

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

APPEAL No. 1308 /2019

**FAZAL RAHIM**

**V/S**

**EDUCATION DEPTT:**

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**APPELLANT**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK,  
ADVOCATE**

ROOM NO. 3, UPPER FLOOR,  
NEW ISLAMIA CLUB BUILDING,  
KHYBER BAZAR, PESHAWAR CITY  
**0345-9383141**

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

APPEAL NO. 1308 /2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1431

Mr. Fazal Rahim, SCT (BPS-16),

GHSS Madyan, District Swat .....

Dated 10-10-2019  
**APPELLANT**

**VERSUS**

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

..... **RESPONDENTS**

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

**PRAYERS:**

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

**R/SHEWETH:**

**ON FACTS:**

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

- 1- That initially the appellant was appointed as PET in the respondents Department vide order dated 02.07.1997 and later on the appellant was appointed as C.T in the respondent Department vide order dated 5.4.1999. Copy of the service book is attached as annexure ..... **A.**

Filed to  
Registrar

- 2- That during service as certified teacher the appellant was in the promotion zone to the post of SST (BPS-16) but the respondents instead promoting the appellant advertised the said posts of SST (BPS-16) on adhoc/contract basis. Copy of the advertisement is attached as annexure ..... **B.**
- 3- That under protest the appellant and his colleagues applied for the said post through initial recruitment but the same was also refused to the appellant and colleagues of the appellant on the pretext that regular employees are not entitle to apply for the adhoc/contract posts of SST (BPS-16) thus appellant and his colleagues were deprived from prospects of promotion. That it is pertinent to mention that at the time of above mentioned advertisement the post/cadre of C.T (BPS-15) to which the appellant belong have no prospects of promotion.
- 4- That in light of the said advertisement new appointments were made by the respondents on adhoc basis and even the promotion quota was also filled by the respondents though initial recruitment.
- 5- That in the meanwhile the Provincial Government Promulgated the employees regularization Act, 2009 whereby all the adhoc employees who were appointed as SST on temporary basis were regularized thus further affected the cadre to which the appellant belongs. That the promotion quota for which the appellant and his colleagues have waited for decades has been washed by operation of the said Act of 2009. Copy of the Act is attached as annexure ..... **C.**
- 6- That feeling aggrieved the appellant and his colleagues knocked the door of the Peshawar High Court through various writ petitions including writ petition No.2905/2009. That vide consolidated judgments dated 26.1.2015 the said writ petitions were disposed of with the directions that:  
**(i)- The act.XVI of 2009, commonly known as (Regularization of services) act, 2009 is held as beneficial and remedial legislation, to which no interference is advisable hence, upheld.**  
**(ii)- Official respondents are directed to work out the backlog of the promotion quota as per above mentioned example, within thirty days and consider the in service employees, till the backlog is washed out, till then there would be complete ban on fresh recruit.**  
**Copy of the Judgment is attached as annexure ..... **D.****
- 7- That the respondents assailed the said judgment of the august Peshawar High Court Peshawar in CPLAS No.127-P to 129-P/2015 but the same were dismissed as withdrawn vide judgment dated 20.9.2017. That then after the appellant and his colleagues time

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

- 8- That it is pertinent to mention that during service the appellant was allowed up gradation/promotion to the newly up graded post of Senior Certified Teacher (BPS-16) vide order dated 10.6.2014. That it is pertinent to mention that appellant is the senior most S Ct (BPS-16) of the respondent department and also eligible in all respect for promotion to the post of SST (BPS-16). Copies of the notification, seniority list, service rules and educational testimonials are attached as Annexure ..... **G, H, I & J.**
- 9- That feeling aggrieved the appellant and his colleagues knocked the door of august Peshawar high Court, Peshawar in various COC Petitions numbers including COC Petition No.105-P/2018 and the same has been disposed of vide judgment dated 8.11.2018 with directions to approached the august Service Tribunal for claiming of promotion and seniority. Copy of the judgment is attached as annexure ..... **K.**
- 10- That feeling aggrieved the appellant preferred Departmental appeal but no response has been received so far. Hence the present appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure ..... **L.**

**GROUND:**

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

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

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

Dated: 11.9.2019

**APPELLANT**

  
**FAZAL RAHIM**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**

**&**

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

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

1. Name FAZAL-RAHIM

2. Race Afghan

3. Residence

village: Shagai Shahgram p.o. Madyan Teh, Bahrain Swat.

4. Father's name and residence

SADAR (as above)

5. Date of birth by Christian era as nearly as can be ascertained

(01-01-1971)

First January N.H. and Seventy one.

6. Exact height by measurement

5-7

7. Personal marks for identification

NIL

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

Little Finger.



Ring Finger



Middle Finger.



Fore Finger



Thumb.



Attested

9. Signature of Government servant

Use

Sher Ali Khan,  
SST RPS-16 (Gazetted)  
G.H.S.S. Madyan, Swat.

Fahim

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

[Signature]  
Sub Dist: Edus Officer (M)  
Saidu Sharif Swat.

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
P.T.C G.P.S. 05301	Sub / Per	B.P.S. NO. 7 Rs. 1480-81-2695	Rs. 1480/-			02/7/97	Tahim
- Co	do	B.P.S. NO. 9 Rs. 1605-97-3060	Rs. 1605/-	/		02/7/97	Tahim
- do -	- do -		Rs. 1702/-	✓	-	1/12/98	Tahim
C.T G.H.S. Gurnai	- do -		Rs. 1702/-	✓	-	6/4/99	Tahim
- do -	- do -	B.P.S. No. 14 (Rs. 2065-161-4480)	Rs. 2065/-	per		6/4/99	Tahim
<p>CP 3/2000</p> <p>Drawn all of @ allowance increments as per act 8/1/97 till 6/4/99 amounting to Rs. 3750/-</p> <p>2387-2065</p> <p>2548-2065</p> <p>3/3/99</p> <p>10/3/2000</p>							
<p>pay on 5-4-99 as P.T.C. in B.P.S. No. 7.</p>							Rs. 1702/-
<p>pay on 6-4-99 as P.T. in B.P.S. No. 9.</p>							Rs. 1702/-
<p>pre-mature inc. on Tahim's scale</p>							
<p>ind. Forman Depos. No. FD(PRC) 1-1/97</p>							Rs. 1788/-
<p>dated 16-2-99</p>							
<p>pay on 6-4-99 as CT allowed graded</p>							Rs. 2065/-
<p>pay scale No. 14.</p>							
<p>pay fixed in B.P.S. No. 14 on 6/4/99 as CT</p>							Rs. 2065/-

(For use in Police Department only):

6

Heirs,

- 1.
- 2.
- 3.

Verification Roll No. dated received back

① passed S.S.C exam in 1987 (A) From B.I.S.E. Peshawar. Under R. No 16891 Securing 496/850 Grade "C" Left thumb-impression.

*[Signature]*  
Sub Dirot: Edu: Officer (M)  
Saidu Sharif Swat.

① passed P.T.C Exam; in The Session 1994-95 From Govt; College of Education for Elementary Teachers Barikot Swat. Under R. No: 1175 obtained 832/marks Result declared on 30-08-96

*[Signature]*  
Sub Dirot: Edu: Officer (M)  
Saidu Sharif Swat.

② passed Intermediate exam. in 1994 From B.I.S.E Saidu-Sharif English Under R. No 3647 Securing 701/1100 Grade "B"

*[Signature]*  
Sub Dirot: Edu: Officer (M)  
Saidu Sharif Swat.

② passed C.T Exam; in The Session 1995-96 From Govt: College of Education for Elementary Teachers Barikot Swat. Under R. No 370 obtained 805 out of 1200. Result declared on 5/5/97.

Training School Final examination

Head master, Govt-High School, GURNAL, Swat.

③ passed B. A Examination in 1995 Annual from University of Peshawar, Under R. No 37781 Securing 347/550 Grade "A"

*[Signature]*  
Head master, Govt-High School, GURNAL, Swat.

passed B. Ed under Roll No 1739 in the Session 1999 obtaining 560 marks in 2nd division. Result declared on 3-2-2000.

*[Signature]*  
PRINCIPAL,  
GHSS, Madyan, Swat.  
EMIS Code-36567

Reserve duties passed M.A (Islamiyat), under Roll No: 22153 obtaining 668 marks result declared on 26-06-2000 DIV: 1st.

*[Signature]*  
PRINCIPAL,  
GHSS, Madyan, Swat.  
EMIS Code-36567

passed M.A (Urdu) under Roll No 10005 in 2nd div. in 1997 marks obtained 599. result declared on 17/9/98

*[Signature]*  
PRINCIPAL,  
GHSS, Madyan, Swat.  
EMIS Code-36567

N.B-Line to be drawn up to qualification possessed.

