


21st Oct., 2022

Because of strike of the Bar, this matter is adjourned to 29.11.2022. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.

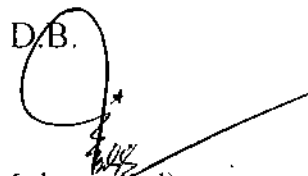

(Fareeha Paul)
Member(E)



(Kalim Arshad Khan)
Chairman

29.11.2022

Appellant alongwith his counsel present. Mr. Masood Khan, Theology Teacher alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents present.

Learned counsel for the appellant sought time for preparation of arguments. Adjourned. To come up for arguments on 26.01.2023 before the D.B.


(Mian Muhammad)
Member (Executive)


(Salah-Ud-Din)
Member (Judicial)

SCANNED
K&T
Peshawar

26-1-23

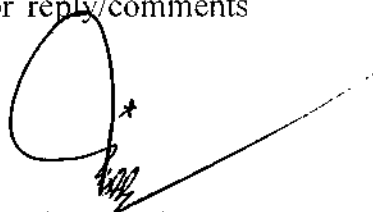
Proper OB is not available,
The case is adjourned to 8-5-23


Reader

19.07.2022

Learned counsel for the petitioner present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.


On the perusal of case file, the notice as per order sheet dated 12.05.2022, have not been issued by the office. Notices be therefore issued to private respondents No. 4 & 5 for submission of reply/comments. Adjourned. To come up for reply/comments on 29.08.2022 before S.B.


(Mian Muhammad)
Member (E)

29.08.2022

Appellant in person present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Masood Khan, Litigation Officer for official respondents No. 1 to 3 present. None present on behalf of private respondents No. 4 & 5.

It is evident from previous order sheets that the instant service appeal was initially admitted for regular hearing on 19.09.2019. Since then private respondents No. 4 & 5 are found to have been at fault who did not submit their reply/parawise comments whereas official respondents No. 1 to 3 have already submitted the requisite reply/parawise comment. Being an old case of 2019, private respondents No. 4 & 5 did not submit their reply/parawise comments despite repeated notices issued to them, hence they are proceeded ex-parte. Adjourned. To come up for rejoinder, if any, and arguments on 21.10.2022 before D.B.


(Mian Muhammad)
Member (E)

24.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 12.05.2022 for the same as before.



Reader

12.05.2022

Junior to counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Masood Khan Litigation Officer for respondents No.1 to 3 present. Nemo for private respondents No.4 & 5.

Reply on behalf of official respondents No.1 to 3 has already been submitted. Notice be issued to private respondents No.4 & 5 for submission of comments. To come up for reply/comments on 19.07.2022 before S.B.




(Rozina Rehman)
Member (J)

02.06.2021

Appellant present through counsel.

Muhammad Adeel Butt learned Additional Advocate General alongwith Masood Khan ADEO (Litigation) for official respondents No. 1 to 3 present. Nemo for private respondents No.4 & 5.

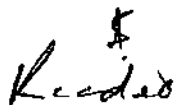
Representative of respondents submitted written reply/comments. Reply on behalf of private respondents No.4 & 5 is still awaited. They be put on notice with direction to submit written reply/comments within 10 days of the receipt of notice. To come up for reply/arguments on 30.09.2021 before D.B.


(Rozina Rehman)
Member (J)


Chairman

30-9-21

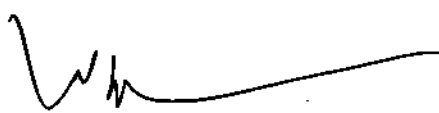
DB is on Tour case to come up?
for the same on Dated. 1-2-22


Recorder

01.02.2022

Junior to counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for respondent present. None present on behalf of private respondent No. 4 & 5.

Reply/comments on behalf of official respondents have already been submitted. Reply/comments on behalf of private respondents No. 4 & 5 are still awaited. Notice be issued to private respondents No. 4 & 5 for submission of reply/comments. To come up for reply/comments before the S.B on 24.02.2022.


(Atiq-Ur-Rehman Wazir)
Member (E)

19.12.2019

Junior to counsel for the appellant and Inayatullah, ADO for the respondents present.

Representative of respondents seeks further time to furnish reply/comments. Adjourned to 03.02.2020 on which date the requisite reply/comments shall positively be submitted.


