۔ (14) تمام تقرریاں متعلقہ اضلاع کے ڈیوٹیاں کی بنیاد پر ہوں گی۔ (15) امیدوار کو اس سکول میں سرورس کرنا ہوگی جو کہ بجا ہونے پر (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 کسی ایک سکول میں کی جائے گی اس صورت میں سکول سلیکشن کا استحقاق امیدوار کو حاصل نہیں بلکہ اس میں اس بات کا خیال رکھا جائے گا کہ دوسرے سکولوں میں اس کے بعد زیادہ والے امیدوار کو سلیکشن کا موقع ملے گا۔ (17) درخواست دینے کا طریقہ کار NTS کے ویب سائٹ پر موجود ہے۔ (18) متعلقہ اضلاع کے خالی آسامیوں کی تفصیلی سکول وار دست فارم کے ساتھ NTS کے ویب سائٹ پر دی گئی ہے اور ہر سکول کو اپنا کوڈ دیا گیا ہے۔

INF(P)4383

محمد رفیق خشک



درخواستیں مطلوب ہیں

خیر بختونخوا ایجوکیشن کمیشن اور ٹرانسفر آف ٹیچرز ریگولیشنز اور ڈائریکٹوریٹ آف ایجوکیشن کے تحت محکمہ ایجوکیشن خیر بختونخوا کے انتظام (مردانہ/زنانہ) سکولوں میں درج ذیل آسامیاں پر کرنے کیلئے خیر بختونخوا کے متعلقہ اضلاع کے سکولوں میں امیدواروں سے مجوزہ فارم پر 5 جنوری 2014ء تک درخواستیں مطلوب ہیں۔
 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	قابلیت	عمر
1	سیکنڈری سکول ٹیچر (SST) بیالوہی/کیسٹری BPS-16 (i) کیسٹری/بیالوہی (ڈوائیوٹی بائانی) (ii) کیسٹری/بیالوہی (ڈوائیوٹی بائانی) (2)	کسی بھی تسلیم شدہ یونیورسٹی سے سیکنڈ ڈیویژن بچلر ڈگری جسکے ساتھ درج ذیل دو مضامین لازمی ہوں	35±21 سال
2	سیکنڈری سکول ٹیچر (SST) فرمیں/تیسس BPS-16 (i) فرمیں/تیسس LA (ii) فرمیں/تیسس LA یا (iii) فرمیں/تیسس LA (iii) فرمیں/تیسس LA (iii) فرمیں/تیسس LA (iii)	کسی بھی تسلیم شدہ یونیورسٹی سے سیکنڈ ڈیویژن بچلر ڈگری جسکے ساتھ درج ذیل دو مضامین لازمی ہوں	35±21 سال
3	سیکنڈری سکول ٹیچر (SST) ہنزل BPS-16 (i) انگریزی لازمی اور میٹریز گروپ یا دیگر مادی گروپ (2) کسی بھی تسلیم شدہ یونیورسٹی سے ایم اے ایجوکیشن یا ایجوکیشن میں بچلر ڈگری	کسی بھی تسلیم شدہ یونیورسٹی سے سیکنڈ ڈیویژن بچلر ڈگری جسکے 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۔
 اسکی مزید تقسیم اس طرح ہوگی

تعلیمی قابلیت	کل نمبر	تقسیمی قابلیت	کل نمبر
ایم اے ایجوکیشن	15	ایم اے ایجوکیشن	15
ایم اے ایجوکیشن	5	ایم اے ایجوکیشن	5
ایم اے ایجوکیشن	5	ایم اے ایجوکیشن	5
ایم اے ایجوکیشن	15	ایم اے ایجوکیشن	15

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۔
 ہر امیدوار NTS کی درخواست فارم 300 روپے چارج کریگا۔ جو کہ اسیدوار خود برداشت کریگے۔

