

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

Khyber Pakhtunkhwa
Service Tribunal

SERVICE APPEAL NO. 1750/2022

Diary No. **7248**

Jahangir Khan, PET, (BPS-15) GHHS Khar Sakhajot Malakand,
.....Appellant

VERSUS

Government of, Khyber Pakhtunkhwa through the Secretary E&SE
Department & others.....Respondents

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

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.

SERVICE APPEAL NO. 1750/2022

**Jahangir Khan, PET, (BPS-15) GHHS Khar Sakhajot Malakand,
.....Appellant**

VERSUS

**Government of, Khyber Pakhtunkhwa through the Secretary E&SE
Department & others.....Respondents**

JOINT PARAWISE COMMENTS ON BEHALF OF THE RESPONDENTS No: 1-4.

Respectfully Sheweth :-

The Respondents Submit as under: -

PRELIMINARY OBJECTIONS.

- 1 ***That*** the Appellant has got no cause of action & locus standi to file the instant appeal before this Honorable Tribunal.
- 2 ***That*** the appellant has concealed material facts from this Honorable Tribunal in the titled appeal.
- 3 ***That*** the Appellant has not come to this Honorable Court with clean hands.
- 4 ***That*** the appeal is bad for mis-joinder and non-joinder of the necessary Parties.
- 5 ***That*** the appellant is not an aggrieved person within the meaning of Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974.
- 6 ***That*** the appeal in hand is barred by the law of limitation.
- 7 ***That*** the appellant could not made out his case for promotion as SST in the Department.
- 8 ***That*** the cadre of the appellant has a separate Service Rules Notified on 26-04-2018 for promotion in the upper scales in the Respondent Department.

ON FACTS.

- 1 ***That*** Para-1 is correct that vide Notification dated 16-07-2011, the appellant was appointed against the PST in BPS-07 post on purely contract/temporary bases for the initial period of one year in the

Respondent Department & was further promoted to the post of PET in BPS-15 vide order dated 04-03-2015. *(Copies of the appointment orders dated 04-03-2015 are attached as Annexure-A).*

- 2. *That* Para-2 is correct. that vide Notification dated 10-03-2018 the appellant was regularized against the PET in BPS-15 post. *(Copy of the Notification dated 10-03-2018 is Annexure-B).*
- 3. *That* Para-3 is incorrect as there is a separate service rules notified vide Notification dated 26-04-2018 whereby, the appellant along with his colleagues have been provided fair chances of promotion in the upper scales against the IPE in BS-17, SIPE BS-18 and even again the post of Additional Director (DE&S) in BS-19 in the Respondent Department subject to the condition of Seniority cum fitness of the appellant. *(Copy of the Notification dated 26-04-2018 is attached as Annexure-C).*
- 4. *That* Para-4 is incorrect as the Service Rules dated 13-11-2012 have been super ceded by the Current Service Rules dated 26-04-2018 for the cadre of the appellant by the Department.
- 5. *That* Para-5 is also incorrect the appellant could not made out his case for promotion as SST under the rules in vogue dated 26-04-2018 in the Department nor qualify the criteria for promotion in the Department.
- 6. *That* Para-6 is incorrect as no Departmental appeal against the Service Rules dated 24-07-2014 has been filed by the appellant till date.
- 7. *That* Para-7 is incorrect as the appellant has got no cause of action to filed the instant appeal before this Honorable Tribunal therefore, the appeal in hand is liable to be dismissed on the following grounds inter alia:

ON GROUNDS.

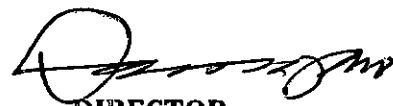
- A. **Incorrect & not admitted.** the Service Rules dated 24-07-2014 is within legal sphere and liable to maintained in favor of the Department.
- B. **Incorrect & not admitted.** The plea of the appellant is against the factual position of the case on the grounds that he has a separate service rules notified on dated 26-04-2018 by the Respondent Department.
- C. **Incorrect & not admitted.** The act of the Department is legal and liable to be maintained.
- D. **Incorrect & not admitted.** the appellant has been treated as per law, rules & policy by the department in the instant case. However, the plea of the appellant is illegal.
- E. **Incorrect & not admitted.** the act of the Department with regard to the Notification dated 24-07-2014 is legal.