Chairman

03.02.2020

Counsel for the appellant present. Addl: AG for respondents present. Written reply on behalf of respondents not submitted. Notices be issued to the respondents for submission of written reply/comments. Adjourned. To come up for written reply on 18.03.2020 before S.B.


Member

18.03.2020

Clerk to counsel for the appellant present. Mr. Kabirullah Khattak learned Addl. AG alongwith Inayat Ullah ADEO for the respondents present. Written reply not submitted. Representative of the respondent department seeks time to furnish written reply/comments. Last opportunity is granted. To come up for written reply/comments on 27.04.2020 before S.B.


(Hussain Shah)
Member

27.04.2020

Due to COVID19, the case is adjourned to 21.07:2020 for the same as before.


Reader

21.07.2020

Mr. Taimur Ali Khan, Advocate, for appellant is present. Vide previous order sheet dated 27.04.2020 the instant service appeal was adjourned due to COVID-19, today no one is present on behalf of the respondents therefore, notices be issued to the respondents for submission of written reply/comments for 16.09.2020 before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER

16.09.2020


Counsel for the appellant present. Nemo on behalf of the respondents.

On previous date of hearing, respondents ~~have~~ remained unrepresented and notices were required to be issued to them for submission of reply/comments today. The record suggests that the requisite notices have been duly issued. Even today no one has turned up on behalf of the respondents nor their written reply received despite last opportunity. The matter is, therefore, posted to D.B for arguments on 02.12.2020.


Chairman

02.12.2020

Due to pandemic of Covid-19, the case is adjourned to
23.02.2021 for the same as before.


Reader

23.02.2021

Due to COVID, 19 the matter is adjourned to 2.06.2021 for
the same.




Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1042/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/08/2019	<p>The appeal of Mr. Younas Khan resubmitted today by Mr. Taimur Ali Khan 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 8/8/19</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>19-9-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: center;">SCANNED KPST Peshawar.</p>
2-		

19.09.2019

Counsel for the appellant present.

Contends that in the working paper of departmental promotion committee for promotion of SPST, PSHT to SST the appellant was shown at S.No. 5 with seniority number 1049 in the seniority list. On the other hand, through the impugned notification dated 08.06.2018 the respondents No. 4 & 5 were promoted although their names were at S.No. 6 & 7 respectively in the working paper with seniority number 1050 and 1092 in the seniority list. The appellant was, therefore, discriminated, it was added.

In view of the above as well as available record, instant appeal is admitted for regular hearing. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 18.11.2019 before S.B.

Appellant Deposited
Security & Process Fee

19/9/19


Chairman

18.11.2019

Junior to counsel for the appellant and Addl. AG alongwith Inayatullah, ADEO for the respondents present.

Representative of the respondents requests for adjournment to furnish the reply/comments. Adjourned to 19.12.2019 on which date the requisite reply/comments shall positively be furnished.


Chairman

The appeal of Mr. Younas Khan SPST GPS Pahari Kati Khel District Nowshera received today by i.e. on 29.07.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- 4- Annexures of the appeal are illegible which may be replaced by legible/better one.
- 5- Seven more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1325 /S.T,

Dt. 31-7- /2019

Amirullah
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Taimur Ali Khan Adv. Pesh.

Respected Sir,

- 1- Removed
- 2- Removed
- 3- Removed.
- 4- Removed.
- 5- Removed

*Resubmitted after
compliance*

[Signature]
8/8/2019

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1042/2019

Younas Khan

V/S

Education Deptt:

INDEX

S.No.	Documents	Annexure	Page
1.	Memo of Appeal	-----	01-03
2.	Copy of working paper	A	04-05
3.	Copy of rules	B	06-12
4.	Copy of order dated 08.06.2019	C	13-14
5.	Copy of application	D	15
6.	Copies of departmental appeal	E	16
7.	Vakalat Nama	-----	17


APPELLANT

THROUGH:


TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)

Room No. Fr-8, 4th Floor,
Bilour Plaza, Peshawar Cantt:
Contact No. 03339390916

(1)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1068

Dated 29-7-2019

Younas Khan, SPST (BPS-14),
GPS, Pahari Katti Khel, District Nowshera.

