

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

APPEAL No. 1305 P/2019

MIZAJ UD DIN

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. 1305/2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1427

Dated 10-10-2019

Mr. Mizaj Ud Din, SCT (BPS-16),

GHSS Madyan, District Swat **APPELLANT**

VERSUS

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

..... **RESPONDENTS**

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

PRAYERS:

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

R/SHEWETH:

ON FACTS:

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

- 1- That initially the appellant was appointed as PET in the respondents Department vide order dated 6.11.1994 and later on the appellant was appointed as C.T in the respondent Department vide order dated 30.9.1995. Copy of the service book is attached as annexure **A.**

Filed to-day
in
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 SCt (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: 1.8.2019

APPELLANT


MIZAJUD DIN

THROUGH:

NOOR MOHAMMAD KHATTAK

&


MIR ZAMAN SAFI
ADVOCATES

A-5

(For use in Police Department only)

The entries in this 10 should be date

Heirs:—

- 1.
- 2.
- 3.

Name: _____

Race _____

Residence _____

Father's name and _____

Date of birth by nearly as can be: _____

Exact height by _____

Personal marks _____

Left hand thumb of (Non-Gazette) _____

Little Finger _____

Middle Finger _____

Thumb _____

Signature of Go _____

Signature and D the Office; or ou _____

Verification Roll No. _____

dated _____

600/1000 received back in 1st Division del 9/dec/30-4-97.

Director Education Officer (M) Secondary, SWAT.

Left Thumb-Impression

Academic Qualifications

Professional Qualifications

1) passed S.S.C. Exam: Session 1987 (CA) from: BISE Peshawar Under R. No 16920. Marks obtained 300/850 in 2nd div.

1) passed C.T Exam: Session 19 from: A90 University Islamabad. Marks obtained 55% in 1st Div.

Qualifications English Secondary, SWAT.

Qualifications First Aid

2) passed F.A Exam Session 1989 (CA) from BISE Peshawar Under R. No 73679. Marks obtained 49/100 in 1st Division Urdu

2) passed M.A (in Urdu) from University of Peshawar (Session-1986) 2nd Division with a No. 8056 obtained marks date 7/dec/30-11-98.

Qualifications Urdu Secondary, SWAT.

Qualifications Pledership Examination Training School Final Examination

3) passed B.A Exam Session 1992 (CA) from University of Peshawar Under R. No 34154 Marks obtained 295/550 in 1st Division

Qualifications Court Duties Reserve Duties

Other Qualifications

Qualifications Secondary, SWAT.

Qualifications Secondary, SWAT.

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

Attested

S.S.T, GHS, Qandil, Swat

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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: MEZA JUDIN.

2. Race: Alban.

3. Residence: Moh. Shagri village & Kagran p.o. Madyan.
Dist. Swat.

4. Father's name and residence: M. Zaidin.

5. Date of birth by Christian era as nearly as can be ascertained: (01-05-1970)
Est. Mon. 10.11 and Security.

6. Exact height by measurement: 5-0"

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



9. Signature of Government Servant



Shamshad Khan
Dy. Dist. Officer (M)
Secondary, - - - - -

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

Shamshad Khan
Shamshad Khan
M.A., M.Ed
S.S.I, GHS, Qandil, Swat.

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in 1992
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B. G. M. S.
100
110

1	2	3	4	5	6	7	8	9	10
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 head or other Government		Date of termination of appointment
PET			BPS No 9 (1605-97-3060)						
Ramat Soat			Rs 1605/-			7 ¹¹ / ₉₄			16 ⁴ / ₉₅
GHS pishmal C.T			1605/-			17 ⁴ / ₉₅			17 ⁴ / ₉₅
GHS pishmal B.A.C.T			BPS: 14 (9065-161-4480) Pay Rs 2065/-			17 ⁴ / ₉₅			31 ⁷ / ₉₅
HS Kedam			Rs 2065/-			1 ⁸ / ₉₅			30 ¹¹ / ₉₅
do			Rs 2206/-			1¹²/₉₅			

Attested

Shan
 Shamsad Khan
 M.A. M.Ed
 S.S.T, GHS, Qandil, Swat.

7

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 of Government Servant	Signature and name of the head of office or other officer in charge of posts 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
	1st Appointment	16/4/95	Transfer	D.E.O (M)			Appointment as against PET post at GMS Ramat Swat vide D.E.(S) MKD Swat at Gul Kadda Endst. No 1264-1190/ Appth. Dated 6-11-1994.	Service Verified w.e.f. 7-11-94 to 16-4-95 from pay Roll & other record of this Office.
	D.E.O (M)							
	Head master, Govt. High School, Fishmal Swat.	17/4/95	Fixed on BPS 14	D.E.O (M) Swat			Dy. Dist. Education Officer (M) Secondary, SWAT.	
	Head master, Govt. High School, Fishmal Swat.	31/7/95	Transferred	Head master, Govt. High School, Fishmal Swat.			Dy. Dist. Education Officer (M) Secondary, SWAT.	
	Head master, Govt. High School, KEDAM, Swat.	3-11/95	Head master, Govt. High School, KEDAM, Swat.	Head master, Govt. High School, KEDAM, Swat.			Dy. Dist. Education Officer (M) Secondary, SWAT.	Appointed against CT post by vide Dir. of Edu. Sery. Edu. (S) MKD. Dir. at Gul Kadda, Swat (No: 1167-65/ dated 16-4-1995)
							Dy. Dist. Education Officer (M) Secondary, SWAT.	pay Fixed on BPS 14 with effect from 17/4/95 by vide DDR of Edu. MKD Division Endst No: 14842-45 / A-12 / M.Din / CT dated 05-07-95.
							Dy. Dist. Education Officer (M) Secondary, SWAT.	Drawn out of pay 17-4-95
							Dy. Dist. Education Officer (M) Secondary, SWAT.	GTRA due award of BPS 14 by vide 17/4/95 to 31/7/95 amounting to Rs. 1954/-

Attested

Shamskhan
S.S.T, GHS, Ramat, Swat.

Signature of attesting officer

1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of the Signatory of the office or attesting officer Government attestation in columns 1 to 7
C.T GHS Kedam			2065/-	/		30/11/95	Jmd Head master Govt: High KEDAM, S
-do-			2226/2	/		1/12/95	Jmd Head master Govt: High KEDAM, S
-do-			2226/2	/		1/12/95	Jmd Head master Govt: High KEDAM, S
GHS Ayeev dwest			Rs 2226/2	/		20/3/96	Jmd Head master Govt: High KEDAM, S
do.			Rs. 2387/2	/		1/12/96	Jmd Head master Govt: High KEDAM, S
do-			Rs. 2548/- P.M.	/		1/12/97	Jmd Head master Govt: High KEDAM, S
do-			Rs. 2709/- P.M.	/		1/12/98	Jmd Head master Govt: High KEDAM, S
do-			Rs. 2879/- P.M.	/		1/12/99	Jmd Head master Govt: High KEDAM, S
do-			Rs. 3031/- P.M.	/		1/12/2000	Jmd Head master Govt: High KEDAM, S
do-			Rs. 3192/- P.M.	/		1/12/2001	Jmd Head master Govt: High KEDAM, S
(BPS No 14: Rs. 3100-246-10300)							
-do-	-do-	Attested	Rs. 4780/- P.M.	/		1/12/2001	Jmd Head master Govt: High KEDAM, S
do	do	S.S.T. GHS M.A. M.Ed.	Rs. 5020/- P.M.	/		1/12/02	Jmd Head master Govt: High KEDAM, S

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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 debit to another		
Signature and designation of the head of the office or other attesting officer in Government 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				Signature of the head of the office or other attesting officer	Reference to a recorded punishment or censure, or rev or praise of the Government Ser
<i>[Signature]</i> Head master, Govt. High School, KEDAM, Swat.	30/11/95	Annual Sal.	<i>[Signature]</i> Head master, Govt. High School, KEDAM, Swat.				<i>[Signature]</i> Head master, Govt. High School, KEDAM, Swat.	
<i>[Signature]</i> Head master, Govt. High School, KEDAM, Swat.	30/11/95	Annual Sal.	<i>[Signature]</i> Head master, Govt. High School, KEDAM, Swat.				<i>[Signature]</i> Head master, Govt. High School, KEDAM, Swat.	
<i>[Signature]</i> Head master, Govt. High School, KEDAM, Swat.	19/3/96	Transfer GMS Ayen.	<i>[Signature]</i> Head master, Govt. High School, KEDAM, Swat.				<i>[Signature]</i> Head master, Govt. High School, KEDAM, Swat.	
<i>[Signature]</i> Dy. P.E.O. (M) Soc. Swat.	30/11/96	Ann: Acq:	<i>[Signature]</i> Dy. P.E.O. (M) Soc. Swat.				<i>[Signature]</i> Head master, Govt. High School, KEDAM, Swat.	
<i>[Signature]</i> Dy. P.E.O. (M) Soc. Swat.	30/11/97	A/Qu	<i>[Signature]</i> Dy. P.E.O. (M) Soc. Swat.				<i>[Signature]</i> Head master, Govt. High School, KEDAM, Swat.	
<i>[Signature]</i> Dy. P.E.O. (M) Soc. Swat.	30/11/98	A/Qu	<i>[Signature]</i> Dy. P.E.O. (M) Soc. Swat.				<i>[Signature]</i> Head master, Govt. High School, KEDAM, Swat.	
<i>[Signature]</i> Dy. P.E.O. (M) Soc. Swat.	30/11/99	A/Qu	<i>[Signature]</i> Dy. P.E.O. (M) Soc. Swat.				<i>[Signature]</i> Head master, Govt. High School, KEDAM, Swat.	
<i>[Signature]</i> Dy. P.E.O. (M) Soc. Swat.	30/11/2000	A/Qu	<i>[Signature]</i> Dy. P.E.O. (M) Soc. Swat.				<i>[Signature]</i> Head master, Govt. High School, KEDAM, Swat.	
<i>[Signature]</i> Dy. P.E.O. (M) Soc. Swat.	30/11/2001	A/Qu	<i>[Signature]</i> Dy. P.E.O. (M) Soc. Swat.				<i>[Signature]</i> Head master, Govt. High School, KEDAM, Swat.	
<i>[Signature]</i> Dy. P.E.O. (M) Soc. Swat.	30/11/2001	pay scale revised.	<i>[Signature]</i> Dy. P.E.O. (M) Soc. Swat.				<i>[Signature]</i> Head master, Govt. High School, KEDAM, Swat.	
<i>[Signature]</i> Dy. P.E.O. (M) Soc. Swat.	30/11/2002	A/Qu	<i>[Signature]</i> Dy. P.E.O. (M) Soc. Swat.				<i>[Signature]</i> Head master, Govt. High School, KEDAM, Swat.	
<i>[Signature]</i> Dy. P.E.O. (M) Soc. Swat.	30/11/03	A/Qu	<i>[Signature]</i> Dy. P.E.O. (M) Soc. Swat.				<i>[Signature]</i> Head master, Govt. High School, KEDAM, Swat.	

