

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

Service Appeal No: 898/2023


**Ghulam Sarwar, Assistant Director (Admn) DCTE Abbottabad
.....Appellant.**

VERSUS

Chief Secretary, Govt; of Khyber Pakhtunkhwa & others.....Respondents

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Assistant Director (Lit: II)
E&SE Khyber Pakhtunkhwa,
Peshawar

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No: 898/2023

**Ghulam Sarwar, Assistant Director (Admn) DCTE Abbottabad
.....Appellant.**

VERSUS

Chief Secretary, Govt; of Khyber Pakhtunkhwa & others.....Respondents

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

Respectfully Sheweth :-

The Respondents submit as under: -

PRELIMINARY OBJECTIONS.

- 1 That the appellant has got no cause of action /locus standi.
- 2 That the appellant is not an aggrieved person within the meaning of Section-4 of Khyber Pakhtunkhwa Service Tribunal Act 1974 read with Article 212 of the constitution of Islamic Republic of Pakistan 1973.
- 3 That the instant Service Appeal is badly time barred under Law of limitation Act 1908.
- 4 That the appellant has concealed material facts from this Honorable Tribunal.
- 5 That the instant service appeal is based on malafide intentions.
- 6 That the appellant has not come to this Honorable Tribunal with clean hands.
- 7 That the appellant is not entitled for the relief to the extent of grant of promotion as Assistant Director w.e.f. 08-01-1997 under the Rules & policy & the Respondent Department & has correctly been promoted vide Notification dated 29-08-2014 by the Respondent Department.
- 8 That the instant Service Appeal is against the prevailing Law, Rules and policy as the Judgment dated 27-02-2023 in Service Appeal No. 4980/2021 under the above said titled implemented vide Notification dated 28-03-2023 by the Respondents in its true letter in spirit.
- 9 That the appellant has been treated as per law & policy by the Department by rejecting the Departmental appeal against the Notification dated 28-03-2023 on merits of the case by the respondent Department.
- 10 That the appeal is not maintainable in its present form as he has been treated under the Rules & policy in vogue vide Notifications dated 29-08-2014 & 28-03-2023 by the Respondent Department in compliance of the Judgment dated 27-02-2023 of this Honorable Tribunal.

- 11 That the appeal is bad for mis-joinder & non-joinder of the necessary parties.
- 12 That the appellant is not entitled for promotion as Assistant Director w.e.f. 08-01-1997 & has correctly promoted against the said post on 29-08-2014 by the Department.

ON FACTS

- 1 That Para-1 pertains to the service record of the appellant against the senior scale stenographer post inducted vide order dated 01-02-1979 & later on promoted to the post of superintendent post on dated 11-01-1988, hence, the claim of the appellant is regarding his induction as junior Clerk is based on mala fide as this material facts has been concealed by the appellant in his previous service appeal No. 4980/2021 under the said titled decided vide judgment dated 27-02-2023 with the direction to the department for disposal of his Departmental appeal vide Notification dated 28-03-2023 under the Rules & policy. **(Copies of the Judgment dated 27-02-2023 & Notification dated 28-03-2023 are attached Annexure-A & B).**
- 2 That Para-2 is correct, that the appellant was promoted to the post of B&AO in BPS-16 by the Department vide order dated 11-01-1988.
- 3 That Para-3 is correct to the extent of final seniority list as stood up to 31-08-2013 of B&AOs attached as **Annexure-C**, maintain by the Respondent Department under the Rules.
- 4 That Para-4 is incorrect & misleading on the grounds that though the appellant was allowed selection grade (BPS-17) (P) vide Notification dated 30-10-1993, however, it is further submitted that there was no vacant post of Deputy Director (BPS-18) regular available for the ministerial staff in the Respondent Department upon which the appellant could be adjusted against the above-mentioned post. Hence the stand of the appellant is also liable to be dismissed. **(Copy of the Notification dated 07-05-2002 as Annexure-D).**
- 5 That Para-5 pertains to the service record of the appellant regarding his move over from BS-16 to 17 & from BPS-17 to 18 w.e.f 01-12-1993 and 01-12-1997 respectively by the Department. Which is subject to the production of cogent proof & justification by the appellant before this Honorable Tribunal.
- 6 That Para-6 is correct to the extent that as per Notification No. SO(PE)/4-A/SSRC/ Ministerial staff/2013 dated 28-01-2013 the mood & manner of promotion to various ministerial staff including the Assistant Director (F&A) BPS-16 has been described & followed by the Department to the extent of the adjustment of Ministerial staff upon the said post under the relevant Rules & criteria.
However, it is further submitted that there was no vacant post of Deputy Director (BPS-18) regular available for the ministerial staff in the Respondent Department upon which the appellant could be adjusted against the above-mentioned post. Hence the stand of the appellant is also liable to be dismissed. **(Copy of the Rules dated 28-01-2013 is Annexure-E).**
- 7 That Pra-7 is also incorrect & denied on the grounds that the act of the Department with regard to the adjustment of Assistant Directors (Admn) & (F&A) is within legal sphere as the stand of the appellant is without any proof

& legal justification, however, it is further submitted that the appellant has got retired from official service against the AD (Admn) post on the completion of his 60 years of age /superannuation, hence, the Notification No. SO(PE)4-10/SSRC/Ministerial Staff/2013 dated 28-01-2013 is not applicable upon the case of the appellant in the given circumstances of the case, hence the plea of the appellant regarding working against the Deputy Director post (Admn) as baseless & without any legal justification.