(APPELLANT)

VERSUS

1. The Secretary (E&SE) Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. The Director, (E&SE) Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (M), Nowshera.
4. Mr. Asif Khan, SST (BPS-16), GHS Banda Sheikh Ismail, Nowshera.
5. Mr. Riaz Muhammad, SST (BPS-16), GHS Marhati Banda, Nowshera.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 08.06.2018, WHEREBY THE PRIVATE RESPONDENTS NO.4&5 BEING JUNIOR TO THE APPELLANT WERE PROMOTED TO THE POST OF SECONDARY SCHOOL TEACHER (BPS-16) AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

filed to-day

Registrar

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 08.06.2018 MAY KINDLY BE SET ASIDE AND THE RESPONDENT DEPARTMENT MAY FURTHER BE DIRECTED TO CONSIDER THE APPELLANT FOR PROMOTION TO THE POST OF SECONDARY SCHOOL TEACHER (BPS-16) FROM THE DATE WHEN HIS JUNIORS WERE PROMOTED. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.

2

RESPECTFULLY SHEWTH:

FACTS:

1. That the appellant was appointed on 30.06.1997 in the respondent department, while the private respondents No.4 & 5 were appointed on 30.06.1997 and on 24.04.1998 respectively. The appellant is at S. No. 1049, while the private respondents No.4&5 are at S. No.1050 and 1092, which is evident from the working paper for promotion to the post of SST, meaning by the appellant is senior to private respondents No.4&5. **(Copy of working paper is attached as Annexure-A)**
2. That the appellant since from his appointment has good service record and has performing his duty with great devotion and honesty whatsoever assigned to him and no complaint has been filed against regarding his duty.
3. That different quotas have been fixed by the department for promotion to the post of Secondary School Teacher SST (BPS-16) in which 20% quota is also assigned for Primary School Teacher. **(copy of rules is attached as Annexure-B)**
4. That the respondent department issued the notification dated 08.06.2018. Wherein private respondent No.4&5 were promoted to the post of Secondary School Teacher (BPS-16), while the appellant being senior to respondent No.4&5 was deprive from his legal right of promotion to the post of Secondary School Teacher (BPS-16). The said notification was received by the appellant on 13.03.2019 through an application. **(Copies of notification dated 08.06.2019 and application are attached as Annexure-C&D)**
5. That the appellant filed departmental on 06.04.2019 against the impugned promotion order, which was not responded within the statutory period of ninety days. **(Copy of departmental appeal is attached as Annexure-E)**
6. That now the appellant comes to this august Tribunal on the following grounds amongst others.

GROUND:


- A) That not taking action on the departmental appeal of the appellant and the impugned order dated 08.06.2018 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.

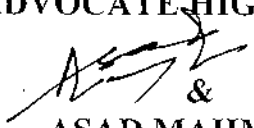
- B) That the appellant was senior to the private respondent No.4&5, but despite that private respondent No.4&5 being juniors to the appellant were promoted, which is violation of law and rules.
- C) That the appellant has good service record and also eligible for promotion to the post of SST (B-16), but despite that juniors to the appellant were promoted which is violation of norms of justice and fair play.
- D) That depriving the appellant from his legal right of promotion to the post of Secondary School Teacher (BPS-16) will also affect his future promotion, which will cause great financial loss in the shape of pension and other monetary benefits.
- E) That promoting juniors to the appellant through impugned order dated 18.06.2018 is clear violation of Superior Courts judgments and rules and the impugned order is liable to be set aside.
- F) That the appellant was not treated in accordance with the law and ruled and has been deprived from his legal right of promotion in arbitrary manner.
- G) That the appellant seeks permission to advance others 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.


APPELLANT
 Younas Khan

THROUGH:


TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)


 &
ASAD MAHMOOD
(ADVOCATE HIGH COURT)

Handwritten signature and initials.

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) NOHSEHRA
 Working Papers for departmental promotion committee for the promotion of SPS1, PSHT to SST (Maths, Phy) B-16W/
 Total No. of Vacant SST (Maths, Phy) Posts

Method of recruitment	Total Posts
25% by initial recruitment	1
75% by promotion	
20% by promotion from SPS1, PSHT	

