

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	09.02.2016	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">Service Appeal No. 1460/2013</p> <p>Pervaiz Khan Versus Government of Khyber Pakhtunkhwa, through Chief Secretary, Peshawar and others.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p><u>PIR BAKHSH SHAH, MEMBER:</u> - Counsel for the appellant (Mr. Sajid Amin, Advocate) and Government Pleader (Mr. Muhammad Jan) for respondents present.</p> <p>2. Seniority post of the appellant and private respondent No. 4 and 5 were respectively cited at Serial No. 51, 52 and 53 from the copy of the seniority list for SET (BPS-16), copy of which is available on record. Vide notification dated 01.01.2008, they were promoted as Subject Specialists BPS-17 with immediate effect. Feeling aggrieved they filed separate service appeals which were separately decided according to which their promotion was anti-dated from the date of availability of vacancies-cum-eligibility. Consequently vide notification dated 12.11.2012 they were notified as promoted on 17.02.2003 but when the impugned final seniority list of the Subject Specialists dated 13.02.2013 was published, the appellant has been placed at Serial No. 651 as Junior to Private Respondent No. 4 at Serial No. 650 and also to private respondent No. 5 at Serial No. 377. The departmental appeal of the appellant was stated by learned G.P as rejected on the ground that the seniority given to the appellant and private respondents was due to their dates of promotion as Subject</p>

Specialists BPS-17, hence this appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

3. Arguments of the learned counsel for the appellant and learned Government Pleader have been heard and record perused.

4. The above factual position of the case revealed that prior to promotion of the appellant and private respondents, the appellant was senior to the respondents per seniority list of PETs (BPS-16). They were promoted on one and the same date by way of a single notification. Hence prima-facie they should have retained the old seniority position even after their promotion. When their promotion was ante-dated, no reason whatsoever is available on record as to why the appellant was relegated to a junior position? This may also be observed that between the seniority position of the appellant and that of private respondent No. 5, a number of civil servants have been placed, and none of whom has been made party in this appeal. During the course of arguments the learned Government Pleader submitted that the appeal of the appellant has been rejected vide order dated 19.12.2013 but its copy is not available on record. It was inferred that though the departmental appellate authority has not taken the above aspects of the case in view but this Tribunal is reluctant to interfere directly as a number of civil servants have been shown in the seniority list between the appellant and respondent No. 5 who are not parties before us. Since, prima-facie, the appellant is at the receiving end as per impugned seniority list, therefore, the case is remitted to the departmental authority with the directions to look into the matter in the light

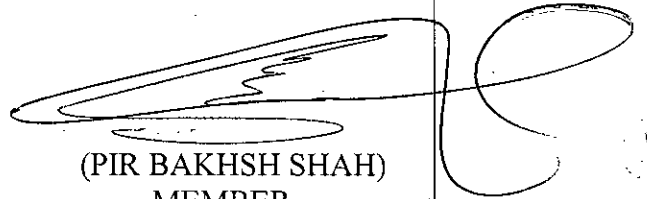
Strictly on merits

of above facts and observations and to decide the matter within a period of three months after receipt of this judgment. Needless to mention that as the appellate authority will re-decide departmental appeal of the appellant, therefore, his impugned order dated 19.12.2013 is set aside in these circumstances. The appeal is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
09.02.2016

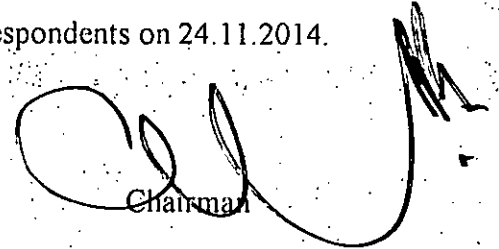


(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

11.7.2014 Appellant with counsel (Mr. Sajid Amin, Advocate) and Mr. Khurshid Khan, SO for respondents No. 1 and 2 with Mr. Usman Ghani, Sr.GP for official respondents No. 1 to 3 present. Private respondents No. 4 and 5 are not present. Fresh notices be issued to private respondents No. 4 and 5 for written reply/comments on behalf of official as well as private respondents on 24.11.2014.


Chairman

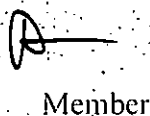
24.11.2014 Counsel for the appellant (Mr. Sajid Amin, Advocate) and Mr. Muhammad Adeel Butt, AAG for Official respondents No. 1 to 3 present. The Tribunal is incomplete. To come up for written reply/comments on 09.03.2015.


Reader

09.03.2015 Appellant in person and Mr. Khurshid Khan, SO alongwith Addl. A.G for official respondents present. Para-wise comments on behalf of official respondents No. 1 to 3 submitted. None present for private respondents No. 4 and 5. Proceeded ex-parte. The appeal is assigned to D.B for rejoinder and final hearing for 1.10.2015.


Chairman

01.10.2015 Appellant in person and Mr. Muhammad Jan, GP for official respondents present. Learned GP requested for adjournment. Request accepted. To come up for rejoinder and arguments on 9-2-16


Member


Member

Appeal No 1460/2013
Mr. Pervez/Chairman

3. 15.01.2014

Appellant with counsel present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the order dated 13.02.2013, communicated to the appellant on 18.06.2013, the appellant filed departmental appeal on 22.06.2013, which has not been responded within the statutory period of 90 days, hence the present appeal on 21.10.2013. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply on 03.04.2014.

Appellant Deposited
Security & Process Fee
Rs. 180/- Bank
Receipt is Attached with File.

Jhey

[Signature]
Member

4. 15.01.2014

This case be put before the Final Bench I for further proceedings.

[Signature]
Chairman

3.4.2014


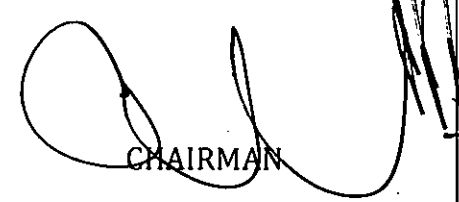
Appellant with counsel (Mr. Sajid Amin, Advocate) present. Respondents are absent despite their service through registered post/concerned officials. However, AAG is present on behalf of the respondents and would be contacting the respondents for written reply/comments on 11.7.2014.

[Signature]
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1460/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	04/11/2013	<p>The appeal of Mr. Pervaiz Khan resubmitted today by Mr. Sajid Amin Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	19-11-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>15-1-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Perviaz Khan son of Abdur Rehman SS, GHSS Bütter Buner received today i.e. on 21.10.2013 is incomplete on the following scores which is returned to the counsel for the appellent for completion and resubmission within 15 days.

- 1- Annexure-E of the appeal is incomplete which may be completed.
- 2- Copy of seniority list of SET (Pak Study) mentioned in para-7 of the appeal is not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal may be attested.
- 4- Seven more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1506 /S.T,

Dt. 23/10 /2013.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Sajid Amin Adv. Pesh.

Resubmitted after completion.

*Sajid Amin
30/10/2013.
Sajid Amin Advocate,
Peshawar.*

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1460 /2013

Pervaiz Khan S/O Abd-ur-Rehman Subject Specialist BPS-17
(Pak Studies) Govt Higher Secondary School Butter Buner.
(Appellant)

VERSUS

Govt of Khyber Pakhtunkhwa through Chief Secretary, Khyber
Pakhtunkhwa, Peshawar and others. (Respondents)

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5	Judgment and Order dated 25.11.2006	C	10-11
6	Order dated 01.01.2008	D	12
7	Judgment and Order dated 22.12.2008 and Notification dated 12.11.2012	E & F	13-17
8	Seniority list of SETs, (Pak Studies) and impugned seniority list of Subject Specialist as it stood on 13.02.2013, <i>Departmental Appeal</i>	G & H <i>15 J</i>	18-23
9	Vakalatnama		

Appellant

Through

Sajid Amin
SAJID AMIN

Advocate Peshawar.

FR. 3-4, Fourth Floor Bilour Plaza
Saddar Road Peshawar Cantt.

Ph. 03334584986, (091) 5272054.

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1460/2013

1493
21-10-2013

Pervaiz Khan S/O Abd-ur-Rehman Subject Specialist BPS-17
(Pak Studies) Govt Higher Secondary School Butter Buner.
(Appellant)

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt of Khyber Pakhtunkhwa Elementary and Secondary Education Department, Peshawar.
3. Director, Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
4. Muhammad Nabi, Subject Specialist (BPS-17) (Pak Studies) GHSS No 2 Para Chinar, FATA.
5. Jehangir Khan, Subject Specialist (BPS-17) (Pak Studies) GHSS Panian, Haripur.

(Respondents)

Appeal under Section 4 of the NWFP Service Tribunal Act 1974, against the final Seniority List of Subject Specialists / Head Masters, (Male) (BPS-17) of Elementary and Secondary Education Department Peshawar, as it stood on 13.02.2013, communicated to the appellant on 18.06.2013, wherein the appellant despite being senior to the Respondent No 4 and 5 has been shown junior to them, against which his departmental appeal dated 22.06.2013 has not been Responded till 90 days statutory period.

Prayer in Appeal:

On acceptance of this appeal the impugned Seniority List of the subject specialists (BPS-17) of Elementary and Secondary Education Department as it stood on 13.02.2013, may kindly be set aside / varied / modified and the appellant may be assigned his proper place in the seniority list with all consequential benefits.

Co-submitted to
and filed.