ای شرکاء (1) تمام تقرریاں حکومت خیر بختونخوا کے مردہ قوانین کے مطابق بنیادی تقرری Initial Appointment کے 25 نمبر کوٹے کے تحت خالدنا عارضی بنیادوں پر Adhoc اور ٹریکٹ پر ایک سال کیلئے ہوگی (2) اہل امیدواروں کی موجودگی کی ضرورت اس کی کو بھی Age Relaxation نہیں دیا جائیگا (3) انٹرویو کے وقت اصلی تعلیمی اسناد بحدہ اصل شناختی کارڈ اور ٹیسٹ دن صرف اصلی شناختی کارڈ لانا لازمی ہے (4) میرٹ پر آنے والے امیدواروں کی اسناد اور ادارے سے تعلق رکھنے والی امیدواروں کو برواشت کرنا ہوں گے (5) دیوے کے لئے آنے والے امیدواروں کو کوئی TANDA نہیں دیا جائیگا۔ صرف ضرورت وقت کے اندر موصول ہونے والی درخواستیں پر غور کیا جائیگا (7) زبردستی اختیار حاصل ہے کہ کوئی بچہ بتائے بغیر ی بھی وقت کلی یا جزوی طور پر انٹرویو منسوخ کر دے (8) اگر اس اشعار کے لئے حکومت وقت کی طرف سے نمبروں کے طریقے کار میں تبدیلی کی گئی تو سلیکشن کمیٹی اس کے مطابق عمل کریگی پابند ہوگی (9) ایجوکیشن ایڈمنسٹریٹو ایجنسی کے اختیار حاصل ہوگا کہ وہ تمام خالی آسامیوں یا اس سے کم پر امیدوار بھرتی کرے (10) تمام تقرریاں حکومت خیر بختونخوا 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 ہوگی (12) اگر کسی امیدوار کی اسناد جعلی پائے گئے تو اس کی خلاف قانونی چارہ جوئی کی جائے اور اس کو کالے پین سے سرکاری ملازمت کیلئے نااہل تصور کیا جائیگا (13) نااہل ہارم با معلومات کی صورت میں درخواست فارم خود بخود منسوخ تصور کیا جائیگا جس کیلئے کوئی اپیل منظور نہیں کی جائے گی (14) رو کیلئے ایک شیڈول جاری کیا جائیگا (15) تمام تقرریاں متعلقہ اضلاع کے ڈویژنل آفس میں کی جائیں 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 ہروس کرنا ہوگی جو کہ ناقابل تلافی ہوگی (17) ایک امیدوار ایک وقت 5 سکولوں میں خالی آسامیوں کیلئے درخواست دے سکتا ہے (18) درخواست دینے کا طریقہ NTS کے ویب سائٹ پر موجود ہے (19) متعلقہ اضلاع کے خالی آسامیوں کی تفصیل سیکرٹری خیر بختونخوا کے ساتھ NTS کے ویب سائٹ پر دی گئی ہیں اور ہر سکول کو اپنا کوڈ دیا گیا ہے۔

INF(P) 3360

خیر بختونخوا ایجوکیشن کمیشن

ڈائریکٹر ایجوکیشن خیر بختونخوا ڈگری کارڈ نرساؤر

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

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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
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

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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	Siahoosh 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	8/20/1990	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

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 All ready promoted to S.S.T.

All ready promoted to S.S.T.
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GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

NOTIFICATION

Peshawar, dated the November 13, 2012.

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No. SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all Notifications issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby lays down the method of recruitment, qualification and other conditions specified in the Appendix to this Notification which shall be applicable to all the posts specified in Column No. 2 of the said Appendix and the schedule therewith.

KPK

Endst. No. & Date as above.

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

Copy forwarded to:-

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

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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. Masler File.

KPK

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Section Officer (Primary)

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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)	<p>(i) Second class Bechelor's Degree with two subjects as Chemistry, Botany, Zoology, Physics, Mathematics, Statistics Humanities and other equivalent groups from a recognized University: or</p> <p>(ii) M.A in Education or Bachelor's Degree in Education from a recognized university.</p>	18 to 35 Years.	<p>(a) Fifty percent by promotion on the basis of seniority-cum-fitness in the following manners.</p> <p>(i) forty percent from amongst the certified Teachers (General). Certified Teachers (Industrial Arts) and Certified Teachers (Home Economics) with at least five years service as such and having qualification mentioned in column No. 3.</p> <p>(ii) four percent from amongst the Drawing Masters with at least five years service as such and having qualification mentioned in column No. 3.</p> <p>(iii) four percent from amongst the Physical Education Teachers with at least five years service</p>