Attested

*[Signature]*  
Sher Ali Khan  
SCT, PPS  
GHSS Madyan, Swat





1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 37: C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant
P.T.C. G.P.S. Ossar	Sub/ per	BPS NO: 96-1665-97-3060	Rs 1993/-			27/97	Rahim
-do-	-do-	Rs 2090/-				1/12/98	Rahim
C.T. G.H.S. Gujranwala	B-14	<del>2387/-</del>	<del>2387/-</del>			6/99	Rahim
C.T. G.H.S. Bahrain, Swat	do	BPS: No. 14, 2065-161-4480	2387/-			1/7/99	Rahim
-do-	do		2548/-			1/12/99	Rahim
do	do		2709/-			1/12/2000	Rahim
<p><u>Undertaking</u> I, Mr. Fazal Rahim C.T. G.H.S. Bahrain Swat, hereby undertake that if any over-payment is made to me as a result of in-correct fixation of my pay shall be refunded from my pay/pension/gratuity.</p>			<p><u>Pay Fixation in the Revised BPS. 14, w.e.f. 1.12.2001</u> Existing pay in BPS. 14 on 30<sup>11</sup>/<sub>2001</sub> = Rs 2709/- with next increment on 1<sup>12</sup>/<sub>2001</sub> Rs 2870/- Pay fixed in the Revised BPS. 14 of Rs. 3100-240-10300 at Rs. 4300/- with next increment on 1.12.2002.</p>				
Signature Rahim							
Attested, (FAZAL RAHIM) C.T. G.H.S. Bahrain Swat							
PRINCIPAL, Govt-High School, Bahrain, Dist-Swat.			PRINCIPAL, Govt-High School, Bahrain, Dist-Swat.				
C.T. G.H.S. Bahrain Swat	sub/ per	BPS. 14, 3100-240-10300	Rs. 4300/-			12/2001	Rahim
C.T. G.H.S. Madyan Swat	-do-		4300/-			1/6/2002	Rahim

Name and designation of the officer-in-charge of the office of the head of the institution	Date of appointment	Nature of promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Nature and duration of leave taken	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	Government to which debitable		
Head Master, Govt. High School, GURNAL, Swat.	30/11/98	Annul Int.	S.D.E.O. (M) Saidu Sharif					Service Verified w.o.f. 02-7-97 to 5-4-99 from acq. Roll & other Record of this office.
Head Master, Govt. High School, GURNAL, Swat.	5/4/99	Promoted to C.T. Post.	S.D.E.O. (M) Saidu Sharif					Sub Div. Edu. Officer (M) Saidu Sharif Swat.
Head Master, Govt. High School, GURNAL, Swat.	30/06/99	Transfer - work.	S.D.E.O. (M) Saidu Sharif					Appointed/Selected as C.T. vide D.E.O. M. Secy, Govt. under issuance Under Endst. No. 7988-8007/A-12/ Transfer/Appointt. C.T. dated 5/11/99.
PRINCIPAL, Govt. High School, Bahrain, Swat.	30/11/99	Ann. Int. @ Rs. 16/-	PRINCIPAL, Govt. High School, Bahrain, Swat.					Head Master, Govt. High School, GURNAL, Swat.
PRINCIPAL, Govt. High School, Bahrain, Swat.	30/11/2000	Ann. Int.	PRINCIPAL, Govt. High School, Bahrain, Swat.					CONFIRMATION:
PRINCIPAL, Govt. High School, Bahrain, Swat.	30/11/2001	Scale Annul Revised.	PRINCIPAL, Govt. High School, Bahrain, Swat.					At Rajal Rahim P.T.C. to be confirmed against P.T.C. post vide D.E.O. (M) Secy, Endst. No. 1986-88 dated 1.5.99 dt. No. 1 u.c. of rm 1-7-1998.
								Sub Div. Edu. Officer (M) Saidu Sharif Swat.
								FIXATION:-
								Pay on 5-4-99 in B-09 as P.T.C. Rs. 2090/-
								Pay Fixed in B-14 as C.T. on 6-4-99. Rs. 2220/- with signature of Head Master, Govt. High School, GURNAL, Swat.
PRINCIPAL, Govt. High School, Bahrain, Swat.	31/5/2002	Transferred to G.H.S.S. Madyan, Swat.	PRINCIPAL, Govt. High School, Bahrain, Swat.					Service Verified w.o.f. 6-4-1999 to 30-06-1999 from the office record.
PRINCIPAL, Govt. High School, Bahrain, Swat.	30/11/2002	Annul Int.	PRINCIPAL, Govt. High School, Bahrain, Swat.					Attested S. H. Khan, Govt. High School, GURNAL, Swat.



Serial No.	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave upto four months for which leave salary is debitable to another Government		
1	30/11/03	Ann: Incr	<i>[Signature]</i> PRINCIPAL G.H.S.S. Madyan Distt-Swat		3 1/2	Service Verified w.e.f. 1-7-1989 to 31-12-2003 from acq: Roll & other Record of this office.	
2	30/11/04	Ann: Incr	<i>[Signature]</i> PRINCIPAL G.H.S.S. Madyan Distt-Swat			Service Verified w.e.f. 1-1-2001 to 31-12-2003 from acq: Roll & other Record of this office.	
3	30/11/05	Scale Revised	<i>[Signature]</i> PRINCIPAL G.H.S.S. Madyan Distt-Swat			Service Verified w.e.f. 1-1-2001 to 31-12-2003 from acq: Roll & other Record of this office.	
4	30/11/05	Annual Incr	<i>[Signature]</i> PRINCIPAL G.H.S.S. Madyan Distt-Swat			Service Verified w.e.f. 1-6-2002 to 31-12-2003 from acq: Rolls & other Record of this office.	
5	30/11/06	-do-	<i>[Signature]</i> PRINCIPAL G.H.S.S. MADYAN DISTT:SWAT			Service Verified w.e.f. 1-1-2004 to 30-11-2004 from acq: Rolls & other Record of this office.	
6	30/11/07	Annual Incr	<i>[Signature]</i> PRINCIPAL G.H.S.S. Madyan Distt-Swat			Service Verified w.e.f. 1-1-2004 to 30-11-2004 from acq: Rolls & other Record of this office.	
7	30/11/07	Accounts Officer	<i>[Signature]</i> PRINCIPAL G.H.S.S. Madyan Distt-Swat			Service Verified w.e.f. 1-1-2004 to 30-11-2004 from acq: Rolls & other Record of this office.	
8	30/11/07	Accounts Officer	<i>[Signature]</i> PRINCIPAL G.H.S.S. Madyan Distt-Swat			Service Verified w.e.f. 1-1-2004 to 30-11-2004 from acq: Rolls & other Record of this office.	

Office of the Accountant General  
N.W.F.P. Peshawar  
Pay Fixed in the Revised Basic Pay Scales 2005  
OF RS 3565-275-11815(14)  
AT RS 5765-275-11815(14)  
With Next Increment on 1-7-2005  
1-12-2005  
*[Signature]*  
Accounts Officer  
Pay Fixation Party N.W.F.P. Peshawar

Departmental Pay Fixation in Revised Pay Scale No. 14  
@ Rs. 3565-275-11815  
w.e.f. 1-7-2005 vide No FD (PRC) 1-1-2005  
Dated Peshawar the 9th July 2005  
Pay in Existing Scale No. 14 on 30-6-2005 Rs. 5247 =  
Equal/Next Stage in Revised Pay Scale No. 14 Rs. 6197 =  
Pay Fixed on 1-7-2005 Rs. 6197  
With Next Annual Increment on 1-12-2005

*[Signature]*  
PRINCIPAL  
Govt: Higher Secondary School  
MADYAN Distt: Swat

Attested  
*[Signature]*  
SCT  
G.H.S.S. Madyan, Swat

TWO  
Date of B... 15  
30/11/07  
72371

*[Signature]*  
1912

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government S
C-T at GHSS Madayan Sial	Subs/pt.		Rs. 7565/-			4/12/07	Rahim
- Do -	- Do -	Revised BPS No. 15 (4350-350-14850)	Rs. 7500/-			1/10/2007	Rahim
- Do -	- Do -		Rs. 7850/-			1/12/2007	Rahim
- Do -	- Do -	Revised BPS No. 15 (5220-470-17870)	Rs. 9470/-			1/7/2008	Rahim
- Do -	- Do -		Rs. 9840/-			1/17/2008	Rahim
- Do -	- Do -						Rahim
- Do -	- Do -						Rahim
- Do -	- Do -		Rs. 10260/-			1/12/2009	Rahim
- Do -	- Do -		Rs. 10680/-			4/12/2010	Rahim
- Do -	- Do -	BPS No. 14 (2065-161-4480)	Rs. 2709/-			6/4/99	Rahim
- Do -	- Do -		Rs. 2870/-			1/12/99	Rahim
- Do -	- Do -		Rs. 3031/-			1/12/2000	Rahim
- Do -	- Do -		Rs. 3192/-			1/12/2001	Rahim

8	9	10	11	12	13		14	15
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
Signature and name of the head of the office or other attesting officer in columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer		Period	Government to which debitable	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
Principal, G.H.S.S. Madyan, Swat.	30/9/2007	Associated BPS No. 15	Principal, G.H.S.S. Madyan, Swat.		1 Mr. Fazal Rahim	Government to which debitable	Principal, G.H.S.S. Madyan, Swat.	
Principal, G.H.S.S. Madyan, Swat.	30/17/2007	Re-fixation of pay	Principal, G.H.S.S. Madyan, Swat.		do hereby given an undertaking to the effect that if any over payment is made to me as a result of in correct fixation of my pay, WEF-1-7-2005 it will be made good by recovery from my pay/pension/statutory.		Principal, G.H.S.S. Madyan, Swat.	
Principal, G.H.S.S. Madyan, Swat.	30/6/2008	Scale Revised	Principal, G.H.S.S. Madyan, Swat.		ATTESTED		Signature of Govt. Servant	
Principal, G.H.S.S. Madyan, Swat.	30/11/2008	Annual Increment	Principal, G.H.S.S. Madyan, Distt: Swat.		Principal, G.H.S.S. Madyan, Distt: Swat.		Principal, G.H.S.S. Madyan, Distt: Swat.	
Principal, G.H.S.S. Madyan, Distt: Swat.	30/11/2009	Annual Increment	Principal, G.H.S.S. Madyan, Distt: Swat.		Departmental Pay Fixation in Revised Pay Scale No. 14/2009 @ Rs. 4315/- to Rs. 13550/- W.E.F. 1-7-2009 vide No. FD (PRC) 1-1-2009 Dated Peshawar, the, July 9-2009 Pay in Existing Scale No. 14/2009 on 30.6.2009 Rs. 4315/- Pay Fixed on 1-7-2009 Rs. 7250/- Next Annual Increment on 1-12-2009		Principal, G.H.S.S. Madyan, Distt: Swat.	
Principal, G.H.S.S. Madyan, Distt: Swat.	30/11/2010	Annual Increment	Principal, G.H.S.S. Madyan, Distt: Swat.		PRINCIPAL, G.H.S.S. Madyan, Distt: Swat.		Principal, G.H.S.S. Madyan, Distt: Swat.	
Principal, G.H.S.S. Madyan, Distt: Swat.	30/11/2009	Annual Increment	Principal, G.H.S.S. Madyan, Distt: Swat.		PRINCIPAL, G.H.S.S. Madyan, Distt: Swat.		Principal, G.H.S.S. Madyan, Distt: Swat.	
Principal, G.H.S.S. Madyan, Distt: Swat.	30/11/2009	Annual Increment	Principal, G.H.S.S. Madyan, Distt: Swat.		PRINCIPAL, G.H.S.S. Madyan, Distt: Swat.		Principal, G.H.S.S. Madyan, Distt: Swat.	
Principal, G.H.S.S. Madyan, Distt: Swat.	30/11/2000	Annual Increment	Principal, G.H.S.S. Madyan, Distt: Swat.		Re-fixation of pay in BPS No. 15 W.E.F. 7/12/2007		Principal, G.H.S.S. Madyan, Distt: Swat.	
Principal, G.H.S.S. Madyan, Distt: Swat.	30/11/2001	Annual Increment	Principal, G.H.S.S. Madyan, Distt: Swat.		Pay on 1/12/2007 in BPS No. 14 pay fixed on 7/12/2007 in BPS No. 15		Principal, G.H.S.S. Madyan, Distt: Swat.	
Principal, G.H.S.S. Madyan, Distt: Swat.	30/11/2001	Pay Scale Revised	Principal, G.H.S.S. Madyan, Distt: Swat.		PRINCIPAL, G.H.S.S. Madyan, Distt: Swat.		Principal, G.H.S.S. Madyan, Distt: Swat.	