21/10/13

EX-PARTE
9-3-15

21/10/13

Respectfully Submitted:

1. That the appellant was initially appointed as SET (BPS- 16) upon recommendation of the Departmental Selection Committee vide Order dated 24.05.1995. (Copy of the appointment letter dated 24.05.1995 is attached as Annexure A)
2. That the appellant has at his credit the qualification of M.Sc (Pak-Studies) and M.Ed. (Copies of the Degrees are attached as Annexure B).
3. That in the year 1999 the Respondent Department invited applications from all those SETs who passed there Master (MA/M.Sc) for consideration of their onward promotion as Subject Specialists (BPS-17). The appellant applied well in time his Sr No. was 24, however 22 SETs were promoted and the appellant was ignored despite availability of posts.
4. That again in the year 2002 promotion cases of SETs to Subject Specialists were forwarded but the appellant was again ignored, therefore, the appellant alongwith others agitated the matter of their promotions before this Honorable Tribunal in Service Appeal No 444 / 2005, while was disposed off with direction to consider the appellant favorably for promotion as Subject Specialists (Pak Studies) vide Order dated 25.11.2006. (Copy of the Order dated 25.11.2006 is attached as Annexure C).
5. That thereafter the Respondent promoted the appellant alongwith Respondent No 4 and 5 to the post of Subject Specialist BPS-17 vide promotion notifications dated 01.01.2008 but with immediate effect. (Copy of the Order dated 01.01.2008 is attached as Annexure D).
6. That the appellant along with Respondent No 5 and two others again approached to this Honourable Tribunal for anti-dation of their promotion, in Appeal No 738 / 2008, which was accepted vide Judgment and Order dated 22.12.2008 and the Official Respondents were directed to antedate the promotion of the appellant to the date on which the vacancies were available for them and when they were eligible for promotion. The appellant also filed implementation petition lastly the Respondents antedated the promotion of the appellant from 17.02.2003, vide Notification dated 12.11.2012. (Copies of the Judgment and Order dated 22.12.2008 and Notification dated 12.11.2012 are attached as Annex E & F).

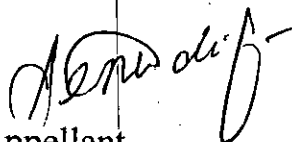
7. That recently the respondents department issue seniority list of Subject Specialist / Head Masters (Male) (BPS-17, of Elementary and Secondary Education Department, as it stood on 13.02.2013, however to the great surprise of the appellant, the Respondent No 4 and No 5 were placed at Sr No 650 and Sr No 377 respectively i.e senior to the appellant who has been wrongly placed at Sr No 651, despite being senior to them. Copy of the seniority list was however communicated to the appellant on 18.06.2013. (Copies of the seniority list of SETs, (Pak Studies) and impugned seniority list of Subject Specialist as it stood on 13.02.2013 are attached as Annexure G & H).
8. That the appellant filed his Department Appeal dated 22.06.2013 against the impugned seniority list, however it has not been responded till the expiry of statutory period. *(Copy of departmental appeal is attached as Annexure I)*
9. That the appellant prays for acceptance of the instant appeal inter alia on the following grounds:-

Grounds of Appeal:

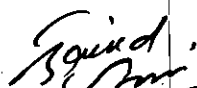
- A. That the appellant has not been treated in accordance with law he has been greatly prejudiced and discriminated in the grant of seniority, when his juniors were made senior to him.
- B. That since the appellant is senior to the respondent No. 4 & 5 therefore he is equally entitled to be allowed seniority over and above his juniors
- C. That since the denial of the post of Subject Specialist to the appellant in due time was on account of fault of the respondent department hence it is incumbent upon the respondents to rectify the mistake, allow the appellant his seniority, moreover it is established principle of law that no one should suffer for the default/ fault of the department.
- D. That it is pertinent to mentioned that as per the seniority list of SETs (BPS-16) (Pak Studies) the Respondent No 4 & 5 were junior to the appellant, moreover they were promoted to Subject Specialist BPS-17 vide the same notification dated 01.01.2008, however when the seniority list of SS BPS-17 has issued the appellant has been wrongly shown junior to them.

- E. That this Honourable Tribunal while accepting the appeal of the appellant vide Judgment and Order dated 22.12.2008 directed the respondents to antedate the promotion of the appellant to the date on which the vacancies were available and he was eligible, however the respondents antedated the promotion of the appellant from 17.02.2003 while the Respondent No 5 has been given promotion from 2000, despite being junior to the appellant which clearly showed that vacancies were available, however the appellant was ignored for no valid reason. It was only after the issuance of the impugned seniority list when the appellant came to know about the fact that Respondent No 5 has been allowed promotion from 31.08.2000.
- F. That as per the seniority list of SETs (BPS-16) (Pak Studies) the appellant was at Sr No 51 while Respondent No 4 & 5 were at Sr No 52 and 53 respectively, the appellant was never superseded, thus on promotion to higher post he is entitled to regain his seniority albeit he has been wrongly deprived of his seniority.
- G. That the appellant has been discriminated against because similarly placed employees were allowed seniority while the appellant has been deprived, hence requires interference / direction from this Honourable Tribunal for correction of seniority.
- H. That the appellant seeks the permission of this Honourable Tribunal to rely on additional grounds at the hearing of this appeal.

It is, therefore, prayed that on acceptance of this appeal the impugned Seniority List of the subject specialists (BPS-17) of Elementary and Secondary Education Department as it stood on 13.02.2013, may kindly be set aside / varied / modified and the appellant may be assigned his proper place in the seniority list with all consequential benefits


Appellant

Through


SAJID AMIN
Advocate Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2013

Pervaiz Khan S/O Abd-ur-Rehman Subject Specialist BPS-17
(Pak Studies) Govt Higher Secondary School Butter Buner.

(Appellant)

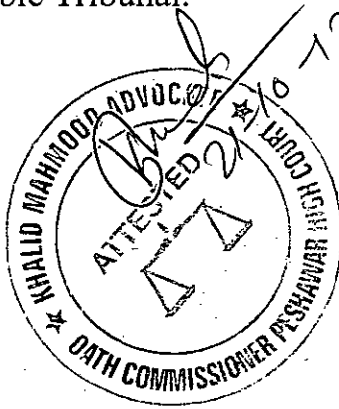
VERSUS

Govt of Khyber Pakhtunkhwa through Chief Secretary, Khyber
Pakhtunkhwa, Peshawar and others.

(Respondents)

AFFIDAVIT

I, *Pervaiz Khan S/O Abd-ur-Rehman Subject Specialist BPS-17 (Pak Studies) Govt Higher Secondary School Butter Buner*, do hereby solemnly affirm and declare that the contents of the above appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.



[Handwritten Signature]
Deponent

OFFICE OF THE DIRECTOR OF SECONDARY EDUCATION N.W.F.P. PESHAWAR.

Approved: A 6

NOTIFICATION.

Consequent upon their selection by the Departmental Selection Committee, the Director Secondary Education NWFP, Peshawar has been pleased to appoint the following listed candidates ~~subject to the school noted against each in BPS-16(Rs.2535-197-5450) plus usual allowances as admissible under the rules with immediate effect, subject to the existing terms and conditions.~~

S.No.	Name and Address.	School where posted.	Remarks.
1.	Mr. Fervez Khan B.Sc B.Ed. S/O GHS, No.1 Bazaar. (Bunir) Chahbandi (Bunir)		A. Vacant SET (20) post.

TERMS AND CONDITIONS:-

1. They will be governed by such rules and regulation as may be prescribed by the Govt: from time to time for the category of Govt: servant to which they belong.
2. Their service will be liable to termination on one month, notice from either side. In case of resignation with out notice one month pay will be forfeited in lieu there of.
3. They should join the posts within one month of the issue of notification.
4. Their inter-se-seniority will be determined in accordance with the merit of Departmental Selection Committee.
5. Charge reports should be submitted to all concerned.
6. They shall be on probation for a period of two years.
7. Their original certificates/degrees should be checked and verified from the concerned university.
8. The declaration of assests should be obtained from the them and placed on record.
9. Fresh candidates should not be handed over charge if their age is less than 18 or more than 30+(2-years Govt:relaxation).
10. No TA/DA is allowed.
11. They are required to produce Health and Age Certificate from Medical authorities concerned, before taking over charge.

(S.ABU SAEED BACHA)
DIRECTOR SECONDARY EDUCATION
N.W.F.P. PESHAWAR.

Endst: No. 4029-34/A-14/SET/Apptt: Dated Peshawar the 24/5/1995.

- Copy forwarded for information to the:-
1. Accountant General NWFP, Peshawar.
 2. District Account Officer Bunir
 3. Director of Education (Primary) NWFP, Peshawar.
 4. Director of Education (FATA) NWFP, Peshawar.
 5. Divisional Director of Education (Schools) Malakand Divn: Swat.
 6. District Education Officer (M) Primary Bunir.
 7. District Education Officer (M) Secondary Bunir.
 8. Private Secretary to Minister for Education (S/C) NWFP, Peshawar.
 9. Private Secretary to Secretary Education Govt: of NWFP, Education Department Peshawar.
 10. PA to Director of Secondary Education NWFP, Peshawar.
 11. Principal/Headmaster concerned.
 12. Official concerned.

[Signature]
DEPUTY DIRECTOR SECONDARY
EDUCATION N.W.F.P. PESHAWAR.
24/5/95

MUSA UMAR/
MCHAMMAD IBRAHIM/
MDN:

[Handwritten signature]

Roll No. U-17000

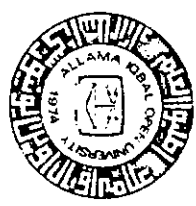
7

Answers B

084

بر شمار

Allama Iqbal Open University



پروفیسر اقبال اویسی یونیورسٹی
پروفیسر اقبال اویسی

PANWALIZ KHAN

regn. no

92-1000-0005

پروفیسر

پرویز خان

ABDUR RAHMAN

عبد الرحمان

تاریخ

son/daughter of

having completed requirements

in SPRING, 1977 is awarded the degree of

Master of Science in Pakistan Studies

she / She secured 47 % marks and was

placed in 0 grade.

کو ۱۹۷۷ء میں اعلیٰ درجہ تکمیل کر کے

مطالعہ عربیہ اسلامیات

ایس۔ ایس۔ سی

کی ڈگری حاصل کی گئی اس نے ۴۷ فیصد نمبر تک

شمارہ ۱۰۰۰۵

Vice-Chancellor

Islamabad

Dated 31st Aug, 1978.

This Degree is to be read in conjunction with the Transcript, bearing details of courses passed, issued separately.