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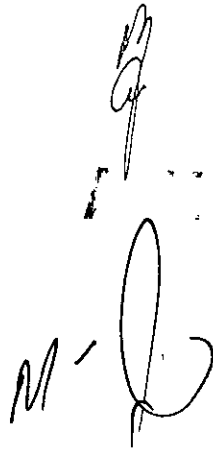
No quota has been allocated for PST's cadre.

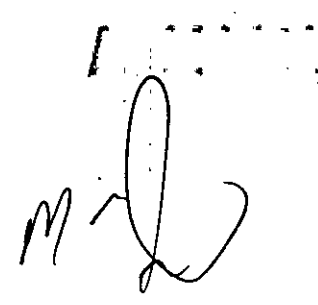
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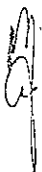
			(iv) one percent from amongst the Instructional Material Specialists, with at least five years service as such and having qualification mentioned in column No. 3, and (v) one percent from amongst the Arabic Teachers with at least five years service as such and having qualification mentioned in Column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

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

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		<p>Certified or two years Associate Degree in Education from a recognized University or eighteen months Diploma in Education.</p>	<p>(b) sixty percent by promotion on the basis of seniority-cum-fitness from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (General). Provide that if no suitable candidate is available amongst the Primary School Head Teachers for transfer, then the posts will be filled by promotion on the basis of seniority-cum-fitness from amongst senior primary school teachers with at least five years service and having qualification prescribed for initial recruitment of certified teacher (General). Note: In case of non availability of suitable person for promotion then by initial recruitment.</p>
<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;

(52)

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Mr. J. M.

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2. Senior Arabic Teacher
(SAT) (BPS-16)

3. Senior Theology Teacher
(STT) (B-16).

4. Senior Certified Teacher
(SCT)(General)
(BPS-16).

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(iv) one per cent from amongst the Instructional Material Specialists, with atleast five years service as such and having qualification mentioned in column No. 3; and

(v) one per cent from amongst the Arabic Teachers with at least five years service as such and having qualification mentioned in Column No.3; and

(b) fifty per cent by initial recruitment.

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.

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.

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).

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<p>10. Arabic Teacher (AT) (BPS-15).</p>	<p>(i) Second Class Secondary School Certificate, from a recognized Board with Shahdatul Alamia Fil Uloomul Arabia wal Islamia from a recognized Tanzimatu'l 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</p> <p>(ii) Second Class Master's Degree in Arabic from a recognized University.</p>	<p>20 to 35 years.</p>	<p>By initial recruitment</p>
<p>11. Theology Teacher (TT) (BPS-15) ✓</p>	<p>(i) Second Class Secondary School Certificate, from a recognized Board with Shahdatul Alamia from a recognized Tanzimatu'l 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</p> <p>(ii) Second Class Master's Degree, in Islamiyat from a recognized University.</p>	<p>20 to 35 years.</p>	<p>(a) Seventy-five per cent by initial recruitment; and</p> <p>(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.</p> <p>Note: In case of non availability of suitable person for promotion, then by initial recruitment.</p>
<p>12. Senior Qari (BPS -15).</p>			<p>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.</p>
<p>13. Certified Teacher (General) (BPS-15) ✓</p>	<p>Bachelor's Degree or equivalent qualification from a recognized University with Certified Teacher</p>	<p>18 to 35 years.</p>	<p>(a) Forty per cent by initial recruitment; and</p>

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ATTESTED

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

(b) sixty per cent by promotion, on the 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).

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

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

18 to 35 years.