UNDERTAKING
I, Mr. *[Name]*, working against *[Post]* of *[Office]* hereby give an undertaking to the effect that if any over Payment is made to me as a result of incorrect Fixation of my Pay w.e.f. 1/12/2001 it will be made good by recovery from my Pay/Pension/Gratuity

Service Verified w.e.f. 1-12-95 to 19-3-96 from *[Record]* of the office and other *[Records]* of this office.
Attested *[Signature]*
Sign: of Govt. Servant.

Service Verified w.e.f. 20-3-96 to 30-11-96 from acq: Roll and other *[Records]* of this office.
Attested *[Signature]*
District Officer (M) Swat

Departmental Pay Fixation in Revised Pay Scale No. 14
@ Rs. 3100-240-10300 w.e.f. 1-12-2001 vide FD (PRC) 1-1/2001, dated 27-10-2001 Pay in Existing Scale No. 14 on 30-11-2001 Rs. 3031/- Annual Increment in existing Pay Scale. Rs. 161/- TOTAL PAY: Rs. 3192/- Equal/Next Stage in Revised P. Scale No. 14... Rs. 4780/- Pay Fixed on 1-12-2001. With Next Annual Increment on 1-12-2002.
District Officer (Admn. & Dev.) Edu: (M) Swat.

Service Verified w.e.f. 1-12-96 to 30-11-2001 from acq: Roll and other Record of this office.

Service Verified w.e.f. 1-12-01 to 30-11-02 from acq: Roll and other Record of this office.

Attested
[Signature]
Shahzad Khan
M.A. M.Ed
Govt. School, Gandil, Swat.

[Signature]
District Officer (M)
2 Schools & 1 Library, Swat

9

1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Officer in Government and the head of other officer in Govt of 8	9 D term of a r
e.T. GMS: Kalagai	Sub. Perm:		Rs. 10680/-			01/12/2009		
- Do -	- Do -		Rs. 10680/-			1/8/2010		
- Do -	- Do -		Rs. 11100/-			1/12/10		
- Do -	- Do -	BPS No. 14C 7065-161-4480	Rs. 7870/-			30/11/98		
- Do -	- Do -		Rs. 3031/-			1/12/98		
- Do -	- Do -		Rs. 3197/-			1/12/99		
- Do -	- Do -		Rs. 3353/-			1/12/2000		
- Do -	- Do -		Rs. 3514/-			1/12/2001		
- Do -	- Do -	BPS No. 14C 3100-740-10300	Rs. 5260/-			1/12/2001		
- Do -	- Do -		Rs. 5500/-			1/12/2002		
- Do -	- Do -		Rs. 5740/-			1/12/2003		
- Do -	- Do -		Rs. 5980/-			1/12/2004		
- Do -	- Do -	BPS No. 14C 3565-875-11815	Rs. 6865/-			1/7/2005		

Attested
Shaguftah Khan
M.A., M.Ed
S.S.T, GHS, Gandli, Swat

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8	9	10	11	12	13		14	15
					Leave			
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitabale to another Government		
					Period	Government to which debitabale		
Signature of Government Servant	Signature and position of the head office or other officier in station of classes 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			Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
<i>20)</i>								
<i>mdh</i>	Distt: Officer (em; & Secy; Edu) Swat	30/11/08	Subitted to cluster for release	Distt: Officer (em; & Secy; Edu) Swat				
<i>dmr</i>	PRINCIPAL GHSS, Swat	30/11/10	Annual Provs	PRINCIPAL GHSS, Swat				Service Verified w.e.f 01.12.2008 to 30.11.09 from acq: Roll and other Record of this office.
<i>mdh</i>	PRINCIPAL GHSS, Swat	30/11/09	Annual Provs	PRINCIPAL GHSS, Swat				Service Verified w.e.f 1.12.09 to 31.7.10 from acq: Roll and other Record of this office.
<i>mdh</i>	PRINCIPAL GHSS, Swat	30/11/98	Annual Provs	PRINCIPAL GHSS, Swat				Service Verified w.e.f 01-08-2010 to 31-12-2010 from acq: Roll and other Record of this office.
<i>mdh</i>	PRINCIPAL GHSS, Swat	30/11/99	Annual Provs	PRINCIPAL GHSS, Swat				
<i>mdh</i>	PRINCIPAL GHSS, Swat	30/11/00	Annual Provs	PRINCIPAL GHSS, Swat				
<i>mdh</i>	PRINCIPAL GHSS, Swat	30/11/01	Annual Provs	PRINCIPAL GHSS, Swat				
<i>mdh</i>	PRINCIPAL GHSS, Swat	30/11/01	Pay Scale revised	PRINCIPAL GHSS, Swat				
<i>mdh</i>	PRINCIPAL GHSS, Swat	30/11/07	Annual Provs	PRINCIPAL GHSS, Swat				Sanction of two Advance Provs on M.A has been accorded with effect from 30-11-1998 by The EDO (ERSE) Swat at Gul Kaka vide his office order ERSE: No. 153638 / F.No. 320 / High's pay scale dated 28-2-2011 in the light of Finance Department Notification No. FDCSR-122-173/2010 dated 15-12-2010.
<i>mdh</i>	PRINCIPAL GHSS, Swat	30/11/03	Annual Provs	PRINCIPAL GHSS, Swat				
<i>mdh</i>	PRINCIPAL GHSS, Swat	30/11/04	Annual Provs	PRINCIPAL GHSS, Swat				
<i>mdh</i>	PRINCIPAL GHSS, Swat	30/6/05	Pay Scale revised	PRINCIPAL GHSS, Swat				
<i>mdh</i>	PRINCIPAL GHSS, Swat	30/11/05	Annual Provs	PRINCIPAL GHSS, Swat				
					Attested Shauhan Khan M.A. M.Ed S.S.T, GHS, Qandil, Swat			

Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	9 Signature and position of the head office or other officer in station of ranks 1 to 8
C.T at GMS Kalagay Swat	Subs/per		Rs. 7140/-			12/2005	[Signature]
-Do-	-Do-		Rs. 7415/-			12/2006	[Signature]
		BPS No. 14 (4100-315-13550)					[Signature]
-Do-	-Do-		Rs. 8510/-			7/2007	[Signature]
		BPS No. 15 (4350-350-14850)					[Signature]
-Do-	-Do-		Rs. 8550/-			10/2007	[Signature]
							[Signature]
-Do-	-Do-		Rs. 8900/-			12/2007	[Signature]
		BPS No. 15 (5220-470-17820)					[Signature]
-Do-	-Do-		Rs. 10680/-			7/2008	[Signature]
							[Signature]
-Do-	-Do-		Rs. 11100/-			12/2008	[Signature]
							[Signature]
-Do-	-Do-		Rs. 11570/-			12/2009	[Signature]
							[Signature]
-Do-	-Do-		Rs. 11940/-			12/2010	[Signature]
							[Signature]
-Do-	-Do-		Rs. 11940/-			1/2011	[Signature]
							[Signature]
35/07/14							[Signature]
10680/15		R1 BPS-15 (8500-700-29500)					[Signature]
-do- 19/07/15	-do-		Rs. 19700/-			7/2011	[Signature]
							[Signature]
-do-	-do-		Rs. 20400/-			12/2011	[Signature]
							[Signature]

Attested
 Na Shamsad Khan
 M.A. M.Ed
 Qu. Qandil, Swat.

11

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 designation 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
<i>Amdu</i>	<i>Principal GHSS, District Swat</i>	30/11/2005	Annual increment	<i>Principal GHSS, District Swat</i>					
<i>Amdu</i>	<i>Principal GHSS, District Swat</i>	30/6/2007	Scale pay fixation	<i>Principal GHSS, District Swat</i>					
<i>Amdu</i>	<i>Principal GHSS, District Swat</i>	30/9/2007	Up. Grade to B-15	<i>Principal GHSS, District Swat</i>					
<i>Amdu</i>	<i>Principal GHSS, District Swat</i>	30/11/2007	Annual increment re-fix	<i>Principal GHSS, District Swat</i>					
<i>Amdu</i>	<i>Principal GHSS, District Swat</i>	30/6/2008	Pay scale revised	<i>Principal GHSS, District Swat</i>					
<i>Amdu</i>	<i>Principal GHSS, District Swat</i>	30/11/2008	Annual increment	<i>Principal GHSS, District Swat</i>					
<i>Amdu</i>	<i>Principal GHSS, District Swat</i>	30/11/2009	Annual increment	<i>Principal GHSS, District Swat</i>					
<i>Amdu</i>	<i>Principal GHSS, District Swat</i>	30/11/2010	Annual increment	<i>Principal GHSS, District Swat</i>					
<i>Amdu</i>	<i>Principal GHSS, District Swat</i>	31/12/2010	Shifted to DO	<i>Principal GHSS, District Swat</i>					
<i>Amdu</i>	<i>District Officer Elementary & Secondary Education, Swat</i>	30/6/2011	Scale Revised	<i>District Officer (M) Elementary & Secondary Education, Swat</i>					
<i>Amdu</i>	<i>District Officer Elementary & Secondary Education, Swat</i>	30/11/2011	Annos. Inc.	<i>District Officer (M) Elementary & Secondary Education, Swat</i>					
<i>Amdu</i>	<i>District Officer (M) Elementary & Secondary Education, Swat</i>	30/11/2011	Annos. Inc	<i>District Officer (M) Elementary & Secondary Education, Swat</i>					

UNDER-TAKING
 I Mr. Muzajud-Din, C.T. GNS Kalagay Swat do hereby give and under taking to the effect that if any overpayment is made to me as a result of incorrect fixation of pay will be recovered from my pay/pension/ gratuity.

Signature of the Govt. Servant
 Attested

Principal GHSS, District Swat
 EMIS Code 36567

AT No. 65348
 Drawn difference of Rs. 12,117.59
 on 28/2/2011
 Total Rs. 1,16,621

SERVICE VERIFIED W.E.F.

From seq. Roll & other Record of this office

Attested

Shamshad
 PRINCIPAL, GHSS, Madyan, Swat.
 EMIS Code 36567
 S.S.T. GHS, Qandil, Swat.