Controller of Examinations

پروفیسر

اسلام آباد
۱۱۱۸

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Handwritten signature

پروفیسر اقبال اویسی

Roll No. CG117855

8555

Allama Iqbal Open University



علاء ماقبال اوپن یونیورسٹی

FERVAIZ KHAN

Regn. No. 92-188-0005

پرزیز خان

پیریز خان

عبدالرحمان

son/daughter of ABDUL RAHMAN

بن/بنت

having completed the prescribed requirements

کر

in AUTUMN, 1993

is awarded the degree of

خیزان

Bachelor of Education

بی. ایڈ

He/She secured 58 % marks and was placed

in 3 grade.

کی ڈگری میں 58 فیصد کے ساتھ اور 3 گریڈ پر۔

Vice Chancellor

(Signature)

Zalamabad

Dated: 5TH JUL, 1994.

Controller of Examinations

(Signature)

5 جولائی 1994

This degree is to be read in conjunction with the Transcript, issued separately.

(Handwritten mark)

S. No. 339980

Roll No. 34519

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Peshawar N.W.F.P. Pakistan

Secondary School Certificate Examination

SESSION 1981 (ANNUAL)

THIS IS TO CERTIFY THAT Parwaiz Khan
Son/Daughter of Abdur Rahman
and a student of Govt : High School Daggar, Swat.

has passed the *Secondary School Certificate Examination*
of the Board of Intermediate and Secondary Education, Peshawar held in April 1981
as a *Regular candidate*. He/She obtained 499 Marks out of 850
and has been placed in Grade C Representing Good

The Candidate passed in the following subjects:

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

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

Date of birth according to admission form is Twentieth June
one thousand nine hundred and Sixty Five (20-6-1965)

Asstt. Secretary

31st. July, 1981

This certificate is issued without alteration or erasure.

Secretary

Y/C

Attested

Parwaiz Khan S.E.T
G.H.S Dewana Baba
Datta Buner

(10)

(F)

A

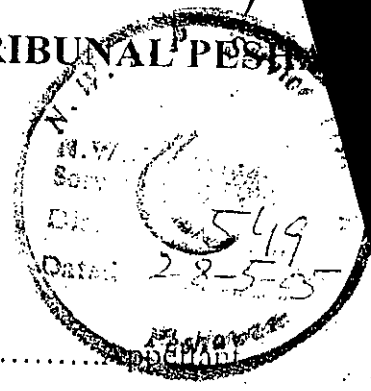
BEFORE THE N.W.F.P SERVICE TRIBUNAL PESHAWAR

Appeal No 644 of 2005.

Perwaiz khan s/o Abdur-Rahman SET(sc)

Govt. High School Annawar District

Buner.....



Versus

- (1) Govt. of NWFP through Chief Secretary at Peshawar.
 - (2) Secretary to Govt. of N.W.F.P Schools and Literacy Department.
 - (3) Director Schools and Literacy N.W.F.P
 - ✓(4) Mr. Abdul Latif, S.S, G.H.S.S, Shabqadar Fort Charsada.
 - ✓(5) Mr. Mohammad Shafiq, S.S,G.C.H.S, Kohat.
 - (6) Mr. Mohammad Aslam, S.S,G.H.S.S, No.3 Peshawar City.
 - ✓(7) Mr. Zard Ali Khan, S.S,G.H.S.S, No.4, Kakshal, Peshawar.
 - ✓(8) Mr. Ihsan Ullah, S.S,G.H.S.S, Ghani Dherai, Malakand.
- Malakand. Respondents

responsive
8 Ex part
with another
dt: 22/12/06.

Filed to day

Ministry
28/5/05

APPEAL AGAINST THE NOTIFICATION NO SO(S)1-4/2004/
PROMOTION BS.16 to BS.17 S.S ON REGULAR BASIS
DATED PESHAWAR THE 05/01/2005.

15. 25.11.2006

Appellant with counsel,
Waheedullah, A.D with AGP for respondent-
department and counsel for private
respondents No. 4 to 7 are present. Heard.
Record perused.

This appeal arises against the
promotion order of private respondents
on regular basis dated 5.1.05, with the
prayer that on acceptance of this appeal,
the Notification dated 5.1.05 may be
declared as illegal,unlawful and of no
legal effect and the appellant be promoted

ATTESTED
N.W.F.P. EXAMINER
Service Tribunal
Peshawar

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Handwritten signature

(11)

1 No. of Order or Proceeding	2 Date of Order or Proceedings	3 Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
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in terms of letter dated 23.9.2002 with all back benefits and wages. Any other remedy not specifically mentioned may also be granted.

The gravamen of the appellant's claim is that being M.A (Pak.Studies) he was eligible to be promoted as S.S(Pak.Studies) BS-17 and that private respondents possessing the qualification of Master Degree in History-cum-Pak.Studies, who were not eligible to be promoted as S.S, were promoted and he was ignored.

The departmental representative present before us stated that some vacancies are still available. So, without touching private respondents, the respondent department is directed to consider the case of the appellant favourably for promotion as S.S(Pak.Studies), subject to eligibility. With these observations, the instant appeal stands disposed of, with no order as to costs. File be consigned to the record.

ANNOUNCED

25.11.2006

(ABDUL SATTAR KHAN)
CHAIRMAN
NWFP SERVICE TRIBUNAL
PESHAWAR.

certified to be true copy
ADALAT KHAN
MEMBER

Handwritten notes and signatures in the left margin, including '25-11-06' and 'ADALAT KHAN'.

12

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Approved - D

GOVERNMENT OF N.W.F.P.
SCHOOLS & LITERACY DEPARTMENT

Dated Peshawar the 01-01-2008.

NOTIFICATION.

No. SO(S) 1-4/2007 / Promotion BS-16 to BS-17/SS on Regular Basis. On the recommendation of the Departmental Promotion Committee, the Competent Authority has been pleased to promote the following SETs (BPS-16) to the rank of Subject Specialists (BPS-17) on regular basis with immediate effect and adjusted in the Schools as noted against their names.

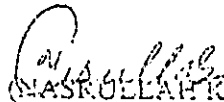
S. No.	Name and Address of the Officers.	Place of Posting / Adjustment.	Remarks.
1.	Mr. Jahangir Khan, SET.ADO (BS-16) o/o the EDO (S&L) Haripur.	Subject Specialist (BS-17) (P/S) GHSS Panian Haripur.	A.V.P.
2.	Mr. Perwaiz Khan, SET (BS-16) GHS Shalbandi, Buner.	Subject Specialist (BS-17) (P/S) GHSS Batara Buner.	--do--
3.	Mr. Shaukat Rehman, SET (BS-16) GHSS Billitang, Kohat.	Subject Specialist (BS-17) (H/C) GHSS Chorlaki Kohat.	--do--
4.	Mr. Muhammad Nabi, SET (BS-16) GHS No.2 Parachinar Kurram Agency.	Subject Specialist (BS-17) (P/S) Services placed at the disposal of the Director of Education (FATA) for further adjustment against the vacant post.	--do--

SECRETARY

Endst. No. SO(S) 1-4/2007/ Promotion BS-16 to BS-17 SS. on Regular Basis.

Copy forwarded for information and necessary action to the:-

1. Accountant General N.W.F.P, Peshawar.
2. Special Secretary (Regulation), Establishment Deptt; NWFP.
3. Director Schools & Literacy NWFP Peshawar.
4. Director of Education (FATA) NWFP Peshawar.
5. Executive District Officer's (S&L) Concerned.
6. District / Agency Account's Officer Concerned.
7. Officers concerned.
8. Deputy Database Administrator (EMIS), S&L Department.
9. PS to Secretary to Govt. of NWFP Schools & Literacy Peshawar.
10. PA to Additional Secretary, Schools & Literacy Deptt; NWFP.
11. Office order file.


(MASRULLAH KHAN)
SECTION OFFICER (SCHOOLS).

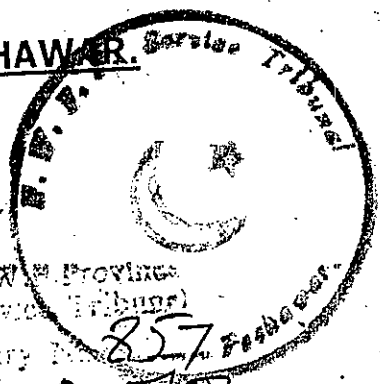


(13)

ANNEX: E

BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 738 /08.



Mr. Pervez Khan, S.S (Pak: Studies),
GHSS, Batarā Buncāy..... Appellant:

VERSUS

- 1- The Chief Secretary NWFP, Peshawar.
- 2- The Secretary Education (S&L) NWFP Peshawar.
- 3- The Director Education (S&L) NWFP Peshawar.

..... Respondents.

APPEAL UNDER SECTION 4 OF THE NWFP SERVICE TRIBUNALS ACT 1974 FOR ANTEDATED PROMOTION AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN 90 DAYS.

PRAYER:

That on acceptance of this appeal the respondents may be directed to consider the appellant for promotion from date of availability of vacancy of Subject Specialist Pak: Studies OR at least from 17.2.2003, the date w.e.from which the promotion and seniority given to the counter parts of the appellant. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of appellant.

