


Form- A

FORM OF ORDER SHEET

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

Implementation Petition No. 560/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	04.08.2023	<p>The implementation petition of Mr. Abid Noor submitted today by Mr. Babar Hayat Khan Advocate. It is fixed for implementation report before Single Bench at Peshawar on <u>08-08-2023</u>. Original file be requisitioned. AAG has noted the next date.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

# **KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR**

## **CHECK LIST**

Abid Noor

**Versus**

Govt of KP

..... Appellant

..... Respondents

<b>S NO</b>	<b>CONTENTS</b>	<b>YES</b>	<b>NO</b>
1.	This petition has been presented by: <u>Advocate</u> <u>Court</u>	√	
2.	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	√	
3.	Whether appeal is within time?	√	
4.	Whether the enactment under which the appeal is filed mentioned?	√	
5.	Whether the enactment under which the appeal is filed is correct?	√	
6.	Whether affidavit is appended?	√	
7.	Whether affidavit is duly attested by competent Oath Commissioner?	√	
8.	Whether appeal/annexures are properly paged?	√	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	√	
10.	Whether annexures are legible?	√	
11.	Whether annexures are attested?		
12.	Whether copies of annexures are readable/clear?	√	
13.	Whether copy of appeal is delivered to AG/DAG?	√	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	√	
15.	Whether numbers of referred cases given are correct?	√	
16.	Whether appeal contains cutting/overwriting?	x	
17.	Whether list of books has been provided at the end of the appeal?	√	
18.	Whether case relate to this court?	√	
19.	Whether requisite number of spare copies attached?	√	
20.	Whether complete spare copy is filed in separate file cover?	√	
21.	Whether addresses of parties given are complete?	√	
22.	Whether index filed?	√	
23.	Whether index is correct?	√	
24.	Whether Security and Process Fee deposited? On _____		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	√	
26.	Whether copies of comments/reply/rejoinder submitted? On _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? On _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:- Babul Hajeet Khan

Signature:- 

Dated:- 4-8-2023

\*

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

Execution Petition No. 560 /2023

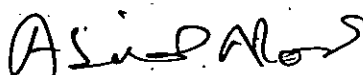
Abid Noor ..... **Petitioner**

**V E R S U S**

Directorate of Elementary & Secondary Education  
& others ..... **Respondents**

**I N D E X**

S.No	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Execution Petition		1-2
2.	Affidavit		3
3.	Copy of the Judgment	A	4-15
4.	Copy of the Application	B	16
5.	Wakalatnama		17

  
Appellant

Through

  
**BABAR HAYAT KHAN**  
Advocate, Peshawar  
Cell: 0333-9727007

Dated: 04-08-2023

①

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

**Khyber Pakhtunkhwa  
Service Tribunal**

Execution Petition No. 560 /2023

Diary No. 6891

Filed 04/08/23

Abid Noor S/O Noor Nawaz Khan R/O Kotka Miran  
Alam PO Torka Surrani, Tehsil & District Bannu  
(PST BPS-12, GPS Lolazai Bannu)

.....Petitioner

**V E R S U S**

1. Director, Elementary & Secondary Education,  
Govt of Khyer Pakhtunkhwa, Peshawar.
2. District Education Officer (M) Outside Miryan  
Gate Bannu
3. Muhammad Jamshed Khan S/O Mir Dad Khan,  
Government Primary School Khujary Khas Bannu.

.....Respondents

**EXECUTION            PETITION            FOR**  
**IMPLEMENTATION OF THE JUDGMENT**  
**DATED        31.05.2023        OF        THIS**  
**HONOURABLE TRIBUNAL IN SERVICE**  
**APPEAL NO., 2069/2019 FOR PLACING**  
**THE APPELLANT AT CORRECT POSITION**  
**IN THE SENIORITY LIST WITH ALL**  
**CONSEQUENTIAL BENEFITS**

**Respectfully Sheweth:**

1. That the petitioner filed an appeal on 23.12.2019  
u/s 4 KP Service Tribunal Act, 1974 against the  
impugned seniority list for placing the  
appellant/petitioner at the correct position in the  
seniority list along with all consequential benefits.