1	2	3	4	5	6	7	8	9
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	Signature and position of the head of the office or other officiating officer in the station of posts 1 to 8
OT at GMS Kolagay	Sub/Per		BPS-15 8500-700	-	-	29/5/00	[Signature]	[Signature]
-DO-	-DO-		Rs. 21100/- pm			1/12/12	[Signature]	[Signature]
-DO-	-DO-		Rs. 71800/-			1/12/2013	[Signature]	[Signature]
<p>Service Verified w.e.f. 01-12-2013</p>								
<p>To 9-06-2014 from app. Roll And other record of this office.</p>								
<p>Dy. District Education Officer (M) Swat.</p>								
<p>Stamp: SERVICE VERIFIED W.E.F. 01-12-2013</p>								
<p>Office of the Accountant General Khyber Pakhtun Khwa Peshawar Pay Fixed in the Revised Basic Pay Scales R.B.P.S. 4100 315 12550 B 9 Pay Fixed @ Rs. 8550/- w.e.f. 01-07-2008 5220 420 17820 B 12 Adj. Pay Fixed @ Rs. 10687/- w.e.f. 01-07-2008 R.B.P.S. 8500 705 22500 B 15 Pay Fixed @ Rs. 19700/- w.e.f. 01-07-2011 Date of Next Increment is on 01-12-2011</p> <p>Accounts Officer Pay Fixation Party 19/7</p> <p>Attested Shamsahad Khan M.A. M.Ed S.S.T, GHS Qandil, Swat.</p>								

(12)

8	9	10	11	12	13	14	15		
				Leave					
Signature of Government Servant	Signature and position of the head of the office or other attesting officer in stations of posts 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		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
						Period	Government to which debitable		

Handwritten notes:
 Distt: Officer Elem & Secy: Edu Swat.
 30/11/2013
 09/09/2014
 20/09/2014
 09/09/2014
 20/09/2014
 30/11/2013
 09/09/2014
 20/09/2014
 09/09/2014
 20/09/2014
 Re-cutting Allot

Service Verified w.e.f. 1-1-2011 to 31-12-2011 from acc: Roll & Other Record of this office.

District Officer (M)
Elementary & Secondary Education, Swat.

Service Verified w.e.f. 1-1-2011 to 30-11-12 from acc: Roll and other Record of this office.

DISTRICT OFFICER (MALE)
Schools & Literacy Swat

Promoted to SGT BPS-16 from BPS-15 by the DEOCMS Swat vide his office order EMDETC No. 7103-6 dated 10/16/2014 a/c S.No. 02 and Memorandum of Office EMDETC: 7307-12/15/16/SGT DDO 8 Web 18-4-2014 dated 16/01/2014
 Dy. Distt. Education Officer (M) District Swat

Under-Taking

I Mr. Mirajud-Din, SGT GHS Chail Swat do give an undertaking to the effect that if any overpayment is made to me in the light of Fixation in BPS-16 on 18-6-2014 The same will be deducted from my pay/ pension/gratuity etc.

Attested

Shamsiud Khan
S.S.T. C.No. 2011/1/2014

Signature of The Govt. Servant

PRINCIPAL
GHS, Chail Swat.
DDO SW-2047 7062
School No 35420

1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371	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	9 Signature and name of the officer or existing officer attestation of columns 1 to 8
(BPS-14 @ Rs. 4100-315-13550)								
CT-22 GMS Kalegay.	Subs. Perm.		Rs. 8510/-			1-7-2007	Amidi	Dy. P.O. Kalat
-Do-	-Do-		Rs. 8900/-			1-10-8007	Amidi	
-Do-	-Do-		Rs. 9750/-			1-12-8007	Amidi	
(BPS-15 @ Rs. 4350-350-14850)								
-Do-	-Do-		Rs. 11100/-			1-7-2008	Amidi	
-Do-	-Do-		Rs. 11520/-			1-12-2008	Amidi	
-Do-	-Do-		Rs. 11940/-			1-12-2009	Amidi	
-Do-	-Do-		Rs. 12360/-			1-12-2010	Amidi	
(BPS-15 @ Rs. 8500-700-29500)								
-Do-	-Do-		Rs. 20400/-			1-7-2011	Amidi	
-Do-	-Do-		Rs. 21100/-			1-12-2011	Amidi	
-Do-	-Do-		Rs. 21800/-			1-12-2012	Amidi	
-Do-	-Do-		Rs. 22500/-			1-12-2013	Amidi	
Attested Shamsad Khan M.A. M.Ed S.S.T, GHS Qandil, Swat.								

Amidi
Perm. 25/4/14
pay

13

8 Signature of Government	9 Signature and designation of the head of the office or other attesting officer in 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		
	<i>[Signature]</i> Dy. D.E.O (M) Swat	30/9/2007	UP Graded to BPS 15 + P.M.I.	<i>[Signature]</i> Dy. D.E.O (M) Swat				
	<i>[Signature]</i> Dy. D.E.O (M) Swat	30/11/2007	Annual (P.M.I.)	<i>[Signature]</i> Dy. D.E.O (M) Swat				
	<i>[Signature]</i> Dy. D.E.O (M) Swat	30/6/2008	Day Scale (P.M.I.)	<i>[Signature]</i> Dy. D.E.O (M) Swat				
	<i>[Signature]</i> Dy. D.E.O (M) Swat	30/11/2008	Annual (P.M.I.)	<i>[Signature]</i> Dy. D.E.O (M) Swat				
	<i>[Signature]</i> Dy. D.E.O (M) Swat	30/11/2009	Annual (P.M.I.)	<i>[Signature]</i> Dy. D.E.O (M) Swat				
	<i>[Signature]</i> Dy. D.E.O (M) Swat	30/11/2010	Annual (P.M.I.)	<i>[Signature]</i> Dy. D.E.O (M) Swat				
	<i>[Signature]</i> Dy. D.E.O (M) Swat	30/6/2011	Day Scale (P.M.I.)	<i>[Signature]</i> Dy. D.E.O (M) Swat				
	<i>[Signature]</i> Dy. D.E.O (M) Swat	30/11/2011	Annual (P.M.I.)	<i>[Signature]</i> Dy. D.E.O (M) Swat				
	<i>[Signature]</i> Dy. D.E.O (M) Swat	30/11/2012	Annual (P.M.I.)	<i>[Signature]</i> Dy. D.E.O (M) Swat				
	<i>[Signature]</i> Dy. D.E.O (M) Swat	09/6/2014	Transferred and promoted as SGT	<i>[Signature]</i> Dy. D.E.O (M) Swat				
	<i>[Signature]</i> Dy. D.E.O (M) Swat			<i>[Signature]</i> Dy. D.E.O (M) Swat				

Allowed one premature increment. H.E.F 30/5/2014 by the Govt of Khyber Pakhtun Khwa (Regulation 4179) under notification no. FD COSR-152-123/2014 dated 30/5/2014.

[Signature]
Dy. District Administration Officer (M)
District Swat

Revised 2011 + 1 P.M.I. no arrears prior to 30.5.2014

BASIC PAY SCALES 2011
OFFICE OF THE DISTRICT DISTRICT GENERAL
ADMINISTRATOR PESHAWAR
PAY FIXED IN THE R.B.P.S 2011

MS RS 8500-700-28500

MS RS 20400

[Signature]

Haj Leave wdy 7/11/2017 to 20/11/2017 = 14 days.
NOC sanctioned vide BPS (M) Swat under No. 1122/Postal dt 17/8/2017

Attested
Shamshad
S.S.T, GHS, Swat

5
pay

C - 15

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

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

AN
ACT

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

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

It is hereby enacted as follows:-

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

(2) It shall come into force at once.

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

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

³Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁴Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁵Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁶Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁷Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁸Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

M-J

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

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

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

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

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

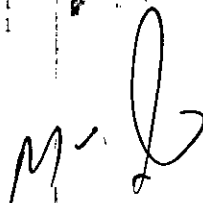
(2) The seniority interse of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

⁹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

¹⁰Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

¹¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

¹²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011



(17)

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.

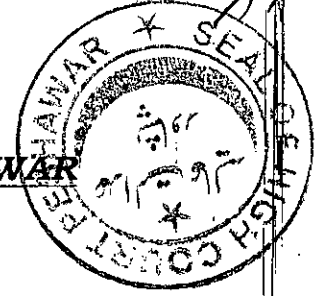
4A. **Overriding effect.**---Notwithstanding any thing to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

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.

M-G

JUDGMENT SHEET

PESHAWAR HIGH COURT, PESHAWAR
(JUDICIAL DEPARTMENT)



D-18 57/26

Writ Petition No.2905 of 2009.

ATTA ULLAH AND OTHERS.....PETITIONERS.

VERSUS.

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

JUDGMENT.

Date of hearing 26.01.2015

Appellant/Petitioner by Ghulam Nabi Khan Advocate.

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

WAQAR AHMAD SETH, J:- Through this single

judgment we propose to dispose of the instant Writ Petition

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

Nos.2941, 2967,2968,3016. 3025.3053,3189,3251,3292 of

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

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

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

M.B.

ATTESTED

Peshawar High Court

08 MAR 2018

(19)

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

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

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

m b

ATTESTED

EXAMINER
Peshawar High Court

08 MAR 2018

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~~SA~~

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

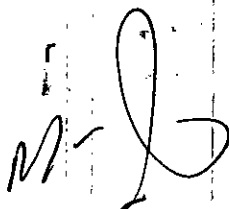
MA M B

ATTACHED
EXHIBIT
Peshawar
08 MAR 2016

(21)

540

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.



ATTESTED
EXAMINER
Peshawar High Court
06 MAR 2018

22

~~5/1~~

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

M. B.

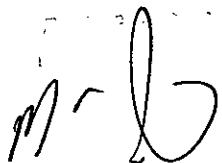
ATTENDED
POST OFFICE
02 MAR 2013

(23)

SWV

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.



ATTESTED
EXAMINER
Dehra Dun Court
08 MAR 2019

24

543

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

M. L.

08 MAR 2018

(28)

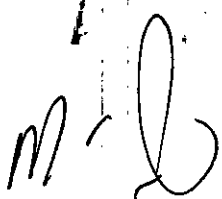
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service and having qualification mentioned

in column 3."

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

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

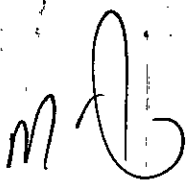


ATTESTED
EXAMINER
Peshawar High Court
08 MAR 2018



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

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



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

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

S.2 Definitions. (1)---

a)---

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

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

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basis or who are paid out of contingencies;

----- whereas,

S. 3 reads:-

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

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

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

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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 superfluties, 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."

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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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 DEMONSTRATION
 23 APR 1987

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

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

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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

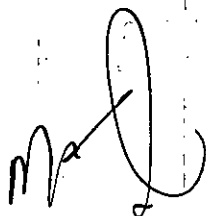
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principles was liable to be restrained by the superior courts in their jurisdiction under Article 199 of the Constitution. One could not overlook that even in the absence of strict legal right there was always legitimate expectancy on the part of a 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.

Muzam Ali Khan J
Mohammad Hameed J

Announced.
26th January 2015

JUDGE

M-B

JUDGE

Seem 2/2/15

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CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court, Peshawar
Authorized Under Article 27 of
The Courts (Shariat) Order 1984

08 MAR 2015

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

E-40

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, 664 of 2010

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

Versus

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

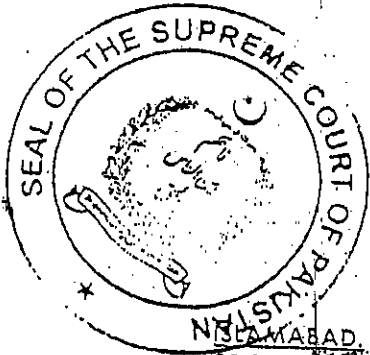
For the petitioner(s): Mr. Mujahid Ali Khan, Addl. A.G. KPK

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

Date of Hearing: 20.09.2017.