S No	New S No.	Old SEN No	Name of official	F/Name	Present place of posting	BPS	Academic Qualification	Professional/Qualification	DOB	Date of taking over charge	Date of appointment at Regular PST	Side	General Remarks	Remarks by DPC Committee
1	790	956	Alam Zeb	Rahim Khan #	R/S Pitaww Payan No 1	14	BSC	PTC/CT/B.Ed	09/09/1968	17/04/1994	17/04/1994	Charabad	B Sc Result Declared on 32618 after court	
2	835	1141	Amnur Rahman	Zada	BPS Barikabad	14	BSC	PTC/CT/B.Ed	03/01/1970	14/04/1990	25/05/1995	Akora	Double Maths. English= Obtained Marks/Total marks=233/SSO (3 rd Div) and Physics Additional	
3	1043	1408	Zaibullah Khan	Zainud Ullah	GPS No. 5 Dag Belisud	14	BSC	PTC/CT/B.Ed	13/12/1974	24/06/1997	24/06/1997	Jaloza		
4	1047	1412	Amin Muhammad	Adil Muhammad	AZakinel Payan GPS No. 1	14	BSC	PTC/CT/B.Ed	01/01/1968	28/06/1999	28/06/1997	Nsr Cantt		
5	1049	1420	Yousaf Khan	Shir lang	GPS PK. No. 1	14	BSC	PTC/CT/B.Ed	20/03/1973	30/06/1997	30/06/1997	nsr Cantt	Not included in court case	?
6	1050	1421	Asif Khan	Rahmani GUJ	Choki Daul	14	BSC	PTC /B Ed/M.Ed	01/05/1973	30/06/1997	30/06/1997	Pabda		
7	1092	1477	Riaz Muhammad	Fager Muhammad	Ab Shah GPS No. 2	14	MSc	PTC/CT/B.Ed	01/04/1975	24/04/1998	24/04/1998	Pabbi		
8	1173	1569	Naseer Muhammad	Faqeer Muhammad	no. 1	12	MA, BSC	PTC/CT/B.Ed	13/04/1973	03/01/2000	03/01/2000	Pabbi		
9	1265	1667	Mubashir Shah	Abdul Karim	GPS talab	12	MSc	PTC	01/08/1980	25/05/2012	25/05/2012	nsr Cantt		
10	1266	1668	All Zaman	Berradar Khan	GPS Gulbahar Payal	12	MSc	C. I. M. ED	02/03/1981	25/05/2012	25/05/2012	Risipur		
11	1296	1698	Abdul Wadood	Abdul Shakoor	Positum Gur GPS	12	MSc	PTC. CT	01/02/1981	26/05/2012	26/05/2012	Pabbi		
12	1314	1717	Aziz Khan	Imwar Khan	Choki Drah GPS No. 1	12	MSc M Phil	PTC. CT/B Ed. M.Ed	02/04/1980	28/05/2012	28/05/2012	Pabbi		

Better

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No	Name	Grade	Qualification	Age	Experience	Remarks
13	1135	1231	GRADUATE	38	12	REGULAR
14	1136	1135	REGULAR	40	12	REGULAR
15	1141	1150	PHD	42	12	REGULAR

Certificate:

It is certified that all the SPST, PSHT(s) included in the panel for the promotion to SST (Admin, Phys) Posts.

- a) Hold the post on regular basis and none of them is holding the post on adhoc/acting charge basis/contract
- b) Have completed the required minimum length of qualifying service and qualifications as required for promotion to the post of SST (Admin, Phys) under the Rules
- c) None of them is on deputation to any organization under the Federal/Provincial/Autonomous/Semi autonomous/International Organizations.
- d) Neither any disciplinary/departamental proceedings/act corruption/judicial enquiry is pending against them nor has any penalty been imposed upon any one of them.
- e) No one is on long leave /ex-Pakistan leave.
- f) Their ACBs, Synopsis are free from adverse remarks.
- g) They are all alive and serving.
- h) Their appointment orders against PSTS posts are attached herewith.
- i) The seniority list of B-14/B-15 officials is final undisturbed and not subject to the Departmental Promotion Committee is requested to determine the suitability of the above SPST, PSHT for promotion to SSI S-15 post with immediate effect.

District Education Officer(M)
Muzaffargarh

Better Copy

5/A

13.	1325	1734	Wahid Saïd	Saïd	G.P.S.	12	M.Sc. Maths	P.T.C. C.T. M.Ed	13/01/1981	23/05/2012	Akora		
14.	1331	1331	Waqar Hussain	Amin Khan	Khan Sher Gani G.P.S	12	M.Sc	P.T.C. C.T. M.Ed	01/09/1981	28/05/2012	Akora		
15.	1345	1345	Zar Muhammad Khan	Salamat Khan	G.P.S. Tari Colony	12	B.Sc., B.Ed. Chem	P.T.C. B.Ed.	13/02/1988	28/05/2012	Akora		