2. That after receiving para wise comments from the respondents, the appeal was accepted in favour of the applicant and the respondents were directed to place the appellant/petitioner in the correct position in the seniority list with all consequential benefits. (Copy of the judgment dated 31.05.2023 is attached)
3. That the applicant then approached to the office of respondents and filed written application alongwith attested copy of the judgment dated 31.05.2023 for implementation of the judgment of this honourable Tribunal and include the appellant petitioner from his due date of promotion. (Copy of the application is attached)

It is, therefore, most humbly prayed that on acceptance of this execution petition, the implementation of the judgment dated 31.05.2023 of this honourable tribunal in letter and spirit.



Petitioner

Through

  
**BABAR HAYAT KHAN**

Advocate, High Court

Cell: 03339727007

Dated: 04.08.2023

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

Execution Petition No. \_\_\_\_\_/2023

Abid Noor S/O Noor Nawaz Khan R/O Kotka Mir  
 Alam PO Torka Surrani, Tehsil & District Bannu  
 (PST BPS-12, GPS Lolazai Bannu)

.....Petitioner

**V E R S U S**

1. Director, Elementary & Secondary Education,  
Govt of Khyer Pakhtunkhwa, Peshawar.
2. District Education Officer (M)Outside, Miryan  
Gate Bannu
3. Muhammad Jamshed Khan S/O Mir Dad Khan,  
Government Primary School Khujary Khas Bannu.

.....Respondents

**A F F I D A V I T**

I, Abid Noor S/O Noor Nawaz Khan R/O Kotka Mir  
 Alam PO Torka Surrani, Tehsil & District Bannu do  
 hereby solemnly affirm and declare on oath that  
 the contents of the accompanying **Execution  
 Petition** are true and correct to the best of my  
 knowledge and belief, and nothing has been kept  
 concealed from this Hon'ble Court.

*Abid Noor*

**DEPONENT**



(4)

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK,

PESHAWAR.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 2178

Dated 23/12/19

S.A.No. 2069/2019

Abid Noor S/o Noor Nawaz Khan

R/o Kotka Mir Alam P/O Torka Surani Tehsil & District Bannu,  
Primary School Teacher (BS-12) GPS, Lalozai Bannu..... Appellant

Versus

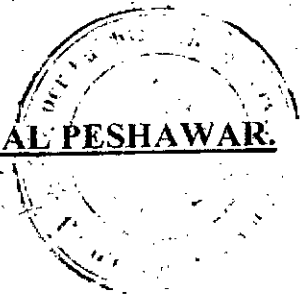
- 1) Directorate of Elementary and Secondary Education, Khyber Pakhtunkhwa, Near GHSS No.1 Firdos, Peshawar.
- 2) District Education Officer, (M) Bannu.
- 3) Muhammad Jamshed Khan S/o Mir Dad Khan, GPS Khujary Khass, Bannu
- 4) Naveed Ullah Khan S/o Abdur Rashid, GPS Zeba Khel Khujar-2, Bannu.
- 5) Fahimullah S/o Khandad, GPS Muhammad Zaman, Bannu.
- 6) Safir Ullah Khan S/o Nasib Ullah Khan, GPS Barati Muchan Khel, Bannu.
- 7) Fahimullah Khan S/o Nawab Ali Khan, GPS Lar Kila Selani, Bannu
- 8) Sanaullah Khan S/o Ihsanullah Khan GPS Woolen Mills Bannu
- 9) M. Adnan S/o Awzar Ali Khan, GPS No.7 Bannu City.
- 10) Muhammad Amir S/o Dil Nawaz Khan, GPS Kakki Khassi, Bannu.
- 11) Muhammad Ibrahim S/o Akhtar Zaman GPS Bilawar Khan, Bannu
- 12) Shahzeb Burki S/o Nasir Khan GPS Kotka Feroz Bannu
- 13) M Loqman Khan S/o Farand Ali Khan GPS Said Rahman Landidak, Bannu.
- 14) Naseeb Gul S/o Nazif Khan, GPS Nar Sher Mast Rafique Khan, Bannu.
- 15) Noor Daraz Khan S/o Sarfaraz Khan GPS Muhammad Nawaz Narmi Khel, Bannu
- 16) Khalil ur Rahman S/o Shahdaraz Khan GPS Domel Khas
- 17) Samiullah Khan S/o Sher Azad Khan, Toor Khan Mama Khel, Bannu.
- 18) M Zia ur Rehman S/o Manzoor Ahmad GpS Babar Esaki Bannu
- 19) Tahsin Ullah Khan S/o Mir Ali Subhan Hakeem Bharat Bannu.