ORDER

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



Islamabad
20.09.2017
M. Azhar Malik
25/9/17

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

[Signature]
29/9/17
Court Associate
Supreme Court of Pakistan
Islamabad

ATTESTED
[Signature]

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خیبر پختونخوا ایجوکیشن، پوسٹنگ اور ٹرانسفر آف ٹیچرز ریگولیشنز اور ڈائریکٹرز آف ایجوکیشن ایکٹ 2011 کے سیکشن نمبر 4 کے تحت عملی طور پر ایگزیکٹو ایجوکیشن خیبر پختونخوا کے زیر انتظام (مرادنا زمانہ) سکولوں میں درج ذیل آسامیوں پر کرنے کے لئے خیبر پختونخوا کے متعلقہ اضلاع کے سکولوں میں امیدواروں سے مجوزہ فارم پر 30 ستمبر 2016 تک درخواستیں مطلوب ہیں۔ درخواست فارم (NTS) کی ویب سائٹ (http://www.nts.pk) پر دستیاب ہے۔ مقررہ تاریخ پر گزرنے کے بعد موصول ہونے والی درخواستوں پر غور نہیں کیا جائے گا۔

نمبر شمار	نام آسامی	تالیف	عمر
1	سیکنڈری سکول ٹیچر (SST) بیالوجی/کیمسٹری BPS. 16	کسی بھی تسلیم شدہ یونیورسٹی سے سینڈ ڈگری میں بیچلر ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (i) کیمسٹری/بیالوجی (ذاتی یا باہمی) (ii) کسی بھی تسلیم شدہ یونیورسٹی سے ایم اے ایجوکیشن یا ایجوکیشن میں بیچلر ڈگری۔	21 تا 35 سال
2	سیکنڈری سکول ٹیچر (SST) فزکس/میتھس BPS. 16	(1) کسی بھی تسلیم شدہ یونیورسٹی سے سینڈ ڈگری میں بیچلر ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (i) فزکس/میتھس A یا (ii) فزکس/میتھس B یا (iii) فزکس/میتھس (2) کسی بھی تسلیم شدہ یونیورسٹی سے ایم اے ایجوکیشن یا ایجوکیشن میں بیچلر ڈگری۔	21 تا 35 سال
3	سیکنڈری سکول ٹیچر (SST) جنرل BPS. 16	(1) کسی بھی تسلیم شدہ یونیورسٹی سے سینڈ ڈگری میں بیچلر ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (i) انگریزی لازمی اور ہونٹنٹریپ یا دیگر سادی گروپ۔ (2) کسی بھی تسلیم شدہ یونیورسٹی سے ایم اے ایجوکیشن یا ایجوکیشن میں بیچلر ڈگری۔	21 تا 35 سال

سیکشن کرپٹا: اساتذہ کے سیکشن کیلئے کریٹیریا درج ذیل ہے۔ کل 200 نمبرات کی تقسیم اس طرح کی جائے گی۔

(1) - سگریٹنگ نیٹ بذریعہ NTS = 100 نمبر (ب) - تقابلی قابلیت = 100 نمبر جس کی مزید تقسیم اس طرح ہوگی

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

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

نوٹ: (1) ہر سکول کی آسامی کے لئے لکھد و لکھد ہیرت لسٹ مرتب کی جائے گی جس میں امیدواروں کے NTS کے حاصل کردہ نمبر اور تعلیمی قابلیت کے نمبروں کو مل کر کیا جائے گا۔ (2) ہر امیدوار سے NTS کی درخواست فارم 300 روپے چارج کیا جائے گا۔ اگر ایک امیدوار 5 سکولوں کے لئے درخواست دینا 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 داخل تصور ہوگا اور میرٹ لسٹ میں شامل نہیں ہوگا۔

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

کرنے کے تحت نافذ کیا جائے گی۔ (2) معذور افراد کے لئے دو فیصد اور تعلیمی امیدواروں کے لئے تین فیصد کوٹیشن ہے۔ (3) انٹرویو کے وقت عملی تعلیمی اعداد وند اخراجات امیدوار کو برداشت کرنا ہوں گے۔ (4) انٹرویو کے لئے آنے والے امیدواروں کو کوئی بھی ایسی ایسی نہیں دیا جائے گا۔ (5) صرف مقررہ وقت کے اندر موصول ہونے والی درخواستوں پر غور کیا جائے گا۔ (6) زبردستی یا اختیار حاصل ہے کہ کوئی امیدوار اپنے نمبروں کی کمی یا زیادتی اور پرائیویٹ طور پر متعلقہ ضلع کے سکولوں کے لئے درخواست دینا تو اس سے 800 روپے ہی NTS چارج کریں گے۔ جو کہ امیدوار خود برداشت کریں گے۔
(8) عملی طور پر ایگزیکٹو ایجوکیشن خیبر پختونخوا کے متعلقہ اضلاع کے سکولوں میں درج ذیل آسامیوں پر کرنے کے لئے خیبر پختونخوا کے متعلقہ اضلاع کے سکولوں میں امیدواروں سے مجوزہ فارم پر 30 ستمبر 2016 تک درخواستیں مطلوب ہیں۔ درخواست فارم (NTS) کی ویب سائٹ (http://www.nts.pk) پر دستیاب ہے۔ مقررہ تاریخ پر گزرنے کے بعد موصول ہونے والی درخواستوں پر غور نہیں کیا جائے گا۔
(9) تمام تقرریاں حکومت خیبر پختونخوا کے متعلقہ اضلاع کے سکولوں میں درج ذیل آسامیوں پر کرنے کے لئے خیبر پختونخوا کے متعلقہ اضلاع کے سکولوں میں امیدواروں سے مجوزہ فارم پر 30 ستمبر 2016 تک درخواستیں مطلوب ہیں۔ درخواست فارم (NTS) کی ویب سائٹ (http://www.nts.pk) پر دستیاب ہے۔ مقررہ تاریخ پر گزرنے کے بعد موصول ہونے والی درخواستوں پر غور نہیں کیا جائے گا۔
(10) تمام تقرریاں حکومت خیبر پختونخوا کے متعلقہ اضلاع کے سکولوں میں درج ذیل آسامیوں پر کرنے کے لئے خیبر پختونخوا کے متعلقہ اضلاع کے سکولوں میں امیدواروں سے مجوزہ فارم پر 30 ستمبر 2016 تک درخواستیں مطلوب ہیں۔ درخواست فارم (NTS) کی ویب سائٹ (http://www.nts.pk) پر دستیاب ہے۔ مقررہ تاریخ پر گزرنے کے بعد موصول ہونے والی درخواستوں پر غور نہیں کیا جائے گا۔
(11) اگر کسی امیدوار کی اسناد جعلی پائے گئے تو اس کے خلاف قانونی چارہ جوئی کی جائے گی اور اس امیدوار کے لئے اس سے ہر کاری ملازمت کے لئے نااہل تصور کیا جائے گا۔ (12) ہر امیدوار کو اپنی معلومات کی صورت میں درخواست فارم خود بخود منسوخ تصور کیا جائے گا جس کے لئے کوئی اپیل منظور نہیں کی جائے گی۔ (13) انٹرویو کے لئے الگ شیڈول جاری کیا جائے گا۔ جس میں ڈائریکشن دیکھ کے جائیں گے۔ (14) تمام تقرریاں متعلقہ اضلاع کے سکولوں میں درج ذیل آسامیوں پر کرنے کے لئے خیبر پختونخوا کے متعلقہ اضلاع کے سکولوں میں امیدواروں سے مجوزہ فارم پر 30 ستمبر 2016 تک درخواستیں مطلوب ہیں۔ درخواست فارم (NTS) کی ویب سائٹ (http://www.nts.pk) پر دستیاب ہے۔ مقررہ تاریخ پر گزرنے کے بعد موصول ہونے والی درخواستوں پر غور نہیں کیا جائے گا۔
(15) امیدوار کو اپنی سکول میں مقررہ کرنا ہوگی جو کہ قابل تبادلہ ہوگی۔ (16) ایک امیدوار ایک وقت 5 سکولوں میں نالی آسامیوں کے لئے درخواست دے سکتا ہے۔ امیدوار کے ایک یا ایک سے زیادہ سکولوں میں سیکشن کی صورت میں اس کی تقرری کی جائے گی اس صورت میں سکول سیکشن کا اختتامی 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 سیکشن کا موقع مل سکے۔ (17) درخواست دینے کا طریقہ کار NTS کے ویب سائٹ پر موجود ہے۔ (18) متعلقہ اضلاع کی نالی آسامیوں کی تفصیل سکول ڈائری درخواست فارم کے ساتھ NTS کے ویب سائٹ پر دی گئی ہے اور ہر سکول کو اپنا کوڈ دیا گیا ہے۔

M. J.

درخواستیں مطلوب ہیں

درخواستوں پر غور نہیں کیا جائیگا۔

بہتر و خوشحال پاکستان، ڈی پی سی، پوسٹنگ اور سفر آف پیچرز، پیچرز، اسٹریٹرز اور ڈائریکٹرز اور ایگزیکٹو ایجنسیوں اور دیگر سرکاری اداروں کے لیے درخواستیں قبول کی جاتی ہیں۔ درخواست فارم (NTS) کی ویب سائٹ (<http://www.nts.org.pk>) پر دستیاب ہے۔ مقررہ تاریخ گزرنے کے بعد موصول ہونے والی درخواستیں منظور نہیں کی جائیں گی۔

نمبر شمار	نام آسامی	تالیف	عمر
1	سیکنڈری سکول ٹیچر (SST) بیالوجی / کیمسٹری - BPS-16	(i) کسی بھی تسلیم شدہ یونیورسٹی سے سیکنڈ ڈیگری ٹیچنگ ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (i) کیمسٹری، بیالوجی (زوالومی یا بائی) (ii) سلیکشن اور تقرری کے بعد 9 ماہ کی لازمی ٹریڈنگ حکومتی اداروں RITE/PITE سے حاصل کرنی ہوگی۔	19 تا 35 سال
2	سیکنڈری سکول ٹیچر (SST) فزکس / میٹھس - BPS-16	(i) کسی بھی تسلیم شدہ یونیورسٹی سے سیکنڈ ڈیگری ٹیچنگ ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (i) فزکس، میٹھس یا (ii) فزکس، میٹھس B یا (iii) فزکس، میٹھس (ii) سلیکشن اور تقرری کے بعد 9 ماہ کی لازمی ٹریڈنگ حکومتی اداروں RITE/PITE سے حاصل کرنی ہوگی۔	19 تا 35 سال
3	سیکنڈری سکول ٹیچر (SST) جنرل - BPS-16	(i) کسی بھی تسلیم شدہ یونیورسٹی سے سیکنڈ ڈیگری ٹیچنگ ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (i) انگریزی لازمی، ہونٹینگریٹ گروپ یا دیگر مساوی گروپ۔ (ii) سلیکشن اور تقرری کے بعد 9 ماہ کی لازمی ٹریڈنگ حکومتی اداروں RITE/PITE سے حاصل کرنی ہوگی۔	19 تا 35 سال