CERTIFICATE:

It is certified that all the SPST, PSHT (A) included in the panel for the promotion to SST (Maths, Phy) Posts

- Hold the Post on regular basis and none of them is holding the post on adhoc/acting charge basis/contract.
- Have Completed the required minimum Length of qualifying service and qualifications as required for promotion to the post of SST (Maths, Phy) under the rules
- None of them is on deputation to any Organization under the Federal/ Provincial/Autonomous/Semi Autonomous/International Organization
- Neither any disciplinary/Departmental Proceedings/In Corruption Judicial Enquiry is pending against them nor has any penalty been imposed upon any one of
- No One is on long leave/Ex-Pakistan Leave.
- Their ACRs, Synopsis are free from adverse remarks.
- They are all alive and serving.
- Their appointment orders against PSTs posts are attached herewith.
- The Seniority list of B-14, B-15 officers is final, undisputed and not subject to the departmental promotion committee is requested to determine the suitability of the above SPST, PSHT for promotion to SST B-16 post with immediate effect.

B
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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 FS 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	(v) 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.

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1A	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</p> <p>(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 renumbered, for the existing criteria, 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), Or (b) (Physics, Maths "A" or "B" or Statistics) Or (c) (Humanities and other equivalent groups at degree level with English as compulsory subject;</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>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>

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				<p>Provided that 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:</p> <p>(c) <u>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:</u></p> <p>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:</p> <p>(d) <u>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:</u></p>
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(4)

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El length is not complete. There is active change here.

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(5)			<p>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:</p> <p>(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:</p> <p>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;</p> <p>(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:</p> <p>Provided that if no suitable candidate is available from amongst</p>	

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			<p>Primary School 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:</p> <p>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</p> <p>(ii) twenty five percent by initial recruitment.</p> <p>Note:</p> <p>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.</p> <p>ii. Posts of General SST and SSTs - Science and SST-2 Science shall be filled by promotion or initial recruitment, each on need basis separately.</p>
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(6)

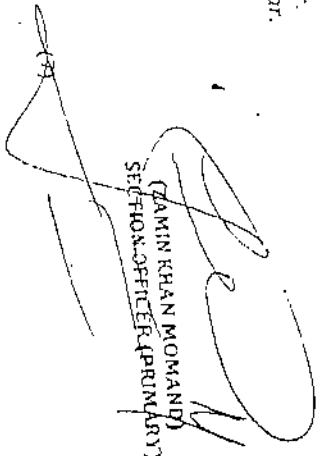
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SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

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, Public Service Commission Peshawar.
4. The Secretary Khyber Pakhtunkhwa, Law Department Peshawar.
5. The Secretary 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, (PTE) Khyber Pakhtunkhwa Peshawar.
11. The Director, ESRU Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
12. The Director, ESRU Printing Press Khyber Pakhtunkhwa Peshawar.
13. The Director, EMIS (SR&SE) Department Khyber Pakhtunkhwa Peshawar.
14. Manager Government Printing Press Khyber Pakhtunkhwa Peshawar.
15. The Deputy Director, EMIS (SR&SE) Department Khyber Pakhtunkhwa Peshawar.
16. All District Account Officer in Khyber Pakhtunkhwa.
17. All District Account Officer in FATA.
18. All Agency Education Officer in FATA.
19. All Agency Account Officer in FATA.
20. All Agency Account Officer in FATA.
21. PS to Governor Khyber Pakhtunkhwa, Peshawar.
22. PS to Chief Minister Khyber Pakhtunkhwa, Peshawar.
23. PS to Governor Khyber Pakhtunkhwa, Peshawar.
24. PS to Chief Minister Khyber Pakhtunkhwa, Peshawar.
25. PS to Minister E&SE Khyber Pakhtunkhwa, Peshawar.
26. PS to Secretary E&SE Khyber Pakhtunkhwa, Peshawar.
27. PS to Secretary E&SE Khyber Pakhtunkhwa, Peshawar.
28. PS to Secretary E&SE Khyber Pakhtunkhwa, Peshawar.
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99. PS to Secretary E&SE Khyber Pakhtunkhwa, Peshawar.
100. PS to Secretary E&SE Khyber Pakhtunkhwa, Peshawar.