Filed today  
23/12/19  
Registrar

ATTESTED

K.S.

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.**

Service Appeal No. 2069/2019  
Date of Institution ... 23.12.2019  
Date of Decision... 31.05.2023

Abid Noor S/O Noor Nawaz Khan, R/O Kotka Mir Alam P/O Torka Surani  
Tehsil & District Bannu, Primary School Teacher (BS-12) GPS, Laloza  
Bannu. ... (Appellant)

**VERSUS**

Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa,  
Near GHSS No. 1 Firdos, Peshawar and 55 others. ... (Respondents)

-----  
Service Appeal No. 2070/2019  
Date of Institution ... 23.12.2019  
Date of Decision... 31.05.2023

Afsar Ali Khan S/O Haider Ali, R/O Kotka Gharib Abad P/O Bazar Ahmad  
Khan Bannu, Tehsil & District Bannu, Primary School Teacher (BS-12) GPS,  
No. 1 Bazar Ahmad Khan Bannu. ... (Appellant)

**VERSUS**

Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa,  
Near GHSS No. 1 Firdos, Peshawar and 65 others. ... (Respondents)

-----  
Service Appeal No. 2071/2019  
Date of Institution ... 23.12.2019  
Date of Decision... 31.05.2023

Shah Da Ullah Khan S/O Khubaz Khan, R/O Kotka Dilasa Khan near PS  
Mandan P/O Bada Mir Abbas Khan Mandan Bannu Tehsil & District Bannu,  
Primary School Teacher (BS-12) GPS, Bada Mir Abbas Bannu. ... (Appellant)

**VERSUS**

Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa,  
Near GHSS No. 1 Firdos, Peshawar and 61 others. ... (Respondents)

-----  
Service Appeal No. 2072/2019  
Date of Institution ... 23.12.2019  
Date of Decision... 31.05.2023

Muhammad Ahsan Ali Shah S/O Ghaffar Ali Shah, R/O Piran Tughal Khel  
P/O Syed Tughal Khel Tehsil & District Bannu, Primary School Teacher



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(BPS-12) GPS, Masta Mir Tughal Khel.

... (Appellant)

VERSUS

Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa,  
Near GHSS No. 1 Firdos, Peshawar and 53 others.

... (Respondents)

-----  
Service Appeal No. 2073/2019  
Date of Institution ... 23.12.2019  
Date of Decision... 31.05.2023

Imtiaz Khan S/O Muhammad Noor, R/O Kaski Akhondan Mandew Kandidak  
Tehsil & District Bannu, Primary School Teacher (BS-12) GPS, Mandew  
Kandidak Bannu. ... (Appellant)

VERSUS

Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa,  
Near GHSS No. 1 Firdos, Peshawar and 108 others.

... (Respondents)

-----  
Service Appeal No. 2074/2019  
Date of Institution ... 23.12.2019  
Date of Decision... 31.05.2023

Abdul Matin S/O Ghazi Marjari, R/O Kotka Sarwar Garhi Mir Alam Tehsil &  
District Bannu, Primary School Teacher (BS-12) GPS, Sher Daraz Madan  
Bannu. ... (Appellant)

VERSUS

Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa,  
Near GHSS No. 1 Firdos, Peshawar and 66 others.