Attested  
Secty  
G.H.S.S. Madyan, Swat.

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







Serial	9 Signature of the head of the office or other attesting officer in attestation of Columns 1 to 8	10 Date of termination (ough appointment)	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any record, punishment or censure, or reward or praise of the Government Service
					Nature and duration of Leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debatable to another Government		
	PRINCIPAL GHSS, Madyan Distt: Swat	30/11/2002	Annual (grd):	PRINCIPAL GHSS, Madyan Distt: Swat				
	PRINCIPAL GHSS, Madyan Distt: Swat	30/11/2003	Annual (grd):	PRINCIPAL GHSS, Madyan Distt: Swat				
	PRINCIPAL GHSS, Madyan Distt: Swat	30/11/2004	Annual (grd):	PRINCIPAL GHSS, Madyan Distt: Swat				
	PRINCIPAL GHSS, Madyan Distt: Swat	30/6/2005	Pay Scale Revised	PRINCIPAL GHSS, Madyan Distt: Swat				
	PRINCIPAL GHSS, Madyan Distt: Swat	30/11/2005	Annual (grd):	PRINCIPAL GHSS, Madyan Distt: Swat				
	PRINCIPAL GHSS, Madyan Distt: Swat	30/11/2006	Annual (grd):	PRINCIPAL GHSS, Madyan Distt: Swat				
	PRINCIPAL GHSS, Madyan Distt: Swat	30/6/2007	Pay Scale Revised	PRINCIPAL GHSS, Madyan Distt: Swat				
	PRINCIPAL GHSS, Madyan Distt: Swat	30/9/2007	up Grade to B-15	PRINCIPAL GHSS, Madyan Distt: Swat				
	PRINCIPAL GHSS, Madyan Distt: Swat	30/11/2007	Annual (grd): not allowed	PRINCIPAL GHSS, Madyan Distt: Swat				
	PRINCIPAL GHSS, Madyan Distt: Swat	30/6/2008	Pay Scale Revised	PRINCIPAL GHSS, Madyan Distt: Swat				
	PRINCIPAL GHSS, Madyan Distt: Swat	30/11/2008	Annual (grd):	PRINCIPAL GHSS, Madyan Distt: Swat				
	PRINCIPAL GHSS, Madyan Distt: Swat	30/11/2009	Annual (grd):	PRINCIPAL GHSS, Madyan Distt: Swat				
	PRINCIPAL GHSS, Madyan Distt: Swat	30/11/2010	Annual (grd):	PRINCIPAL GHSS, Madyan Distt: Swat				

**OPTION**  
I exercise my option to retain the old scale of BPS No-14 upto 1/12/2007 and BPS No-15 w.e.f. 2/12/2007.

Signature of Govt. Servant

**ATTESTED**

PRINCIPAL  
Govt. Higher Secondary School  
MADYAN, Distt: Swat.

Pay fixation in RBPS No-15 (5770-470-17870) w.e.f. 1/7/2008.

Pay in BPS No-15 (4350-350-14850) on 30/6/2008 Rs. 7850/-

Pay Fixed in RBPS No-15 on 1/7/2008. Rs. 9470/-

With next increment on 1/12/2008.

PRINCIPAL  
Govt. Higher Secondary School  
MADYAN, Distt: Swat.

SERVICE VERIFIED W.E.F. 1/12/2004 to 31/12/2008 from a/c: Rolls & other Record of this office.

PRINCIPAL  
Govt. Higher Secondary School  
MADYAN, Distt: Swat.

SERVICE VERIFIED W.E.F. 01-01-2009 to 31/12/2009 from a/c: Rolls & other record of this office.

PRINCIPAL,  
GHSS, Madyan, Swat.  
EMIS Code-36567

Attested





1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under <del>Art 371</del>	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	Signature of Government Serv
CT at GHS		BPS NO 15 CR (10985-905-38135)					
Madayan	Sub: pur:		Rs. 28180/m			01-07-015	Khalid
-do-	-do-		Rs. 29085/m			01-12-015	Khalid
<p>2015 Office Of The Accountant General Khyber Pakhtunkhwa Peshawar Pay Fixed in The R.B.P.S 2015 R.B.P.S. 10985-905-38135 15 At Rs. 28180/m With Next increment 1.07.2015 1.12.2015</p> <p>Accounts Officer Pay Fixation Party K. Pakhtunkhwa Peshawar</p>							
<p>28180-15</p>							

9 Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc)	12 Signature of the head of the office or other attesting Officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant	
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
					Period			Government to which debitable
PRINCIPAL GHSS, Madyan Distt: Swat	30/11/15	Annual	PRINCIPAL GHSS, Madyan Distt: Swat					
PRINCIPAL GHSS, Madyan Distt: Swat	12/15	upgradation to B-16	PRINCIPAL GHSS, Madyan Distt: Swat					
<p>One step upgradation is awarded to Mr. Fajal Rahim vide order no FD/SD (ER) 7-20/2015 dated 30/8/2015, no. KE/ED (ER) 7-20/2015 dated 17-8-2015 and order no. KE/FP/SD (ER) 7-20/2015 dated 23/2/2016</p>								
<p>Option</p> <p>I do hereby opt to fix my pay in B-16 w.e.f 01-12-15 in the light of finance Deptt. order no. FD/SD (ER) 7-20/2015 Dated 30/8/2015.</p>				<p>PRINCIPAL, GHSS, Madyan Swat. EMIS Code-36567</p>				
<p>Rahim</p>			<p>PRINCIPAL, GHSS, Madyan Swat. EMIS Code-36567</p>			<p>SERVICE VERIFIED W.R.P. 01-07-2015 to 30/11/2015 from acq. Kolls &amp; other Record of this office</p>		
<p>Attested</p> <p>Sher Ali Khan SCT ER-16 (General) GHSS Madyan, Swat.</p>				<p>PRINCIPAL, GHSS, Madyan Swat. EMIS Code-36567</p>				

B-15

221-- (221) Vail period کے دن تک (24) (24) دن تک سے زیادہ نہیں ہوگا۔  
 اور کچھ ایجنسیوں کی طرف سے ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔  
 کئی ہیں۔ کسی ایئر کارڈ ہولڈر کو فراہم کیا جائے گا اور کچھ ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے ہے۔  
 ڈائری ڈائریکٹوری ایجنسی (آر)  
 INF (P) 2760  
 Also available on  
 www.nwfp.gov.pk  
 920190-9207-9207

گلگت بلتستان اور خیبر پختونخوا کے محکمہ تعلیم

مقررہ تاریخوں میں کئی ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔  
 مارچ 2007ء سے 21 اگست 2007ء تک کے دور میں صرف ان کے لئے ہے۔  
 www.onwfp.com کے ذریعے صرف ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے ہے۔  
 سے ان دنوں کے لئے ہے۔

مقررہ تاریخوں میں کئی ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔	مقررہ تاریخوں میں کئی ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔	مقررہ تاریخوں میں کئی ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔	مقررہ تاریخوں میں کئی ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔
21 اگست 2007ء	16 اگست 2007ء	17 اگست 2007ء	16 اگست 2007ء
21 اگست 2007ء	16 اگست 2007ء	17 اگست 2007ء	16 اگست 2007ء
21 اگست 2007ء	16 اگست 2007ء	17 اگست 2007ء	16 اگست 2007ء

1) ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔  
 2) ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔  
 3) ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔  
 4) ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔  
 5) ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔  
 6) ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔  
 7) ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔  
 8) ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔  
 9) ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔  
 10) ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔

Qualification	Total Marks	1st Division	2nd Division	3rd Division
B.Sc.	50	12	10	10
B.A.	50	12	10	10
B.Com.	50	12	10	10
B.Ag.	50	12	10	10
B.Ed.	50	12	10	10
M.A.	50	12	10	10

Qualification	Total Marks	1st Division	2nd Division	3rd Division
B.Ed.	10	10	0	0
M.Ed.	10	10	0	0

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

1) ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔  
 2) ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔  
 3) ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔

Qualification	Total Marks	1st Division	2nd Division	3rd Division
B.Sc.	50	12	10	10
B.A.	50	12	10	10
B.Com.	50	12	10	10
B.Ag.	50	12	10	10
B.Ed.	50	12	10	10
M.A.	50	12	10	10

Qualification	Total Marks	1st Division	2nd Division	3rd Division
B.Ed.	10	10	0	0
M.Ed.	10	10	0	0

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

ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔  
 ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔  
 ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔  
 ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔  
 ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔  
 ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔  
 ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔  
 ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔  
 ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔  
 ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔  
 ایئر سروسز اور کچھ شہری کارڈ ہولڈرز کے لئے اور صرف ان کے لئے ہے۔

Year	Exam	Result
2007	21 اگست	9 اگست
2007	24 اگست	9 اگست
2007	24 اگست	9 اگست

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

ATTENDED

Handwritten signature

C-16

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

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

AN  
ACT

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

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

It is hereby enacted as follows:-

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

(2) It shall come into force at once.

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

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

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

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

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

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

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

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

ATTESTED



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

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

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

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

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

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

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

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

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

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

**ATTESTED**





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

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

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

ATTESTED



D-19 19/3/16

**JUDGMENT SHEET**

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



Writ Petition No.2905 of 2009.