- F. Incorrect & not admitted. The appellant has been treated as per law rules & policy by the department having not violated the provision of Section-9 of the civil servant Act 1973 read with Rule-7 of APT Rules 1989 in the titled case
- G. Incorrect & not admitted, the act of the Department is not only legal but is also in accordance with the provision of Article 38 (e) of the constitution of 1973.
- H. Incorrect & not admitted. As the appellant is not an aggrieved person within the meaning of Article 212 of the constitution 1973, however, the Respondent also seek leave of this Honorable Tribunal to submit additional ground, record of case Law at the time of arguments on the date of hearing.

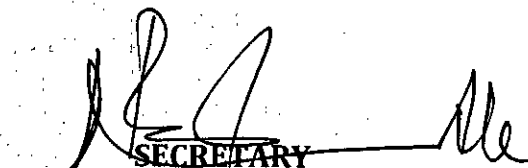
PRAYER:

Therefore, in view of the above made submissions, the appeal in hand may kindly be rejected in favor of the Department in the interest of justice.

Dated. ___/___/2023.



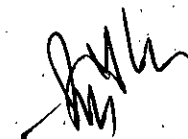
DIRECTOR
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondents No: 4)



SECRETARY
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 1)



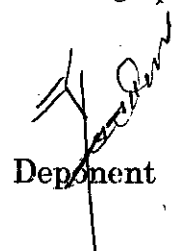
SECRETARY
Govt; to Khyber Pakhtunkhwa
Establishment Department
(Respondent No: 2)



SECRETARY
Govt; to Khyber Pakhtunkhwa
Finance Department.
(Respondent No: 3)

AFFIDAVIT

I, Dr. Hayat Khan Assistant Director (Litigation-II) E&SE Department Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant para wise Comments are true & correct to the best of my knowledge & belief.



Deponent

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

Service Appeal No: 1750/2022

Jehangir Khan, PET, (BPS-15) GHHS Khar Sakhkot Malakand,Appellant

VERSUS

**Government of, Khyber Pakhtunkhwa through the Secretary E&SE
Department & others.....Respondents**

AFFIDAVIT

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

Hayat Khan
Deponent

ATTESTED



2023

"A" - 4 -

APPOINTMENT ORDER PET BPS-15 (M) CONTRACT THROUGH NTS.

DISTRICT EDUCATION OFFICER (M)
MALAKAND AT BATHHELA
PH NO.0932-410281/0932-410010.
FAX.0932-410010.
E-Mail emis.malakand@yahoo.com

Order
Copy
20/5

APPOINTMENT.

Consequent upon recommendations of the Departmental Selection Committee, Appointment of the following candidates are hereby ordered against the post of Physical Education Teacher (PET)-school based in BPS-15(Rs. 8500-700-29500) plus usual allowances as admissible under the rules on adhoc basis on contract (School based) under the existing policy of the provincial Government, in schools noted below on the following terms and conditions with effect from the date of their taking over charge:-

S.No	Name	Father Name	Domicile	Address	Place of Posting
1	Jehangir Khan	Bakht Zaman	Malakand	Faqir Abad Sakhalot	GHSS Khar ✓
2	Subhan Ullah	Bahadar Khan	Malakand	Faqir Abad Sakhalot	GMS Fazal Abad
3	Abul Ali	Khan Muhammad	Malakand	Khatko Shah Dargah	GHS Matkani
4	Jamil Khan	Shamsher Gul	Malakand	Makhnawala Dargah	GMS Chapal