(b) Bachelor's Degree from a recognized

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Primary School Teacher

Category of Qualification	Total Marks 100 For Humanities group at Intermediate Level	For Candidate of Science group
SSC	Marks obtained X 20 / total marks = ___	3 Extra marks for F.Sc, 5 Extra marks for B.Sc and 5 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection
HSSC	Marks obtained X 10 / total marks = ___	
B.A/BSc	Marks obtained X 25 / total marks = ___	
PST Certificate/ Diploma in Education / ADE.	Marks obtained X 20 / total marks = ___	
M.A/MSc/M.Ed / MA Edu	Marks obtained X 20 / total marks = ___	
MPhil/PhD	Marks = 05	

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 Asmol from recognized Tazeeemat-ul-Wafaqul Maularis, 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.

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ I. (57)

University of Peshawar (Pakistan)

Session ANNUAL 1990

USMAN GHANI Son of AGAL MOHAMMAD and a student
of GOVERNMENT JAHANZEB COLLEGE SWAT having passed the prescribed Examination
held in AUGUST 19 90. 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. 006943

Registered No. 85-J-4623

Roll No. 30772

Result declared on 16TH MARCH, 1991

Attest
Emad
Muzaffar-Din
SCT (General)
S.S. Chail, Distt. Swat



Atiqul Haque
Registrar

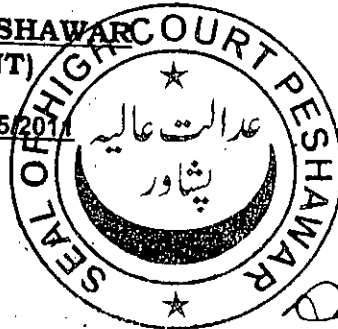
Countersigned

Atiqul Haque
Vice-Chancellor

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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 Jy. No. Noor Muhammad Uddin

Respondent (s): Muhammad Azam Khan Jy. Javed 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 24th October, 2009' being illegal unlawful, without authority and jurisdiction, based on malafide intentions and being unconstitutional as well as ultra vires to the basic rights as mentioned in the constitution be set-aside and the respondents be directed to fill up the above noted posts after going through the legal and lawful and the normal procedure as prescribed under the prevailing laws instead of using the short cuts for

ATTESTED
EXAMINER
Peshawar High Court

30 NOV 2018

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

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

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

ATTESTED
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Peshawar High Court
30 NOV 2010

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

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

5. Arguments heard and record perused.

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

30 NOV 2018

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

ANNOUNCED.
Dated: 08.11.2018

Chief Justice

Judge

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

No. 1587

Date of Presentation of Application 25.11.18

No of Pages 3

Copying Fee 20

Stamp Fee 20

Preparation of Copy 20

Delivery of Copy 20

Received by [Signature]

CERTIFIED TO BE TRUE COPY

EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Constitution of Pakistan Order 1973

30 NOV 2018

To,

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

K - 63

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 05.12.1987 and later on was appointed as C.T vide order dated 01.06.2012. 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



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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

Usman Ghani

USMAN GHANI CT (BPS-15),
GMS Jare, District Swat

M-L

VAKALATNAMA

Before the HP Service Tribunal, Peshawar

OF 2019

Usman Ghani

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Educators Dept.

(RESPONDENT)
(DEFENDANT)

I/We Usman Ghani

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

By
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. 1382/2019

Usman Ghani CT (BPS-15) GMS Jare, 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. There was no promotion policy from CT to SST at the time of the mentioned advertisement. Later on in 2012 policy was promulgated and amended in 2014. According to this policy there are three categories of SST i.e SST I (Chemistry, Botany or Zoology), SST II (Physics, Maths A or B or Statistics) & SST General. The appellant will be promoted in his category on his own turn. (Policy as annexure A)