- 8 That Para-8 is incorrect & denied on the grounds that the appellant has correctly been promoted to the post of assistant Director (BPS-17) vide Notification dated 29-08-2014 instead of w.e.f. 08-01-1997 is in accordance with law, rules & policy in vogue, hence, the claim of the appellant is illegal & not sustainable in the eyes of law. **(Copy of the Notification dated 29-08-2014 is attached as Annexure-F).**
- 9 That Para-9 is incorrect to the extent of filing of Departmental appeal against the Notification dated 29-08-2014, whereby, he has been promoted as Assistant Director in BPS-17 by the Department under the Rules. Therefore, the Notification dated 29-08-2014 has got final against the appellant under the Law, where against, the appellant filed the cited appeal before this Honorable Tribunal & was finally decided & remitted to the Department for disposal of his appeal for anti-dation of promotion w.e.f. 08-01-1997, hence the appeal of the appellant was decided on 22-03-2021, where against, another service appeal No. 4980/2021 under the above said titled was filed by the appellant which was also remitted to the Department as representation & finally disposed of vide Notification dated 28-03-2023 under the Rules & policy by the Department. **(Copies of the Notification dated 22-03-2021 & Judgment dated 09-04-2019 are attached as Annexure-G & H).**
- 10 That Para-10 is Correct that vide Judgment dated 09-04-2019 the case of the appellant was remitted to the Department for disposal the appeal of the appellant which was decided by the competent authority in shape of dismissal on merits of the case & copies of the Judgment dated 09-04-2019.
- 11 That Para-11 is incorrect on the grounds that vide order dated 28-03-2023 the Departmental appeal of the appellant has been decided by the Respondent No.2 as per Judgment dated 09-04-2019 & was dully communicated to the appellant, hence, the plea of the appellant & misleading. However, rest of the para pertains to the record of this Honorable Tribunal
- 12 That Para-12 is correct that vide Notification dated 28-03-2023, the Departmental appeal of the appellant was rejected on merits of the case by the competent authority, hence the appeal of the appellant is liable to be dismissed on the following grounds inter alia: -

ON GRONDS

- A **Incorrect & not admitted.** The Notification dated 28-03-2021 is legal, hence, the statement of the appellant is against the law, rules & policy as submitted in the foregoing Paras in the instant reply, hence the case of the appellant is of no legal force & liable to be dismissed.
- B **Incorrect & not admitted.** The statement of the appellant is baseless & is liable to be dismissed.

- C **Incorrect & not admitted.** The statement of the appellant in this para is too baseless, hence liable to be rejected in view of the above made submission in the facts of the case by the Department.
- D **Incorrect & not admitted.** The plea of the appellant is without any plausible substance & deserves rejections as no vacancy was available in the Department during the said period, hence, the stand of the appellant is illegal.
- E **Incorrect & not admitted.** on the grounds that there was no vacant post of B&AO in BS-17 regular available for the ministerial staff in the Respondent Department upon which the appellant was adjusted during the said period (09-03-2006) by the competent authority. Hence the stand of the appellant is also liable to be dismissed.
- F **Incorrect & not admitted.** The appellant has been treated as per law rules & policy by the Department, hence, his stand is illegal & liable to be rejected.
- G **Incorrect & not admitted.** The appellant has been treated as per law rules & policy by the Department.
- H **Incorrect & not admitted.** The appellant has been treated as per law rules & policy by the Department, hence, the cited judgment dated 18-08-2006 is not applicable upon the case of the appellant.
- I **Incorrect & not admitted.** As replied above.
- J **Incorrect & not admitted.** The statement of the appellant is against the facts of the titled case, hence, liable rejection.
- K **Incorrect & not admitted.** The appellant has been treated as per law rules & policy by the Department, hence, the cited case is not applicable upon the case of the appellant.
- L **Incorrect & not admitted.** The cited Notifications are not applicable upon the case of the appellant.
- M **Incorrect & not admitted.** The appellant has been treated as per law rules & policy by the Department, hence, not entitled for selection grade/move over in BS-17 w.e.f. 30-10-1993 & in BS-18 w.e.f. 01-12-1993 till 01-12-1198 under the rules in vogue.
- N **Incorrect & not admitted.** The cited Judgment dated 05-03-2010 in CP#35/2007 is also not applicable upon the case of the appellant.
- O **Incorrect & not admitted.** The direction of this tribunal rendered in service appeal 612/2008 is different in both question of law & facts of the case, hence, liable to be rejected. However, the Respondents No: 1-3 seek leave of this Honorable Tribunal to submit additional grounds & case law / record at the time of arguments on main appeal on the date fixed before this Honorable Bench.

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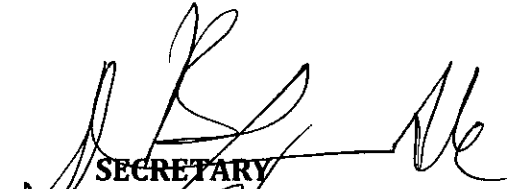
In view of the above made submissions, it is most humbly prayed that this Honorable Tribunal may very graciously be pleased to dismiss the instant Appeal with cost in favor of the Respondent Department in the interest of justice.

Dated ___/ ___/2023.



DIRECTOR

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



SECRETARY

E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondents No: 1 & 2)

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No: 898/2023

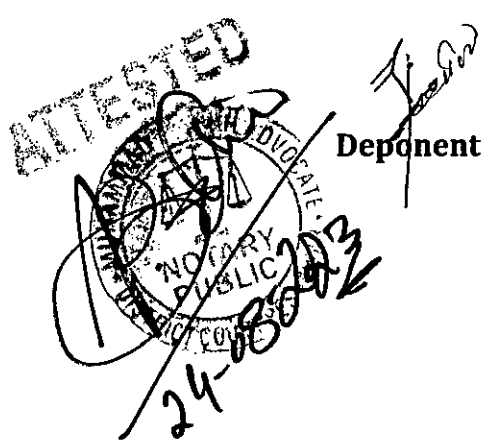
Ghulam Sarwar, Assistant Director (Admn) DCTE Abbottabad
.....Appellant.

VERSUS

Chief Secretary, Govt; of Khyber Pakhtunkhwa & others.....Respondents

AFFIDAVIT

L. Dr. Hayat Khan Assistant Director (Litigation-II) E&SE Department Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant para wise Comments are true & correct to the best of my knowledge & belief. It is further stated on oath that in this appeal the answering Respondents have neither been placed Ex-Parte nor their defense has been struck off/cost.

Deponent


(8)

(7)

Service Appeal No.4981/21 titled "Sherullah Vs. Chief Secretary Khyber
Pakhtunkhwa, Peshawar and two others".

Kalim Arshad Khan, Chairman:

27.02.2023

1. Learned counsel for the appellant Mr. Riaz Khan Paindakhel, learned Assistant Advocate General for respondents present.
2. Brief facts of the case are that appellant was promoted as Budget and Accounts Officer. In the meanwhile, the post of Assistant Director (Admin) became vacant which was allegedly to be filled out of the Budget & Accounts Officers, but instead, the post of Assistant Director (Admin) was occupied by Junior Superintendents/Officers of the Department. Being aggrieved, the appellant filed departmental appeal which was not responded to, hence, he filed Service Appeal No.1068/2015 which was decided by directing the respondents to decide the departmental appeal with speaking orders. Consequently, the respondents rejected the departmental appeal of the appellant, hence, the present service appeal.
3. Not only the order dated 22.03.2021 of the Secretary to the Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department but also the reply of the respondents are misconceived and not related to the prayer made in the departmental representation as well as in this appeal. This careless act on the irresponsible part of respondents has wasted a couple of years of the appellants. Therefore, while setting aside the order

SCANNED
K.P.U.
Peshawar.