ATTA ULLAH AND OTHERS.....PETITIONERS.

VERSUS.

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

**JUDGMENT.**

Date of hearing 26.01.2015

Appellant/Petitioner by Ghulam Nabi Khan Advocate.

Respondent by Sardar Ali Raza Advocate & Waqar Ahmad Khan AAG.

**WAQAR AHMAD SETH, J:-** Through this single

judgment we propose to dispose of the instant Writ Petition

No.2905 OF 2009 as well as the connected Writ Petition

Nos.2941, 2967,2968,3016. 3025,3053,3189,3251,3292 of

2009,496,556,664,1256,1662,1685,1696,2176,2230,2501,2696,

2728 of 2010 & 206, 355,435 & 877 of 2011 as common

question of law and fact is involved in all these petitions.

**ATTESTED**

**ATTESTED**

Peshawar High Court

08 MAR 2018

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~~20~~

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

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

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

ATTESTED

g

ATTESTED

EXAMINER  
Peshawar High Court

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

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

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

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

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

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

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

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That to improve/uplist the standard of education, the Government replaced/amended the old procedure i.e. 100% including SETs through Public Service Commission KPK for recruitment of SETs B-16 vide Notification No.SO(PE)4-5/SS-RC/Vol-III dated 18/01/2011 wherein 50% SSTs (SET) shall be selected by promotion on the basis of seniority cum fitness in the following manner:-

(i) Forty percent from CT (Gen), CT(Agr), CT(Indust: Art) with at least 5 years service as such and having the qualification mentioned in column 3.

(ii) Four percent from amongst the DM with at least 5 years service as such and having qualification in column 3.

(iii) Four percent from amongst the PET with at least 5 years service as such and having qualification mentioned in column 3.

(iv) One percent amongst Instructional Material Specialists with at least 5 years

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service and having qualification mentioned  
in column 3."

It is further stated in the comments that due to the degradation/fall of quality education the Government abandoned the previous recruitment policy of promotion/appointment/recruitment and in order to improve the standard of teaching cadre in Elementary & Secondary Education Department of KPK, vide Notification dated 09/04/2004 wherein at serial No. 1.5 in column 5 the appointment of SS prescribed as by the initial recruitment and that the (North West Frontier Provincial) Khyber Pakhtunkhwa Employees(Regularization of Services)Act, 2009 (ACT No.XVI of 2009 dated 24<sup>th</sup> October, 2009 is legal, lawful and in accordance with the Constitution of Pakistan which was issued by the competent authority and jurisdiction, therefore, all the writ petitions are liable to be dismissed.

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

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

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

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

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

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

a)----

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

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

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basis or who are paid out of contingencies;

----- whereas,

S. 3 reads:-

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

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

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

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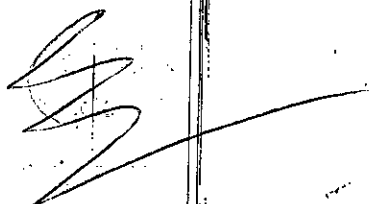
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regularized and those employees of to other departments who have been regularized are not party to this writ petition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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regularized under the Act in question be calculated in that cadre and equal number i.e remaining. 50 % are to promoted from amongst the eligible in service employees, other wise, eligible for promotion on the basis of sonority cum fitness."

19- In view of the above, this writ petition is disposed of in the following terms:-

(i) "The Act, XVI of 2009, commonly known as (Regularization Of Services) Act, 2009 is held as beneficial and remedial legislation, to which no interference is advisable hence, upheld.

(ii) Official respondents are directed to workout the backlog of the promotion quota as per above mentioned example, within 30 days and consider the in service employees, till the backlog is washed out, till then there would be complete ban on fresh recruitments.

Order accordingly.

*Muzammas Ahmad Khan*  
*Muzammas Ahmad Khan*

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

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CERTIFIED TO BE TRUE COPY

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

08 MAR 2015

*Jan 27/15*

IN THE SUPREME COURT OF PAKISTAN  
(APPELLATE JURISDICTION)

E-41

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

CIVIL PETITIONS NO. 127-P TO 129-P OF 2015.  
[Against the judgment dated 26.1.2015 of the  
Peshawar High Court, Peshawar passed in Writ  
Petition No.2905 of 2009, 3025 of 2009, 204 of 2010

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

Versus

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

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


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

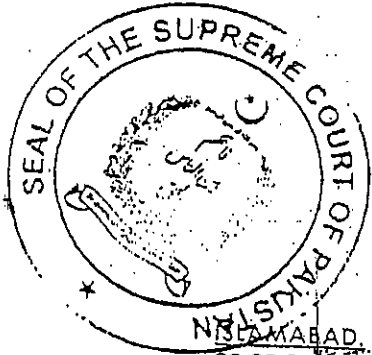
Date of Hearing: 20.09.2017.


ORDER

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

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

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



20.09.2017  
M. Azhar Malik  
25/9/17  
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GR No: 14572/17 Civil/Criminal  
Date of Presentation: 29-9-17  
No of Words: 20  
No of Pages: 3  
Requisition Fee: 500  
Copy Fee in: 100  
Court Fee \$: 600  
Date of Copy: 29/9/17  
Date of delivery copy: 29/9/17  
Compared by/Prepared by: [Signature]  
Received by: [Signature]

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خیبر پختونخوا ایجوکیشن ڈیپارٹمنٹ، پوسٹنگ اور ٹرانسفر آف چیف ایگزیکٹو آفیسرز، انسٹرکٹرز اور ڈائریکٹرز کے لیے ایکٹ 2011ء کے سیکشن نمبر 4 کے تحت عہدہ ایگزیکٹو ایجوکیشن ایجنٹ کے زیر انتظام (مردانہ زنانہ) سکولوں میں درج ذیل آسامیاں پُر کرنے کے لیے خیبر پختونخوا کے متعلقہ اضلاع کے سکولوں میں امیدواروں سے مجوزہ فارم پر 30 ستمبر 2016ء تک درخواستیں مطلوب ہیں۔ درخواست فارم (NTS) کی ویب سائٹ (<http://www.nts.pk>) پر دستیاب ہے۔ مقررہ تاریخ گزارنے کے بعد موصول ہونے والی درخواستوں کو غور نہیں کیا جائے گا۔

F-42

نمبر شمار	نام آسامی	تالیف	عمر
1	سیکنڈری سکول نیچر بیلوچی ایگنسٹری BPS. 16	کسی بھی تسلیم شدہ ویونیورسٹی سے سینڈز ڈیگری میں بیچلر ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (i) کیمسٹری، بیالوجی (ذوالوجی یا بائی)۔ (ii) کسی بھی تسلیم شدہ ویونیورسٹی سے ایم اے ایجوکیشن یا ایجوکیشن میں بیچلر ڈگری۔	21 تا 35 سال
2	سیکنڈری سکول نیچر ڈیکس ایگنسٹری BPS. 16	(1) کسی بھی تسلیم شدہ ویونیورسٹی سے سینڈز ڈیگری میں بیچلر ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (i) فزکس، کیمسٹری یا (ii) فزکس، کیمسٹری یا (iii) فزکس، کیمسٹری، سائنس۔ (2) کسی بھی تسلیم شدہ ویونیورسٹی سے ایم اے ایجوکیشن یا ایجوکیشن میں بیچلر ڈگری۔	21 تا 35 سال
3	سیکنڈری سکول نیچر (SST) جنرل BPS. 16	(1) کسی بھی تسلیم شدہ ویونیورسٹی سے سینڈز ڈیگری میں بیچلر ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (i) انگریزی لازمی، دو منتخب یورپ یا دیگر مساوی گروپ۔ (2) کسی بھی تسلیم شدہ ویونیورسٹی سے ایم اے ایجوکیشن یا ایجوکیشن میں بیچلر ڈگری۔	21 تا 35 سال

سیکشن کرئیر یا اساتذہ کے سیکشن کیلئے کرئیر ڈیورج ذیل ہے۔ کل 200 نمبرات کی تقسیم اس طرح سے کی جائیگی۔

(ا) سگریٹ نیٹ بذریعہ NTS = 100 نمبر (ب) تعلیمی قابلیت = 100 نمبر جس کی مزید تقسیم اس طرح ہوگی

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

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

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

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

کرنے کے تحت نافذ کیا جائیگی۔ (2) معذور افراد کے لئے دو فیصد اور تعلیمی امیدواروں کے لئے تین فیصد کوٹیشن ہے۔ (3) انڈیو کے وقت مستقل تعلیمی ایڈوائسز فراہم امیدوار کو برداشت کرنا ہوں گے۔ (4) انڈیو کے لئے آنے والے امیدواروں کو کوئی بھی ایسی ایڈوائس دیا جائے گا۔ (5) صرف مقررہ وقت کے اندر موصول ہونے والی درخواستوں پر غور کیا جائے گا۔ (6) زیر تعلق کو اختیار حاصل ہے کہ کوئی بھی ایسی ایڈوائس دے سکتا ہے جس کی طرف سے مقررہ وقت کے اندر امیدواروں کو کوئی بھی ایسی ایڈوائس دیا جائے گا۔ (7) اگر اس وقت امیدواروں کے لئے کوئی ایسی ایڈوائس دیا جائے گا جس کے لئے کوئی ایسی ایڈوائس دیا جائے گا جس کے لئے کوئی ایسی ایڈوائس دیا جائے گا۔ (8) عہدہ ایگزیکٹو ایجوکیشن ایجنٹ کو اختیار حاصل ہوگا کہ وہ تمام خالی آسامیوں میں سے کم ہر امیدوار مقرر کرے۔ (9) تمام تقرریاں حکومت خیبر پختونخوا کے مقرر کردہ قوانین اور طریقہ کار کے مطابق نافذ کی جائیں گی۔ (10) تمام تعلیمی اساتذہ گورنمنٹ کے تسلیم شدہ اداروں کی قابل قبول ہوں گی۔ (11) اگر کسی امیدوار کی ایڈوائس مل جائے تو اس کے خلاف قانونی چارہ جوئی کی جائے گی اور اس کے لئے اسے سرکاری ملازمت سے ہٹا دیا جائے گا۔ (12) پمپل فارم یا معلومات کی صورت میں درخواست فارم خود بخود منظور نہیں کیا جائے گا جس کے لئے کوئی ایسی ایڈوائس دیا جائے گی۔ (13) انڈیو کے لئے الگ شیڈول جاری کیا جائیگا جس میں ڈاکومنٹیشن چیک کی جائے گی۔ (14) تمام تقرریاں متعلقہ اضلاع کے ڈویژنل کیڈر میں ہوں گی۔ امیدوار کو کوئی بھی ایسی ایڈوائس دیا جائے گا جس کے لئے کوئی ایسی ایڈوائس دیا جائے گا۔ (15) امیدوار کو کوئی بھی ایسی ایڈوائس دیا جائے گا جس کے لئے کوئی ایسی ایڈوائس دیا جائے گا۔ (16) ایک امیدوار ایک وقت 5 سکولوں میں خالی آسامیوں کے لئے درخواست دے سکتا ہے۔ امیدوار کے ایک یا ایک سے زیادہ سکولوں میں سلیکشن کی صورت میں اس کی تقرری کسی ایک سکول میں کی جائے گی اس صورت میں سکول سلیکشن کا استحقاق امیدوار کو حاصل نہیں بلکہ اس میں اس بات کا خیال رکھا جائے گا کہ دوسرے سکولوں میں اس کے بعد زیادہ میرٹ والے امیدوار کو سلیکشن کا موقع مل سکے۔ (17) درخواست دینے کا طریقہ کار NTS کے ویب سائٹ پر موجود ہے۔ (18) متعلقہ اضلاع کی خالی آسامیوں کی تفصیل سکول ڈائری اور درخواست فارم کے ساتھ NTS کے ویب سائٹ پر دستیاب ہے اور ہر سکول کو اپنا گواہ کیا جائے۔