3. That the Para No.3 is correct to the extent that there was no promotion policy from CT BPS-15 to SST BPS-16 at the time of the above mentioned advertisement. However, as stated in the foregoing Para, now the policy exists for promotion from CT BPS-15 to SCT BPS-16 and SST BPS-16. The promotions have been made on the basis of seniority cum fitness basis according to the policy. If the Appellant felt aggrieved of any order of promotion he should file departmental appeal before the competent authority.
4. That the Para No.4 is correct to the extent of appointments on ad-hoc basis. The rest of the Para is incorrect and denied. On one hand the Appellant admits in Para No.3 that there was no policy of promotion from CT to SST while on the other hand the Appellant says that promotion quota was filled by appointments.
5. That the Para No. 5 is correct to the extent of regularization Act 2009 the rest of the Para is irrelevant as the Honorable Peshawar High Court has already declared the regularization Act as beneficial.
6. That the Para No. 6 is correct.
7. That the Para No.7 is correct to the extent of judgments of the Honorable Courts the rest of the Para is incorrect and denied. According to the judgment dated 08-11-2018 of the Honorable Peshawar High Court in COC No. 105-P/2018 in W.P NO. 355/2011 it has clearly been mentioned that backlog was worked out by that time 2725 employees/teachers were in the promotion zone and as such were promoted. If the Appellant felt aggrieved of any order of promotion he should file departmental appeal before the competent authority. **(Judgment as annexure B)**
8. That the Para No. 8 is correct to the extent of the present post of the Appellant the rest of the Para is denied. There was no policy of promotion from CT to SST at the time of advertisement. According to the policy 2012 amended in 2014 the Appellant will be promoted to the post of SCT or SST on his turn in his category as stated above. No one junior than the Appellant has been promoted to SST in the cadre and category to which Appellant belongs. **(Last promotion order as annexure C)**
9. That the Para No. 9 is correct. However as stated in the foregoing paras the Appellant has to wait till his turn of promotion.
10. That the Para No. 10 is correct to the extent of appeal however, the Appellant has to wait till his turn of promotion. He cannot be promoted without his turn.
11. That the instant service appeal of the Appellant is bereft of any merit, hence liable to be dismissed inter alia following grounds.

GROUNDS

- A. That the Para No. A is incorrect and denied. The respondent department has to act according to the rules, policy and law. The Appellant has been treated in accordance with law, rules and policy.

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


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



**DISTRICT EDUCATION OFFICER (M)
SWAT AT GULKADA**



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



**SECRETARY,
ELEMENTARY AND SECONDARY
EDUCATION PESHAWAR**



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Peshawar, dated the 24th July, 2014.

NOTIFICATION

No.SO(PE)4-5/SSRC/Meeting/2013/Teaching Cadre:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby directs that in this Department's Notifications No.SO(G)S&LD/1-28/2003/Vol-II dated, 09-04-2004, Notification No.SO(G)S&L/1-69/06/Vol-1/DPE/LIB dated, 13-11-2007, and Notification No.SO(PE)4-5/SSRC/Meeting/2012/Teaching-Cadre, dated, 13-11-2012, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix,-

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

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</p> <p>(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>(ii) <i>twenty Five percent by initial recruitment.</i></p> <p>Note:</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>II. <i>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>
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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

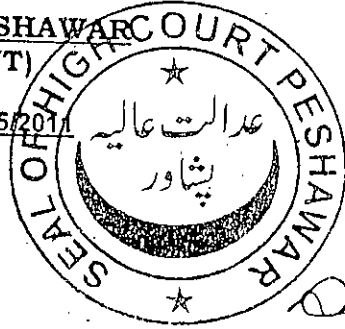

(ZAMIN KHAN MOMAND)
SECTION OFFICER (PRIMARY)

E59

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 & Mr. Noor Muhammad Wabalek

Respondent (s): Muhammad Azam Khan by Spd Qaiser Ali
 Plea AD4.

WAQAR AHMAD SETH, CJ:- Through this

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

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

ATTESTED
 EXAMINER
 Peshawar High Court

30 NOV 2018

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obliging their own person. They further prayed that the notification No. A-14 / SET (M) dated 11.12.2009 and Notification No. A-17 / SET (5) Contract-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
30 NOV 2019

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

ANNOUNCED
Dated: 08.11.2018

Chief Justice

Judge

Newab Shah SCS (DB) Justice Waqar Ahmed Bath CJ & Justice Muhammad Ayub Khan J

No. 1587

Date of Presentation of Application 25.11.18

No of Pages 5

Copying Fee

Stamp Fee 20

Preparation of Copy 20 11.18

Delivery of Copy 20 11.18

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

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)