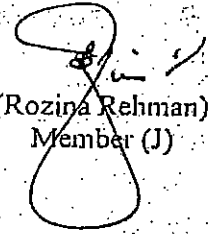
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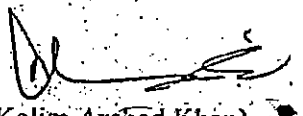
KALIM ARSHAD KHAN
CHAIRMAN
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT
PESHAWAR

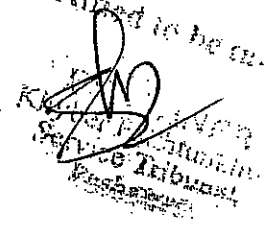
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dated 22.03.2021, we direct that the departmental representation of the appellant be properly decided within a period of 30 days but not later than 13th March, 2023 positively, failing which, a cost of Rs.100,000/- will be imposed upon the respondents to be recovered from their personal pay. Disposed of accordingly. Consign.

3. Pronounced in open Court Peshawar under our hands and seal of the Tribunal on this 27th day of February, 2023.


(Rozina Rehman)
Member (J)


(Kalim Arshad Khan)
- Chairman

Certified to be true copy

Khalid P. Khan
Secretary
Service Tribunal
Peshawar

Date of Presentation of Application 17/4/23
Number of Pages 2
Copying Fee 10/-
Urgent 15/-
Total 25/-
Date of Delivery of Copy 17/4/23



GOVERNMENT OF KHYBER PAKHTUNKHWA ELEMENTARY & SECONDARY EDUCATION DEPARTMENT, CIVIL SECRETARIAT BLOCC A PESHAWAR



NOTIFICATION

1. Whereas, the appellants namely Ghulam Sarwar & Sherullah Ex-Assistant Directors CASE Khyber Pakhtunkhwa Peshawar have filed Service Appeal No. 4980-II/2021 under case filed Ghulam Sarwar & Sherullah Ex-Assistant Directors CASE Khyber Pakhtunkhwa Peshawar under Section 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1973 etc. VS Chief Secretary & others under Section 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1973 against the Notification dated 29-08-2014, whereby, the appellants have been promoted from H-5 to H-17 as Assistant Director with immediate effect i.e. 29-08-2014 instead of 01-01-1997, the date of availability of vacancy of the post of Assistant Director (H-5-17).

2. And whereas, the above noted appeals of the appellants have been decided vide consolidated order judgment dated 27-07-2021 by the Honorable Service Tribunal, Peshawar, whereby, the Respondent No. 2 Secretary CASE Department Khyber Pakhtunkhwa has been directed to dispose of the pending Departmental Appeal filed 27-07-2021 by the appellants within a period of one month from the receipt of the order/judgment under reference.

3. And whereas, in this regard, Respondent No. 3 Director ESSE Khyber Pakhtunkhwa has submitted a comprehensive report vide No. 1404/A-23/15-Appeal/Sherullah dated 10-12-2019 in response to this office letter dated 17-10-2019, whereby, continuation of the appellants have been denied with the condition that the grievances of appellants pertaining to the period (1991) of Ex-Directors of Education (Schools) NWP, Peshawar will be letter on, bifurcated into two separate entities i.e. Director of Secondary Education NWP, Peshawar and Director of primary education NWP, Peshawar. Moreover, the one, Mr. Fazle Khalid (retired case of the appellant) was promoted to H-5-17 on regular basis on different nomenclatures as Assistant Director (private school) NWP, Peshawar in the year 1990-91 under the service rules of Government of Khyber Pakhtunkhwa, notified in the year 1978, superseded vide Notification No. 50 (PE)/4-10/SSR/Ministerial staff/2013 dated 20-01-2013.

4. And whereas, in the wake of retirement of Mr. Fazle Khalid Assistant Director (the retired case of the appellant), the Director of Secondary Education NWP, Peshawar and Director of Primary Education NWP, Peshawar were deprived as a result of deviation of powers plan in the year 2001 & the Director of School & Literacy NWP Peshawar now renamed as Director of ESSE Khyber Pakhtunkhwa Peshawar came into existence & thereafter all the appointments/promotions of all categories of Ministerial Cadre have been regulated under the Service Rules notified by ESSE Department vide Notification No. 50 (PE)/4-10/SSR/Ministerial staff/2013 dated 20-01-2013, whereunder, the appellants were also promoted as Assistant Director (Admin) & Assistant Director (TA) in H-5-17 on regular basis vide Notification dated 29-08-2014, hence, the very first promoters under the new/ revised Service Rules dated 20-01-2013.

5. Now therefore, in compliance of the order/judgment dated 27-07-2021 of the Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar in Service Appeal No. 4980-01/2021 & having gone through the pro & contra evidences of the case on record, the undersigned being a competent authority, in of the considered view that the appellants namely, Ghulam Sarwar & Sherullah Ex-Assistant Directors are not entitled for antedation of promotion as Assistant Director (H-5-17) w.e.f. 29-08-2014 in terms of Service Rules/Notification bearing Endri No. 50 (PE)/4-10/SSR/Ministerial staff/2013 dated 20-01-2013 & hence their Departmental Appeals for promotion in question are hereby stand rejected with immediate effect in the interest of the justice.

SECRETARY

Dated Peshawar the 27/7/2021

Encl: No. 9-1

- 1. Learned Magistrate Khyber Pakhtunkhwa Service Tribunal, Peshawar.
- 2. Learned A.A.C. Khyber Pakhtunkhwa Service Tribunal, Peshawar.
- 3. Deputy Director (Legal) ESSE Khyber Pakhtunkhwa Peshawar.
- 4. Official concerned.
- 5. PS in Secretary ESSE Department Khyber Pakhtunkhwa Peshawar.
- 6. Master file.

Section Officer (Schools/State)

CamScanner

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28/3/23

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Annex B

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✓ DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA, PESHAWAR.