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

(1) سکریننگ ٹیسٹ بذریعہ NTS=100 نمبر		(ب) قلمی تالیف =100 نمبر		جس کی جڑاؤ تیس اس طرح ہوگی	
قلمی تالیف	کل نمبر	قلمی تالیف	کل نمبر	بی ایس چار سالہ کورس کی صورت میں نمبروں کی تقسیم اس طرح ہوگی۔ حاصل کردہ نمبر 40x تقسیم کل نمبر جبکہ پیش درج نام اسے ایجوکیشن کی صورت میں نمبر کی تقسیم بطریقہ ذیل ہوگی۔	بی ایس چار سالہ کورس کی صورت میں نمبروں کی تقسیم اس طرح ہوگی۔ حاصل کردہ نمبر 40x تقسیم کل نمبر جبکہ پیش درج نام اسے ایجوکیشن حاصل کردہ نمبر 10x تقسیم کل نمبر (5 نمبر بی ایچ + 5 ایم ایچ)
ایس ایس سی	حاصل کردہ نمبر 20x تقسیم کل نمبر	ای ایس ای ایس سی	حاصل کردہ نمبر 20x تقسیم کل نمبر	ای ایس ای ایس سی	حاصل کردہ نمبر 20x تقسیم کل نمبر
بی ایس ای ایس سی	حاصل کردہ نمبر 20x تقسیم کل نمبر	ای ایس ای ایس سی	حاصل کردہ نمبر 20x تقسیم کل نمبر	ای ایس ای ایس سی	حاصل کردہ نمبر 20x تقسیم کل نمبر
بی ایچ	حاصل کردہ نمبر 05x تقسیم کل نمبر	ای ایس ای ایس سی	حاصل کردہ نمبر 05x تقسیم کل نمبر	ای ایس ای ایس سی	حاصل کردہ نمبر 05x تقسیم کل نمبر
ایم ایچ / بی ایچ ڈی	حاصل کردہ نمبر 10x تقسیم کل نمبر	ای ایس ای ایس سی	حاصل کردہ نمبر 10x تقسیم کل نمبر	ای ایس ای ایس سی	حاصل کردہ نمبر 10x تقسیم کل نمبر

عمومی شرائط :- (1) تمام تقرریاں حکومت خیر و بخیر کے مروجہ قوانین کے مطابق 25 فیصد بنیادی تقرری (Initial Appointment) کے تحت خالصتاً عارضی بنیادوں پر ایچ پاک / کنٹریکٹ پر ایک سال کیلئے ہوگی۔ (2) معذور افراد کیلئے دو فیصد اور اقلیتی امیدواروں کیلئے تین فیصد کوٹہ مختص ہے (معذور افراد کے دو فیصد کوٹہ مختص ہے جس کیلئے سینئر ٹیک میڈیکل بورڈ کا سرٹیفکیٹ پیش کرنا لازمی ہے بشرطیکہ وہ معذوری فرانسس کی انجام دہی میں رکاوٹ نہ ہو۔) (3) انٹرویو کے وقت اصلی قلمی اسناد بعد اخراجات امیدوار کو برداشت کرنا ہوتے۔ (4) انٹرویو کیلئے آنے والے امیدواروں کو کوئی TA/DA نہیں دیا جائیگا۔ (5) صرف مقررہ وقت کے اندر موصول ہونے والی درخواستوں پر غور کیا جائیگا۔ (6) زبردستی کو اختیار حاصل ہے کہ وہ کوئی وجہ بتائے بغیر کسی بھی وقت کئی یا جزوی طور پر انٹرویو منسوخ کر دے۔ (7) اگر اس اشتہار کے بعد حکومت وقت کی طرف سے ہجرتی کے طریقہ کار میں تبدیلی کی گئی تو سلیکشن کمیٹی اس کے مطابق عمل کرنے کی پابند ہوگی۔ (8) محکمہ طبیعتوری اینڈ سیکنڈری ایجوکیشن کو اختیار حاصل ہوگا کہ وہ تمام خالی آسامیوں یا اس سے کم پر امیدوار ہجرتی کرے۔ (9) تمام تقرریاں حکومت خیر و بخیر کے مقرر کردہ قوانین و مجوزہ طریقہ کار کے مطابق خالصتاً سرٹ کی بنیاد پر ہوں گی۔ (10) تمام قلمی اسناد صرف گورنمنٹ کے تسلیم شدہ اداروں کی قابل قبول ہوگی۔ (11) اگر کسی امیدوار کی اسناد جعلی پائی گئی تو اس کے خلاف قانونی چارہ جوئی کی جائے گی اور اسے سزا دینے کے لئے قابل تصور کیا جائیگا۔ (12) بائبل فارم یا معلومات کی صورت میں درخواست فارم خود بخود منسوخ تصور کیا جائیگا جس کے لئے کوئی اپیل منظور نہیں کی جائے گی۔ (13) انٹرویو کیلئے الگ شیڈول جاری کیا جائیگا جس میں ڈاکٹمنٹس چیک کئے جائیں گے۔ (14) تمام تقرریاں مختلفہ اطلاع کے ذریعہ سنا کی بنیاد پر ہوگی۔ امیدوار کا ڈویژنل مختلفہ ضلع کا ہونا لازمی ہے۔ 20 دسمبر 2017ء کے بعد پتہ جس کی قسم کی تبدیلی قابل قبول نہ ہوگی۔ (15) امیدوار کو اس سکول میں مرس کرنا ہوگی جو کہ قابل تبادلہ ہوگی۔ (16) ایک امیدوار ایک وقت 5 سکولوں میں خالی آسامیوں کیلئے درخواست دے سکتا ہے۔ امیدوار کے ایک یا ایک سے زیادہ سکولوں میں سلیکشن کی صورت میں اس کی تقرری کسی ایک سکول میں کی جائے گی اس صورت میں سکول سلیکشن کا امتحان امیدوار کو حاصل نہیں بلکہ اس میں اس بات کا خیال رکھا جائیگا کہ دوسرے سکولوں میں اس کے بعد زیادہ مرٹ والے امیدوار کو سلیکشن کا موقع مل سکے۔ (17) درخواست دینے کا طریقہ کار NTS کی ویب سائٹ پر موجود ہے۔ (18) مختلفہ اطلاع کے خالی آسامیوں کی تفصیل سکول دائرہ درخواست فارم کے ساتھ NTS کی ویب سائٹ پر دی گئی ہے اور ہر سکول کا اپنا کوڈ دیا گیا ہے۔

M. J.

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درخواستیں مطلوب ہیں

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برہمچتونخوا ایوان سٹڈنٹس کیلئے ٹیچنگ اور ٹرانسپارٹ ٹیچر پوزیشنز اور ڈاکٹریٹ اور ڈائریکٹوریٹ ایکٹ 2011ء کے سیکشن نمبر 4 کے تحت محکمہ تعلیم کی ایڈسٹریٹو سیکرٹری ایجوکیشن خیبر پختونخوا کے انتظام (مروانہ/ زینانہ) سکولوں میں درجہ ذیل آسامیوں پر کرنے کیلئے خیبر پختونخوا کے مختلف اضلاع کے سکولوں میں امیدواروں سے مجوزہ فارم پر 5 جنوری 2014ء تک درخواستیں مطلوب ہیں۔
 فارم NTS کے ویب سائٹ (<http://www.nts.org.pk/>) پر دستیاب ہے۔ مقررہ تاریخ گزرنے کے بعد موصول ہونے والی درخواستوں پر غور نہیں کیا جائیگا۔

نمبر شمار	نام آسامی	تالیف	عمر
1	سیکڈری سکول ٹیچر (SST)	کسی بھی تسلیم شدہ یونیورسٹی سے سیکنڈ ڈیویژن بچلر ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں	35±21 سال
	بیالوجی/ کیمسٹری BPS-16	(1) کیمسٹری یا بیالوجی (دو انویجیاٹمی) (2) کسی بھی تسلیم شدہ یونیورسٹی سے ایم اے ایجوکیشن یا ایجوکیشن میں بچلر ڈگری	
2	سیکڈری سکول ٹیچر (SST)	کسی بھی تسلیم شدہ یونیورسٹی سے سیکنڈ ڈیویژن بچلر ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں	35±21 سال
	فونکشنل سائنس BPS-16	(1) فونکشنل سائنس یا A یا (ii) ایمریٹیا (ii) فزکس یا (iii) مینٹل سائنس (2) کسی بھی تسلیم شدہ یونیورسٹی سے ایم اے ایجوکیشن یا ایجوکیشن میں بچلر ڈگری	
3	سیکڈری سکول ٹیچر (SST)	کسی بھی تسلیم شدہ یونیورسٹی سے سیکنڈ ڈیویژن بچلر ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں	35±21 سال
	ہنر BPS-16	(1) انگریزی لازمی ہوگی اور دیگر گروپ یا دیگر سادہ گروپ (2) کسی بھی تسلیم شدہ یونیورسٹی سے ایم اے ایجوکیشن یا ایجوکیشن میں بچلر ڈگری	

اساتذہ کے سلیکشن کیلئے کریٹیریا درج ذیل ہیں۔ کل 200 نمبرات کی تقسیم اس طرح سے کی جائیگی۔ (1) سیکرٹریٹ ٹیسٹ باڈی NTS = 100 نمبر - ب۔ تعلیمی قابلیت = 100 نمبر۔
 باقی مزید تفصیلات اس طرح ہوں گی۔

تعلیمی قابلیت	کل نمبرات	تفصیلی قابلیت	کل نمبرات
ایمر ایجوکیشن	حاصل کردہ نمبرات 20% تقسیم کل نمبرات	ای ایجوکیشن	حاصل کردہ نمبرات 15% تقسیم کل نمبرات
ایف اے ایف ایس ای	حاصل کردہ نمبرات 20% تقسیم کل نمبرات	ای ایم اے ایجوکیشن	حاصل کردہ نمبرات 5% تقسیم کل نمبرات
ای اے ایف ایس ای	حاصل کردہ نمبرات 20% تقسیم کل نمبرات	ای ایم اے ایجوکیشن	حاصل کردہ نمبرات 5% تقسیم کل نمبرات
ای ایم اے ایف ایس ای	حاصل کردہ نمبرات 20% تقسیم کل نمبرات	ای ایم اے ایجوکیشن	حاصل کردہ نمبرات 5% تقسیم کل نمبرات