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9-46

**OFFICE OF THE  
DISTRICT EDUCATION OFFICER (MALE)  
Swat**

(Cell # 0946 9240209-228)

**NOTIFICATION.**

Consequent upon the recommendation of the Departmental Promotion Committee and in pursuance of the notification Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar vide his Office Endst: No.979-85/File No.2/Promotion Senior CT BPS-16 dated Peshawar the 03.07.2015 and No.3753-60 F.No.2/Promotion S.CT B-16 dated 15.07.2015 Government of the Khyber Pakhtunkhwa Elementary & Secondary Education Department Notification No.SO(B&A)/1-18/E&SE/2012 dated 11.07.2012 and Finance department Endorsement NO.SO(FR)/FD/10-22 N(E)/2010 Dated 16.07.2012, the following Male CT B-15 are hereby promoted to the post of Senior CT BPS-16 (10000-800-34000) plus usual allowances as admissible under the rules on regular basis and school based under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with immediate effect and further they are adjusted in the school noted against their name against the newly upgraded Senior S.CT BPS-16 Posts in the interest of public service.

S#	Name of Teacher	Present place of duty in BPS-15	School where adjusted in B-16
1	Mr.Zafarullah CT	GHS,Bahrain	GHS,Bahrain
2	Mr.Muhammad Pervez CT	GHSS,Madyan	GHSS,Madyan
3	Mr.Abdul Munim CT	GMS,Sar Banda	GHS,Sijbanr
4	Mr.Muhammad Saleem CT	GHS,Kanju	GHS Kanju
5	Mr.Fazal Wadood CT	GHS,Shagai	GHS,Shagai
6	Mr.Raham Amin CT	GHS,Aboha	GHS,Aboha
7	Mr,Muhammad Younas CT	GHSS,Kalam	GHSS,Kalam
8	Mr.Amir Hatam C.T	GHSS,Fatehpur	GHSS,Fatehpur
9	Mr.Habib Khan C.T	GHS,Tindodag	GHS,Tindodag
10	Mr.Muhammad Zubair CT	GHS,Labat	GHS,Labat
11	Mr.Ismail CT	GHSS,Fatehpur	GHSS,Fatehpur
12	Mr.Umar Muhammad CT	GHS,Manglor	GHS,Manglor
13	Mr.Muhammad Darvesh CT	GMS,Charbagh	GHSS,Charbagh
14	Mr.Muhammad Saeed CT	GHS,Gat Shawar	GHS,Gat Shawar
15	Mr,Urfi Ishanullah CT	GHS,Sijbanr	GHS,Sijbanr
16	Mr.Wazir Muhammad CT	GHSS,K/Khela	GHSS,K/Khela
17	Mr.Samiur Rahman CT	GHS,Totano Bandai	GHS,Totano Bandai
18	Mr.Shahi Mulk CT	GMS,Dangram	GHSS,Kokarai
19	Mr.Muhammad Khan CT	GHS,Dureshkhela	GHS,Dureshkhela
20	Mr.Mian Akbar Zeb CT	GMS,Asharay.	GHS,Dureshkhela
21	Mr.Jehanzeb CT	GHS,Matta	GHS,Matta
22	Mr.Misbahuddin CT	GHSS,Kabal	GHSS,Kabal
23	Mr.Saleem Ahmad CT	GHSS,Kasbal	GHSS,Kabal
24	Mr.Fazal Wadood CT	GHS,Jambil	GHS,Jambil
25	Mr.Hamid Iqbal CT	GHS,Aboha	GHS,Aboha
26	Mr.Saleh Rahman CT	GHSS,Baidara	GHSS,Baidara
27	Mr.Sharafat Ali CT	GHSS,Kabal	GHSS,Kabal
28	Mr.Muhammad Zeb CT	GHS,Swegalai	GHS,Swegalai
29	Mr.Abdus Salam CT	GMS,Mahak	GHS,Deolai
30	Mr.Aziz Ahmad CT	GHSS,Fatehpur	GHSS,Fatehpur

31	Mr. Bashrin CT	GHS, Ningolai	GHS, Ningolai
32	Mr. Hazrat Hussain CT	GHS, Manjar	GHS, Manjar
33	Mr. Siahosh CT	GMS, Panr	GHSS, Kokarai
34	Mr. Muhammad Ghafoor CT	GHSS, Mingora	GHSS, Mingora
35	Mr. Muhammad Jamil CT	GHSS, Barikot	GHSS, Barikot
36	Mr. Muhammad Riaz CT	GHSS, Shamoza	GHSS, Shamoza
37	Mr. Hidayatullah Shah CT	GHSS, Balogram	GHSS, Balogram
38	Mr. Farooq Ahmad CT	GMS, Kote	GHS, Qambar
39	Mr. Ghafoor Khan CT	GHSS, Utroor	GHSS, Utroor
40	Mr. Muhammad Azam Khan CT	GHSS, Utroor	GHSS, Utroor
41	Mr. Ghani Muhammad CT	GHSS, Utroor	GHSS, Utroor
42	Mr. Bacha Zada CT	GHS, Nau akalay Barikot	GHS, Nawakalay Barikot
43	Mr. Farooq C.T	GMS, Ghakhe Banda	GHS, Totano Bandai
44	Mr. Roshan Ali CT	GHS, Manglor	GHS, Manglor
45	Mr. Hamayoon CT	GHS, Chitawar	GHS, Chitawar
46	Mr. Fazal Rahim CT	GHS, Chuprial	GHS, Chuprial
47	Mr. Bakht Zeb CT	GHS, No. 4 Mingora	GHS, No. 4 Mingora
48	Mr. Hidayatullah CT	GHSS, Mingora	GHSS, Mingora
49	Mr. Suliman CT	GDUM, Saidu Sharif	GDUM, Saidu Sharif

**TERMS & CONDATION.**

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Govt:
3. Their Services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be preceded under the rules framed time to time.
4. Charge report should be submitted to all concerned in duplicate.
5. Their Inter-Se-seniority on lower post will remain intact.
6. No.TA/DA is allowed for joining his duty.
7. They will give an under taking to be recorded in their 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.

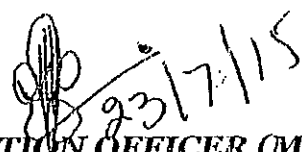
(Prof. MUHAMMAD UZAIR ALI)  
DISTRICT EDUCATION OFFICER (MALE)  
SWAT GUL KADA

Endst No: 6939-46

dated: 23 / 07 / 2015.

Copy of the above is forwarded for information & necessary action to: -

1. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The District Comptroller of Account Swat.
3. The Deputy DEO (M) local Office.
4. The Principal/Head Master Concerned.
5. The Supdt: Secy: local Office.
6. The B&AO local Office.
7. The Candidates concerned.
8. PA to DEO Local Office.