... (Respondents)

-----  
Service Appeal No. 2075/2019  
Date of Institution ... 23.12.2019  
Date of Decision... 31.05.2023

Syed Abad Mir Shah S/O Muhammad Mir Shah, R/O Village Manja Khel P/O  
Taji Kala Tehsil & District Bannu, GPS Kot Azad Mughal Khel, Bannu.

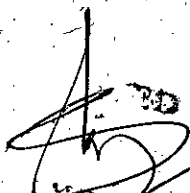
... (Appellant)

VERSUS

Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa,  
Near GHSS No. 1 Firdos, Peshawar and 39 others.

... (Respondents)

-----  
Service Appeal No. 2076/2019  
Date of Institution ... 23.12.2019  
Date of Decision... 31.05.2023

  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

(7)

Noor Muhammad Khan S/O Ali Bahadar Khan, R/O Kotka Mir Alam P/O  
Torka Surani Khyber Pakhtunkhwa Bannu, Primary School Teacher (BS-12)  
GPS, Torka Surani Bannu. ... (Appellant)

VERSUS

Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa,  
Near GHSS No. 1 Firdos, Peshawar and 41 others. ... (Respondents)

-----  
Service Appeal No. 2077/2019  
Date of Institution ... 23.12.2019  
Date of Decision ... 31.05.2023

Khanzada Khan S/O Mehmood Khan, R/O Sardi Khel Gul Badin Kandi Dak  
P.O Meryan Tehsil & District Bannu, Primary School Teacher (BS-12) GPS,  
Shah Azim Landi Dak Bannu. ... (Appellant)

VERSUS

Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa,  
Near GHSS No. 1 Firdos, Peshawar and 130 others. ... (Respondents)

-----  
Service Appeal No. 2078/2019  
Date of Institution ... 23.12.2019  
Date of Decision ... 31.05.2023

Naseem Ullah S/O Rooh ul Amin Khan, R/O Khwaja Mad Mandan Tehsil &  
District Bannu, Primary School Teacher (BS-12) GPS, Akhundun Khwajamad  
Manda Bannu. ... (Appellant)

VERSUS

Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa,  
Near GHSS No. 1 Firdos, Peshawar and 126 others. ... (Respondents)

-----  
Service Appeal No. 2079/2019  
Date of Institution ... 23.12.2019  
Date of Decision ... 31.05.2023

Shahid Ullah Khan S/O Umar Nawaz Khan, R/O Malik Chowk PO Fathima  
Khel District Bannu, Primary School Teacher (BS-12) GPS, Kot Adil Bannu.  
... (Appellant)

VERSUS

Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa,  
Near GHSS No. 1 Firdos, Peshawar and 278 others. ... (Respondents)

ATTTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

MR. INAYAT ULLAH KHAN,  
Advocate

--- For appellants.

MR. ASIF MASOOD ALI SHAH,  
Deputy District Attorney

--- For official respondents.

MR. SALAH-UD-DIN  
MR. MUHAMMAD AKBAR KHAN

--- MEMBER (JUDICIAL)  
--- MEMBER (EXECUTIVE)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Through this single judgment we intend to dispose of the above titled Service Appeals as common questions of law and facts are involved in all the appeals.

2. Brief facts of Service Appeal No. 2069/2019 to Service Appeals No. 2074/2019 as well as Service Appeals No. 2077/2019 and 2078/2019 are that the appellants as well as private respondents therein were appointed as PSTs on contract basis vide Notification bearing endorsement No. 8313-8514/PST/adhoc/ dated: Bannu the 23.07.2014 DEO/(M). During course of their service, Khyber Pakhtunkhwa Employees of Elementary and Secondary Education Department (Appointment and Regularization of Services) Act, 2017 was promulgated and in light of the same, their services were regularized vide Notification bearing Endorsement No. 2344-3253/AE-I/Estab dated 07.04.2018 with effect from the date of their initial appointment. The seniority list of the appellants as well as private respondents of the said appeals was drawn on the basis of the score obtained by them in the test conducted by National Testing Service (NTS). The