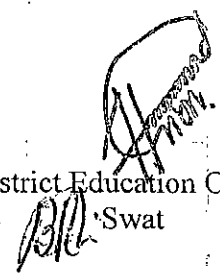
S:#	Name	Present School	School Where adjusted	Remarks
1	MR ADIL JAN SCT	GHS SERSENAI	GHS SHAH DEHRAI	AGAINST VACANT POST
2	MR.MUHAMMAD ALAM SCT	GHS ASALA	GHS ASALA SWAT	AGAINST VACANT POST
3	MR.SAMIULLAH SCT	GHS NOI MINGORA	GHS NAWAKALY (M)	AGAINST VACANT POST
4	MR.ANWAR IQBAL SCT	GHS AMANKOT	GHS AMANKOT 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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1382/2019

Khyber Pakhtunkhwa
Service Tribunal

Case No. 3409

Dated 03-02-2023

USMAN GHANI & 21 OTHERS VS EDUCATION DEPTT

APPLICATION FOR CLUBBING OF THE MENTIONED APPEALS
WITH SIMILAR NATURE APPEALS AS MENTIONED BELOW.

R.SHEWETH:

- 1- That the above mentioned appeals are pending adjudication before this Hon`ble Tribunal in which no date is fixed for hearing.
- 2- That the similar appeals titled Nisar Muhammad & 2 others Vs Edu Deptt: has been fixed before this Hon`ble Tribunal on 17-04-2023, therefore the above titled appeals having the similar prayed and may kindly be clubbed and be fixed on 17-04-2023 before Hon`ble Tribunal.
- 3- That the interest of justice demands that such like matter should be heard on that fixed once for all to meet the ends of justice and also to meet the principles of access to justice.

It is therefore most humbly prayed that on acceptance of this application the mentioned appeals may kindly be clubbed with above titled appeals which is fixed for 17-04-2023 for hearing before this Hon`ble Tribunal.


APPLICANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

AFFIDAVIT

I, Usman Ghani, (the Applicant/Appellant) do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon`ble tribunal




DEPONENT



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

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

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

No. 1579 /ST Dated 05/06/2023

To

The Director,
Elementary and Secondary Education Department,
Khyber Pakhtunkhwa, Peshawar.

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

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

Encl. As above.

(AAMIR FAROOQ)
ASSISTANT REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 2756/2021

Mr. Abdullah Javed, SST (BPS-16),
A.S.D.E.O (Male), District Haripur.

1194/27/11/21
APPELLANT

VERSUS

- 1- The Secretary Elementary and Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Elementary and Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer, District Haripur.

RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT PROMOTING THE APPELLANT TO THE POST OF S.S (BPS-17) W-E-F 2009 I.E. FROM THE DATE WHEN THE ADHOC/ CONTRACT SUBJECT SPECIALIST (BPS-17) HAVE BEEN REGULARIZED AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD

PRAYER:

That on acceptance of this appeal the respondent may kindly be directed to consider the appellant for promotion to the post of Subject specialist (BPS-17) w-e-f. 2009 i.e. the date when the adhoc/ contract S.S (BPS-17) have been regularized with all back benefits including seniority. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHWETH:
ON FACTS:

That the appellant is the employed of the respondent department and performing his duty as SST (BPS-16).

That in the year 2009 the respondents issued application for the post of Subject Specialist (SS) on contract basis. That after appearing in the test conducted through LATA, the appellant was appointed on the post of S.S (BPS-17) on contract basis for a period of 12 months. Copies of the

ATTESTED

Submitted to day
to filed.

Registrar 2.

same through proper channel and with permission of the respondents and was selected and appointed as such vide order dated 10-09-2005 for a period of six months, which was further extended for another period of six months vide order dated 24-03-2006. In the meanwhile, the respondents issued a notification dated 15-09-2005 that in-service candidates, who wish to join the contractual post of SS (BPS-17), can join the post with the condition that either they shall resign from their existing post or get leave without pay from their regular posts. In compliance the appellant requested for leave without pay, which was granted vide order dated 28-02-2006. The contractual period of the post of SS(BPS-17) was again extended for another period of six months vide order dated 20-10-2007, but the appellant was not granted leave without pay after expiry of his previous leave without pay, thus the appellant was compelled to return to his original post of SS(BPS-16). In August 2007, the posts of SS (BPS-17) were again advertised, but in-service teachers were barred to appear in the test, but before such appointments were made, the contract appointees were regularized vide order dated 24-10-2009 and 11-12-2009.