TERMS AND CONDITIONS

- No TA/DA is allowed.
- Charge reports should be submitted to all concerned in duplicate.
- Appointment is purely on temporary & contract basis initially for one year.
- They should not be handed over charge if he exceeds 35 years+3 Years (for Malakand) or below 18 years of age.
- Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO (Concerned) anyone found producing bogus certificate will be reported to the law enforcing agencies for further action.
- His Services are liable to termination on one months' notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
- Pay will not be drawn until and unless a certificate to the effect by the DEO (Concerned) is issued that his certificates are verified.
- He should join his post within 10 days of the issuance of this notification. In case of failure to join their post within 10 days of the issuance of this notification. His appointment will expire automatically and no subsequent appeal etc. shall be entertained.
- Health and age certificate should be produced from the Medical Superintendent Concerned before taking over charge.

PBT PET

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AMSTED
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-5-

10. Before handing over charge he will sign an agreement with the department, otherwise this order will not be valid.
11. He will be governed by such rules and regulation as may be issued from time to time by the Govt.
12. His Services shall be terminated at any time, in case his performance is found unsatisfactory during his contract period in case of misconduct. He shall be proceeded under the rules framed from time to time.
13. His appointment is made on school based. He will have to serve at the place of posting, and his services are not transferable to any other station.
14. Before handing over charge once again their document may be checked if they have not the required qualification they may not be handed over charge.

1482-87

(Syed Manzar Jan Sajid)
 District Education Officer (M)
 Malakand at Batkhela
 21/3/2015.

Encls: No. _____ /PET Appointment/Malakand:Dated Batkhela the

Copy forwarded for information and necessary action to the:-

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Principal/Head Master Concerned.
3. District Accounts Officer Malakand.
4. B&AO of local Office.
5. AP/DEMS Local Office.
6. Official Concerned.

(Handwritten Signature)
 District Education Officer (M)
 Malakand at Batkhela.

Attended
 21/3



OFFICE OF THE DISTRICT EDUCATION Telephone No.0932-410281E-mail:
OFFICER MALE MALAKAND AT BATKHELA emismalakand@yahoo.com

-6-CT-BK

Regularization
Order
2018

NOTIFICATION.

Under the provision of The Khyber Pakhtunkhwa Employees of Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2018 (Khyber Pakhtunkhwa Act No.1 of 2018), Services of the following District cadres School Teachers, (CT, DM, PET, Qari, TT and AT) appointed on adhoc basis on contract, are hereby regularized on the same post in teaching cadre on the terms and condition given below with effect from the date of their appointment on the posts concerned.