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

appellants are of the view that their seniority inter-se was required to have been fixed age-wise in view of Clause-8 of terms and conditions of the regularization Notification dated 07.04.2018 as well as Sub-Section-2 of Section-4 of Khyber Pakhtunkhwa Employees of Elementary & Secondary Education Department (Appointment and Regularization of Services) Act, 2017; therefore, they filed objection on the seniority list on 17.08.2019, however the same was not responded. The appellants there-after submitted departmental appeal on 26.08.2019 but the same was also not responded, constraining them to file appeals before this Tribunal for redressal of their grievance.

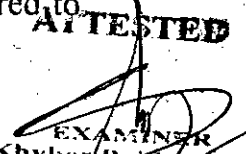
3. Precise facts of Service Appeals No. 2075/2019 and 2076/2019 are that the appellants as well as private respondents therein were appointed as PSTs on contract basis vide Notification bearing endorsement No. 1922-28/AE-1-Male/PST/Adhoc/Apptt: Dated Bannu the 28.03.2016. During course of their service, Khyber Pakhtunkhwa Employees of Elementary and Secondary Education Department (Appointment and Regularization of Services) Act, 2017 was promulgated and in light of the same, their services were regularized vide Notification bearing Endorsement No. 2344-3253/AE-I/Estab dated 07.04.2018 with effect from the date of their initial appointment. The seniority list of the appellants as well as private respondents of the said appeals was drawn on the basis of the score obtained by them in the test conducted by National Testing Service (NTS). The

ATTESTED


EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

appellants are of the view that their seniority inter-se was required to have been fixed age-wise in view of Clause-8 of terms and conditions of the regularization Notification dated 07.04.2018 as well as Sub-Section-2 of Section-4 of Khyber Pakhtunkhwa Employees of Elementary & Secondary Education Department (Appointment and Regularization of Services) Act, 2017, therefore, they filed objection on the seniority list on 17.08.2019, however the same was not responded. The appellants there-after submitted departmental appeal on 26.08.2019 but the same was also not responded, constraining them to file appeals before this Tribunal for redressal of their grievance.

4. Brief facts of Service Appeal No. 2079/2019 are that the appellant as well as private respondents therein were appointed as PSTs on contract basis vide Notification bearing endorsement No. 4672-5990/AE-I-Male/PST/Adhoc/Apptt. Dated Bannu the 06.05.2017. During course of his service, Khyber Pakhtunkhwa Employees of Elementary and Secondary Education Department (Appointment and Regularization of Services) Act, 2017 was promulgated and in light of the same, his services were regularized vide Notification bearing Endorsement No. 2344-3253/AE-I/Estab dated 07.04.2018 with effect from the date of his initial appointment. The seniority list of the appellant as well as private respondents was drawn on the basis of the score obtained by them in the test conducted by National Testing Service (NTS). The appellant is of the view that his seniority inter-se was required to

**ATTESTED**  
  
 EXAMINER  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar


have been fixed age-wise in view of Clause-8 of terms and conditions of the regularization Notification dated 07.04.2018 as well as Sub-Section-2 of Section-4 of Khyber Pakhtunkhwa Employees of Elementary & Secondary Education Department (Appointment and Regularization of Services) Act, 2017, therefore, he filed objection on the seniority list on 17.08.2019, however the same was not responded. The appellant there-after submitted departmental appeal on 26.08.2019 but the same was also not responded, constraining him to file appeal before this Tribunal for redressal of his grievance.

 5. On admission of the appeals for regular hearing, notices were issued to the respondents. Official respondents No. 1 & 2 contested the appeals by way of filing of reply, wherein they refuted the assertion raised by the appellants in their appeals.

6. Learned counsel for the appellants has addressed his arguments supporting the grounds agitated by the appellants in their service appeals. On the other hand, learned Deputy District Attorney for official respondents has controverted the arguments of learned counsel for the appellants and have supported the comments submitted by the official respondents.