نوٹ: 1۔ ہر سکول کے آبجیکٹ کیلئے علیحدہ علیحدہ میرٹ لسٹ مرتب کیا جائیگا جس میں امیدواروں کے NTS کے حاصل کردہ نمبرات اور تعلیمی قابلیت کے نمبرات کو جمع کیا جائیگا۔
 2۔ ہر امیدوار NTS کی درخواست فارم 200 نمبرات پر چارج کرے گا جس کا سیدھا درجہ برادری ہوگا۔
 3۔ تمام تقرریاں حکومت خیبر پختونخوا کے مزید قوانین کے مطابق بنیادی تقرری Initial Appointment کے 25 نمبرات کے تحت خالدنا عارضی بنیادوں پر Adhoc اور ٹریڈنگ پر ایک سال کیلئے ہوگی۔ (2) اعلیٰ امیدواروں کی موجودگی کی صورت میں کسی کو بھی Age Relaxation نہیں دیا جائیگا (3) انٹرویو کے وقت اصلی تعلیمی اسناد اور بعد حاصل شناختی کارڈ اور ٹیسٹ کی مدد سے صرف اصلی شناختی کارڈ والا لازمی ہے (4) میرٹ پر آنے والے امیدواروں کی اسناد اور کارڈوں کے ساتھ تمام اجازات امیدواروں کو برواشت کرنا ہوں گے (5) روپے کے لئے آنے والے امیدواروں کو کوئی TA/DA نہیں دیا جائیگا۔ اگر امیدواروں کو کسی اور ذریعہ سے منگوانے کی ضرورت ہوگی تو اس کے بارے میں امیدواروں کو برواشت کرنا ہوں گے۔ (6) میرٹ پر آنے والے امیدواروں کو کوئی TA/DA نہیں دیا جائیگا۔ اگر امیدواروں کو کسی اور ذریعہ سے منگوانے کی ضرورت ہوگی تو اس کے بارے میں امیدواروں کو برواشت کرنا ہوں گے۔ (7) زبردستی اختیار حاصل ہے کہ کوئی امیدوار اپنے بغیر کسی بھی وقت کئی یا جزوی طور پر پوزیشن کو خالی کر دے (8) اگر اس اختیار کے تحت کوئی امیدوار نے اس اختیار کے تحت کوئی پوزیشن خالی کر دی ہے تو اس کا یہ پوزیشن خالی نہ ہونے تک اس کے لئے معتاد رہے گا۔ (9) ایڈسٹریٹو سیکرٹری ایجوکیشن کو اختیار حاصل ہوگا کہ وہ تمام خالی پوزیشنوں میں سے کم از کم امیدواروں کو (10) تمام تقرریاں حکومت خیبر پختونخوا کے مقرر کردہ قوانین و مجوزہ طریقہ کار کے مطابق اختیار کرے گی۔ (11) تمام تعلیمی اسناد صرف گورنمنٹ کے تسلیم شدہ اداروں کی قابل قبول ہوگی (12) اگر کسی امیدوار کی اسناد جعلی پائے گئے تو اس کے خلاف قانونی چارہ جوئی کی جائے گی اور اس کے لئے اسے سرکاری ملازمت کیلئے نااہل تصور کیا جائیگا (13) ہر امیدوار اپنے تمام اسناد کی سہولت میں درخواست فارم خود بخود منسوخ تصور کیا جائیگا جس کیلئے کوئی اپیل منظور نہیں کی جائے گی (14) روپے کیلئے ایک شیڈول جاری کیا جائیگا (15) تمام تقرریاں مختلف اضلاع کے ڈیویژنل آفیسروں کی پیشکش پر ہوگی۔ اگر اس ضلع میں امیدوار دستیاب نہ ہو تو قریبی ضلع کے امیدوار سے میرٹ کی بنیاد پر تقرریاں کی جائیں گی (16) امیدواروں کو اس سکول میں پوزیشن خالی کرنا ہوگی جو کہ ناقابل تبادلہ ہوگی (17) ایک امیدوار ایک وقت 5 سکولوں میں خالی آسامیوں کیلئے درخواست دے سکتا ہے (18) درخواست دینے کا طریقہ NTS کے ویب سائٹ پر موجود ہے (19) مختلف اضلاع کے خالی آسامیوں کی تفصیلی سکول وار درخواست فارم کے ساتھ NTS کے ویب سائٹ پر دی گئی ہیں اور ہر سکول کو اپنا ڈیویژن دینا ہے۔

INF(P) 3360

تعلیمی قابلیت

ڈائریکٹر ایجوکیشن، خیبر پختونخوا، ڈیپٹی سیکرٹری، سوات

M-L

NOTIFICATION

4-45

Consequent upon the recommendation of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary & Secondary Education Notification No. SO (B&A)/1-18/E&SE/2012 dated 11.07.2012, Finance Department Endorsement No. SO (FR)/FD/10.-22 (E)/2010 dated 16.07.2012 and Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar Notification No. 1278-84/File No. 1/Promotion Senior CT B-16 dated 18.04.2014, the following Male CTs B-15 are hereby prompted to the post of senior CT B-16 (Rs. 10000-800-34000) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and conditions given below with immediate effect and further they will be posted in the Government Higher/ High Schools against the newly upgraded Senior CTBPS-16 posts.

S.NO	Name	PLACE OF DUTY	
1	Mr. Bakht Biland Khan CT	GHS	Bahrain
2	Mr. Mizajud Din CT GMS: Kalagay CT	GHS:	Chail
3	Mr. Muhammad Sadiq CT	GHS:	Dherai
4	Mr. Zahir Shah CT	GHS	Dherai

Terms & Combinations:

1. They should be on Probation 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 Government.
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 from time to time.
4. Charge Reports should be submitted to all concerned.
5. Their Inter-Se-seniority on lower post will remain intact.
6. No TA/DA is allowed for joining 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 prompted he will be reversed

(ABDULLAH)
DISTRICT EDUCATION OFFICER
(MALE) SWAT AT GUL KADA

Endst No. 7103-6

dated 10/10/2014

Copy is forwarded to:

1. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The District Comptroller of Accounts Swat.
3. The Budget & Accounts Officer local office.
4. The Teacher Concerned.

DISTRICT EDUCATION OFFICER
(MALE) SWAT AT GUL KAD

1000-
GHS, SWAT.
7062
School Code 35420

M-L

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
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 Khar	SCT	16	1/1/1960	Swat	MA	CT	11/6/1982	11/6/1982	11/29/1987
7	Muhammad Ali	Said Mahmood	SCT	16	2/3/1959	Swat	BA	CT	8/17/1980	1/8/1988	3/6/1988
8	Toti Rahman	Fazal Rahman	SCT	16	2/7/1960	Swat	MA	CT	7/10/1982	7/10/1982	11/30/1988
9	Mohammad Salim Khan	Amanullah Khan	SCT	16	3/1/1965	Swat	MA	CT/B.Ed	1/15/1985	4/26/1989	9/16/1989
10	Jamshed Khan	Muhammad Zarin	SCT	16	5/11/1962	Swat	MA	CT	3/9/1982	9/17/1989	9/17/1989
11	Rahmat Ali	Abdul Ghafar	SCT	16	5/4/1963	Swat	MA	CT/B.Ed	7/20/1982	10/1/1989	10/1/1989
12	Fazal Rahim	Fazal Ahad	SCT	16	1/1/1961	Swat	MA	CT	11/13/1984	10/1/1989	10/1/1989
13	Azizullah	Tota	SCT	16	10/1/1964	Swat	MA	CT	1/9/1982	11/15/1983	1/17/1990
14	Shah Rom Khan	Hakim Khan Mian	SCT	16	1/1/1962	Swat	MA	CT	3/1/1988	3/1/1988	1/17/1990
15	Sadiq Ahmad	Abdul Hamid	SCT	16	1/4/1961	Swat	MA	CT	6/1/1988	6/1/1988	1/17/1990
16	Muhammad Rafiq	Badish	SCT	16	3/1/1963	Swat	B.Sc	CT	2/6/1990	2/6/1990	2/6/1990
17	Fida Hussain	Hazrat Ahmad	SCT	16	2/3/1964	Swat	MA	CT	2/8/1990	2/8/1990	- 2/8/1990
18	Hedayatullah 3rd Division	Sultan Sikandar	SCT	16	1/1/1959	Swat	MA	CT/B.ed	4/18/1983	4/18/1983	11/14/1990
19	Rashid Ali	Ghulam Nabi	SCT	16	3/12/1968	Swat	MA	CT	12/8/1990	12/8/1990	11/14/1990
20	Zahid Khan	Pir Dad	SCT	16	4/9/1965	Swat	BA	CT	12/9/1990	12/9/1990	12/9/1990
21	Hazrat Bilal	Zirat Gul	SCT	16	2/8/1963	Swat	MA	CT	12/11/1990	12/11/1990	12/11/1990
22	Aziz Ahmad	Fazal Khaliq	SCT	16	4/4/1969	Swat	MSC	CT/B.Ed	12/11/1990	12/11/1990	12/11/1990
23	Fazal Wahab	Gul Mahmood	SCT	16	12/12/1964	Swat	MA	CT	5/6/1986	1/1/1990	1/1/1991
24	Muhammad Majid	Umar Zada	SCT	16	1/1/1966	Swat	MA	CT	5/4/1986	4/5/1986	3/14/1991
25	Rahman Deyar	Sultan Mehmood	SCT	16	1/1/1964	Swat	BA	CT	11/5/1986	5/11/1986	3/14/1991
26	Haroon - Ur - Rashid	Khisat Gul	SCT	16	8/1/1962	Swat	BA	CT	11/24/1986	11/24/1986	3/14/1991
27	Muhammad Alam	Alam Zeb Khan	SCT	16	4/1/1963	Swat	MA	CT	4/2/1987	4/10/1991	4/10/1991
28	Adalat Khan	Abdur Rashad	SCT	16	12/9/1961	Swat	MA	CT	11/24/1984	11/24/1984	10/22/1991
29	Akhter Ali	Ghulam Muhammad	SCT	16	5/15/1964	Swat	BA	CT	3/11/1985	3/11/1985	10/22/1991
30	Imran Ali	Mashooq Ali	SCT	16	3/20/1959	Swat	MA	CT	5/6/1986	5/6/1986	10/22/1991
31	Muhammad Rahman	Bakht Zad	SCT	16	1/10/1967	Swat	FA	CT	5/17/1987	5/17/1987	4/2/1992
32	Sharafat Ali Khan	Afsar Khan	SCT	16	2/2/1961	Swat	MA	CT	3/1/1988	3/1/1988	4/2/1992
33	Amir Zeb	Muhammad Zareen	SCT	16	4/2/1964	Swat	BA	CT	6/1/1988	6/1/1988	4/2/1992
34	Amir Muhammad	Tota Mian	SCT	16	5/15/1963	Swat	BA	CT/B.Ed	9/22/1987	12/20/1989	4/2/1992
35	Akhtar Hussain 3rd Divi	Ahmad	SCT	16	3/2/1967	Swat	BA	CT	8/14/1992	8/14/1992	8/14/1992
36	Muhammad Ziaud Din	Habibur Rahman	SCT	16	3/10/1968	Swat	MA	CT/B.Ed	9/2/1986	1/9/1992	9/1/1992
37	Sultan Rome	Shah Rome	SCT	16	4/8/1966	Swat	MSC	CT/B.Ed	9/2/1992	9/2/1992	9/2/1992
38	Umar Hussain	Malak Sherin	SCT	16	1/1/1962	Swat	MA	CT	4/23/1988	4/23/1988	11/21/1992
39	Muhammad Nabi	Ghulam	SCT	16	5/1/1963	Swat	MA	CT/B.Ed	4/17/1988	4/17/1988	11/22/1992
40	Jamshid Khan	Hazrat Jee	SCT	16	4/14/1966	Swat	BA	CT/B.Ed	11/1/1986	4/21/1993	4/21/1993
41	Bakhtyar 3rd Divi	Bacha	SCT	16	7/3/1964	Swat	BA	CT/B.Ed	1/20/1990	1/20/1990	4/29/1993