CT BPS NO.15

S.No.	Roll No.	Name	Father Name	Address	Total marks out of 200	School	Appointment order No & date	Extension order No & date if any
1	2510208	Wajid Ali	Mehmood Gul	Agra	143.125	GHSS Khar	1759-71/CT Dated 5.5.2014	3578-113 dated 14-4-2017
2	2510056	Alamgir Khan	Sultan Muhammad	Lalma Ghani Dheri	138	GHS Bazdara Payan	1759-71/CT Dated 5.5.2014	3578-113 dated 14-4-2017
3	2510275	Ishaq Ahmad	Gul Nabi	Agra	136.19	GHS Khanorai	1759-71/CT Dated 5.5.2014	3578-113 dated 14-4-2017
4	2510249	Noman Khan	Umar Hassan	Wazir Abad Dargai	133.2	GMS Selal Pattal	1759/71/CT Dated 6.5.2014	5032-36 Dated 10.05.2017
5	2510215	Ajmal Khan	Nek Amal Khan	Mekhbond	134	GMS Fazal Abad, adjusted GHSS Oheri	1488-93/CT dated 4.3.2015	1. 2482-93 dated 14.4.16 2. 3578-613 dated 14.4.17
6	771100932	Muhammad Irshad	Muhammad Umar	Badragga	131.5	GMS Khushal Garh	1488-93 dated 4.3.2015	5032-36 Dated 10.05.2017
7	771100996	Umar Hayat	Amir Khan	Koper	130.83	GHS Khanorai	1488-93/CT Dated 04.03.2015	3578-113 dated 14-4-2017
8	771101019	Farman Ullah	Dawa Khan	Piran	130	GMS Fazal Abad, adjusted at GHSS Khar	1488-93/CT dated 4.3.2015	3578-113 dated 14-4-2017
9	451100528	Muhammad Ishaq Khan	Zahir Ali Khan	Agra	126.25	GHS Palai	1488-93/CT dated 4.3.2015	3578-113 dated 14-4-2017
10	772700642	Muhyassir Khan	Habib Khan	Haryan Kot	137.48	GHS Haryan Kot	1446-85/CT Dated 29.02.2016	3578-613 of 14.04.2017
11	772700753	Abdus Salam	Sher Farzand	Kot	137.31	GHS Hero Shah	1446-85/CT Dated 29.2.2016	3578-113 Dated 14.04.2017
12	781101265	Tahir Ali	Qasim Khan	Agra	136.24	GHSS Sakhakot	1446-85/CT Dated 29.2.2016	5032-36 Dated 10.05.2017
13	772700618	Abdul Zahir	Aman Khan	Hero shah	131.3	GHS Hero shah	1446-85/CT Dated 29.2.2016	3578-113 Dated 14.04.2017
14	772700710	Abdul Qadir	Sul Masuk	Terakan	130.75	GHS Totakan	1446-85/CT Dated 29.2.2016	3578-113 dated 14-4-2017
15	771100703	Shah Faisal	Sultan Muhammad	Lalma Ghani Dheri	129.49	GHSS Sakhakot	1446-85/CT Dated 29.2.2016	3578 Dated 14-4-2017
16	772700770	Hayat Ullah	Muhammad Islam	Totakan	125.45	GHS Wartair	1446-85/CT Dated 29.2.2016	3578-113 dated 14-4-2017

Attested
T.P.

7-

Sl. No.	Roll No.	Name	Father Name	Address	Total marks out of 200	School	Appointment order No & date	Extension order No & date if any
59	7741001122	Aziz Ur Rahman	Hukam Khan	Calangai	122.97	GHS Narai Tangai	3841-65/CT dated 21.4.2017	Service continue
60	7741001389	Muhammad Islam	Noor Islam	Agra	122.84	GMS Garang Dara	3841-65/CT Dated 21.4.2017	Service continue
61	7741001139	Muhammad Arshad	Muhammad Wali	Dargai	122.65	GMS Ghundo Bala	3481-65/CT of 21.04.2017	Service continue
62	4542001856	Riaz Ul Haq	Amin Ul Haq	Ghawar Kaley	121.6	GMS Ghawar Kaley	3841-65 Dated 1.5.2017	Service continue
63	7741001191	Essa Khan	Sultan Sharif	Zalam Kot	121.94	GMS Sher Khana	5555-62/CT Dated 26.05.2017	Service continue

DM BPS No. 15

1	2530002	Shahabud Uddin Khan	Fareedoon	Halbat Gram	100.55	GMS Sher Khana	1772-83 Dated 5.5.2014	5032-36 Dated 10.05.2017
2	2530019	Muhammad Qadim	Perhaizgar	Alladand	89.57	GMS Mura Banda	1772-83 Dated 5.5.2014	5032-36 Dated 10.05.2017
3	2530009	Bahar Ali	Haji Muhammad	Agra	88.3	GHS Kharki Dheri	1772-83 Dated 5.5.2014	5032-36 Dated 10.05.2017
4	2530024	Sikandar Azam	Muhammad Rasool Khan	O/Alladand	85.6	GMS Munawar Shah Kaley	2499-2504 dated 29.5.2014	5032-36 Dated 10.05.2017
5	2530021	Sardar Muhammad	Shir Muhammad	Kot	82.12	GMS Makhawala	2499-2504 Dated 29-05-2014	5032-36 Dated 10.05.2017
6	771200051	Mahmood Ali	Noor Zamin Khan	Agra	119.73	GHS Kharkai	1476-81 Dated 4.3.2015	5032-36 Dated 10.05.2017
7	771200054	Fazil Tayaz	Abdul Akram	Kot	109	GMS Plandara	1476-81 Dated 4.3.2015	5032-36 Dated 10.05.2017
8	771200046	Inam Ul Haq	Ikrum Ul Haq	Alladand	107	GHS Palal	1476-81 dated 4.3.2015	5032-36 Dated 10.05.2017
9	771200049	Fawad Ali	Sultan Ali	Julagram	128.63	GMS Shingrai	1486-93 Dated 1.3.2016	5032-36 Dated 10.05.2017
10	7712000112	Sohrab Khan	Amin Ullah Khan	Alladand	111.8	GHS Haryan Kot	2194-2208 Dated 15.3.2017	Service continue
11	4512000260	Zahid Hussain	Abdur Rehman	Koper	106.63	GMS Hazrat Manan Korana	2194-2208 Dated 15.3.2017	Service continue