M.A. /
23/5/08

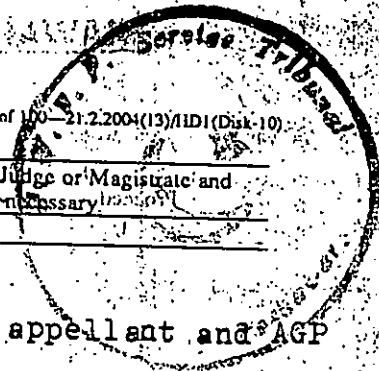
ATTESTED

SECRETARY
NWFP Service Tribunal
Peshawar

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738/08



GIS&PD,NWFP,--457 P.S. - 2,000 Pads of 100 - 21.2.2004(13)/HDI(Disk-10)

Serial No. 210

Serial No. of Order or Proceeding	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
	22.12.2008	<p>Counsel for the appellant and AGP alongwith Hidaytullah, S.O for the respondents present. Arguments heard and record perused. Vide our detailed judgment of to-day in connected appeal No. 737 of 2008, titled "Shaukat Rahman Versus Chief Secretary, NWFP, Peshawar and others", this appeal is also accepted as per detailed judgment.</p> <p><u>ANNOUNCED.</u> 22.12.2008</p> <p><i>[Signature]</i> Chairman <i>[Signature]</i> Member</p>

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No. of presentations 1-4-09
 Number of words 800
 Copying fee 6
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 Date of delivery of copy 7-4-09

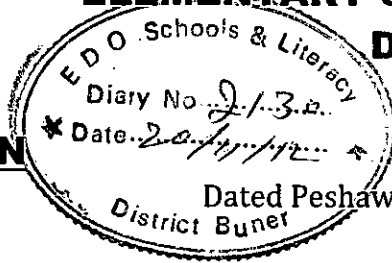
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(15) AMEX: F ①

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

NOTIFICATION



ADDO (e) say
Sent to Post
for further process
17/11/12

NO.SO(S/M) E&SED/1-5/Incharge SS/HM/2012: In pursuance of Court Judgements, the Competent Authority is pleased to promote the following Subject Specialist Headmasters (Male) on regular basis from the date of their incharge posting noted against each :-

S.#	Name & Designation of Officers	Transferred/Adjusted as	Date of Regularization as incharge SS/HM
1.	Mr. Porwaiz Khan SET GHS S/Chandi Bunir.	Subject Specialist GHSS Battar Bunir.	17.02.2003
2.	Mr. Shoukat Rehman SET GHSS Billrang Kohat.	Subject Specialist GHSS Chowrlaki Kohat.	17.02.2003
3.	Mr. Muhammad Nabi SET GHSS No.2 Parachinar FATA.	Services placed at the disposal of FATA.	17.02.2003
4.	Mrs. Gulshan SET GHSS Gulistan Malakand.	I/C SS GHSS Takar Mardan.	17.02.2003

2. No CA/DA is allowed.

SECRETARY

Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. All Directors, E&SE Khyber Pakhtunkhwa, Peshawar/FATA.
3. Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar.
4. All District Accounts Officers Khyber Pakhtunkhwa/FATA.
5. All Executive District Officer E&SE Khyber Pakhtunkhwa. *Buner*
6. P.O. Chief Secretary, Khyber Pakhtunkhwa.
7. P.O. Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. P.O. Additional Secretary, E&SE Department.
9. Incharge UMISE E&SE Department.
10. Officers concerned.
11. Copy to be order file.

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

SENIORITY LIST OF SETs FOR PROMOTION TO SUBJECT SPECIALIST IN N.W.F.P.

Sl. No	Seniority No	Name/Designation and addressed	Date of Birth	Date of Ist Appoint. in Education Deptt.	Date of Appt. Appnt. in Education Deptt.	Subject in M.A/Misc	Remarks
1	1422	Mr. Iftikhar Qadir GMS Hari Mera Manshehra	1/54 Mera	15/5/85	12/1/74	30/9/83	Pak Studies
2	1853	Mr. Abdullah Shah GMS, Mathra Peshawar	3/2/60 Pesh	15/5/85	12/7/85	26/10/86	Pak Studies
3	2177	Mr. Abbas Gul GHS Takia Bahi Mardan	12/1/59 Mard	23/10/82	26/10/86	11/11/86	Pak Studies
4	2220	Mr. Muhammad Zareen Khan GHS, Parian Haripur	12/4/59 Harip	1/2/78	20/9/87	15/10/87	Pak Studies
5	2487	Mr. Suhrab Khan GHS, Parina Manshehra	1/2/59 Manshe	20/9/87	20/9/87	20/9/87	Pak Studies
6	2518	Mr. Muhammad Nawab GHS, No.1, Kohat	15/3/52 Kohat	12/1/75	12/10/88	12/10/88	Pak Studies
7	2855	Mr. Akhtar Hussain GHS, Pir Shab Jan Kot N.W.A	2/11/61 FRBnu	19/10/88	19/10/88	19/10/88	Pak Studies
8	2858	Mr. Abdul Qayum Khan GHS No. 2, Lakki	23/8/62 Lakki	19/10/88	1/12/88	1/12/88	Pak Studies
9	2925	Mr. Inyat Ullah GHS Perove D.L.Khan	17/8/66 D.L.Khan	9/8/88	8/12/88	8/12/88	Pak Studies
10	2944	Mr. Muhammad Sadiq SET, GHS, Mathra Peshawar	6/4/61 Peshawar	9/1/83	19/9/89	19/9/89	Pak Studies
11	3158	Mr. Muhammad Rafiq GHS, Dhodialchial	22/10/59 Mian	15/4/79	20/9/89	20/9/89	Pak Studies
12	3171	Mr. Muhammad Aslam GHS Darwesh Haripur	3/9/50 Haripur	4/10/72	17/0/89	17/0/89	Pak Studies
13	3232	Mr. Abduqadir GHS Dazak Mansera	4/5/52 Dazak	17/0/89	26/11/90	26/11/90	Pak Studies
14	3347	Mr. Zahid Hussain AEO Orakzai	9/2/65 Orakzai	3/10/84	19/2/90	26/11/89	Pak Studies
15	3540	Mr. Gul Aslam GHS, Domal Bannu	15/7/64 Bannu	6/12/89	19/2/90	26/11/90	Pak Studies
16	3783	Mr. Muhammad Sharif SET, GHS, No.1, Kohat	32/5/61 Kohat	15/10/88	26/11/90	26/11/90	Pak Studies
17	3789 A	Mr. Iftikhar Ahmad SET, GHS, Kotli Balan-Mans	14/6/61 Manshehra	10/11/85	27/11/90	27/11/90	Pak Studies
18	3791	Mr. Saeed Ahmad GHS Trangri Bala Manshehra	15/4/65 Mans	26/11/90	11/1/91	27/11/90	Pak Studies
19	3902	Mr. Sabir Hussain Shah GMS, Chani Habbullah	3/11/50 Mans	27/11/73	11/1/91	27/1/91	Pak Studies
20	3947A	Mr. Khadim Hussain Shah GMS Tori Abad	28/1/45 A-Abad	10/1/84	2/2/91	10/1/91	Pak Studies
21	3983	Mr. Muhammad Aslam SET, GHS, Dharakti Chd	11/4/60 Chd	28/1/92	10/1/94	10/1/94	Pak Studies
22	3989	Mr. Alam Zeb Khan GHS, Sati Bala Dir	17/2/66 Dir	28/8/94	10/11/94	10/11/94	Pak Studies
23	3997	Mr. S. Muhammad Farig Shah GHS No. 4, Pesh Ch	15/4/69 Chars	10/11/94	10/11/94	10/11/94	Pak Studies
24	4030	Mr. Muhammad Daraz Khan GHS, No.4, Kohat	4/2/68 Kohat	10/11/94	10/11/94	10/11/94	Pak Studies
25	4044	Mr. Chen Zeb GHS, Bagh A-Abad	1/1/64 A-Abad	4/3/82	10/11/94	10/11/94	Pak Studies
26	4134	Mr. Jamil Ahmad GCNHS D.L.Khan	1/6/61 Khan	10/11/94	10/11/94	10/11/94	Pak Studies
27	4143	Mr. Muhammad Sadiq GHS, Jajaka Mian ORK	1/3/57 Bannu	10/11/94	10/11/94	10/11/94	Pak Studies
28	4152	Mr. Muqr Hussain GHS, Chani Habbullah, Mansh	20/7/63 Manshe	5/11/81	10/11/94	10/11/94	Pak Studies
29	4189	Mr. Iqbal Ali Shah GHS, Bannu	21/10/67 Bannu	29/4/92	10/11/94	10/11/94	Pak Studies
30	4203	Mr. Akhtar Waheed GHS, No.3, Kohat	19/10/64 Kohat	10/10/85	10/11/94	10/11/94	Pak Studies
31	4247	Mr. Tayyib Shahzad GHS, No.2, Haripur	19/2/62 Haripur	11/10/87	10/11/94	10/11/94	Pak Studies
32	4268	Mr. Israj Ali GHS Dabkor M Agency	13/2/62 M Agency	10/11/94	10/11/94	10/11/94	Pak Studies
33	4360	Mr. Jehanzeb GMS Manakasal Haripur	31/3/63 Haripur	5/7/89	10/11/94	10/11/94	Pak Studies
34	4434	Mr. Wali Ullah GMS, Shakar Kati Karak	1/3/60 Karak	5/3/78	23/5/93	23/5/93	Pak Studies
35	4483	Mr. Muhammad Afzal GHS Gumbat Kohat	28/8/53 Kohat	25/11/87	23/5/93	23/5/93	Pak Studies
36	4509	Mr. Muhammad Riaz GCS, Kohat	1/9/51 Kohat	15/10/73	23/5/93	23/5/93	Pak Studies