  
DISTRICT EDUCATION OFFICER (MALE)  
SWAT GUL KADA

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

ATTESTED

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

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

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

S.No New	Name of Teacher/Qualification academic / professional	Father's Name	Designation	PBS	D/O Birth / Domicile	Domicile	Academic	Professional	D/O 1st Apptt.	Date of apptt. against Present post	Seniority position D/O taking over charge as CT or D/O declaration CT Exam whichever is later
83	Anwar Iqbal	Khan Sherin	SCT	16	5/1/1961	Swat	MA	CT/B.Ed	10/2/1989	10/2/1989	1/9/1995
84	Muhammad Zahir Shah	Shahzada	SCT	16	2/2/1965	Swat	MA	CT/B.Ed	11/28/1989	11/28/1989	1/9/1995
85	Bakhtmand	Siahoosh Khan	SCT	16	6/5/1963	Swat	MA	CT/B.Ed	12/10/1989	12/10/1989	1/9/1995
86	Mukaram Khan	Musharaf Khan	SCT	16	6/5/1963	Swat	BA	CT/B.Ed	1/13/1990	1/13/1990	1/9/1995
87	Afzal Hussain	Bahroz Khan	SCT	16	5/25/1962	Swat	MA	CT/B.Ed	1/19/1990	1/19/1990	1/9/1995
88	Zahoor Hayat	Sher Alam Khan	SCT	16	1/1/1969	Swat	BA	CT	1/19/1990	1/23/1990	1/9/1995
89	Fazand Ali	Syed Rashad	SCT	16	3/15/1963	Swat	BA	CT	2/15/1990	2/15/1990	1/9/1995
90	Amir Zeb Khan	Bakht Biland Khan	SCT	16	2/18/1963	Swat	BA	CT	3/1/1990	3/1/1990	1/9/1995
91	Fazal Rahman	Amir Faqeer	SCT	16	3/10/1963	Swat	MA	CT	4/1/1990	4/1/1990	1/9/1995
92	Gul Muhammad Shah	Mubin	SCT	16	2/5/1964	Swat	MA	CT	4/14/1990	4/14/1990	1/9/1995
93	Muhammad Laiq	Amir Hamza	SCT	16	6/1/1963	Swat	MA	CT/B.Ed	4/21/1990	4/21/1990	1/9/1995
94	Ali Bash Khan	Shah Dilbar Mian	SCT	16	3/17/1969	Swat	MA	CT/B.Ed	5/13/1990	5/13/1990	1/9/1995
95	Akbar Ali	Qaisar Khan	SCT	16	1/1/1963	Swat	MA	CT/B.ed	5/13/1990	5/13/1990	1/9/1995
96	Alamgir	Khalilur Rahman	SCT	16	7/1/1964	Swat	MA	CT/B.Ed	5/13/1990	5/13/1990	1/9/1995
97	Fazal Azim	Ahmad	SCT	16	12/1/1959	Swat	MA	CT	8/20/1990	8/20/1990	1/9/1995
98	Kafim Ullah	Muhammad Karim	SCT	16	3/15/1970	Swat	MA	CT/B.Ed	10/10/1988	11/20/1990	1/9/1995
99	Ibrahim	Amir Hatam	SCT	16	6/17/1959	Swat	BA	CT/B.Ed	5/24/1992	5/24/1992	1/9/1995
100	Ruhul Amin	Muhammad	SCT	16	4/3/1966	Swat	MA	CT	9/1/1989	12/1/1994	1/9/1995
101	Muhammad Fahim Khan	Ahmad Shah	SCT	16	3/7/1963	Swat	MA	CT B.Ed	6/11/1987	1/16/1995	1/16/1995
102	Muhammad Dawood Khan	Amanullah Khan	SCT	16	4/26/1967	Swat	MA	CT M.Ed	8/25/1992	1/16/1995	1/16/1995
103	Miraj Gul	Sani Gul	SCT	16	4/21/1959	Swat	BA	CT	3/6/1990	1/18/1995	1/18/1995
104	Jehan Sher	Umara Jan	SCT	16	5/1/1962	Swat	MA	CT/B.Ed	1/19/1995	1/19/1995	1/21/1995
105	Hanif Khan	Abdul Qadir Khan	SCT	16	1/12/1967	Swat	MA	CT	2/20/1990	2/1/1995	2/1/1995
106	Abdul Wahab	Amir Bashar	SCT	16	3/3/1969	Swat	MA	CT	2/21/1995	2/22/1995	2/22/1995
107	Sajawal Khan	Taj Khan	SCT	16	5/5/1964	Swat	MA	CT	2/2/1995	4/10/1995	4/10/1995
108	Anwar Zeb	Alam Zeb Khan	SCT	16	5/4/1970	Swat	MA	CT/M.Ed	2/2/1995	4/10/1995	4/10/1995
109	Kishwar	Ghulam Nabi	SCT	16	1/1/1967	Swat	BA	CT/B.Ed	4/7/1988	4/16/1995	4/17/1995
110	Mizajud Din	Mirajud Din	SCT	16	5/1/1970	Swat	MA	CT/M.Ed	11/7/1994	4/17/1995	4/17/1995
111	Bakht Biland	Shah Zada	SCT	16	1/30/1966	Swat	BA	CT	10/17/1988	5/15/1995	5/15/1995
112	Muhammad Sadiq	Khyber	SCT	16	11/8/1962	Swat	MA	CT	8/8/1984	8/1/1995	8/1/1995
113	Khaista Mand	Muhammad Ghafoor	SCT	16	1/10/1966	Swat	MA	CT/B.Ed	5/14/1992	8/1/1995	8/1/1995
114	Muhammad Qadim	Amir Nawab	SCT	16	4/5/1964	Swat	MA	CT/B.Ed	2/29/1984	8/7/1995	8/7/1995
115	Amiz Khan	Akbar Khan	SCT	16	1/1/1967	Swat	BA	CT/B.Ed	8/22/1995	8/22/1995	8/22/1995
116	Shah Anwar Badshah	Naik Muhammad	SCT	16	3/15/1963	Swat	MA	CT	9/27/1988	8/24/1995	8/24/1995
117	Ali Rahman	Fazal Rahman	SCT	16	4/1/1967	Swat	MA	CT	5/14/1987	9/1/1995	9/1/1995
118	Sayed Javid Iqbal	Muhammad Mian	SCT	16	3/20/1964	Swat	MA	CT	4/3/1995	9/15/1995	9/15/1995
119	Mufti	Muhammad Zaman	SCT	16	1/15/1962	Swat	MA	CT/B.Ed	3/17/1984	9/23/1995	9/23/1995
120	Muhammad Afzal Khan	Sher Dil Khan	SCT	16	10/1/1970	Swat	MA	CT/B.Ed	9/24/1995	9/24/1995	1/24/1996
121	Muhammad Nisar	Ahmad Khan	SCT	16	4/16/1975	Swat	MA	CT	5/1/1996	5/1/1996	5/1/1996
122	Muhammad Iftikhar	Muhammad Perviz	SCT	16	4/13/1969	Swat	MA	CT/M.Ed	9/16/1992	9/16/1992	5/5/1996
123	Fazal Hadi	Muhammad Yousaf	SCT	16	4/15/1972	Swat	MA	CT/M.Ed	3/17/1996	3/17/1996	5/5/1996

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UP TO THIS No. they will be promoted

All ready promoted to S.S.T.

CESSAL

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GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

NOTIFICATION

Peshawar, dated the November 13, 2012.

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D-25

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

KPK

Endst. No. & Date as above.

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

Copy forwarded to:-

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

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

KPK

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*[Handwritten signature]*

Section Officer (Primary)

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SECRETARY

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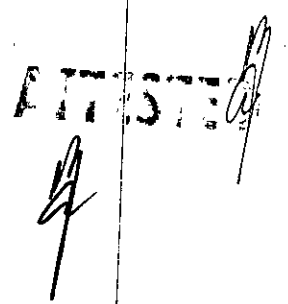
APPENDIX

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

*SET → Redesignated*

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

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

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

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

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

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

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		Certificate or two years Associate Degree in Education from a recognized University or eighteen months Diploma in Education.		<p>(b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (General):</p> <p>Provided that if no suitable candidate is available amongst the Primary School Head Teachers for transfer, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (General).</p> <p><i>31</i></p>
13.	Certified Teacher (Industrial Arts) (BPS-15) ✓	<p>(i) Bachelor's Degree from a recognized University with two years training in the relevant technical subjects from any Government Industrial or Govt. Technical Vocational Institute or Center; or</p> <p>(b) Bachelor's Degree from a recognized</p>	18 to 35 years.	<p><u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.</p> <p>(a) Forty per cent by initial recruitment; and</p> <p>(b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher</p> <p><i>31</i></p>

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Primary School Teacher

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

Other conditions:-

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

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s.No 558259

Roll No. 16891

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION**



**Peshawar N.W.F.P. Pakistan**  
**Secondary School Certificate Examination**  
SESSION 1987 (ANNUAL)

THIS IS TO CERTIFY THAT Fazal Rahim  
Son/Daughter of Sadar  
and a student of Govt High School, Madyan, Swat.

has passed the **Secondary School Certificate Examination**  
of the Board of Intermediate and Secondary Education, Peshawar held in April 1987  
as a *Regular candidate*. He/She obtained 496 Marks out of 850  
and has been placed in Grade  Representing Good

The Candidate passed in the following subjects:

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

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

Date of birth according to admission form is First January,  
one thousand nine hundred and Seventy One ( 1-1-1971 )

*Jawid*  
Asstt. Secretary  
31st August 1987

Attested  
*[Signature]*

*[Signature]*  
Secretary

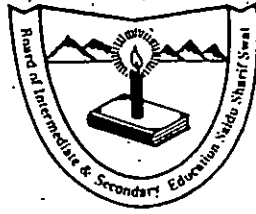
This certificate is issued without alteration or erasure.

SW No. IS) 899

Roll No. 3647.

58

**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION**



Saidu Sharif Swat N.W.F.P. Pakistan

**Intermediate Examination**

**HUMANITIES Group**

**SESSION SUPPLEMENTARY 199 4**

THIS IS TO CERTIFY THAT FAZAL RAHIM

Son/Daughter of SADAR

and a resident of DISTT SWAT.

Registered No. 2884-B/F-93 has passed the Intermediate Examination of the Board of Intermediate and Secondary Education, Saidu Sharif Swat held in 199 as a *Private candidate*. He/She obtained 701 Marks out of 1100 and has been placed in Grade B Representing VERY GOOD.

The Examination was taken as a whole/in parts and the candidate passed the following subjects:

- |            |   |            |
|------------|---|------------|
| 1. English | 3. Islamic Education & Pakistan Studies | 5. CIVICS. |
| 2. Urdu    | 4. ISLAMIC STUDIES.                     | 6. PASHTO. |

Date of birth according to admission form is XXXXX

one thousand nine hundred and XXXXXX

Asst. Secretary

This certificate is issued without alteration or erasure.

Secretary

Attested  
SHER AHMED  
T. 99S-16 (Gazetted)  
Saidu Sharif Swat.



# University of Peshawar (Pakistan)

Session ANNUAL 1995

FAZAL RAHIM

SON

of

SADAR

and a student

of GOVT. DEGREE COLLEGE HATTA SWAT having passed the prescribed examination held in AUGUST 1995, is this day admitted by the University of Peshawar to the Degree of

## Bachelor of Arts

in the FIRST division.