PET BPS NO.15

1	2520044	Rahim Ullah	Khalil Ullah	Agra	121.28	GHS Dheri Julagram	1784-92/PET 5 May 2014	5032-36 Dated 10.05.2017
2	2520037	Khalil Ullah	Aziz Ullah	Totakan	109.86	GMS Karkani Khar	1784-92/PET 5 May 2014	5032-36 Dated 10.05.2017
3	2520040	Amjad Ali	Painda Khan	Bakhela	98.71	GSASHS Thana No. 1	1784-92/PET 5 May 2014	5032-36 Dated 10.05.2017
5	451500322	Ishangir Khan	Bakht Zaman	Sakhakor	123.5	GHS Khar	2482-92/PET/NTS Dated 04.3.2015	5032-36 Dated 10.05.2017

Amjad Ali
Ishangir Khan

8-

S.	Roll No.	Name	Father Name	Address	Total marks out of 300	School	Appointment order No & date	Extension order No & date if any
8	451500308	Subhan Ullah	Bahadar Khan	Sakhakot	118.62	GMS Fazal Abad, adjusted at GHS No.2 D/Alladand	1482-874, dated 4.3.2015	5032-36 Dated 10.05.2017
5	771500092	Jamil Khan	Shamsher Gul	Khatako Shah Dargai	117.21	GMS Chapal	1482-87 dated 04-03-2015	5032-36 Dated 10.05.2017
9	771500090	Rehman Ali	Muhammad Gul	Meherdi	110.93	GHS Bazdara Bala	1494-1504 Dated 29-02-2016	5032-36 Dated 10.05.2017
10	771500105	Muhammad Saeed	Muhammad Riaz	Patwari Kaley	110.33	GHS Bazdara Payan	2394-99 dated 11-04-2016	5032-36 Dated 10.05.2017
11	4515000543	Atif Ali	Fazal Hameed	Sakhakot	132.22	GHS Daldara	2169-93 dated 15.3.2017	Service continue
12	4515000398	Kamran	Ikram Said	Badragga	127.79	GMS Makhnawala	2169-93 Dated 15-03-2017	Service continue
13	7715000132	Azhar Alam	Munir Khan	Botkhela	124.86	GMS Akbar Abad	2169-93 Dated 15-03-2017	Service continue
14	4515000456	Fazil Karim	Fazil Satar	Ghani Dheri	121.52	GHS Dheri Kot	2169-93 Dated 15-03-2017	Service continue
15	7715000171	Akmal Hussain	Badshah Gul	Palal	117.83	GMS Sher Khana	2169-93 Dated 15-03-2017	Service continue
16	4515000413	Mati Ul Haq	Yaqoob Khan	Badragga	118.35	GHS GU Khel	3866-76/PET dated 21.4.2017	Service continue