(JAMN KHAN MOMAND)
SECTION OFFICER (PRINCIPAL)

12



Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

Notification

Consequent upon the recommendations of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification NoSO(PE)/4-5/SSRC/Meeting/2013/Teaching Cadre dated 2nd July 2014, the following SCTs/CTs, SDMs/DMs, SA's/ATs, SITs/TTs, Senior Qaris/Qaris, PSHTs/SPSTs/PSTs are hereby promoted to the post of SST (Bio-Chem) SST (Phy-Maths), SST (General) noted against each BPS-16 (Rs. 12910-1035-43960) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and condition given below with effect from the date of their taking over charge and further they will be posted by the District Education Officer concerned.

A. SST (Phy-Maths)

PROMOTION OF PSHT/SPST/PST TO SST (Phy-Maths) BPS-16

Total No. vacant posts of SST (Phy-Maths)	04
25% share initial recruitment	0
75% share for Promotion.	04
20% Share of promotion of PSHT/SPST/PST	04
Posts available for promotion	04
Promoted through this order	04

S. No	S.L. No	Name of Official	Present Place of Posting	Date of Birth	Date of Applt. As Regular Post	Qualification	Remarks
1	103	Zaimullah Khan	GPS No.5 Dag Behsud	12/12/1974	24/6/1997	BSc/B.Ed	Services placed at the disposal of DEO (M) Nowshera for further posting against SST (Phy-Maths) post
2	104	Amir Muhammad	GPS No.1 Azakhel Payan	1/1/1968	28/6/1997	BSc/B.Ed	-----do-----
3	105	Asif Khan	GPS Amankot	1/5/1973	30/6/1997	BSc/B.Ed	-----do-----
4	109	Riaz Muhammad	GPS Ali Shah	1/4/1975	24/4/1998	BSc/B.Ed	-----do-----

Terms and conditions:-

- 1 He would be on probation for a period of one year extendable for another one year.
- 2 He will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 3 His services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be proceeded under the rules framed from time to time.
- 4 Charge report should be submitted to all concerned.
- 5 His Inter-Sc. seniority on lower post will remain intact.
- 6 No TA/DA is allowed for joining his duty.
- 7 He will give an undertaking to be recorded in his service book to the effect that if any over payment is made to him in light this order will be recovered and if he is wrongly promoted he will be reversed.
- 8 He will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 9 Before handing over charge once again their document may be checked if he has not the required relevant qualifications as per rules, he may not be handed over charge of the post.

(Farid Ahmad Khattak)
Director
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

1742-47

14

8/6/2018

Encl: No. / File No. 2/Promotion SST B-16: Dated Nowshera the
Copy forwarded for information and necessary action to the: -

1. Accountant General Khyber Pakhtunkhwa Nowshera.
2. District Education Officer (Male) Nowshera.
3. District Accounts Officer Nowshera.
4. Official Concerned.
5. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department
6. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
7. M/File.

[Signature]
 Dy: Director (I. Staff)
 Elementary and Secondary Education
 Khyber Pakhtunkhwa Peshawar

Received on 14-3-2019

[Signature]
 14/3/2019

(15) D-15
خدمت جنات ڈسٹرکٹ ایجوکیشن آفیسر (میل) نوشہرہ - ج

درخواست نمبر 8-6-2018 وصولی آرڈر

Emdset No: 1742-47

جنات عالی

موردانہ گزارش ہے کہ ڈسٹرکٹ ایجوکیشن آفیسر (Establishment)

8-6-18 کو آرڈر پاس کیا ہے جس میں آصف خان
اور ریاض محمد جو کہ محکمہ سے جو نیٹر ٹو کو SST پوسٹ
پر موصول کر دیئے گئے ہیں

انکی پر موشن آرڈر بتاریخ 8-6-2018 کی کاپی درکار ہے

الغرض

پوسٹ خان، spst،
جی پی ایس، بنیادی کمیٹی
صلاح و کفیل نوشہرہ

Dairy No. 13 dt 14-03-2019
O/O The DEO (M) NSR

(B) E

محفوظ جناب ڈی ای او صاحب ایڈمنسٹریٹو ایڈ سٹینڈری حیدر آباد
دینخواست بابت محکمہ پر موشن برائے
Math, Physics SST

جناب عالی

ADFOCP (P) 17/4/19

گزارش ہے سائل 23 جن 1997 سے محکمہ فزس PST اساتذہ
طوریہ کام کر رہا ہوں سائل 2014 سے SST پر موشن سلیڈ اپل
ہے اب دفتر فزس نے کورٹ کس کے روشنی کے نظر میں سائل