07. In a situation, the appellant was deprived of his contractual post of SS (BPS-17) in the first place due to refusal of leave without pay, which was admissible to him as per notification dated 15-09-2005 and secondly he was deprived of regularization against that post. Stance of the appellant hold force to the effect that if he was granted leave without pay, he would have served against the contractual post of SS (BPS-17) till its regularization and he would have been regularized alongwith his batch-mates, but the respondents violated its own order dated 15-09-2005 by not granting him leave without pay. It is also worthy to note that the respondents initially allowed in-service teachers to work against the contractual post of SS(BPS-17) either to obtain leave without pay or resign from their original post and later on refused the same facility without

W/h

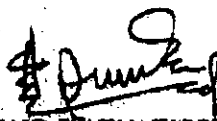

 ATTESTED

supersession of order dated 15-09-2005, which however was not warranted.

08. We are of the considered opinion that the appellant has not been treated in accordance with law, as the appellant served against the contractual post of SS (BPS-17) alongwith his batch-mates for quite longer but just before its regularization, the appellant was refused leave without pay, which compelled him to return to his original position of SS(BPS-16), thus deprived him of the benefits, which were admissible to him after his regularization against SS (BPS-17) on the one hand and on the other hand the appellants promotion/seniority was also blocked by inducting huge number of BPS-17 through their regularization. The irregularity committed by the respondents was refusal of leave without pay, which however was admissible to him under notification dated 15-09-2005 and which created the whole mess, due to which the appellant suffered for the unlawful act of the respondents. Equity and fair play demands that the appellant must avail the benefits accrued to him against the contractual post of SS (BPS-17), which was later on regularized and against which the appellant served for quite longer time, but was illegally detached from such post, which however was not warranted.

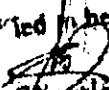
09. In view of the foregoing discussion, the instant appeal as well as connected service appeals are accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
02.02.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ATIQU-UR-REHMAN WAZIR)
MEMBER (E)

Certified to be true copy


F. A. SENER
Hyderabad-Pakistan
Service Tribunal
Peshawar


persons in the services of the Federation, thus in light of the above quoted Article of the Constitution the respondents are duty bound to promote the appellant to the post of SS (BPS-17) w.e.f. 2009 i.e. the date when the ad-hoc/contract Subject Specialist have been regularized with all back benefits.

04. Learned Additional Advocate General appearing on behalf of respondents has contended that the respondent department advertised some posts of Subject Specialist BS-17 purely on contract basis for a period of six months in the year, 2004; that the contract was extended for further six months in the light of notification dated 24.03.2004; that as per terms and conditions in-service teachers were not allowed to apply against the post of six month contract being regular employee of the department. He added that matter was also decided by the Hon'ble Peshawar High Court Peshawar in Writ Petition No. 2905-P/2009 titled "Atta Ullah and others Versus The Chief Secretary Khyber Pakhtunkhwa etc." which was disposed of in the following terms:-

W/h

- (i) that 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 30 days and consider the in-service employees, till the backlog is washed out, till then there would be complete ban on fresh recruitment.

ATTESTED


 DEPUTY ATTORNEY GENERAL
 PESHAWAR

05. We have heard learned counsel for the parties and have perused the record.

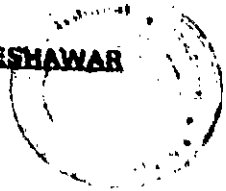
06. Record reveals that the appellant was serving as subject specialist (BPS-16) against a regular post. In 2004 some posts of subject specialists in BPS-17 were advertised and the appellant also applied for the