QARI BPS NO.12

1	2570091	Irfan Jamal	Hazrat Jamal	Thana	137.83	GHS Khanoral	3217-3235 Dated 17.6.2014	5032-36 Dated 10.05.2017
2	771600105	Muhammad Shuaib	Qari Abdul Wahab	Giro Shah	127.83	GHS Agra	1494-99 Dated 4.3.2015	5032-36 Dated 10.05.2017
3	771600076	Gulab Rahman	Aman Ur Rahman	Dargai	123	GHS GU Khel	1494-99 Dated 4.3.2015	5032-36 Dated 10.05.2017
4	771600090	Ikram Ullah	Raham Dad Khan	Pirkhel	113.31	GHSS Kot	5886-91 Dated 28.8.2015	5032-36 Dated 10.05.2017

TT BPS NO.15

1	2550238	Ranum Ud Din	Umar Ali	Piran	134.13	GHS Totakan	3217-3235 Dated 17-06-2014	5032-36 Dated 10.05.2017
2	2550096	Shahid Ahmad	Sahib Razaq	Mayar Sakhakot	134	GMS Akram Abad	3217-3235 Dated 17-06-2014	6282-86 Dated 16-06-2017
3	2550239	Sajid Uddin	Zain Ul Abedin	Palal	128.9	GMS Sherkhana	3217-3235 Dated 17-06-2014	5032-36 Dated 10.05.2017
4	2550244	Dawlat Khan	Umar Sadq	Sakhakot	126.91	GZSHS Dargai	3217-3235 Dated 17-06-2014	6282-86 dated 16-06-2017
5	2550331	Ali Rahman	Fazil Rahman	Haryan Kot	125.66	GHSS Kot	3217-3235 Dated 17-06-2014	5032-36 Dated 10.05.2017
6	2550034	Ihsan Ullah	Umar Gul	Hero Shah	124.49	GMS Naranjal Agra	3217-3235 Dated 17-06-2014	5032-36 Dated 10.05.2017

Master
J.F.

-9-

No.	Roll No.	Name	Father Name	Address	Total marks out of 200	School	Appointment order No & date	Extension order No & date if any
13	7713000101	Muhammad Sohail	Dost Muhammad	Sadiqeen Kaley Sakhat	136.5	GSASHS No.1 Thana	2209-27/AT Dated 15.3.2017	Service continue
14	7713000041	Muhammad Zaid	Nalik Zamin Khan	Dheri Julagram	125.03	GMS Barawal	2209-27 dated 15-03-2017	Service continue
15	7713000211	Anas	Abdul Khaliq	Barh	118	GHS Maina	2209-27/AT Dated 15.3.2017	Service continue
16	4513000463	Shahid Ali	Habib Gul	Badmga	117.51	GMS Akram Abad	2209-27/AT Dated 15.3.2017	Service continue

TERMS & CONDITIONS:

- 1 The regularization will not be in favour of those, who have not taken over charge or has remained absent from duty or resign from service and also not for those who are under disciplinary proceedings.
- 2 They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 3 The employees whose service are regularized under The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education, (Appointment and Regularization of services) Act, 2018 (Khyber Pakhtunkhwa Act No.1 of 2018) or in the process of attaining service at the commencement of the Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of services) Act, 2018 (Khyber Pakhtunkhwa Act No.1 of 2018) shall rank junior to all civil servant belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of the Khyber Pakhtunkhwa Employee of the Elementary and Secondary Education (Appointment and Regularization of services) Act, 2018 (Khyber Pakhtunkhwa Act No.1 of 2018), 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.
- 4 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.

Endst: No. 1923-2050 / F.No.04/Regularization

Dated 10/03/2018

Copy of the above is forwarded to:

- 1 The Director, E&SE Department K.P. Peshawar.
- 2 The District Nazim, Malakand.
- 3 The Deputy Commissioner, Malakand.
- 4 The District Accounts Officer, Malakand.
- 5 The Principal/Head Master, concerned.
- 6 The Teacher concerned.

Jehan Parvez
D/ASSISTANT

MUHAMMAD UZAIR ALI
DISTRICT EDUCATION OFFICER
(M) MALAKAND AT BATKHELA.

2000
10/3/18
DISTRICT EDUCATION OFFICER
(M) MALAKAND AT BATKHELA.