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

S.No New	Name of Teacher/Qualification academic / professional	Father's Name	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	CTB.Ed	11/16/1994	11/16/1994	11/16/1994
65	Muhammad Munir	Habibullah Khan	SCT	16	4/2/1964	Swat	MA	CT/B.Ed	9/28/1988	11/18/1984	11/18/1994
66	Gul Pervize	Rahmani Gul	SCT	16	1/20/1965	Swat	MA	CT/B.ed	11/21/1984	11/21/1994	11/21/1994
67	Abdul Qadoos	Ghulam Khaliq	SCT	16	6/5/1964	Swat	B.Sc	CT	5/12/1992	11/24/1994	11/24/1994
68	Sarir Ud Din	Fazal Wahid	SCT	16	3/26/1963	Swat	M.Sc	CT/M.Ed	11/27/1986	12/20/1994	12/20/1994
69	Muhd Zahir Shah	Azizur Rahman	SCT	16	12/2/1960	Swat	MA	CT/B.Ed	4/2/1987	12/21/1994	12/21/1994
70	Muhammad Ghafar	Khan Bahadar	SCT	16	2/27/1961	Swat	MA	CT	6/7/1987	12/21/1994	12/21/1994
71	Amanullah Khan	Sakhi Rawan	SCT	16	9/12/1961	Swat	MA	CT/M.Ed	8/11/1988	12/21/1994	12/21/1994
72	Sher Azim Khan	Taj Muhammad Khan	SCT	16	9/9/1958	Swat	MA	CT/M.Ed	9/28/1988	12/21/1994	12/21/1994
73	Fatehur Rahman	Fazal Rahman	SCT	16	2/2/1969	Swat	MA	CT/M.Ed	6/24/1987	12/22/1994	12/22/1994
74	Rafiq Ahmad	Hermooz Khan	SCT	16	1/1/1965	Swat	MA	CT	9/29/1988	1/10/1988	12/25/1994
75	Alam Zeb	Abdul Jabbar	SCT	16	4/15/1965	Swat	BA	CT/B.Ed	12/25/1994	12/25/1994	12/25/1994
76	Inamullah Khan	Muhammad Karam	SCT	16	1/1/1968	Swat	MA	CT	9/4/1986	12/27/1994	12/27/1994
77	Alam Zeb	Bughdaday	SCT	16	1/1/1960	Swat	MA	CT/M.Ed	12/27/1994	12/27/1994	12/27/1994
78	Azizullah	Haji Muhammad	SCT	16	2/16/1964	Swat	MA	CT/M.Ed	9/26/1988	1/1/1995	1/1/1995
79	Amjad Ali	Faqir Khan	SCT	16	4/10/1966	Swat	MA	CT/B.Ed	12/5/1989	12/5/1989	1/5/1995
80	Samiullah	Roohul Amin	SCT	16	2/15/1965	Swat	MA	CT/B.Ed	5/3/1986	5/3/1986	1/9/1995
81	Dost Muhammad Khan	Taj Muhammad Khan	SCT	16	3/8/1958	Swat	BA	CT/B.Ed	4/1/1987	4/1/1987	1/9/1995
82	Wazir Zada	Gulzar Khan	SCT	16	5/1/1967	Swat	BA	CT	10/1/1989	10/1/1989	1/9/1995

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

S.No New	Name of Teacher/Qualification academic / professional	Father's Name	Designation	PBS	D/O Birth / Domicile	Domicile	Academic	Professional	D/O 1st Apptt.	Date of apptt. against Present post	Seniority position: D/O taking over charge as CT or D/O declaration CT Exam whichever is later.
83	Anwar Iqbal	Khan Sherin	SCT	16	5/1/1961	Swat	MA	CT/B.Ed	10/2/1989	10/2/1989	1/9/1995
84	Muhammad Zahir Shah	Shahzada	SCT	16	2/2/1965	Swat	MA	CT/B.Ed	11/28/1989	11/28/1989	1/9/1995
85	Bakhtmand	Siahoosh Khan	SCT	16	6/5/1963	Swat	MA	CT/B.Ed	12/10/1989	12/10/1989	1/9/1995
86	Mukaram Khan	Musharaf Khan	SCT	16	6/5/1963	Swat	BA	CT/B.Ed	1/13/1990	1/13/1990	1/9/1995
87	Aftal Hussain	Bahroz Khan	SCT	16	5/25/1962	Swat	MA	CT/B.Ed	1/19/1990	1/19/1990	1/9/1995
88	Zahoor Hayat	Sher Alam Khan	SCT	16	1/1/1969	Swat	BA	CT	1/19/1990	1/23/1990	1/9/1995
89	Fazand Ali	Syed Rashad	SCT	16	3/15/1963	Swat	BA	CT	2/15/1990	2/15/1990	1/9/1995
90	Amir Zeb Khan	Bakht Biland Khan	SCT	16	2/18/1963	Swat	BA	CT	3/1/1990	3/1/1990	1/9/1995
91	Fazal Rahman	Amir Faqeer	SCT	16	3/10/1963	Swat	MA	CT	4/1/1990	4/1/1990	1/9/1995
92	Gul Muhammad Shah	Mubin	SCT	16	2/5/1964	Swat	MA	CT	4/14/1990	4/14/1990	1/9/1995
93	Muhammad Laiq	Amir Hamza	SCT	16	6/1/1963	Swat	MA	CT/B.Ed	4/21/1990	4/21/1990	1/9/1995
94	Ali Bash Khan	Shah Dilbar Mian	SCT	16	3/17/1969	Swat	MA	CT/B.Ed	5/13/1990	5/13/1990	1/9/1995
95	Akbar Ali	Qaisar Khan	SCT	16	1/1/1963	Swat	MA	CT/B.ed	5/13/1990	5/13/1990	1/9/1995
96	Alamgir	Khalilur Rahman	SCT	16	7/1/1964	Swat	MA	CT/B.Ed	5/13/1990	5/13/1990	1/9/1995
97	Fazal Azim	Ahmad	SCT	16	12/1/1959	Swat	MA	CT	8/20/1990	8/20/1990	1/9/1995
98	Karim Ullah	Muhammad Karim	SCT	16	3/15/1970	Swat	MA	CT/B.Ed	10/10/1988	11/20/1990	1/9/1995
99	Ibrahim	Amir Hatam	SCT	16	6/17/1959	Swat	BA	CT/B.Ed	5/24/1992	5/24/1992	1/9/1995
100	Ruhul Amin	Muhammad	SCT	16	4/3/1966	Swat	MA	CT	9/1/1989	12/1/1994	1/9/1995
101	Muhammad Fahim Khan	Ahmad Shah	SCT	16	3/7/1963	Swat	MA	CT B.Ed	6/11/1987	1/16/1995	1/16/1995
102	Muhammad Dawood Khan	Amanullah Khan	SCT	16	4/26/1967	Swat	MA	CT M.Ed	8/25/1992	1/16/1995	1/16/1995
103	Miraj Gul	Sani Gul	SCT	16	4/21/1959	Swat	BA	CT	3/6/1990	1/18/1995	1/18/1995
104	Jehan Sher	Umara Jan	SCT	16	5/1/1962	Swat	MA	CT/B.Ed	1/19/1995	1/19/1995	1/21/1995
105	Hanif Khan	Abdul Qadir Khan	SCT	16	1/12/1967	Swat	MA	CT	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

48

470/15 No. they were promoted

All ready promoted to S.S.T.



GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

NOTIFICATION

Peshawar, dated the November 13, 2012.

No.SO(PE)4-S/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.

Endst. No. & Date as above.

Copy forwarded to:-

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

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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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Section Officer (Primary)

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APPENDIX

S.NO.	Nomenclature of the post	Minimum qualification and experience for initial appointment or by transfer	Age limit	Method of recruitment.
1.	2.	3.	4.	5.
1.	Secondary School Teacher (BPS-16)	(i) Second class Bachelor's Degree with two subjects as Chemistry, Botany, Zoology, Physics, Mathematics, Statistics Humanities and other equivalent groups from a recognized University: or (ii) M.A in Education or Bachelor's Degree in Education from a recognized university.	18 to 35 Years.	(a) Fifty percent by promotion on the basis of seniority-cum-fitness in the following 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

SEI →
Redesignated

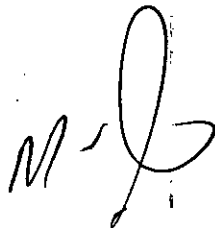
No quota has been allocated for PST's cadre.

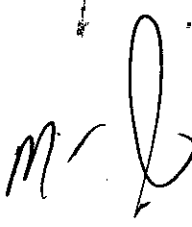
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			<p>(iv) one percent from amongst the Instructional Material Specialists, with at least five years service as such and having qualification mentioned in column No. 3, and</p> <p>(v) one percent from amongst the Arabic Teachers with at least five 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)		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)	Bechlor's Degree or equivalent qualification from a recognized	(a) Forty percent by initial recruitment; and

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

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APPENDIX

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

KPK. J. B. R. M. S. M.

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M. S.