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Annex Q

37	4652	Mr. Muhammad Younas GHS, Nagri Bala A-Abad	10/11/60 A-Abad	25/11/79	23/5/95	Pak Studies
38	4700	Mr. Muhammad Mushtaq GHS:Jab Manshera	3/5/52 Mansh	22/4/72	23/5/95	Pak Studies
39	4741	Mr. Hayat Muhammad GHS, Umerzai Charsadda	20/3/64 Charsadd	12/9/87	23/5/95	Pak Studies
40	4826	Mr. Gulam Iqbal GCHS Kohat	25/4/60 Kohat	20/11/85	23/5/95	Pak Studies
41	4891	Mr. Zard Ali Khan SEI GHS: Aza Khan (M) Pesh	6/8/59 Pesh	24/10/81	23/5/95	MA Result Declared on 6-1-2003
42	4953	Mr. Amin-ul-Haq GHS. Paragai Malakand	5/5/67 MKD	1/10/89	24/5/95	Pak Studies
43	5011	Mr. Muhammad Aksar ADO Haripur	4/1/56 Haripur	14/12/74	24/5/95	Pak Studies
44	5114	Mr. Hamid Hussain GHS.Ibrahaim Zai Hangu	13/10/65 Hangu	4/10/87	23/5/95	Pak Studies
45	5139	Mr. Abdul Hamid GMS. Ghura Banda Dir	19/8/67 Dir	31/3/90	24/5/95	Pak Studies
46	5167	Mr. Ahmad Saeed GHS. No.1 Kohat	6/1/63 Kohat	28/5/95	24/5/95	Pak Studies
47	5201	Mr. Alamzeb Khan GHSS. Sherpao Charsadda	6/11/60 Charsadd	10/9/89	24/5/95	Pak Studies
48	5207	Mr. Muhammad Tahir GHS.Mahabat Abad Mardan	15/4/66 Mardan	1/12/90	24/5/95	Pak Studies
49	5216	Mr. Salar Islam Tariq CMHS Chokara Karak	15/11/68 Karak	24/5/95	24/5/95	Pak Studies
50	5239	Mr. Shaukat Rehman GHSS.Bulitang Kohat	10/3/69 Karak	24/5/95	24/5/95	Pak Studies
51	5253	Mr. Perviz Khan GHS. Amnawar Bunir	20/6/65 Bunir	24/5/95	24/5/95	Pak Studies
52	5254	Mr. Muhammad Nabi GHS0 No.2 Parachnair K/Agn.	12/3/69 Agn	27/10/94	24/5/95	Pak Studies
53	5271	Mr. Jehangir Khan ADO. Haripur	25/4/64 Haripur	21/10/86	24/5/95	Pak Studies
54	5312	Mr. Hayat Ullah Jan GMS Toor Kaki Bannu	5/6/64 Bannu	23/11/86	24/5/95	Pak Studies
55	5476	Mr. Muhammad Anwar Khan GHS. Sangar Mansh:	25/1/63 Mansh	1/12/84	25/3/96	Pak Studies
56	5484	Mr. Manzoor Ahmad GMS. Mujhunpan Abad	10/1/56 A-Abad	10/10/74	25/3/96	Pak Studies
57	5486	Mr. Muhammad Yaqoob GMS. Beri Bala A-Abad	25/7/56 A-Abad	22/10/77	25/3/96	Pak Studies
58	5491	Mr. Muhammad Zahoor GMS. M.M. Pol. Manshera	1/4/60 Mansh	13/9/70	25/3/96	Pak Studies
59	5492	Mr. Parvez Ali GHS. Dheri Naqar Chan Haripur	1/1/58 Haripur	3/10/82	25/3/96	Pak Studies
60	5626	Mr. Irshad GCHS Kohat	13/2/67 Kohat	3/12/88	28/3/96	Pak Studies
61	5670	Mr. Muhammad Iqbal GHS Kalaq Haripur	5/6/65 Haripur	16/11/94	28/3/96	Pak Studies
62	5705	Mr. Nabi Ullah GHS. Zarat ShaikhAbad Kohat	19/5/69 Karak	18/5/92	28/3/96	Pak Studies
63	5731	Mr. Dost Muhammad ADO Peshawar	14/4/69 Peshawar	16/10/88	28/3/96	Pak Studies
64	5741	Mr. Muhammad Tariq GHSS Chankani Peshawar	1/4/69 Peshawar	11/2/90	28/3/96	Pak Studies

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appellants

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GHS No. 3
Pesh Cantt.

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PRINCIPAL
Govt. High Sch.
Mayatabad P.

HEAD MASTER
Govt. High School

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H/M
GHS Mashe Gogeshk
Pesh

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Subject Specialist
Govt. Higher Secondary
School No.1 Peshawar City

S. MUSHTAQ HUSSAIN SHAH
PRINCIPAL
Govt Centennial Model
School Peshawar Cantt

ANNEX H
18

FINAL SENIORITY LIST OF SUBJECT SPECIALIST/HEAD MASTERS MALE (B-17) OF ELEMENTARY & SECONDARY EDUCATION DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR STOOD ON 13-02-2013

R.No	Name of Officers with Qualification	D/O Birth	Domicile	Date of 1st; Entry in Edu; Deptt;	Regular appionment / Promtion to the present post			Designation/Place of Posting	Remarks
					Date	BPS	Method of Recruitment		
1	Umer Muhammad MA Bed SS Pak Studies	01.05.1955	Swat	28.02.1989	28.02.1989	17	By Promotion	SS GHSS Khwaza Khela Swat	vd SO(S/M)E&SED/2012/Incharg eSS/Umer Muhammad
2	Tamash Khan M.A B.Ed	17/03/1953	Mardan	01/11/1974	08/11/1995	17	do	HM GHS Hatyan Mardan	do
3	Khalid Khan M.A B.Ed	04/04/1953	Charsadda	04/11/1974	08/11/1995	17	By Promotion	HM GHS Babara Chda	vd SO(S/M)/1-5/08/dt 20.05.2011
4	Sher Afzal MA BEd	29/05/1957	Dir (L)	02/12/1978	08/11/1995	17	do	HM GHS Balambat Dir (L)	do
5	Mubarak Shah M.Sc B.Ed	01/09/1966	Moh.Agy:	08/11/1995	08/11/1995	17	do	SS GHSS Ghari Kapora mardan	do
6	Nazir Ahmad. B.A B.Ed	27/08/1960	Abbottabad	12/12/1985	08/11/1995	17	do	HM GHS Gami Noorpur	do
7	Saeed Ur Rehman SS	01.08.1958	Peshawar	10/11/1987	06/05/1996	17	do	SS GHSS Chamkani Peshawar	sen.aw.vd so(s)/s&l/1-4/5 dt 5-9-09
8	Sadiq Ahmad M.A B.Ed	16/08/1953	Malakand	16/11/1974	26/05/1996	17	do	HM GHS Ghani Dher Malakand	do
9	Muhammad Iqbal M.A B.Ed	15/02/1953	Swat	20/11/1975	30/08/1997	17	do	HM GHS Bhari Battagram	do
10	Muhammad Zaman M.A B.Ed	05/06/1954	Dir	20/11/1975	30/08/1997	17	do	HM GHS Dir U	do
11	Allah Nawaz M.A B.Ed	09/12/1953	Dir	25/11/1975	30/08/1997	17	do	HM GHS Sagu DIKhan	do
12	Nek Bal Khan M.A B.Ed	12/04/1953	SWA	05/12/1975	30/08/1997	17	do	HM GHS Spin SWA	do
13	Umar Nawaz Khan M.A B.Ed	21/01/1954	Bannu	13/12/1975	30/08/1997	17	do	HM GHS Hukamzad Dardariz Bannu	do
14	Ihsanud Din M.A B.Ed	03/01/1954	DIKhan	02/07/1978	30/08/1997	17	do	HM GHS Kiri Shamoza DIKhan	do
15	Muhammad Asif Khan M.A B.Ed	13/04/1953	Bannu	10/01/1976	30/08/1997	17	do	HM GHS Sero Bada Khel Bannu	do
16	Muzamil Hussain M.A B.Ed	01/08/1953	Mardan	10/01/1976	30/08/1997	17	do	HM GHS Sangao Mardan	do
17	Mir Aslam Khan M.A B.Ed	12/10/1953	Bannu	02/12/1975	30/08/1997	17	do	HM GHS Hakim Bharat Bannu	do
18	Hanim Shah M.A B.Ed	15/01/1964	Kohat	29/06/1967	30/08/1997	17	do	HM GHS Suratti Kila Karak	do
19	Abdul Ghafar M.A B.Ed	20/09/1953	Malakand	20/11/1975	30/08/1997	17	do	HM GHS Jalala Malakand	do
20	Umer Niaz Khan M.A B.Ed	14/08/1953	Bannu	14/03/1976	30/08/1997	17	do	HM GHS Mamash Khel Bannu	do
21	Muhammad Manzoor M.A B.Ed	15/02/1954	DIKhan	05/03/1976	30/08/1997	17	do	HM GHS Sheru Koha DIKhan	do
22	Muhammad Khubaz Khan M.A B.Ed	01/03/1953	Bannu	14/04/1976	30/08/1997	17	do	HM GHS Mamash Khel Bannu	do
23	Muhammad Khubaz Khan M.A B.Ed	01/03/1953	Bannu	14/04/1976	30/08/1997	17	do	HM GHS Toda Shina Dir Lower	do
24	Muhammad Zafrullah M.A B.Ed	02/10/1953	Mardan	03/09/1976	30/08/1997	17	do	HM GHS Labour Colony Mardan	do
25	Wadan Gul M.A B.Ed	04/08/1955	K/Agency	15/09/1976	30/08/1997	17	do	HM GHS Spin Dhand Kh /Agency	do

He is recruiter

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DISTRICT EDUCATION OFFICER
BUNER
 18/6/13