 FINAL SENIORITY LIST OF BUDGET & ACCOUNT OFFICERS (B/16) IN AND UNDER THE DIRECTORATE OF ELEMENTARY & SECONDARY

 EDUCATION DEPARTMENT KHYBER PAKHTUNKHWA PREPARED UPTO 31.8.2013

Sl#	Name of Officer	Father's Name	Place of present Posting	Academic Qualification	Date of Birth	Domicile	Date of 1st entry into Govt- Service	Regular Promotion to the Present Post	Remarks
1	Ghulam Sarwar	Muhammad Suleman	DEO (M) A/Abad	BA	06-03-1956	Abbottabad	01-02-1979	11-01-1988	By Promotion
2	Sherullah	Karim Ullah	DEO (F) Mardan	BA	13-11-1955	Mardan	20-04-1980	01-06-1992	By Promotion
3	Umar Nawaz	Muhammad Salim Khan	DEO (M) Bannu	M.com	01-01-1961	Bannu	13-10-1984	25-01-2001	By Promotion
4	Musharaf Ali	Murtaza Ali	DE & SE Khyber Pakhtunkhwa Peshawar	BA	22-07-1962	Peshawar	04-03-1985	25-01-2001	By Promotion
5	Nasir Khan	Aminullah	DEO (M) NSR	BA	10-05-1960	Swabi	19-02-1979	31-07-2013	By Promotion
6	Muhammad Azam	Khalil-ur-Rehman	D C TE A/Abad	MA	01-01-1961	Mansehra	08-08-1979	31-07-2013	By Promotion
7	Inamullah	Muhammad Bakhs	DEO (M) D/I/Khan	M/BA	01-01-1956	D/I/Khan	11-07-1974	31-07-2013	By Promotion
8	Muhammad Ayub	Munir Khan	DEO (M) Haripur	BA	04-03-1954	Haripur	12-08-1973	31-07-2013	By Promotion
9	Sadiqullah	Amanullah	DEO (M) Chitral	Matric	06-01-1960	Chitral	25-08-1987	31-07-2013	By Promotion
10	Karim Shah	Wadan Shah	DEO (M) Mardan	BA	20-02-1958	Mardan	01-09-1987	31-07-2013	By Promotion
11	Adalat Khan	Mehbaran Shah	DEO (F) Charsadda	BA	02-01-1964	Peshawar	01-09-1987	31-07-2013	By Promotion
12	Taza Khan	Sargand Khan	DEO (F) Dir Lower	BA	15-06-1955	Dir	20-10-1979	31-07-2013	By Promotion
13	Ghulam Sarwar	Misri Khan	DCTE Abbottabad	MA	16-11-1956	Abbottabad	04-11-1979	31-07-2013	By Promotion
14	Zakir Khan	Faqir Khan	DEO (F) Abbottabad	Matric	03-01-1957	Abbottabad	21-03-1979	31-07-2013	By Promotion
15	Fazal Shah	Fazali Karim	DEO (F) Hangu	Matric	20-05-1957	Peshawar	05-02-1981	31-07-2013	By Promotion
16	Munirullah Shah	Mian Dilbar	DEO (F) Peshawar	BA	06-01-1964	Peshawar	20-12-1989	31-07-2013	By Promotion
17	Muhammad Ali	Lal Sardar	DEO (M) Hangu	BA	02-12-1966	Karak	20-12-1989	31-07-2013	By Promotion
18	Waliullah	Abdul Qahar	DEO (M) Swabi	MA	01-04-1954	Swabi	31-05-1973	31-07-2013	By Promotion
19	Mr. Sultan Ahmad	Rab Nawaz	DEO (F) DIK	FA	04-05-1954	D.I.Khan	03-05-1973	31-07-2013	By Promotion
20	Amin Jan	Saadullah Jan	DEO (M) Peshawar	BA	03-01-1966	Peshawar	22-12-1990	31-07-2013	By Promotion
21	Shamsul Islam	Sher Aziz	DEO (F) D/I/Khan	Matric	19-04-1954	Chitral	01-01-1974	31-07-2013	By Promotion
22	Rehmatullah	Niamat Ullah	DEO (F) Tank	Matric	01-05-1954	D/I/Khan	01-06-1974	31-07-2013	By Promotion

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23	Zarif Khan	Muhammad Usman	DE (FATA)	Matric	21-1-1955	Peshawar	01-06-1974	31-07-2013	By Promotion
24	Muhammad Zahoor	Abdul Ghaffar	DEO (F) Malakand	Matric	04-5-1955	Malakand	17-07-1974	31-07-2013	By Promotion
25	Lalifur Rehman	Hamayun	DEO (F) Chitral	Matric	15-5-1954	Chitral	10-01-1974	31-07-2013	By Promotion
26	Shafiqat Malik	Gulistan	DEO (F) Haripur	Matric	01-0-1956	Abbottabad	10-05-1974	31-07-2013	By Promotion
27	Liaqat Ali	Nousher Khan	DEO (M) Buner	Matric	09-0-1954	Mardan	15-10-1974	31-07-2013	By Promotion
28	Muhammad Ali	Fateh Muhammad	DEO (F) Battagram	Matric	04-0-1954	Mardan	11-01-1974	31-07-2013	By Promotion
29	Muhammad Amin	Rehmani Gul	DEO (M) Swat	Matric	25-3-1954	Swat	11-04-1974	31-07-2013	By Promotion
30	Abdul Majeed	Muhammad Khan	DEO (F) Kohat	Matric	12-0-1956	Kohat	12-04-1974	31-07-2013	By Promotion
31	Abdur Rashid	Mudasir Shah	DEO (F) NSR	Matric	12-0-1956	Mardan	01-02-1974	31-07-2013	By Promotion
32	Zahoor Ali	Habib Khan	DEO (M) Karak	Matric	06-0-1955	Peshawar	16-01-1975	31-07-2013	By Promotion
33	Khog Badshah	Abdul Mutalib	DEO (M) Shangla	Matric	16-0-1955	Malakand	03-01-1975	31-07-2013	By Promotion
34	Haroonur Rashid	Maqbulur Rehman	DEO (M) Battagram	Matric	11-0-1957	Haripur	29-06-1975	31-07-2013	By Promotion
35	Fazali Rehman	Ainul Qazat	DEO (F) Lakki	Matric	05-10-1955	Chitral	07-01-1975	31-07-2013	By Promotion
36	Ubaidullah	Abdullah Jan	DEO (M) Kohat	Matric	07-1-1956	Kohat	07-12-1975	31-07-2013	By Promotion
37	Walayat Khan	Baz Muhammad	DEO (M) Mansehra	Matric	15-11-1956	Peshawar	09-11-1975	31-07-2013	By Promotion
38	Faridullah	Fatebullah	DE-FATA Peshawar	Matric	06-1-1956	Peshawar	13-09-1975	31-07-2013	By Promotion
39	Ihsanullah	Hanimullah	DEO (F) Buner	Matric	03-01-1958	Mardan	18-09-1975	31-07-2013	By Promotion
40	Abdul Sattar	Abdul Rashid	DEO (F) Shangla	Matric	04-01-1957	Swat	15-10-1975	31-07-2013	By Promotion
41	Adam Sher	Juma Gul	DEO (M) Dir	Matric	02-1-1953	Dir	17-11-1975	31-07-2013	By Promotion
42	Jamilur Rehman	Khalilur Rehman	DEO (F) Mansehra	Matric	15-01-1956	Mansehra	17-11-1975	31-07-2013	By Promotion
43	Ghulam Muhammad	Muhammad Umer	DEO (M) Torghar	Matric	15-12-1955	Malakand	20-11-1975	31-07-2013	By Promotion
44	Jehan Zeb	Abdur Rehman	DEO (F) Swabi	BA	02-03-1961	Swabi	08-10-1981	31-07-2013	By Promotion
45	Mukhtiar Khan	Ghulam Sarwar	DEO (M) Charsadda	BA	16-1-1962	Peshawar	17-10-1981	31-07-2013	By Promotion