7. Arguments have already been heard and record perused.

8. A perusal of the record would show that the appellants as well as private respondents in Service Appeals No. 2069/2019 to 2074/2019 as well as Service Appeals No. 2077/2019 and

ATTESTED  
  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

2078/2019 were appointed as PSTs (BPS-12) on contract basis vide Notification bearing endorsement No. 8313-8514/PST/adhoc/ dated: Bannu the 23.07.2014 DEO/(M), while appellants as well as private respondents in Service Appeals No. 2075/2019 and 2076/2019 were appointed as PSTs on contract basis vide Notification bearing endorsement No. 1922-28/AE-1-Male/PST/Adhoc/Apptt: Dated Bannu the 28.03.2016, whereas the appellant and private respondents in Service Appeal No. 2079/2019 were appointed as PSTs on contract basis vide Notification bearing endorsement No. 4672-5990/AE-1-Male/PST/Adhoc/Apptt: Dated Bannu the 06.05.2017. During the course of their service, Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education Department (Appointment and Regularization of Services) Act, 2017 was enacted and vide Notification bearing Endorsement No. 2344-3253/AE/Estab dated 07.04.2018, their services were regularized with effect from the date of their initial appointments. Clause-8 of Terms and Conditions as mentioned in the afore-mentioned regularization Notification dated 07.04.2018 is regarding determination of seniority, which is reproduced as below:-

*"Their Seniority shall be determined on the basis of their continuous service in cadre, provided that if the date of continuous service in the case of two or more employees is the same, the employees older in age shall rank senior to the younger one." (Emphasis provided)*

9. Moreover, the criteria for determination of seniority inter-se of the employees regularized under Khyber Pakhtunkhwa

**ATTESTED**  
 EXAMINER  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

Employees of the Elementary and Secondary Education Department (Appointment and Regularization of Services) Act, 2017 has been provided in Sub-Section 2 of Section-4 of the said Act, which is reproduced as below:-

*"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 other employees belonging to the same Cadre, 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, or to be appointed to the Cadre, irrespective of their actual date of appointment.*

*(2) The seniority inter-se of those employees, whose services are regularized under this Act within the Cadre, shall be determined on the basis of their continuous service in Cadre:*

*Provided that if the date of continuous service in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one." (Emphasis supplied.)*

10. It is also worth mentioning that according to Section-5 of the Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education Department (Appointment and Regularization of Services) Act, 2017, the provisions of the said act shall have an overriding effect and the provisions of any such law or rules to the extent of inconsistency with the said Act shall cease to have effect.

11. In view of Clause-8 of regularization Notification bearing Endorsement No. No. 2344-3253/AE/Estab dated 07.04.2018 as well as Sub-Section-2 of Section-4 of Khyber Pakhtunkhwa

Handwritten signature and stamp of the Government of Khyber Pakhtunkhwa, Peshawar.



Employees of the Elementary and Secondary Education Department (Appointment and Regularization of Services) Act, 2017, the seniority inter-se of the regularized PSTs was to be determined on the basis of their continuous service in cadre provided that if the date of continuous service in the case of two or more employees was the same, the employee older in age shall rank senior to the younger one. While going the impugned seniority list attached by the appellants with their appeals, the inter-se seniority of the PSTs regularized through Notification dated 07.04.2018 has been determined on the basis of score obtained by them in written test conducted through NTS, which was not a correct criteria for determining their inter-se seniority. The NTS score was relevant for appointment and not for determining seniority inter-se of the regularized PSTs.