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367	Muhammad Sadique M.Sc B.Ed	12/05/1961	Abbottabad	23/05/1988	31/08/2000	17	By Promotion	SS Phy: GHSS Lora Abbottabad	vd SO(S/M)/1-5/08/dt 20.05.2011 SET S. No 4899/2001
368	Muhd Altaf Hussain M.A B.Ed	23/03/1962	DIKhan	30/03/1983	31/08/2000	17	do	SS English GHSS No.2 DIKhan	vd SO(S/M)/1-5/08/dt 20.05.2011 SET S. No 4900/2001
369	Zee Gohar Saeed MSc B.Ed	01/01/1955	Swabi	17/10/1992	31/08/2000	17	do	SS Phy: GHSS Talash Dir L	sen.aw.vd so(s)1-5/2007 dt 19-12-07 SET S. No 4929/2001
370	Riaz Ahmad MSc B.Ed	02/04/1964	Malakand	07/12/1992	31/08/2000	17	do	SS Stat: GHSS Bathela Swat	sen.aw.vd so(s)1-5/2007 dt 30-10-08 SET S. No 4933/2001
371	Muhd Sadiqu M.A B.Ed	13/01/1954	Haripur	28/10/1984	31/08/2000	17	do	SS Pak Studies GHSS Bareela Haripu	vd SO(S/M)/1-5/08/dt 20.05.2011 SET S. No 4935/2001
372	Muhammad Shoaib M.A B.Ed	27/11/1986	Swat	22/01/1990	31/08/2000	17	do	SS Pak Study GHSS Kabal Swat	SET S. No 4956/2001
373	Mushtaq Ahmad M.Sc B.Ed	03/04/1983	Abbotabad	18/02/1990	31/08/2000	17	do	SS Phy: GHSS KhwazaKhela Swat	SET S. No 4969/2001
374	Ghulam Sarwar MSc B.Ed	01/03/1983	Mardan	03/12/1985	08/11/1995	17	do	SS Phy: GHSS Wazir Bagh Peshawar	SET S. No 5028/2001
375	Muhammad Saleem M.Sc B.Ed	09/02/1965	Kohat	10/11/1994	31/08/2000	17	do	SS Phy: GHSS Shakardara Kohat	SET No NYA/2001 Required B.Ed Degree
376	Mr Atta Ullah B.A B.Ed	15/10/1964	Bannu	16/11/2002	31/08/2000	17	do	HM GHS, Masha Mansoor Lakk	do
377	Mr Jehangir Khan MA B.Ed	25/08/1964	Haripur	21/10/1986	31/08/2000	17	do	SS GHSS Panlan Haripur	SET S. No NYA/2001
378	Mr Muhammad Zafar Perviz B.A B.Ed	15/04/1954	Abbottabad	01/10/2001	31/08/2000	17	do	DDO (MP) A.Abad	do
379	Khalil ur Rehman M.A B.Ed	02/12/1955	Moh: Agy	04/05/1986	08/02/2001	17	D/Selectee	HM GHS :Ghafoor khan Killi Khy: Agy	do
380	Atiqur Rehman M.A B.Ed	10/06/1964	Tank	11/12/1988	03/11/2001	17	do	HM GHSS Turan New Tank	do
381	Iais Muhammad M.A B.Ed	02/04/1961	Mardan	27/02/1991	03/11/2001	17	do	HM GHS Bannu	do
382	Aman Ullah B.A B.Ed	03/01/1983	Swabi	05/02/1986	03/11/2001	17	do	HM GHS Doher Swabi	do
383	Abdul Qayyum M.A B.Ed	20/01/1985	Kohat	20/04/1991	03/11/2001	17	do	HM^HS jabbar Kohat	do
384	Shah Zarin M.A B.Ed	05/02/1966	Dir	07/08/1989	03/11/2001	17	do	HM ^GHSS Bibiwar Dir U	do
385	Zahid Zaman M.A B.Ed	01/04/1966	Kohat	02/02/1991	03/02/2001	17	do	HM Sharozai Kohat	do
386	Khurrshid Khan M.A B.Ed	20/10/1962	Lakki	03/05/1990	03/11/2001	17	do	HM GHS Taja Zai Lakki	do
387	Asmat Ullah M.A B.Ed	15/02/1986	SWA	21/09/1995	08/02/2001	17	do	HM-GHS, Shinkai, S.W.A.	do
388	Malik Khan M.A B.Ed	20/06/1985	karak	17/08/1991	03/11/2001	17	do	HM GHS Jatta Ismail Khel Karak	do
389	Abdul Majid M.A B.Ed	01/04/1965	Mansehra	15/03/1992	03/11/2001	17	do	HM GHS Hawaii Mansehra	do
390	Aziz Ul Haq M.A B.Ed	01/08/1964	Swat	21/09/1987	16/02/2001	17	do	HM GHS Chuprial Swat	do
391	Muhammad Waheed M.A B.Ed	04/05/1966	Nowshera	11/05/2006	03/02/2001	17	do	HM GHS Biyar Dir U	do
392	Abdul Hafeez M.A B.Ed	15/03/1964	FR/ Pesh:	04/04/1993	08/02/2001	17	do	HM GHS ,Musa Darra, FR Peshawar.	do
393	Safdar Khan M.A B.Ed	15/03/1964	Peshawar	13/05/1992	03/02/2001	17	do	HM GHS Institute PITE Peshawar	do
394	Shabir Ahmad M.A B.Ed	20/04/1989	Peshawar	04/10/1991	03/02/2001	17	do	HM GHS Int PITE Peshawar	do
395	Qazi Muhammad Amir s/o Qazi M.Nawaz Khan SS (Islamiat)	25/05/1967	ATD	14/11/1994	21/05/2002	17	D/Selectee	GHSS Bagnotar ATD	Subject to provision of PSC record.

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DISTRICT EDUCATION OFFICER
BUNER

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SR.No	Name of Officers with Qualification	D/O Birth	Domicile	Date of 1st; Entry in Edu; Deptt;	Regular appionment / Promtion to the present post			Designation/Place of Posting	Remarks
					Date	BPS	Method of Recruitment		
641	Ajmal Qadir M.A B.Ed	10.10.1968	Nowshera	12.01.1990	17-02-2003	17	By Promotion	SS English GHSS Khair Abad Nowshera	sen.aw.vd so(s)1-5/2007 dt 30-10-08 SET S.No 7317/2001
642	Muhammad Irfan Ullah M.Sc B.Ed	01.02.1973	Hangu	19/5/94	17.02.2003	17	do	SS Stat GHSS Jahangiri Karak	SET S.No 7356/2001
643	Mr: Abdur-ur-Rehman M.Sc B.Ed	01.09.1970	DIKhan	29/11/2002	17.02.2003	17	do	SS Stat GHSS Bagra Haripur	SET S.No 7412/2001
644	Abdul Nawaz Khan M.A B.Ed	08.06.1972	Bannu	21/4/99	17.02.2003	17	do	SS English GHSS Battara Bunir	SET S.No 7420/2001
645	Sana Ullah M.A B.Ed	05.02.1973	Dir	03.01.1998	17.02.2003	17	do	SS English GHSS Zamdara Madan Dir	sen.aw.vd so(s)1-5/200E dt 14-02-07 SET S.No 7422/2001
646	Mr:Khurshid Alam M.Sc B.Ed	04.04.1972	karak	17/11/94	17.02.2003	17	do	SS Stat GHSS Tarnab Charsadda	SET S.No 7467/2001
647	Mr:Mujeeb Ullah M.Sc B.Ed	08.08.1969	Peshawar	26/6/97	17.02.2003	17	do	SS Stat GHSS No1 Peshawar City	sen.aw.vd so(s)1-5/200E dt 14-02-07 SET S.No 7484/2001
648	Mr:Changez Khan M.Sc B.Ed	30.08.1974	Peshawar	29/11/2002	17.02.2003	17	do	SS Stat GHSS No2 Peshawar Cantt:	SET S.No 7511/2001
649	Shaukat Rehman MA MEU (H/C)	10.03.1969	Karak	24.05.1995	17.02.2003	17	do	SS GHSS Chor Lakki Kohat	vd SO(SMY)1-5/08/dt 12.11.2012
650	Muhammad Nabi SS (Pak.Study) MA MEd	12.03.1969	FATA ✓	27.10.1994	17.02.2003 ✓	17	do	SS GHSS Kalaya OrakAg ✓	vd SO(SMY)1-5/08/dt 12.11.2012
651	Pervaiz Khan SS MSc M.Ed	20.06.1965	Bunir ✓	27.10.1994	17.02.2003 ✓	17	do	SS GHSS Batara Buner ✓	vd SO(SMY)1-5/08/dt 12.11.2012
652	Ahsan Ullah SS MA BEd	01.06.1970	Mardan	27.10.1994	17.02.2003	17	do	SS GHSS Takkar Mardan	vd SO(SMY)1-5/08/dt 12.11.2012
653	Rozam Khan M.A B.Ed	21/03/1954	Swat	22.06.1975	27/05/2003	17	do	HM GHS Shaki Qilla Bajour Agency	
654	Saeed Ahmad M.A B.Ed	17/03/1975	Haripur	01.09.2003	01.09.2003	17	do	SS ENG GHSS Bahghra Haripur	vd SO(SY)3-2/003/SS (M&F) dt 28.08.2003 Lot:2001
655	Iftikhar Ahmad, M.A B.Ed	04/02/1971	Mansehra	01.09.2003	01.09.2003	17	do	SS, Eng, GHSS No.1 Mansehra	vd SO(SY)3-2/003/SS (M&F) dt 28.08.2003 Lot:2001
656	Fazli Umar.M.A B.Ed	14/08/1975	kohat	05.11.2003	05/11/2003	17	D/Selectee	SS,Islamiat,GHSS,Chortaki, Kohat	vide notification No.SO(S)3-2/2003/SS M&F dated 05.12.2003
657	Muhammad Rizwanullah,M.A B.Ed	22/12/1968	Swabi	22.04.1993	05/11/2003	17	do	SS, Pushto RITE (M) Gulbhar	
658	Bashir Ahmad, M.A B.Ed	02/03/1969	Nowshera	09.01.1998	05/11/2003	17	do	SS,Isi,GHSS,Thakht Bai Mardan	
659	Muzaffar ali khan,M.A B.Ed	01/01/1973	Shangla	01.09.2003	01/09/2003	17	do	SS,ECO,GHSS, Butial, Shangla	
660	Muazam Shah,M.A B.Ed	15/02/1977	Chitral	05.11.2003	05.11.2003	17	do	SS,Isi,GHSS,, Mori lasht chitral	
661	Shahid Ahmad,M.A B.Ed	12/04/1975	Shangla	01.09.2003	01.09.2003	17	do	SS,PS,GHSS, Butial Shangla	
662	Muhammad Tariq,M.A B.Ed	01/04/1969	Peshawar	11.02.1990	20/11/2004	17	do	SS,Isi,GHSS,Gulbhar Peshawar	
663	Atiqur Rehman,M.A B.Ed	06/03/1973	Mansehra	03.06.1996	05/11/2003	17	do	SS,Isi,GHSS,,Battal, Mansehra	
664	S.Shah Hussain.shah,M.A B.Ed	20/04/1969	Nowshera	25.04.1992	01/09/2003	17	do	SS,PS,GHSS, Akbar Pura NSR	
665	Idridar Ali:M.A B.Ed	03/10/1972	Peshawar	08.05.1992	01/09/2003	17	do	SS,GHSS, Ziarat masoom, A/Abad	
666	Mutahir Khan,M.A B.Ed	04/04/1977	Dir	01.09.2003	01.09.2003	17	do	SS,PS,GHSS, Khal Dir L	

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12/11/12
DISTRICT EDUCATION OFFICER

OFFICE OF THE DISTRICT EDUCATION OFFICER (M), BUNER.