A
B

Director Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

SNO. 56

Anna

B

12

OFFICE OF THE DIRECTOR SECONDARY EDUCATION, NWFP PESHAWAR.
 NOTIFICATION/S/GRADE.

Consequent upon the approval of Departmental Promotion Committee in its meeting held on 12/12/2001, the following AEDO(A)/Budget Officer, Audit Officer, Accounts Officer BPS NO.16 of Education Department are hereby placed in B-17, Selection Grade 33% of the total posts of AEDO(A) under the provision of PD Notification PD(PRO)4-1/91 dated 30-10-93 with effect from the date mentioned against each:-

SNO/Serial	Name & Father's Name	Date of S/G awarded.
1/	Mian Dad S/O Sikander E.D.O. (S&L) Haripur (Rtd: 26.2.01)	19.07.1999.
2/	Fida Muhammad S/O Sher Mohd (Rtd on 13.5.2001) Dir: Colleges NWFP Peshawar.	-do-
3/	Abdul Malik S/O Darwiza Khan EDO (S&L) Dir at T-Gara. (Rtd: 6/10/01)	-do-
4/	Rahimullah S/O Karimullah Dir: Primary Edu: NWFP Pesh:	-do-
5/	Ali Ashgar S/O Rehmatullah E.D.O. Abbottabad (S & L)	-do-
6/	Abdur Rehman S/O Ghulam Haider E.D.O. (S & L) Abbottabad. (Rtd: 9/5/00)	-do-
7/	Fazli Rehman S/O Khaista Khan E.D.O. (S&L) Chitral.	-do-
8/	Muhammad Nadar S/O Mir Jan E.D.O. (S & L) Bannu.	-do-
9/	Abdur Rashid S/O Abdul Wasi (Rtd on 11.2.01) D.D.O. (Female) Pry: Peshawar.	-do-
10/	M-Muhammad Dilbar S/O Mian Basher Suitable E.D.O. (S&L) Swat (Rtd: 2/3/01).	wef 20.2.01
11/	Said Rehman S/O M-Afzal Khan E.D.O. (S&L) Swat	-do-
12/	Muhammad Shuaib S/O Matiullah E.D.O. (S&L) Buner (Rtd: 9/2/2000).	-do-
13/	Shah Rawan S/O Abdul Qadir E.D.O. (S & L) Swat	-do-
14/	Muhammad Zarin S/O Muhammad Rahim E.D.O. (S & L) Swat (Rtd on 1/8/99)	-do-
15/	Abdul Ghaffar S/O Firdous Khan E.D.O. (S&L) Malakand	Suitable wef 27.7.99
16/	Rajab Din S/O Barkat Ali E.D.O. Kohat (S&L)	-do-
17/	Gul Rehman S/O Muhammad Suleman R.D.E (NWFP) Pesh (Rtd: 16/6/2001).	-do-
18/	M-Hafeezur Rehman S/O Abdur Rehman E.D.O. (S&L) Lakki.	-do-

Approved
 H.S.

Adminstrator

Abdul Karim
 3/10/01

① (A) 111

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S. awarded
1999.

-2.....
- 1. Ghulam Rasool S/O M. Amir Khan (RFD) -do-
- 2. S.O. (S&L) Burir -do-
- 3. Mohammad Tawab S/O Abdul Wahab. E.D.O. (S&L) Mardan. (Rtd: 10/12/99) -do-
- 4. Ali Safdar S/O Guli Sadburg E.D.O. (S&L) Malakand -do-
- 5. Ghulam Sarwar S/O Muhammad Suleman E.D.O. (S&L) Abbottabad. -do-
- 6. Ghulam Nabi S/O Abdul Hanan E.D.O. (S&L) Peshawar. -do-
- 7. M-Umar Mirza S/O M-Mujamuddin E.D.O.D.I. Khan. (Rtd: 5/8/2000) -do-
- 8. Awal Hanan S/O Gul Sattar E.D.O. (S&L) Kartrak -do-
- 9. Muhammad Yousaf S/O Gul Muhammad E.D.O. (S&L) Dir at T/Gara. -do-
- 10. Azad Khan S/O Faqir Ghulam E.D.O. (S&L) Bannu. -do-
- 11. Muhammad Yousaf S/O Muhammad Remzan E.D.O. (S&L) Tank -do-
- 12. Fazal Subhan(Late) S/O Fazli Rehman Prry: Edu: Girl Proj: -II NWFP Pesh: -do-
- 13. Fazli Rehman S/O Mula Bakhsh E.D.O. (S&L) Haripur -do-
- 14. Mashtiar Ahmad S/O Israr Muhammad E.D.O. (S&L) Peshawar (Rtd: 13.11.01) -do-
- 15. Muhammad Ali S/O Musafar Jan E.D.O. (S&L) Swat -do-
- 16. Muhammad Ayaz S/O Muhammad Farid E.D.O. (S&L) Charsadda. -do-
- 17. Mubarak Ahmad S/O Nazar Muhammad S.O. (P&D) Civil Secretariate NWFP -do-
- 18. Muhammad Khan S/O Faqir Muhammad Audit Officer at Dir: Secy: Edu: NWFP Pesh: -do-
- 19. Fazli Manan S/O Fazli Hanan E.D.O. (S&L) Swat -do-
- 20. IzzatUllah S/O HidayatUllah E.D.O. (S&L) Chitral -do-
- 21. Sardar Muhammad S/O Hussain Muhammad E.D.O. (S&L) Malakand -do-
- 22. Ghulam Muhammad S/O Said Ghulam E.D.O. (S&L) Swabi) Rtd: on 2/12/99 -do-
- 23. Ghulam Hussain S/O Safid Khan E.D.O. (S&L) Chitral (Rtd: 10/2/2001) -do-
- 24. Buzur Jamher S/O Ghani Khan E.D.O. (S&L) Lakki -do-
- 25. Abdul Quddus S/O Abdul Manan D.D.O. (Female/Pry:) Peshawar. -do-
- 26. Ghulam Farid S/O Ghulam Rasool E.D.O. (S&L) D.I. Khan -do-
- 27. Muhammad Suleman S/O Mir Zaman Bureau T&E NWFP Abbottabad -do-