12. In view of the above discussion, it is directed that the inter-se seniority of those PSTs, who were regularized through Notification bearing Endorsement No. 2344-3253/AE-I/Estab dated 07.04.2018, shall be determined on the basis of Clause-8 of terms and conditions of regularization Notification dated 07.04.2018 as well as Sub-Section-2 of Section-4 of Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education Department (Appointment and Regularization of Services) Act, 2017 by placing the names of the appellants at correct seniority positions with all consequential benefits. The

REGISTERED  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

appeals are allowed in the said terms. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
31.05.2023

(Salah-Ud-Din)  
Member (Judicial)

(Muhammad Akbar Khan)  
Member (Executive)

\*Nasem Amin\*

**Certified to be true copy**  
  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 03/8/23  
Number of words Page 11  
Copying Fee \_\_\_\_\_  
Urgent \_\_\_\_\_  
Total 60/5/23  
Name of \_\_\_\_\_  
Date of C. \_\_\_\_\_  
Date of Delivery of copy 03/8/23

خدمت جناب SDFO صاحب ایجوکیشن آفیس (مردانہ) ضلع بون

عنوان: درخواست برائے اہم سنیاری بھٹا بقا کی سرحدوں کو بحال کرنا

496  
24-07-2023

جناب عالی! گزارش کی جاتی ہے کہ ساہلان عابد نذر خان SDFO، استیاز خان SDFO، اور نذر خان SDFO، امیر علی SDFO، آبار میر شاہ SDFO اور شاہداد احمد SDFO سنیاری بھٹا بقا کے سلسلے میں سرحدیں ٹوٹنے والی ہیں۔ ان کیس دائر کیا گیا جس پر ججز جناب صدر (الدرین صاحبہ) نے جناب قیصر خان صاحبہ نے 31-05-2023 کو 1812 نمبر کے فیصلے میں فیصلہ سنایا اور درخواست گزاروں کو سنیاری بھٹا بقا عمر جمعہ تمام مدعا سے دینے کے احکامات صادر فرمائیں۔

آپ صاحبان سے گزارش کی جاتی ہے کہ مذکورہ ساہلان کو عدالت کے احکامات کی تعمیل میں ان کے حقوق دینے کے احکامات دی جائیں اور سنیاری بھٹا بقا عمر جمعہ تمام مدعا سے دینے کے احکامات کی تعمیل میں ان کے حقوق دینے کے احکامات دی جائیں۔

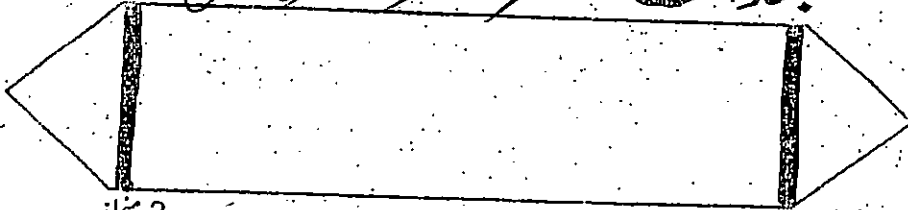
عین گزارش ہوگی

تاریخ: 24/07/2023

- 1. عابد نذر خان
  - 2. خانزادہ خان
  - 3. نسیم اللہ خان
  - 4. استیاز خان
  - 5. امیر علی
- آبار میر شاہ، شاہداد احمد، نذر خان، شاہداد احمد، امیر علی، اصنان علی شاہ

ATTESTED

# بعد االت کسرو کسرو سوسل



22 کتاب حکمت  
ماہنامہ بنام

موزتہ 2023-8-6

مقدمہ  
دعویٰ  
جرم  
Executus

## باعث تحریر آنگہ

مقدمہ سندرجہ عنوان بالا میں اپنی طرف سے واسطے پیردی وجواب دہی دکل کاروائی متعلقہ

کیلیے بابر صاحب خان

آن مقام

مقرر کر کے اترار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز

دیکل صاحب کو راضی نامہ کرنے و تقریر نامت ہ فیصلہ بر حلف دینے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور صلی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

وزا میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیردی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی

نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیردی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور

کے کل یا جزوی کاروائی کے واسطے اور دیکل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو کبھی دہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ

پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا۔

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو دیکل صاحب پابند ہوں گے کہ پیردی

مذکورہ کریں۔ لہذا اذکالت نامہ لکھد یا کہ سند ہے۔

المترقوم \_\_\_\_\_ ماہ ۶ سنہ 2023

Accepted  
Jasir

بمقام