Brief facts of the case are that the appellant is employee of the respondent department and performing duty as SST (BPS-16). In the year 2004, the respondents invited applications for the post of subject specialist on contract basis and after due process of selection, the appellant was appointed as Subject Specialist (BPS-17) on contract basis for a period of six months vide order dated 10-09-2005. The contract period was renewed/extended for another period vide notification dated 24.03.2006. It is worth to mention here that a notification was issued by the respondent department that in-service teachers, who are also appointed on contract basis as SS(BPS-17) should get leave without pay from their original post of SS(BPS-16), if they want to continue their contractual appointments. The appellant applied for extra ordinary leave, which was granted to the appellant by the department vide order dated 28.02.2006. It is pertinent to mention here that the entry with regard to the leave without pay was made on the service book of the appellant. After expiry of the contract period the same was once again renewed/extended vide notification dated 20.10.2007, but the department refused to sanction leave without pay to the appellant and thus the appellant was deprived to continue service as Subject Specialist on contract basis, hence the appellant returned to his original post of SS (BPS-16). Vide advertisement dated August, 2007 the posts of Subject Specialist were once again advertised but through this advertisement the in-service teachers were debarred to appear in the test, hence the appellant was also not allowed to be appointed/selected on the post of SS on contract basis. In the meanwhile the contract appointees were regularized vide notifications dated 24.10.2009 and 11.12.2009 and thereby permanently depriving the appellant from appointment on contract basis on the post of SS as well as through this regularization the right of promotion of the appellant to the post of SS was also curtailed. The appellant feeling aggrieved from the action of the respondents, and from the impugned regularization dated 24.10.2009 and notification dated 11.12.2009, preferred departmental appeal

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 [Signature]
 [Name]
 [Designation]

THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR



Service Appeal No. 2756/2021

Date of Institution ... 27.01.2021

Date of Decision ... 02.02.2022

Mr. Abdullah Javed, SST (BPS-16) ASDED (Male), District Hanpur. ... (Appellant)

VERSUS

The Secretary Elementary & Secondary Education Department Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and three others. ... (Respondents)

Noor Muhammad Khattak, Advocate ... For Appellant

Muhammad Adeel Butt, Additional Advocate General ... For respondents

**AHMAD SULTAN TAREEN
ATIQ-UR-REHMAN WAZIR**

**CHAIRMAN
MEMBER (EXECUTIVE)**

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E...)

This single

judgment shall dispose of instant service appeal as well as the following connected service appeals, as a common question of law and facts are involved therein.

1. 2757/2021 titled Qazi Javed Iqbal

2. 2758/2021 titled Nasir Ali

3. 2759/2021 titled Qazi Javed Iqbal

by a Writ Petition No. 741-A/2010 before the Honorable Peshwar
Court, Abbottabad Bench which was decided vide judgment dated
2011 with the observation that the matter pertaining to terms and
conditions, therefore, the petition was dismissed being not maintainable.
However, the petitioners were given liberty to knock at the door of the
competent forum for redressal of their grievance, if so desired, hence the
appellant filed the instant service appeal with prayers that the appellant may
be considered for promotion to the post of subject specialist (BPS-17) with
effect from 2009 i.e. the date when adhoc/contract SS (BPS-17) had been
regularized with all back benefits including seniority.

01. Learned counsel for the appellant argued that by not promoting the
appellant to the post of SS (BPS-17) w.e.f. 2009 i.e. the date when the ad-
hoc/contract SS (BPS-17) have been regularized with all back benefits
including seniority is against the law, facts, norms of natural justice and
material on the record hence not tenable and liable to be modified/rectified to
the extent of the appellant be promoted w.e.f. 2009 with all back benefits
including seniority; the appellant has not been treated by the respondent
department in accordance with law and rules on the subject noted above and
as such the respondents violated Article 4 and 25 of the Constitution of Islamic
Republic of Pakistan 1973; that the treatment meted out to the appellant is
clearly based on discrimination and malafide as such the respondents violated
the principle of natural justice; that the appellant is fully entitled to be
promoted to the post of SS (BPS-17) w.e.f. 2009 i.e. the date when the ad-
hoc/contract SS have been regularized with all back benefits including seniority
in light of Section 9 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read
with the relevant provisions of the Government Promotion and
Transfer Rules, 1973 and the provisions of the Article 28(B) of the
Constitution of the Islamic Republic of Pakistan which states that
the State shall protect the rights of individuals including