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Associate

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46. Zahid Khan S/O Ibrahim Khan
Dir: Colleges NWFP Peshawar -do-
47. Muhammad Usim S/O Muhammad Farid
E.D.O. (S&L) Haripur (Rtd: 31/12/99) -do-
48. Karim Bakhsh S/O Khuda Bakhsh
E.D.O. (S&L) D.I. Khan -do-
49. Sajjad Ahmad S/O Miran Muhammad
Middle School Project NWFP Pesh. -do-
50. Subidar Khan S/O Mohidud Din
E.D.O. (S&L) Nowshera -do-
51. Muhammad Saeed S/O Abdul Qayum
Dir: Colleges NWFP Peshawar. -do-
52. Guli Sadburg S/O Said Akbar
E.D.O. (S&L) Mardan -do-
53. Muhammad Tariq S/O Muhammad Remzan
E.D.O. (S&L) D.I. Khan -do-
54. Imam Bakhsh S/O Muhammad Bakhsh
E.D.O. (S&L) D.I. Khan -do-
55. Iltaf Hussain S/O Amir Alam
E.D.O. (S&L) Abbottabad -do-
56. SherUllah S/O Karim Ullah ✓
E.D.O. (S&L) Mardan. -do-
57. Jamshad Jan S/O Muhammad Nazir
E.D.O. (S&L) Charsadda -do-
58. Zabiullah S/O Abdullah
Directorate of Secondary Edu: NWFP Pesh: -do-
59. AmanUllah S/O Rehmatullah
E.D.O. (S&L) Charsadda -do-
60. ✓ Muhammad Afsar Khan S/O S-Mehbaran Shah
E.D.O. (S&L) Mardan -do-
- 70 → 61. ✓ Allah Nawaz S/O Allah Dad Khan
E.D.O. (S&L) D.I. Khan -do-
- 72 → 62. ✓ Fazul Rehman S/O Pir Ghulam
E.D.O. Nowshera (S&L) -do-
- 73 → 63. ✓ Fazul Rehman S/O Dildar Khan
E.D.O. (S&L) Bannu. -do-
- 74 → 64. ✓ Rehim Shah S/O Maroof Shah
E.D.O. (S&L) Malakand -do-
- 78 → 65. ✓ Muhammad Nasir Joya S/O FaizUllah
E.D.O. (S&L) D.I. Khan -do-
- 81 → 66. ✓ Zahir Shah S/O Abdullah
E.D.O. (S&L) Chitral -do-
- 82 → 67. ✓ Muhammad Nawaz S/O Rab Nawaz
E.D.O. (S&L) D.I. Khan -do-
- 83 → 68. ✓ Gul Habib S/O Gul Nazir
E.D.O. (S&L) Nowshera -do-
- 85 → 69. ✓ Muhammad Riaz S/O Gul Muhammad
Dir: Colleges NWFP Peshawar. -do-
- 87 → 70. ✓ Hidayatur Rehman S/O Khaista Gul
Dir: Primary Edu: NWFP Peshawar -do-

Admitted
D's
Associate

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S/G Award on.

- 71. Earnest Shah Zeb S/O Muhammad Saeed
P.O. (S&L) Malakand 19.7.99
- 72. Saad Khan S/O Abdul Sadiq
Bureau T&E NWFP Abbottabad -do-
- 73. Umar Nawaz Khan S/O Muhammad Salim
P.O. Lakki -do-
- 74. Habibur Rahim S/O Fazal Wahid
P.O. (S&L) Malakand -do-
- 75. Muhammad Tariq S/O Muhammad Zahid
P.O. (S&L) Swabi -do-
- 76. Masraf Ali S/O Murtaz Ali
Primary Edu: NWFP Peshawar. -do-
- 77. Zahid S/O Gul Ahmad
P.O. (M) Swat -do-
- 78. Fazal Rehman S/O Azizur Rehman
P.O. (S&L) Mansehra -do-
- 79. Faraz Akbar S/O S. Ali Gohar
P.O. (S&L) Mardan -do-
- 80. Amir Muhammad S/O Musa Khan
P.O. (M) Kohat -do-
- 81. Sher Dil Khan S/O Sher Ali Khan
P.O. (F) Mardan -do-
- 82. Manzob S/O Manjawan Khan
P.O. (S&L) Swabi -do-

Necessary entry to this effect should be made in their Service Record.

It is un-taking to this effect that if any overpayment is made against them as a result of the incorrect award selection Grade and detected latter on it will good recovery from their pay/Pension/graduity etc may be obtained from them and kept in their Service record.

Certificate to the effect that the officers concerned are not involved in any disciplinary cases should be obtained and kept in their record before making finalisation of pay.

(Sd/- R. F. D. R. KHAN)

INSPECTOR SECONDARY
EDUCATION PESHAWAR.
Date: 7/05/2002.

604-754

To the:-
 Accountant General
 Section Officer
 District
 Secretary
 Director of
 DSS

Government School & Lib

Concerned
NWFP

Director Secondary
Peshawar.