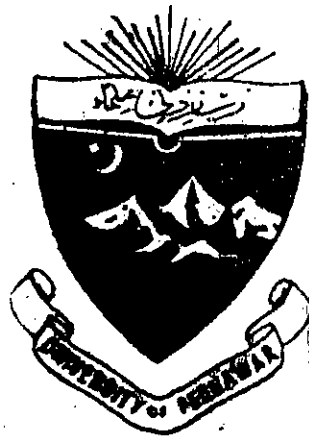
The Examination was taken as a whole / in parts:

Serial No. 027755

Registered No. 89-MT-630

Roll No. 37781

Result declared on FEBRUARY 8, 1996



*Fazli Hamid*  
Registrar

Countersigned  
*[Signature]*  
Vice-Chancellor

*Mirza*  
*Sher Ali Khan*  
SCT BPS-16 (Graded)  
G.H.S. Madyan, Swat

65

60

# University of Peshawar (Pakistan)

Session ANNUAL 1997

FAZAL RAHIM

SON of SADAR

and a student

District Swat

having passed the prescribed examination

held in APRIL, 1998

, is this day admitted by the University of Peshawar  
to the Degree of

## Master of Arts

in the SECOND Division.

The Subject of Examination being Law

The Examination was taken as a whole / in parts

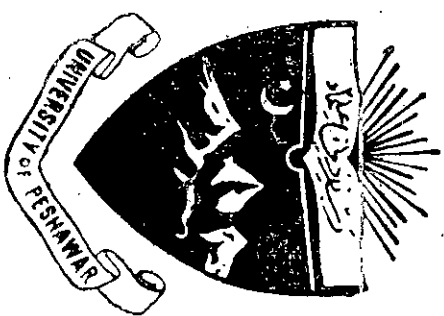
*Sheikh*  
SCT 995-16 (Resalted)  
GHSS Madyan, Swat  
Sheikh Khan

Serial No. 026027

Registration No. 89-47-680

Roll No. 10005

Result declared on SEPTEMBER 17, 1998



*Signature*  
Registrar

Counter signed

*Signature*  
Vice-Chancellor



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

University of Peshawar  
(Pakistan)

Session ANNUAL 1999

FAZAL RAHIM

SON

of

SADAR

DISTRICT SWAT

and a student/ Private Candidate of  
having passed the prescribed examination held in  
is this day admitted by the University of Peshawar to the Degree of  
**Master of Arts**

In

ISLAMIYAT

In FIRST Division

The Examination was taken as a whole / in parts

Serial No. 048331

Registration No. 89-MT-680

Roll No. 22153

Result declared on 26TH JUNE, 2000



Attested

M. A. Khan  
S.C.T. SPS-16 (Gazetted)  
G.H.S.S. Madyan, Swat.

Registrar

Countersigned

Vice-Chancellor

62

GOVT COLLEGE OF EDUCATION BARIKOT

KNOWLEDGE IS POWER

Serial No. 9

File No. 1

GOVT: COLLEGE OF EDUCATION FOR ELEMENTRY TEACHERS

Verified  
Am. Rashid



Barikot, Swat.

Provisional Certificate

SESSION. 1994-95

ROLL NO. 1175

Certified that Mr. Fazal - Rahim S/o Sadar

Adm. No. 376 Class No. - has passed the PTCIGT Examination from this College as a regular student and as per Result-gazette notification of the Registrar Departmental Examinations Education Department N.W.F.P. Peshawar.

Obtained 832 Marks out of 1200 and has been placed in I Division.

Certified that during his study period at this Institution, his conduct remained "Good".

We wish him success in life.

Result Declared on 30-8-1996

Sig: of Exam: Incharge [Signature]

Issued on 24-9-96

[Signature]  
Principal

PRINCIPAL  
Govt. College of Education,  
Govt. College For Elementary Teachers,  
Barikot Swat  
for Elementary Teachers (14)  
Barikot (SWAT), Post-Code-No-1924

The Candidate has Failed in the following subjects:

- Papers
1. \_\_\_\_\_
  2. \_\_\_\_\_
  3. \_\_\_\_\_
  4. \_\_\_\_\_
  5. \_\_\_\_\_

[Signature]  
S.P.T. S. S. M. Khan  
G.H.S.S. Muzaffar, Swat

Principal  
Govt: College of Education,  
For Elementary Teachers,  
Barikot Swat.

GOVT COLLEGE OF EDUCATION BARIKOT

GOVT COLLEGE OF EDUCATION BARIKOT

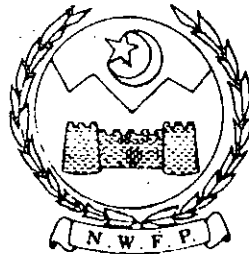
KNOWLEDGE IS POWER

63

Serial No. 222

File No. 3

GOVT: COLLEGE OF EDUCATION FOR ELEMENTARY TEACHERS



Barikot, Swat.

SESSION. 1995-96

Provisional Certificate

ROLL NO. 370

Certified that Mr. FAZAL RAHIM S/o SADAR

Adm. No. 37 Class No. - has passed the -PTC/CT Examination from this College as a regular student and as per Result-gazette notification of the Registrar Departmental Examinations Education Department N.W.F.P. Peshawar.

Obtained 805 Marks out of 1200 and has been placed in 1st Division.

Certified that during his study period at this Institution, his conduct remained "Good".

We wish him success in life.

Result Declared on 13/5/97

Sig: of Exam: Incharge

Issued on 22/5/97

Principal Govt. College of Education, Barikot Swat. Signature: Mazhar Ahmad

The Candidate has Failed in the following subjects:

Papers

- 1. / 2. / 3. / 4. / 5. /

Principal Govt. College of Education, For Elementary Teachers, Barikot Swat.

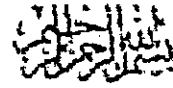
Date of issue

Disclaimer:

This result card is issued provisionally, errors and omission excepted, as a notice only. Any entry appearing in this card does not itself confer any

Sheer Ali Khan, SCS, BPS, Madyan, Swat.

Controller of Examinations



# University of Peshawar Pakistan

64

This certifies that

**Fazal Rahim son of Sa dar**

having fulfilled all the requirements is hereby admitted to the degree of

**Bachelor of Education**

and is entitled to all the rights, honours and privileges thereunto appertaining.

Given this 3rd day of February, 2000.

*Abbas*  
*Adil*  
The Registrar,  
University of Peshawar

Roll No: 1739

Session: Annual 1999

Reg. No: 89-MT-680



*[Signature]*  
Registrar

*[Signature]*  
Vice Chancellor

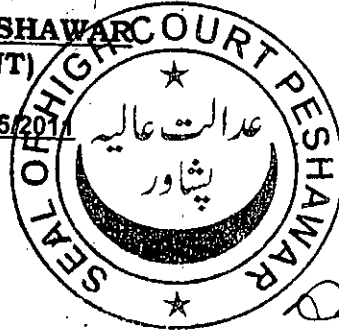
142385

K-65

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

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

**JUDGMENT.**



Date of hearing: 08.11.2018

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

Respondent (s): Muhammad Azam Khan Jy. Iqbal Qadir Ali  
Plus ADK.

**WAQAR AHMAD SETH, CJ:-** Through this

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

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

ATTESTED  
EXAMINER  
Peshawar High Court  
30 NOV 2018

ATTESTED

*[Signature]*

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

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

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

APPROVED  
EXAMINER  
Peshawar High Court  
5 NOV 2010

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

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

5. Arguments heard and record perused.

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

EXAMINE  
Peashwar High Court  
30 NOV 2018

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7. In view of the above, the instant as well as connected contempt petitions are disposed of in terms above.

Show cause notice issued to respondents is hereby recalled.

**ANNOUNCED.**  
Dated: 08.11.2018

Chief Justice

Judge

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

No. 15857

Date of Presentation of Application 25.11.18

No of Pages 3

Copying Fee

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Preparation of Copy 20

Delivery of Copy 20

Received By [Signature]

**CERTIFIED TO BE TRUE COPY**

EXAMINER  
Peshawar High Court, Peshawar  
Authorized Under Article 87 of  
The Constitution of Pakistan Order 1947

**30 NOV 2018**

APPROVED

[Signature]



To,

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

L-69

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

**Respected Sir,**

With due respect it stated that I was initially appointed as PST in your good self Department vide order dated 02.07.1997 and later on was appointed as C.T vide order dated 05.04.1999. During service as Certified Teacher I was in the promotion zone to the post of SST (BPS-16) but the concerned authority instead of promoting me advertised the said posts of SST (BPS-16) on adhoc/contract basis. I was under protest and my colleagues applied for the said post through initial recruitment but the same was also refused to me and my colleagues on the pretext that regular employees are not entitle to apply for the adhoc/contract posts of SST (BPS-16) thus me and my colleagues were deprived from the prospects of promotion. It is pertinent to mention that at the time of above mentioned advertisement the post/cadre of C.T (BPS-15) to which I belong have no prospects of promotion. In light of the said advertisement new appointments were made by the authorities on adhoc basis and even the promotion quota was also filled by the authority though initial recruitment. In the meanwhile the Provincial Government Promulgated the employee's regularization Act, 2009 whereby all the adhoc employees who were appointed as SST on temporary basis were regularized thus further affected the cadre to which I belong. That the promotion quota for which me and my colleagues have waited for decades has been washed by operation of the said Act of 2009. I was feeling aggrieved alongwith my others colleagues knocked the door of the Peshawar High Court through various writ petitions including writ petition No.2905/2009. That vide consolidated judgments dated 26.1.2015 the said writ petitions were disposed of with the directions that:

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

**(ii)- Official respondents are directed to work out the backlog of the promotion quota as per above mentioned example, within thirty days and consider the in service**

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employees, till the backlog is washed out, till then there would be complete ban on fresh recruit. The concerned authority assailed the said judgment of the august Peshawar High Court Peshawar in CPLAS No.127-P to 129-P/2015 but the same were dismissed as withdrawn vide judgment dated 20.9.2017. That then after me and my colleagues time and again visited the concerned quarter for our promotion to the next higher scale but the concerned authority instead of redressing the grievances advertised the posts through initial recruitment through various advertisements. During service I was allowed up gradation/promotion to the newly up graded post of Senior Certified Teacher (BPS-16) vide order dated 10.6.2014. That it is pertinent to mention that I am the senior most SCT (BPS-16) of your good self Department and also eligible in all respect for promotion to the post of SST (BPS-16). I am feeling aggrieved filed this Departmental appeal before your good self for redressal of my grievances.