جونئر ڈو PST اساتذہ کی SST (Math, Physics) پر
پر موشن کر دئے گئے ہیں۔ جناب عالی سائل کا حق مارا گیا
جونئر اساتذہ کی نییاری لسٹ حسب ذیل ہیں۔

تاریخ تعیناتی	تاریخ پیدائش	GPS	نام
T.O. Charge 30-6-1997	1050	امان کوٹ	① آصف خان
24/4/1998	1092	علی شاہ	دین ریاض محمد

جس کے سائل کے کوائف مندرجہ ذیل ہیں۔

تاریخ تعیناتی	تاریخ پیدائش	GPS	ولد	نام
T.O. Charge 30/6/1997	1049	بیلاوی کھیل	شیر جنگ	لولس خان
	20:3:1973			

مندرجہ بالا امور کو مد نظر رکھ کر
سائل کیلئے محکمہ حق کو تسلیم کرنے الصاف دلا جائے

زیادہ تر عائیں و آداب!

لولس خان ولد شیر جنگ

0316 1835092
0306 2549720

Dairy No 481
OIO The DEO (M) NSR

ADP Estab

امین

VAKALAT NAMA

17

NO. _____/2019

IN THE COURT OF Service Tribunal Peshawar

Younas Khan (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Deptt: (Respondent)
(Defendant)

I/We, Younas Khan

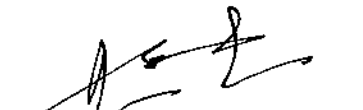
Do hereby appoint and constitute **Taimur Ali Khan, Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

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. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.


Dated _____/2019



(CLIENT)


Asad Mahmood
Advocate

ACCEPTED


TAIMUR ALI KHAN
Advocate High Court
BC-10-4240
CNIC: 17101-7395544-5
Cell No. 0333-9390916

OFFICE:
Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar

**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal No: 1042/2019

Younas Khan vs Education Department.

REPLY/PARA-WISE COMMENTS

ON BEHALF OF RESPONDENT

NO1, 2 & 3.

Respectively Sheweth,

That the respondents 1 to 3 submits
as under:-

Preliminary Objections

1. That the Appellant has no cause of action/locus standi to file the instant appeal.
2. That the present Appeal is bad for non-joinder and mis-joinder of necessary parties.
3. That the instant appeal is badly time barred.
4. That the appellant has concealed material facts from this honorable service tribunal.
5. That the appellant is estopped by his own conduct, by deed and by law to file the instant appeal.
6. That the instant appeal is not maintainable in its present form.
7. That the present appeal is infructuous as the appellant has already been promoted to SST after he fulfilled the required criteria by making departmental appeal duly submitting his file.

Factual Objection

- ① Para No.1 is partially correct. The appellant has been duly dropped from seniority list of promotion due to the non-submission of his file and necessary documents before the DPC which is a mandatory condition to scrutinize the eligibility of employee for that reason respondent No.4 & 5 got promoted

however the appellant has also now been promoted to SST by filing departmental appeal and after providing of his file and necessary documents. (Copy of promotion order is annexed as annexure "A").

2. Para No.2 correct subject to proof.
3. Para No.3 is correct hence need no comments.
4. Para No.4 is partially correct the appellant was dropped from promotion due to the non-submission of his file and necessary documents. However the appellant has also now been promoted to SST by filing departmental appeal and after providing of his file and necessary documents.
5. That the departmental appeal has been accepted and the appellant has been promoted to the SST after he provided his file and necessary documents for scrutinize his position.
6. That para No.6 is incorrect, the appellant has no cause of action to file the instant appeal.

ON Grounds:

A. Incorrect, the petitioners was treated in accordance with law & rules. He was dropped due to non-submission of his file and necessary documents and now got promoted to SST when he file Departmental Appeal and fulfill the required criteria.

B. In-correct, the appellant has also been promoted to the post of SST respondent No.4 and 5 were duly promoted by fulfilling the required criteria while the appellant failed to provide his documents in mandatory time and later on after filing departmental appeal and fulfilling the requirements has now been promoted to SST.

C. Para "C" is incorrect, as already explained in the above para's.

D. Para "D" is incorrect, as already explained in the above para's.

E. Para "E" is incorrect, as already explained in the above para's.


F. Para "F" is incorrect, the appellant has been treated with accordance to law & rules.


G. Para "G" Respondents also seek permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that on acceptance of the above reply instant appeal may very graciously be dismissed in favor of the respondents department.