No. 3440

Dated: 18/06 /2013

To

MR. PERWAIZ KHAN,

S.S (Pak; Studies)

GHSS BATRA, BUNER.

SUBJECT: SUBMISSION OF FINAL SENIORITY LIST OF SS/HEAD MASTER MALE (B-17) OF ELEMENTARY & SECONDARY EDU; DEPTT; KPK PESHAWAR STOOD ON 13/02/2013.

MEMO:

Enclosed please find herewith the attested copies of seniority list of SS/Head Masters Male (B-17) of Elementary & Secondary Edu; Deptt; KPK Peshawar stood on 13/02/2013 downloaded from the website of Elementary & Secondary Edu; Deptt; KPK Peshawar.

 18/6/13
DISTRICT EDUCATION OFFICER

(MALE) BUNER.

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ANNEX I

To:-

The Secretary,
Elementary & Secondary,
Education Govt:of K.P.K Peshawar,

Through:-

PROPER CHANNEL.

Subject:-

APPEAL AGAINST THE FINAL SENIORITY LIST OF
S.S/HEAD MASTER MALE (B-17) OF ELEMENTARY &
SECONDARY EDUCATION DEPARTMENT K.P.K
PESHAWAR STOOD ON 13.2.2013.

Respected Sheweth:


I have the honour to invite your kind attention to the subject noted above and lay down the following few lines/facts for sympathetic consideration that:-

1. I was appointed as SET (Sc) on 24.5.1995 in the Education Department (copy attached).
2. In the year 1999 Director Secondary Education NWFP (KPK) invited application from all those SETs who passed M.A/M.Sc Degree for the consideration of their onward promotion as Subject Specialist (Copy attached).
3. I applied well in time. My serial No. was 24 while the Department gave promotion only to 22 SETs on 31.8.2000 despite the fact that sufficient No. of vacancies i.e 50 in SS (PS) were available on the basis of 50% quota.
4. The Director (S & L) again invited applications for the departmental promotion of SET to SS from the desiring qualified SETs vide letter No.3199-3225 Dated Peshawar the 23.9.2002 (Copy attached).
5. I applied well in time but I was not considered for promotion despite the fact that I was eligible for promotion.
6. So I lodged an appeal in the NWFP Service Tribunal Peshawar which was decided on 25.11.2006 in my favour but I was given promotion with immediate effect i.e 1.1.2008 (Copies attached).
7. I again filed an appeal in NWFP Service Tribunal Peshawar on 23.5.2008. Which was decided on 22.12.2008 with the remarks that the official respondents are directed to antedate the promotion of the applicant, to the date on which the vacancies were available for them when they were eligible for promotion (Copy attached).

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8. The Department/issued a Notification No.SO(S/M) E&SED/1-5/Incharge SS/HM/2012 Dated 12.11.2012. In which I was given promotion with effect from 17.2.2003 instead of 31.8.2000 despite the fact that the Department gave promotion to one Mr.Jehangir Khan of Haripur at S.No.377 w.e.from 31.8.2000 who is my colleague as well as Junior to me in BEd Seniority list issued by the Education Department (Copy attached).
9. I searched the order copy/Notification of Mr.Jehangir Khan with the concerned officials/Officers but invain.
10. When the Department issued the final Seniority List of SS/HM (Male) on website. After checking I was understood that Mr.Jehangir Khan of Haripur at S.No.377 and Mr.Mohammad Nabi of Kurm at S.No.650 were declared senior to me. I was allotted a wrong S.No.651 while in fact/record both of them are Junior to me according to the BEd Seniority list issued by the Education Department (Copy attached). My Date of Birth has been shown 14.5.1970 instead of 20.6.1965 and Qualification MA BEd instead of MSc Med respectively, which are wrong.

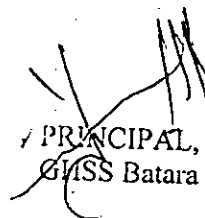
So it is requested in your honour kindly revise my promotion order/Notification instead of 17.2.2003 to 31.8.2000 in the light of the decision of NWFP (K.P.K) Service Tribunal Peshawar dated 22.12.2008 (copy attached) and declare Mr.Jehangir Khan SS (Ps) at S.No.377 and Mr.M.Nabi SS (Ps) at S.No.650 Junior to me in the final Seniority List of SS/HM Male (B-17) stood in 13.2.2013.


(PERWAIZ KHAN)
SS (Pak Studies,
GHSS Batara Buner.

No. 146 /

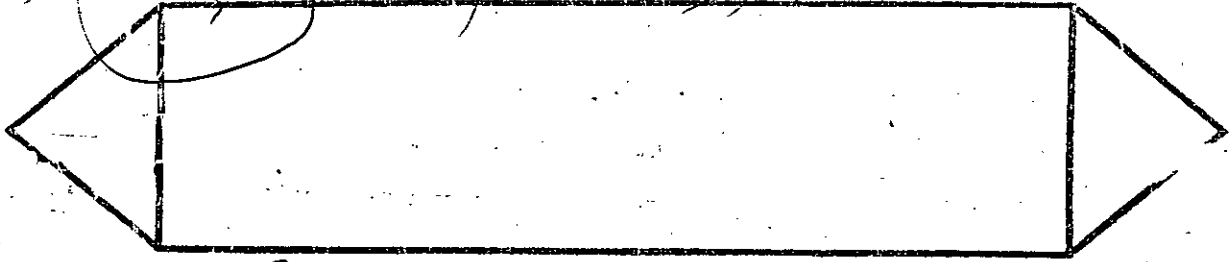
Dated 22/06 2013.

Forwarded in original to the District Education Officer District Buner at Daggar for further necessary action please.


PRINCIPAL,
GHSS Batara Buner.



بعد التعمیر کی طرف سے درخواست



2013ء جناب ایڈووکیٹ

پروفیشنل بنام حکومت گلگت

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آئندہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
 آن مقام کیلئے ساحب اس اندر کس
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
 نیز وائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
 پرواختہ منلور و قبول ہوگا دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

2013ء

ماہ اکتوبر

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المرقوم

Accepted

Sanjiv

Sanjiv Amin
 Advocate, Peshawar.

کے لئے منظور ہے۔

(Applicant) پیرونیہان

مقام

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal # 1460/2013.

Mr. Perviz Khan, S.S of District Buner.....**Appellant**

VERSUS

Secretary (E&SE) Khyber Pakhtunkhwa & others..... **Respondents**

Para Wise comments for & on behalf of Respondents.

**Respectfully Sheweth,
Preliminary Objections:-**

1. The appellant has no cause of action/ locus standi.
2. The instant appeal is badly time barred.
3. The appellant has concealed the material facts from this Hon 'able Tribunal, hence liable to be dismissed.
4. The appellant has not come to this Hon 'able court with clean hands.
5. The appellant has filed the instant appeal just to pressurize the Respondents.
6. The present appeal is liable to be dismissed for non joinder / misjoinder of necessary parties.
7. The appellant has filed the instant appeal on malafide motives.
8. The instant appeal is against the prevailing law and rules.
9. The appellant is estopped by his own conduct to file the instant appeal.
10. The instant appeal is not maintainable in the present form and also in the present circumstances of the issue.
11. The present appeal is not maintainable under the Rules 23 of Service Tribunal Rules 1974.

FACTS.

1. This para is related to the Service record of the appellant, hence need no comments.
2. This para also pertains to academic record of the appellant, hence no comments.
3. This para pertains to record while 22 SETs were promoted as mentioned in this para in accordance with law, rules and policy on the subject other past of the statement of the appellant is false, baseless, with out any cogent legal proof and malafide one.
4. This para pertains to the judgment of this Hon'able court and respondent Department has already implemented the said judgment dated 25-11-2006 in letter and spirit while the appellant never rejected/objected the said implementation well in time, at any proper legal forum.
5. Correct. The appellant alongwith his other colleagues in accordance with law & rules o the subject on 01-01-2008.

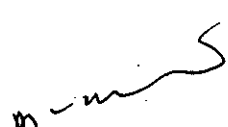
6. Correct to the extent that the respondent department implemented the judgment dated 22-12-2008 in letter and spirit and antedated the promotion of the appellant (As Annexure E&F of the appeal).
7. Incorrect. The statement of appellant in this para is against the facts and material on record. The appellant never objected the Tentative Seniority list of S.S & H.M well in time at any proper legal competent forum. Now at this belated stage the appellant has no cause of action while it is also pertinent to mention here that in E&SE Department there is no separate SET (Pak Studies Post) as mentioned in this para hence the statement of the appellant in this para is false, baseless and based malafide motives, hence denied.
8. Incorrect. The E&SE, Department responded/decided the appeal against the final Seniority list of S.S, H/M (Male) (BS-17) of E&SE, Department stood on 13-2-2013, on 19-12-2013, whereby the appellant was informed that you were placed in the Seniority list of S.S, H/M as stood on 13-02-2013 on proper place (**Annexure "A"**)

ON GROUNDS.


- A. Incorrect, the appellant has been treated in accordance with law and has not been discriminated in the grant of Seniority.
- B. Incorrect, the statement of the appellant in this para is false hence denied.
- C. Incorrect and not admitted. The statement of the appellant in this para is false and based on malafide intention, hence the whole para is denied.
- D. Incorrect. It is pertinent to mention here that there is no SETs (Pak Studies) in Education Department. However, it would not be out of place to mention here that the Seniority of respondent No.5 was antedated w.e.f 31-8-2000 instead of 01-01-2008 in compliance to judgment on 08-10-2009 in S.Appeal No.291/09, of this Hon'able Tribunal while the Seniority of the appellant was antedated w.e.f 17-2-2003 instead of 01-01-2008 in the light of the decision of this Hon'able Tribunal on 22-12-2008 in S. Appeal No. 738/08. Hence the whole para is denied being against the facts law, rule on the subject. (copy of the judgment in Appeal No. 291/09 (**Annex-B**))
- E. Incorrect, the statement of the appellant in this para is misleading one, with out any support of law rules on the subject hence denied. Detail Reply has been given in para-D.
- F. Incorrect. It is pertinent to mention here that this Hon'able Tribunal has already decide the Seniority of the appellant on 22-12-2008 in S.Appeal NO.738/08 and the department implement the same judgment in letter and spirit and antedated the Seniority of the appellant as prayed i.e 17-2-2003 (**Annexure "E" of the Appeal**). Hence the appellant has not been deprived of legal right hence there is no cogent legal ground to invoke the jurisdiction of this Hon'able Tribunal for correction of Seniority of the appellant, hence denied.

G. The respondents seek the permission of this Hon'able Tribunal to adduce more grounds and proofs at hearing of this appeal.

In view of the above made submissions, it is requested that this Honorable Tribunal may very graciously be pleased to dismiss the present appeal with cost.


Secretary,
Elementary & Secondary Education,
Department.

(For & on behalf of Respondents No. 1 & 2)


Director
Elementary & Secondary Education,
Peshawar



Annexure "A" 25

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No. SO(S/M)E&SED/4-26/2013/Pervez Khan.
Dated Peshawar the December 19, 2013

To

Mr. Pervez Khan,
Subject Specialist Pak Study (BS-17),
Govt. Higher Secondary School, Batara District Buner.

Subject: - APPEAL AGAINST THE FINAL SENIORITY LIST OF S.S/HM MALE (BS-17) OF ELEMENTARY & SECONDARY EDUCATION DEPARTMENT STOOD ON 13-02-2013.

WHEREAS you were appointed as SET (Sc.) on 24-05-1995 in the Education Department. You were promoted to the post of Subject Specialist Pak Study (BS-17) GHSS Panian District Haripur on regular basis on the recommendations of the Departmental Promotion Committee vide notification dated 01-01-2008.

2. AND WHEREAS you preferred appeal No. 738/2008 in the Khyber Pakhtunkhwa Service Tribunal. The service Tribunal announced its judgement on 22-12-2008 and your promotion was antedated w.e.f 17-02-2003 instead of 01-01-2008 as per your prayer before the Court vide notification dated 12-11-2012.

3. AND WHEREAS Mr. Jehangir Khan, Subject Specialist Pak Study (BS-17) GHSS Panian District Haripur preferred appeal No. 291/2009 in the Khyber Pakhtunkhwa Service Tribunal. The Service Tribunal announced its judgement on 08-10-2009 and his promotion was antedated w.e.f 31-08-2000 instead of 01-01-2008 vide corrigendum dated 20-10-2011.

4. Now therefore, your Departmental representation was considered at appropriate forum as per relevant law/ rules/ policy and the same is rejected/ regretted on the following grounds:-

- Your promotion to Subject Specialist Pak Study (BS-17) has already been antedated w.e.f 17-02-2003 instead of 01-01-2008 in the light of Court decision dated 22-12-2008.
- Your antedation of promotion again to SS (BS-17) is against Law, policy and rules.
- You were placed in the seniority list of SS/ HM (BS-17) as stood on 13-02-2013 on proper place.

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

Endst: Even No. & Date:

Copy of the above is forwarded to:-

1. The Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar w/r to judgement dated 22-12-2008 in appeal No 738/08.
2. The Director, E & S E Department Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), Buner.
4. Section Officer (Lit-II), E&SE Department.
5. PS to Secretary, E & S E Department Khyber Pakhtunkhwa, Peshawar.
6. PS to Special Secretary, E&SE Department.
7. PA to Additional Secretary, Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (SCHOOLS/MALE)

BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR.



Appeal No. 291/2009

Date of Institution: ... 29.08.2008
Date of Decision ... 08.10.2009

Mr. Jehangir Khan, Subject Specialist Pak Studies,
G.H.S.S Panian, Haripur.

(Appellant)

VERSUS

1. The Chief Secretary, NWFP Peshawar.
2. The Secretary Education (E&S), NWFP Peshawar.
3. The Director Education (E&S), NWFP Peshawar.

(Respondents)

APPEAL U/S 4 OF THE SERVICE TRIBUNALS ACT 1974 AGAINST THE ORDER DATED 09.6.2008 RECEIVED BY THE APPELLANT ON 30.7.2008 WHEREBY HIS DEPARTMENTAL APPEAL FOR PROMOTION TO BPS-17 W.E.F. 31.8.2000 HAS BEEN REJECTED FOR NO GOOD GROUNDS.

MR. MUHAMMAD ASIF YOUSAFZAI,
Advocate.

For appellant.

MR. ZAHID KARIM KHALIL,
Addl. Government Pleader,

For respondents.

MR. QALANDAR ALI KHAN,
MR. ABDUL JALIL KHAN,

CHAIRMAN
MEMBER.

JUDGMENT

QALANDAR ALI KHAN, CHAIRMAN.-

Mr. Jehangir Khan, appellant, having the qualification of Master in Pak-Studies, was working as SET in the Education Department. In the year 1999, the department considered cases of SETs for promotion to Subject Specialists posts (BPS-17) and on 31.8.2000 adjusted other SETs as Subject Specialists on acting charge basis in their own pay and scale while ignoring the appellant from such adjustment. The rules for promotion of Subject Specialists were initially notified on 09.5.1994 whereby 80% quota was reserved for initial recruitment while remaining 20% by promotion which was later on amended on 15.1.1999 by distributing 50% by promotion and 50% by initial recruitment. The SETs earlier adjusted as Subject Specialists were regularly promoted vide notification dated 27.5.2003. The appellant claimed his eligibility for promotion on the ground of being more qualified than those who were promoted as Subject Specialists and that vacancies existed at that time but his case was not

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considered for promotion against the existing vacancy. He, therefore, filed Writ Petition before the Hon'ble Peshawar High Court which was decided on 11.10.2006 with direction to the department to consider the appellant for promotion as Subject Specialist in Pak-Studies (BPS-17). In the meantime, the other SETs, promoted as Subject Specialists, also filed appeals before the N.W.F.P Service Tribunal which were decided in their favour and they were held entitled to promotion with effect from 31.8.2000 instead of 27.5.2003. Appeal was also filed in the August Supreme Court of Pakistan which held the appellant in the appeal entitled to regular promotion w.e.f. 31.8.2000 with all seniority and service benefits. In his instant appeal, the appellant has alleged that he was promoted as Subject Specialist (BPS-17) on 01.1.2008 with immediate effect, against which he filed departmental appeal claiming therein promotion w.e.f. 31.8.2000, but the same was rejected on 09.6.2008, copy whereof was received by him on 30.7.2008, hence this appeal, on the grounds, inter-alia, that the appellant was ignored from the promotion for no fault on his part when he was eligible for promotion and vacancies were available against which he could be promoted.

2. The respondents No. 1 to 3 appeared in response to notices issued for their appearance and furnished written reply/comments, wherein, they resisted the appeal on the ground that the department promoted SETs on the basis of seniority-cum-fitness against 50% existing vacancies. The respondents further contended that the appellant lodged Writ Petition in the Peshawar High Court challenging the promotion of the Subject Specialists (Pak-Studies) on the ground of their eligibility and after court decision on 11.10.2006 he was accordingly promoted. The respondents alleged that the appellant was not considered for promotion as Subject Specialist (Pak-Studies) due to non-availability of vacancies.

3. We have heard arguments of the learned counsel for the appellant and learned A.G.P and have gone through the record with their assistance.

4. It is now well settled, as laid down in cases reported as 1985 SCMR 1158 and 1997 SCMR 515 (Supreme Court of Pakistan), that a right to promotion is accrued to an eligible civil servant when a vacancy for promotion becomes available. In this case, though the respondents have denied existence of vacancies after promotion of other SETs, the appellant has produced a statement showing availability of 39 vacancies of Subject Specialists in Pak-Studies in May, 2003, which has not been seriously disputed by the respondents.

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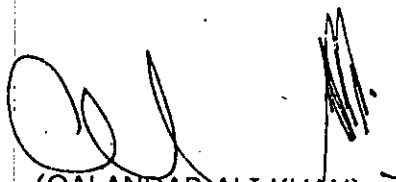
5. Admittedly, the appellant was promoted as Subject Specialist (BPS-17) on regular basis, but with immediate effect, vide notification dated 01.1.2008 in pursuance of the decision of the Hon'ble Peshawar High Court in the Writ Petition of the appellant and in accordance with the recommendation of the Departmental Promotion Committee. As such, there was no dispute regarding the eligibility of the appellant to promotion as Subject Specialist. On the other hand, it was the appellant who challenged the eligibility of the other SETs for promotion before the High Court and then in the august Supreme Court of Pakistan, but could not succeed in securing a favourable order from the Hon'ble High Court, and his Petition for leave to appeal was also dismissed by the august Supreme Court of Pakistan on 04.5.2009.

6. In any case, if vacancies were available and the appellant was eligible for promotion, then he had a right to be considered for promotion against the available vacancy, the denial whereof certainly accrued cause of action in favour of the appellant against the department which was rather to blame for causing delay in the promotion case of the appellant.

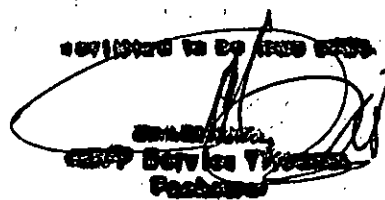
7. Consequently, the appeal is accepted with direction to the respondents to antedate the promotion of the appellant to the date on which the vacancy was available for him on the basis of his eligibility for promotion, leaving the parties to bear their own costs.

ANNOUNCED
08.10.2009


(ABDUL JALIL KHAN)
MEMBER


(QALANDAR ALI KHAN)
CHAIRMAN

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Dated 22 /2 /2016

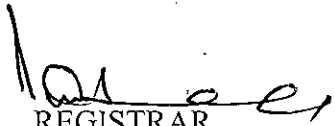
To

The Secretary E&SE,
Peshawar.

Subject: - Judgement.

I am directed to forward herewith certified copy of Judgement dated 9.2.2016 passed by this Tribunal on subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.