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

Dated: 12.6.2019

Your Obediently



**FAZAL RAHIM** SCT (BPS-16),  
GHSS Madyan, District Swat

ATTESTED



**VAKALATNAMA**

Before the KP Service Tribunal, Peshawar

\_\_\_\_\_ OF 2019

Fazal Rahim

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Deptt:

(RESPONDENT)  
(DEFENDANT)

I/We Fazal Rahim

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

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

  
**CLIENT**

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

**SHAHZULLAH YOUSAFZAI**

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

OFFICE:  
Flat No.3, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.  
Mobile No.0345-9383141

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

Service Appeal No. 1308/2019

Mr. Fazal Rahim SCT (BPS-16) GHSS Madyan, District Swat.

.....Appellant

**Versus**

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar.
2. Director Elementary and secondary education Khyber Pakhtunkhwa at Peshawar.
3. District Education officer (Male) Swat.

..... Respondents

**Parawise Comments on Behalf of the Respondents:**

**Respectfully Shewith**

**Preliminary objections**

1. That the Appellant is not an aggrieved person within the meaning of Section 4 of the service Tribunal Act, 1974.
2. That the Appellant has no cause of action / locus standi.
3. That the Appellant has not come to this Honorable Court with clean hands.
4. That the Appellant has filed this instant service appeal just to pressurize the respondents.
5. The present service appeal is liable to be dismissed for non-joinder/miss joinder of necessary parties.
6. That the instant service appeal is against the prevailing law and rules.
7. That the Appellant has filed this instant Service Appeal on malafide motives.
8. That the instant appeal is badly time barred.
9. That the instant service appeal is not maintainable in the present form, and above in the present circumstances of the issue.
10. That the Appellant has estopped by his own conduct.
11. That the Appellant has concealed the material facts from this Honorable Tribunal.

**FACTS:**

1. That the Para No.1 is correct. Hence no comments.
2. That the Para No.2 is correct to the extent of advertisement, the rest of the Para is incorrect and not admitted. The Appellant was not in promotion zone at the time of the above mentioned advertisement. The Appellant has annexed seniority list of SCT but it is worth to mention here that there is no promotion quota from CT to SST at the time of the said advertisement. Later on in 2012 policy was promulgated and amended in 2014. According to this policy there are three categories of SST i.e SST I (Chemistry, Botany or Zoology), SST II (Physics, Maths A or B or Statistics) & SST General. The

appellant will be promoted in his category on his own turn. **(Policy as annexure A)**

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

### **GROUND**

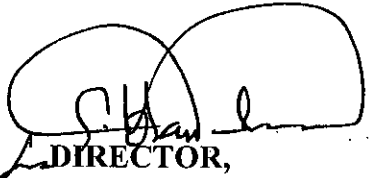
- A. That the Para No. A is incorrect and denied. The respondent department has to act according to the rules, policy and law. The Appellant has been treated in accordance with law, rules and policy.

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


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



DISTRICT EDUCATION OFFICER (M)  
SWAT AT GULKADA



DIRECTOR,  
ELEMENTARY AND SECONDARY  
EDUCATION KHYBER PAKHTUNKHWA



SECRETARY,  
ELEMENTARY AND SECONDARY  
EDUCATION PESHAWAR



GOVERNMENT OF KHYBER PAKHTUNKHWA,  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Peshawar, dated the 24<sup>th</sup> July, 2014.

NOTIFICATION

No.SO(PE)4-5/SSRC/Meeting/2013/Teaching Cadre:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby directs that in this Department's Notifications No.SO(G)S&L/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
1B	Subject Specialist (BPS-17)	i. At least second class Master's Degree or four years BS Degree in the relevant subject; and  ii. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualification from a recognized University.	23 to 35 years	(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, for the relevant subject from amongst the Secondary School Teachers (BPS-16), with at least five years service as such and having qualification mentioned in column No.3.  Note: If no suitable candidate is available in the relevant subject the post falling in their promotion quota shall be filled by initial

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          (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 entries, the following shall be substituted, in respective columns, namely:

1	2	3	4	5
1B.	Secondary School Teacher (BPS-16)	<p>I. At least second class Bachelor Degree's from a recognized University on need basis from the following groups with two subject</p> <p>(a) (Chemistry, Botany or Zoology), 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 style="text-align: center;">and</p> <p>II. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualifications from a recognized University.</p>	21 to 35 years.	<p>1. Seventy Five per cent by promotion, on the basis of seniority-cum-fitness, from the district concerned in the following manner:</p> <p>(a) forty per cent from amongst the Senior Certified Teachers (BPS-16), with at least five years service as Senior Certified Teacher and Certified Teacher and having qualification mentioned in column No.3:</p> <p style="padding-left: 40px;">Provided that if no suitable candidate is available from amongst Senior Certified Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers, with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(b) four per cent from amongst the Senior Drawing Masters(BPS-16), with at least five years service as Senior Drawing Masters and Drawing Masters and having qualification mentioned in column No.3:</p>

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

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

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

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

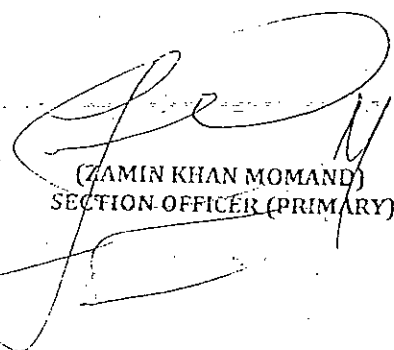
			<p><i>Primary School Head Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least seven years service as Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No.3:</i></p> <p><i>Provided further that if no suitable candidate is available from amongst Senior Primary School Teachers for promotion then the post shall be filled from amongst Primary School Teachers with at least seven years service as such and having qualification mentioned in column No. 3; and</i></p> <p>(ii) <i>twenty Five percent by initial recruitment.</i></p> <p><i>Note:</i></p> <p><i>I. If no suitable candidate is available in the relevant cadre of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment:</i></p> <p><i>II. Posts of General SST and SSTs-1 Science and SST-2 Science shall be filled by promotion or initial recruitment, each on need basis separately."</i></p>
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SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

*Endst : of even No & date:*

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

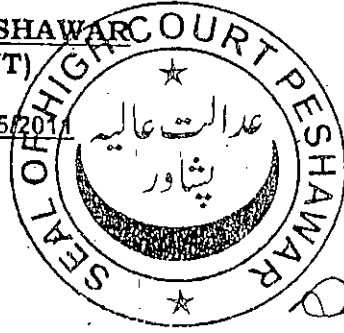
(7)



(ZAMIN KHAN MOMAND)  
SECTION OFFICER (PRIMARY)

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

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



**JUDGMENT.**

Date of hearing: 08.11.2018

Petitioner (s): Nisar Ahmad Khan, Mr. Nisar Muhammad Wahid

Respondent (s): Muhammad Azam Khan, Syed Qaiser Ali  
Plus ADH.

**WAQAR AHMAD SETH, CJ:-** Through this

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

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

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

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

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

APPROVED  
EXAMINED  
Peshawar High Court  
30 NOV 2019

(61)

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

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

5. Arguments heard and record perused.

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

Peace War High Court

30 NOV 2013

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

ANNOUNCED.  
Dated: 08.11.2018

Chief Justice

Judge

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

No. 1587

Date of Presentation of Application 20.11.18

No of Pages 5

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Preparation of Copy 20.11.18

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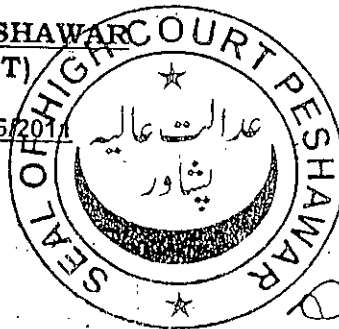
EXAMINER  
Peshawar High Court, Peshawar  
Authorized Under Article 187 of  
The Qanun-e-Shahadat Order 1984

30 NOV 2018



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

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



**JUDGMENT.**

Date of hearing: 08.11.2018

Petitioner (s): Nisar Ahmad Q. No. Noor Muhammad Ullah

Respondent (s): Muhammad Daman Khan) vs. Spd Qadir Ali  
 Plus AD4.

**WAQAR AHMAD SETH, CJ:-** Through this

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

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ATTESTED  
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 Peshawar High Court

30 NOV. 2018

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APPOINTED  
EXAMINER  
Peshawar High Court  
31 NOV 2010

(61)

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

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

5. Arguments heard and record perused.

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

30 NOV 2018

62

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

ANNOUNCED.  
Dated: 08.11.2018

Chief Justice

Judge

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

No. 1587

Date of Presentation of Application 25.11.18

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EXAMINER  
Peshawar High Court, Peshawar  
Authorized Under Article 87 of  
The Constitution of Pakistan Order 1986

30 NOV 2018



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

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

**NOTIFICATION**

Consequent upon the Notification issued by the Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar vide his office Endst: No 681-85/File No.I/Promotion SST (B-16) Dated Peshawar the 05-02-2020. The following SSTs (whose services were placed at the disposal of DEO (M) Swat for further adjustment) are hereby adjusted against the post in the schools noted against each in the interest of public service under the existing policy of the Provincial Government on the terms and conditions given in the afore mentioned notification of the Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar with immediate effect.

**SST(MATHS & PHYSICS)**

S: #	Name	Present School	School Where adjusted	Remarks
01	MR.FAZAL SUBHAN C.T	GHSS MINGORA SWAT	GHS MANAI SWAT	AGAINST VACANT POST
02	MR.HFTIKHAR C.T	GHSS NO 3 MINGORA	GHSS NO 3 MINGORA SWAT	AGAINST VACANT POST
03	MR.ANWAR KHALIQ .SPST	GPS SAMSARAY SWAT	GMS DADAHARA SWAT	AGAINST VACANT POST
04	MR.ABDUL QADOOS SPST	GPSDELAY SWAT	GHS QANDIL SWAT	AGAINST VACANT POST

**SST (GENERAL)**

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


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

Endst: No 551-67 /Promotion/SST Swat Dated 19/5 /2020

Copy forwarded for information and necessary action to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar with reference to his No cited above.
2. District Accounts Officer Swat at Saidu Sharif.
3. Principals/Headmasters concerned.
4. Budget & Accounts Officer Local Office.
5. Superintendent Local Office.
6. Official Concerned.

  
District Education Officer (M)  
Swat