Attested
by
Director

Attested
by

Service Rules

Annex D
2/2
2/2

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
Peshawar, dated the 28th January, 2013

NOTIFICATION

No. SO(PE)/4-10/SSRC/Ministerial Staff/2013. In pursuance of the provisions contained in sub-rule (2.) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, and in supersession of all rules issued in this behalf to the extent of the Elementary and Secondary Education Department (E&SE Department) in consultation with the Establishment Department and Finance Department hereby lays down the method of recruitment, qualifications and other conditions specified in Column 3 to 5. of the Appendix to this Notification which shall be applicable to the posts borne on the ministerial establishment in the Elementary and Secondary Education Department specified in Column No.2 of the said Appendix.

APPENDIX

S. NO	NOMENCLATURE	MINIMUM QUALIFICATION AND EXPERIENCE FOR INITIAL APPOINTMENT OR BY TRANSFER	AGE LIMIT	METHOD OF RECRUITMENT (EXISTING)
1	2	3	4	5
1.	Deputy Director (Finance and Accounts) / Deputy Director (Administration) (BPS-18)			By promotion on the basis of seniority cum fitness from amongst the Assistant Directors (Finance and Accounts) & Assistant Directors (Administration) with at least five years service as such.
2.	Assistant Director (Finance and Accounts) / Assistant Director (Administration) (BPS-17)			By promotion on the basis of seniority cum fitness from amongst the Budget and Accounts Officers with at least two years service as such.
3.	Budget and Accounts Officer. (BPS-16)			By promotion on the basis of seniority cum fitness from amongst the Superintendents with at least two years service as such.
4.	Superintendent (BPS-16)			By promotion on the basis of seniority cum fitness amongst the holders of the posts of Assistants and Senior Scale Stenographers with at least five years service as such.
5.	Senior Scale	(i) At least Second Class Bachelor's Degree or equivalent	20 to 30	By promotion on the basis of seniority cum

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(23) (8) (4)

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	Stenographers (BPS-16)	qualification from a recognized University; (ii) Speed of Seventy words per minute in shorthand in English and Forty Five words per minute in typing; and (iii) Knowledge of Computer in using MS words and MS Excel.	Years.	fitness from amongst the Junior Scale Stenographers (BPS-14) with at least five years service as such.
6.	Assistant (BPS-14)	At least Second Class Bachelor's Degree from a recognized University.	20 to 30 Years	(a) Seventy five per cent by promotion, on the basis of seniority-cum-fitness from amongst the Senior Clerks with at least five years service as such; and (b) Twenty five per cent by initial recruitment
7.	Junior Scale Stenographers (BPS-14)	(i) Intermediate or equivalent qualifications from a recognized Board; (ii) Speed of Fifty words per minute in shorthand in English and Thirty Five words per minute in typing; and (iii) Knowledge of Computer in using MS words and MS Excel.	18 to 30 Years	By Initial recruitment
8.	Senior Clerks (BPS-09)			By promotion on the basis of seniority cum fitness from amongst the Junior Clerks, Assistant Store Keepers and Laboratory Assistants with at least two years service as such.
9.	Junior Clerk/Assistant Store Keeper/ Laboratory Assistant (BPS-07)	(i) For Junior Clerk/ Assistant Store Keepers having at least Second Division in Secondary School Certificate or equivalent qualifications from a recognized Board and a speed of twenty five words per minute in typing; (ii) For Laboratory Assistants having at least Second Division in Secondary School Certificate or equivalent qualifications from a recognized Board with Science.	18 to 30 Years	(a) Thirty Three per cent by promotion, on the basis of seniority-cum-fitness from amongst the Daftaries, G/Operators, Qasids and Naib Qasids including other equivalent posts in the attached department/offices/institutions with at least Two years service as such and having qualification mentioned in column No. 3. (b) Sixty Seven per cent by initial recruitment Note: - For the purpose of promotion, there shall be maintained a joint seniority list of Daftaries, Gestetner Operators, Qasids, Naib Qasids etc including other equivalent posts in the attached department/offices/institutions with reference to the dates of their regular appointment or acquiring Secondary School Certificate whichever is later.

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10.	Driver (BPS-04)	Having valid Driving License and preferably Literate.	18 to 32 Years.	By Initial recruitment
11.	Naib Qasid/Chowkidar/ Behishti/Cook/Bearer/ Shop Attendant/ Laboratory Attendant etc	Preferably Literate	18 to 30 Years.	By Initial recruitment

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

7-2-2013
SECTION OFFICER (Primary)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
Dated Peshawar the 29-08-2014

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ANNEXURE - F

NOTIFICATION

No. SO(PE)2-6/DPC-Meeting/ B&AO from BS-16 TO BS 17/2014: On the recommendation of the Departmental Promotion Committee meeting held on 02-07-2014, the competent authority is pleased to promote the following Budget & Accounts Officers (BS-16) to the posts of Assistant Director (BS-17) on regular basis with immediate effect:-

S.No.	Name of officer/ Designation	Promoted as:
1.	Ghulam Sarwar B&AO (BS-16) office of DEO (M) Abbottabad.	Assistant Director (BS-17).
2.	Sherullah B&AO(BS-16) office of DEO (F) Mardan.	Assistant Director (BS-17).

They will be on probation for a period of one year, extendable for another term of one year as specified in Rule-15 of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989.

Consequent upon their promotion to the post mentioned above they are posted / adjusted as under:

S.No.	Name of officer/ Designation	Place of posting.
1.	Ghulam Sarwar, B&AO (BS-16) DEO (M) Abbottabad.	Assistant Director (Administration) (BS-17) in the Directorate of E&SE, Peshawar against the vacant post.
2.	Sherullah B&AO(BS-16) DEO (F) Mardan.	Assistant Director (Finance & Accounts) (BS-17) in the Directorate of E&SE, Peshawar against the vacant post.

SECRETARY

Encl. No. & date as above.

Copy forwarded to:

1. The Secretary to Govt. of Khyber-Pakhtunkhwa, Establishment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. The Accountant General Khyber Pakhtunkhwa, Peshawar.
4. PSO to Chief Secretary to Govt. of Khyber Pakhtunkhwa.
5. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
6. District Accounts Officers Abbottabad/ Mardan.
7. PS to Secretary E&SE Department.
8. Officers concerned.
9. Office File.