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				<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 at least five years service as such and having qualification mentioned in Column No.3; and</p>
2.	Senior Arabic Teacher (SAT) (BPS-16)			<p>(b) fifty per cent/by initial recruitment.</p>
3.	Senior Theology Teacher (STT) (B-16).	KPK	J.S.W.	<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 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 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>
14.	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>Note: 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>

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Primary School Teacher

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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./BSc	Marks obtained X 25 / total marks =	
PST Certificate/ Diploma in Education/ADE.	Marks obtained X 20 / total marks =	
M.A/MSc/M.Ed/MA Edu	Marks obtained X 20 / total marks =	
MPhil/PhD	Marks = 05	

Other conditions:-

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

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J-56

University of Peshawar (Pakistan)

Session ANNUAL 1992

MIRAJ-UD-DIN SON OF MIRAJ-UD-DIN and a student

of GOVERNMENT COLLEGE NATTA having passed the prescribed examination held in AUGUST 19 92, is this day admitted by the University of Peshawar

to the Degree of Bachelor of Arts

In the SECOND Division

The Examination was taken as a ~~whole~~ in parts

Serial No. 020906

Registered No. 89-MT-740

Roll No. 34154

Result declared on JANUARY 27, 1993

Attested
[Signature]

Shamshad
M.A.
S.S.T, GHS, Qandil, Swat



Fazli Hamid
Registrar

Countersigned
[Signature]
Vice-Chancellor



University of Peshawar (Pakistan)

57

Session ANNUAL 1996

MIZAJ-UD-DIN SON of MIRAJ-UD-DIN and a student
of DISTRICT SWAT having passed the prescribed examination
in NOVEMBER 1996, is this day admitted by the University of Peshawar to the Degree of

Bachelor of Education

In the FIRST Division in Theory
In the SECOND Division in Teaching Practice
In the FIRST Division in Aggregate

He/She also passed GENERAL SCIENCE as ~~additional~~ optional subject.
The Examination was taken as a whole ~~in parts~~.

Serial No. 007638

Registered No. 89-MT-740

Enrolment No. 1918

Result declared on APRIL 30, 1997 S.S.T, GHS, Qandil, Swat.

Attested
Muhammad Khan
M.A. M.E.



Fazli Hamid
Registrar

Countersigned

M O T
Vice-Chancellor



University of Peshawar

(Pakistan)

Session ANNUAL 1994

SB

MIZAJ-UD-DIN SON of MIRAJ-UD-DIN and a student
of DISTRICT SWAT having passed the prescribed examination
held in APRIL, 1995, 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 Urdu

The Examination was taken as a whole / in parts.

Serial No 022979

Registered No: 89-MT-740

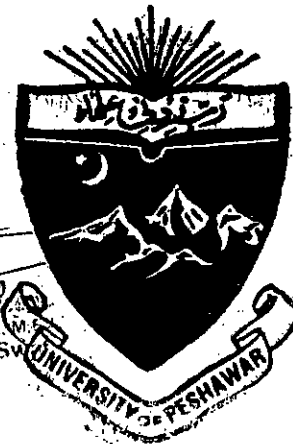
Roll No 8054

Result declared on NOVEMBER 30, 1998

Attested

Shamshad Khan
M.A.M.T.

S.S.T, GHS, Qandil, Swat



Registrar
Registrar

Countersigned

M.O.T
Vice-Chancellor

(59)

Allama Iqbal Open University Islamabad



Serial No. 2662

Certified that Mr. / Ms. MEZAJUDIN

Son / Daughter of MERAJUDIN

Registration No: 90-PRI-0942

Roll No: J-66078000

having completed the prescribed requirements in semester

SPRING, 2001

is awarded the degree of:

Master of Education (M.Ed.)

He/She has secured 52 % marks and has been placed in C grade.

Fajid

CONTROLLER OF EXAMINATIONS

Result declared on: APR 16, 2002

ISLAMABAD. DATED: FEB 25, 2004

Attested

[Signature]



M. Iqbal Khan
M.A. M.Ed.
S, Qandil, Swat

VICE-CHANCELLOR

Allama Iqbal Open University

60

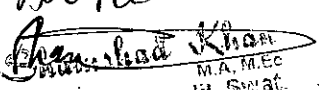


TRANSCRIPT

This is to certify that Mr./Ms. MEZAJUD IN
 Son/Daughter of MEZAJUD IN
 Registration No. 90-FRI-0942 Roll No. J-6607800

has completed all the requirements for **M.Ed (Teacher Education)** degree programme
 with the following courses in Spring/Autumn 2001 semester on 16TH APR, 2002.


<u>Code/Course</u>	<u>Marks Obtained</u>
837-Educational Research	50
838-Curriculum Development & Instruction	45
841-Educational Measurement & Evaluation	53
843-Guidance & Counseling	52
826-Elementary Education	54
827-Secondary Education	47
828-Higher Education	56
829-Teacher Education in Pakistan	70
584-POPULATION EDUCATION	47
505-ECONOMICS & FINANCING OF EDUCATION	46
XXX	XX
XXX	XX

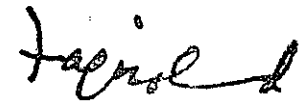
Attested

 Chairman
 M.A. M.Ed
 % marks Gandil, Swat.

He/she has passed above courses obtaining 52 % marks and has been placed in grade C

Islamabad 15TH JUL, 2002 ISSUE DATE.

Prepared by: 

Checked by: 

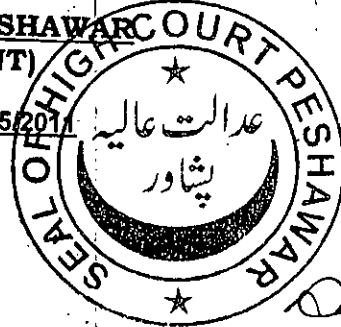

 Controller of Examinations

Note: This transcript is issued, errors and omissions excepted, as a provisional document only. It has not legal value independent of the result gazette of the University and the degree will be awarded in due course of time.

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 Qureshi
Plus ADH.

WAQAR AHMAD SETH, CJ:- Through this

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

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

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EXAMINER
Peshawar High Court

30 NOV 2018

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-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
30 NOV 2010

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

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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.

Peak War 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. 1587

Date of Presentation of Application 20/11/18

No of Pages 3

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EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Qanun-e-Mahazat Order 1946

30 NOV 2018

ATTESTED

[Signature]

To,

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

L-65

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 06.11.1994 and later on was appointed as C.T vide order dated 30.09.1995. 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:

ATTESTED (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


MIZAJ UD DIN SCT (BPS-16),
GHSS Madyan, District Swat

ATTESTED



VAKALATNAMA

Before the KP Service Tribunal, Peshawar

_____ OF 2019

Mizaj-ud-Din

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Dept

(RESPONDENT)
(DEFENDANT)

I/We Mizaj-ud-Din

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

KAMRAN KHAN

&

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. 1305/2019

Mizaj Ud Din 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

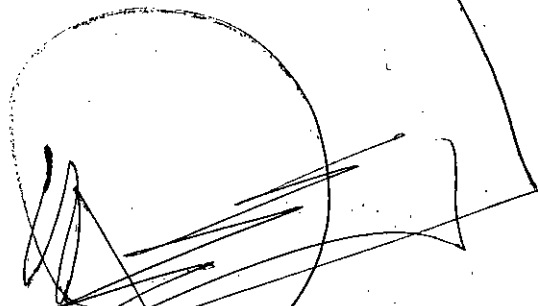
- appellant will be promoted in his category on his own turn. **(Policy as annexure A)**
3. That the Para No.3 is correct to the extent that there was no promotion policy from CT BPS-15 to SST BPS-16 at the time of the above mentioned advertisement. However, as stated in the foregoing Para, now the policy 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

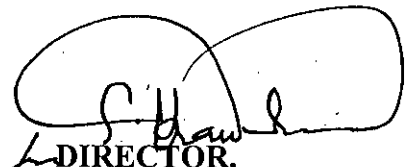
- A. That the Para No. A is incorrect and denied. The respondent department has to act according to the rules, policy and law. The Appellant has been treated in accordance with law, rules and policy.

- 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 24th July, 2014.

NOTIFICATION

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

IA	Director Physical Education (BPS-17)	At least second class Master's Degree in Physical Education from a recognized University.	22-35 years	<p>recruitment; and (b) fifty percent by initial recruitment.</p> <p>(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst Senior Physical Education Teachers (BPS-16), with at least five years service as Senior Physical Education Teacher and Physical Education Teacher and having qualification mentioned in column No. 3:</p> <p>Provided that if no suitable person is available from amongst Senior Physical Education Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst the Physical Education Teachers, with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>Note:- If no suitable candidate is available in the relevant cadres of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment; and</p> <p>(b) fifty percent by initial recruitment"; and</p>
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(ii) against Serial No. 1B, as so 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>

			<p><i>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;</i></p> <p><i>(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:</i></p>
			<p><i>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;</i></p> <p><i>(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:</i></p>

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

- (e) three per cent from amongst the Senior Qaris (BPS-16), with at least five years service as Senior Qari and Qari and having qualification mentioned in column No.3:

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

- (f) twenty per cent from amongst the Primary School Head Teachers (BPS-16), with at least seven years service as Primary School Head Teachers and Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No. 3:

Provided that if no suitable candidate is available from amongst

--	--	--

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:

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

(ii) twenty Five percent by initial recruitment.

Note:

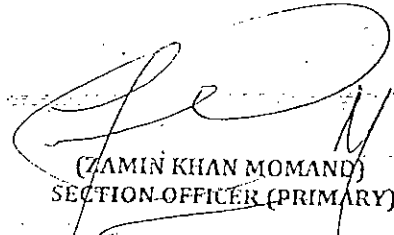
I. If no suitable candidate is available in the relevant cadre of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment.

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."

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Endst : of even No & date:

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

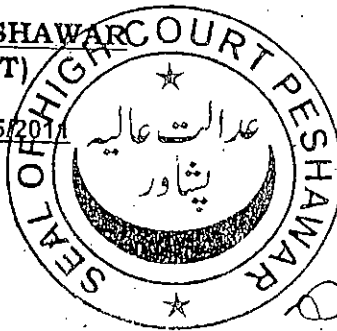

(ZAMIN KHAN MOMAND)
SECTION OFFICER (PRIMARY)

Annexure "B"

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JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
(JUDICIAL DEPARTMENT)

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



JUDGMENT.

Date of hearing: 08.11.2018

Petitioner (s): Nisar Ahmad & Mr. Noor Muhammad Wabalek

Respondent (s): Muhammad Daman Khan & Spd. Qaiser Ali
Blk. AD4.

WAQAR AHMAD SETH, CJ:- Through this

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

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

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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

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EXAMINED
Peshawar High Court
30 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.

Peace War 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

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

No. 1587

Date of Presentation of Application 25.11.18

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Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Qanun-e-Shahadat Order 1984

30 NOV 2018



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

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

NOTIFICATION

Consequent upon the Notification issued by the Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar vide his office Endst: No 681-85/File No.1//Promotion SST (B-16) Dated Peshawar the 05-02-2020. The following SSTs (whose services were placed at the disposal of DEO (M) Swat for further adjustment) are hereby adjusted against the post in the schools noted against each in the interest of public service under the existing policy of the Provincial Government on the terms and conditions given in the afore mentioned notification of the Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar with immediate effect.

SST(MATHS & PHYSICS)

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

SST (GENERAL)


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

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