Respondents:


1. Secretary to govt. of KPK E&SE Department


2. Director elementary and secondary education department
KPK


3. District Education Officer (M), Nowshera



OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA

☎ 0923-9220228 ☎ 0923-9220228 ✉ emisnowshehra@yahoo.com

POSTING ORDER

In pursuance of the Notification issued by the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar vide Endst: No. 8493-98/File No.1/ Promotion SST B-16 date Peshawar the 07-02-2020, the postings of the following newly promoted SST (G), SST(B/C) and SST(P/M) Male BPS-16 @ (Rs.18910-1520-64510) respectively, plus usual allowance as admissible under the rules on regular basis under the existing policy of provincial Government, are hereby ordered in the schools noted against each, on the terms and conditions given below in the interest of public service with immediate effect.

A. SST (General)

1. Promotion of Sr. CT / CT to SST (General) BPS-16

S#	S.L. #	Name & Designation	Present School	Place of Posting	Remarks
01	18	Abdul Wahab	GHSS Khair Abad	GHSS Khair Abad	A.V.P
02	40	Inayat ur Rahman	GHSS AC Centre	GHS Dheri Katti Khel	A.V.P

2. Promotion of PSHT to SST (General) BPS-16

01	265	Safdar Ali	GPS No:1 Banda Nabi	GMS Kishti Pul	A.V.P
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3. Promotion of PSHT/SPST/PST to SST (B/C) BPS-16

01	1711	Zar Muhammad Khan	GPS Taj Colony	GHSS Mali Khel Bala	A.V.P
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4. Promotion of Sr CT/CT to SST (M/P) BPS-16

01	80	Mian Abdul Ahad Shah	GHS Pabbi	GHS Pabbi	A.V.P
02	262	Abdur Rashid	GSSSHSS Dak Ismail	GSSSHSS Dak Ismail Khel	A.V.P

5. Promotion of PSHT/SPST/PST to SST (M/P) BPS-16

01	973	Alam Zeb	GPS No: I Pitaow Payan	GHSS Pir Sabaq	A.V.P
02	1419	Younas Khan	GPS Pahari Katti Khel	GHS Kana Khel	A.V.P

Terms & Conditions:

1. They will be on probation for a period of one year Extendable for another one year.
2. They will be governed by such rules and regulation as may be issued from time to time by the Government.
3. Their services can be terminated at any time; in/ case their performance is found unsatisfactory during probation period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
4. The Principals / Head Master / Drawing & Disbursing Officers should checked their original documents (Academics + Professional) before handing over charge.
5. The Principals / Head Masters / Drawing & Disbursing Officers are required to submit their necessary documents for verification to District Education Officer (Male), Nowshera along with original payee receipt.
6. The Principals / Head Masters / Drawing & Disbursing Officers should not release their pay in BPS-16 until and unless their necessary documents are verified from the Universities.

concerned. During the verification process, if any Degree / Certificate is found fake / bogus, their promotion shall stand cancelled.

7. The District Education Officer (Male), Nowshera will issue Clearance Certificate after the verification process.
8. Charge Report should be submitted to all concerned.
9. Their Inter-Se-Seniority on lower post will remain intact.
10. No TA / DA is allowed for joining their new post.
11. They will give an undertaking to be recorded in their Service Books / File to the effect that if any overpayment is made to them in light of this order will be recovered and if anyone is wrongly promoted him shall be reversed.

(Sajjad Akhtar Iqbal)

District Education Office (Male)
Nowshera

Eandst: No. 8076 - 2106 /DEO (M) NSR/EA-S/Prom: of SSTs. Dated Nowshera the 18/02/2020.
Copy of the above is forwarded for information to the: -

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar w/r to Notification No. quoted above.
2. District Accounts Officer, Nowshera.
3. Deputy District Education Officer (Male), Nowshera.
4. District Monitoring Officer (IMU) Nowshera.
5. Sub Divisional Education Officer (Male), Nowshera.
6. Assistant District Education Officer - Establishment (Primary & Secondary), Local office.
7. Superintendent - Establishment (Primary & Secondary), Local office.
8. Dealing Assistant - Establishment (Primary & Secondary), Local office.
9. Assistant Programmer D-EMIS, local office.
10. Accountant, Local office.
11. Officers concerned.
12. Master File.

District Education Officers (Male)
Nowshera