Amended

110
Annex-C



GOVERNMENT OF THE KHYBER PAKHTUNKHWA ELEMENTARY & SECONDARY EDUCATION DEPARTMENT.

NOTIFICATION

Peshawar, Dated the 26.04.2018

NOTIFICATION

No.SO(B&A)1-18/2018/DPE Service Rules:- In pursuance of the provision 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 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, for Serial No. 1A, the following shall be substituted in respective columns, namely:

S.No.	Nomenclature of the post.	Minimum Qualification for appointment by initial recruitment or by transfer.	Age limit.	Method of recruitment.
1	2	3	4	5
1A.	Instructor Physical Education (BPS-17)	<p>(i). At least Second Class Master's Degree in Physical Education, with Bachelor of Education (B.ED) or equivalent qualification from a recognized university.</p> <p>(ii). If no suitable candidate possessing the above qualification is available a candidate possessing Master's Degree in the Physical Education may be appointed as an Instructor Physical Education subject to the condition that he shall acquire the qualification of Bachelor of Education (B.ED) within three years from the date of his appointment, failing which his service shall be terminated without notice irrespective of any provision of the rules for the time being enforce.</p>	22-35 years	<p>(a) Seventy percent by Promotion, on the basis of seniority-cum-fitness, from among Senior Physical Education Teacher BPS-16 with at least five years' service as Senior Physical Education Teacher (SPETs) and Physical Education Teacher (PET) provided that if no suitable person is available from amongst Senior Physical Education Teacher (SPETs) for promotion then the post shall be filled by promotion on the basis of seniority-cum-fitness from amongst the Physical Education Teacher (PETs) with at least five years' service as such having qualification in column No.3.</p> <p>Note: - if no suitable person is available for promotion then by initial recruitment; and</p> <p>(b) Thirty percent by initial recruitment.</p>

Attached
July 12

[Handwritten Signature]

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**SECRETARY TO
GOVERNMENT OF KHYBER PAKHTUNKHWA,
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT.**

Endst. Of even Number & Date.

Copy of the above is forwarded to:-

1. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
2. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department.
3. The Secretary to Government of Khyber Pakhtunkhwa, Law Department.
4. The Secretary to Government of Khyber Pakhtunkhwa Public Service Commission.
5. The Accountant General Khyber Pakhtunkhwa Peshawar.
6. The Secretary, Social Sector FATA Secretariat, Warsak Road, Peshawar.
7. The Directors E&SE, PITE and DCTE Khyber Pakhtunkhwa.
8. The Director Education, FATA Warsak Road Peshawar.
9. The Director FMIU Finance Department.
10. Manager Government Printing Press, Khyber Pakhtunkhwa Peshawar with the request for publication in the next official Gazette.
11. Deputy Director (EMIS) E&SE Department.
12. All the DEOs (M/F) Khyber Pakhtunkhwa.
13. All the Agency Education Officers/ Agency Accounts Officers, FATA.
14. All District Accounts Officers Khyber Pakhtunkhwa.
15. The Section Officer (FR) Finance Department.
16. The Budget Officer-V and X, Finance Department.
17. Assistant Legal Drafter-IV, Govt: of Khyber Pakhtunkhwa Law Department.
18. Section Officer (R-I) Govt: of Khyber Pakhtunkhwa Establishment Department.
19. The Section Officers (S/M/F) E&SE Department.
20. The Section Officer (Primary) E&SE Department.
21. The Section Officer (Lit-I) E&SE Department.
22. The Section Officer (General) E&SE Department.
23. PS to Governor Khyber Pakhtunkhwa.
24. PS to Chief Minister Khyber Pakhtunkhwa.
25. PS to Chief Secretary Khyber Pakhtunkhwa.
26. PS to Minister Education Khyber Pakhtunkhwa.
27. PS to Secretary E&SE Department.
28. PS to Special Secretary E&SE Department.
29. Master File.

Attended
H=


(MURTAZA KHAN)
SECTION OFFICER (BUDGET)