(ZAMIN KHAN MOMAND)
SECTION OFFICER (PRIMARY)

A. H. K. S. D.
Adm. Secy
A. H. K. S. D.



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

No. SO (Lit) E&SED/1-3/SA/1264/20
Dated Peshawar the, March 22, 2021

Order

WHEREAS Mr. Sher Ullah, was promoted from the post of Budget & Accounts Officer (BS-16) to post of Assistant Director BS-17 on regular basis on the recommendations of the Departmental Promotion Committee vide notification dated 29.08.2014.

AND WHEREAS In terms of Rule 15 (2) of Khyber Pakhtunkhwa Government Service Appointment, Promotion & Transfer (APT) Rules 1989 (in-vogue by then), he was on probation for a period of one year extendable for another year. Hence he was on probation upto 28.08.2016.

AND WHEREAS final seniority list of Assistant Director was issued on 31.08.2015.

AND WHEREAS his date of birth being 13-11-1955, he proceeded on retirement on 12-11-2015 on the basis of superannuation. Hence he retired from service before completion of his probation period on i.e 28.08.2016.

AND WHEREAS promotion to next higher grade/post is not considered during probation period as contained in clause-IV (f) of promotion policy 2009 of provincial Government.

NOW THEREFORE this departmental appeal has been considered on the above grounds and dismissed, being devoid of merit.

SECRETARY

Encl: Even No. & Date:

Copy of the above is forwarded to:-

1. The Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar w/r to judgement dated 09.04.2019 in Service Appeal No 1264 of 2015 in appeal No. 1068/2015
2. The Director, E & S E Department Khyber Pakhtunkhwa, Peshawar.
3. Director, Curriculum & Teachers Education Abbottabad.
4. Section Officer (Lit-II), E&SE Department.
5. PS to Secretary, E & S E Department Khyber Pakhtunkhwa, Peshawar.
6. Mr. Sher Ullah, Ex-Assistant Director (Administration) (BS-17)
7. Directorate of E&SE Peshawar
8. Office Order File

(Signature)

(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS/MALE)

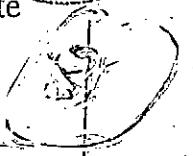
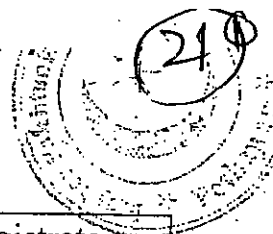
Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 23-4-2021
Number of Words 2000
Copying Fee 22 -
Urgent 4 -
Total 26 -
Name of Copyist 80
Date of Completion of Copy 23-4-2021
Date of Delivery of Copy 23-4-2021

(Signature)
(Signature)

Annex - 3



Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
Service Appeal No. 1068/2015

Date of Institution 29.09.2015
 Date of Decision 09.04.2019

Sherullah Assistant Director (Admn) Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar. Appellant

Versus

1. The Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. The Secretary Elementary & Secondary Education, Peshawar.
3. The Director Elementary & Secondary Education Peshawar.

Respondents

Mr. Muhammad Hamid Mughal -----Member(J)
 Mr. Hussain Shah -----Member(J)

09.04.2019

AT PESHAWAR

JUDGMENT

MUHAMMAD HAMID MUGHAL, MEMBER: - Learned

counsel for appellant and Mr. Zia Ullah learned Deputy District Attorney present.

2. The appellant has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 being aggrieved against the promotion order dated 29.08.2014 whereby he was promoted from the post of Budget & Account Officer (BS-16) to the post of Assistant Director (BS-17) with immediate effect. Prayer of the appellant is that the respondents may be directed to promote the appellant to the post of Assistant Director (BS-17) from the date of

EMANUEL
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

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availability of vacancy instead of 29.08.2014.

3. Learned counsel for the appellant argued that under the promotion criteria dated 28.01.2013, the vacant posts of Assistant Director (Admn) & Assistant Director (F&A) BS-17 has to be filled up out of Budget & Account Officers through promotion on the basis of seniority cum fitness. Further argued that the posts of Assistant Director (Admn) & Assistant Director (F&A) remained occupied by the junior most superintendents and other officers of the department hence the appellant's promotion to the post of Assistant Director was due from the date of availability of vacancy but the appellant was promoted to the said post w.e.f 29.08.2014 instead of from the date of availability of vacancy which is against law and norms of justice; that the departmental appeal of the appellant went un-responded.

4. As against that learned Deputy District Attorney argued that the appellant has not filed any departmental appeal against the promotion order dated 29.08.2014; that the appellant was not entitled for the grant of antedated promotion; that as and when the vacancy was available, the competent authority promoted the appellant vide impugned promotion order dated 29.08.2014.

5. Arguments heard. File perused.

6. It is also to be seen that whether under the promotion criteria which was in field prior to the promotion criteria dated 28.01.2013, the appellant was also entitled to promotion to the post of Assistant Director (BS-17) or otherwise.

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ATTORNEY
Deputy District Attorney
Peshawar

4. 2019

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7. Admittedly, there is no order of the appellate authority in relation to the grievance of the appellant. Consequently the present case is remanded to the appellate authority (Respondent No.2) for decision of the departmental appeal of the appellant with speaking order. The present service appeal is disposed of in the above terms. Copy of the departmental appeal of the appellant available on file be also sent to the appellate authority alongwith copy of this judgment. Parties are left to bear their own costs. File be consigned to the record room.

APPELLATE
 Director
 Service Tribunal,
 Peshawar

(Signature)
 (Hussain Shah)
 Member

(Signature)
 (Muhammad Hamid Mughal)
 Member

ANNOUNCED
 09.04.2019

Certified to be true copy
(Signature)
 Director
 Service Tribunal,
 Peshawar

Date of Presentation of 16-4-2019
 Number of 1200 -
 Copying Fee 10 -
 Urgent 10 -
 Total 10 -
 Name of Copyist *Sau*
 Date of Completion of 3-5-2019
 Date of Delivery of 3-5-2019

(Signature)
 3



**DIRECTORATE ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA, PESHAWAR.**

AUTHORITY LETTER

I Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar do hereby authorize Mr. M. Tufail Assistant (Litigation) of this Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar to attend the Khyber Pakhtunkhwa Service Tribunal in connection with filing of para wise comments in Service Appeal No. 898/2023 Titled Ghulam Sarwar.


Director

Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar: