

**Service Appeal No. 1312/2013**

Said Muhammad PST Teacher GPS Serai Koragh, Mardan.

**VERSUS**

Director of Education Khyber Pakhtunkhwa Peshawar & another.

**Order**

22.11.2017

Learned counsel for the appellant present.


Learned Deputy District Attorney present,


Arguments heard. File perused.

Learned counsel for the appellant argued that he would press the present appeal to the extent that the respondent department may be directed to prepare seniority list of PST Teachers District Mardan strictly in accordance with the provision of Section 8 of Khyber Pakhtunkhwa Civil Servant Acts 1973.

Admittedly the appellant is a PST Teacher and as such is a Civil Servant too. The respondent department so far failed to produce any seniority list which includes the name of the appellant. In the circumstances of the case and in view of the stance of learned counsel for the appellant the respondent department is directed to prepare seniority list of PST Teachers District Mardan strictly in accordance with the legal provisions/Section 8 of the Khyber Pakhtunkhwa Civil Servant Act 1973. Parties are left to bear their own costs. File be consigned to the record room.

Disposed off accordingly.

  
(Gul Zeb Khan)  
Member

  
(Muhammad Hamid Mughal)  
Member

26.11.2015


Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was initially appointed as Elementary Teacher (PST) in the year 1992. That according to section-8 of NWFP Civil Servants Act, 1973 appellant was entitled to be shown in the seniority list of the said cadre but despite repeated efforts of the appellant the respondents failed to adhere to his demand as such the appellant preferred departmental appeal on 5.4.2013 which was not responded and hence the instant service appeal on 2.8.2013.

That the appellant is entitled to have his name included in the seniority list of PST Cadre.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 23.2.2016 before S.B.

Appellant Deposited  
Security & Process Fee



  
Chairman

23.02.2016

Appellant in person, M/S Hameed-ur-Rehman, AD (lit.) and Javed Shah, legal Advisor alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 26.4.2016 before S.B.

  
Chairman

26.4.2016

Counsel for the appellant, M/S Hameed-ur-Rehman, AD (lit.), Khurshid Khan, SO and Javed Shah, litigation officer alongwith Addl: A.G for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 7.8.2016.

  
Chairman

17.08.2016

Appellant in person and Additional AG for the respondents present. Rejoinder not submitted and requested for further time to file rejoinder. Request accepted. To come up for rejoinder and arguments on 26.12.16 before D.B.

Member

Member

26.12.2016

Clerk to counsel for the appellant and Mr. Hameed ur Rehman, AD (Litigation) alongwith Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to incomplete bench. Case adjourned to 02.05.2017 for rejoinder and arguments before D.B.

Chairman

02.05.2017

No one present on behalf of the appellant. Mr. Muhammad Jan, Government Pleader for respondent present. Notice be issued to the appellant and his counsel. To come up for final on 23.08.2017 before D.B.

Member

Chairman

26.11.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was initially appointed as Elementary Teacher (PST) in the year 1992. That according to section-8 of NWFP Civil Servants Act, 1973 appellant was entitled to be shown in the seniority list of the said cadre but despite repeated efforts of the appellant the respondents failed to adhere to his demand as such the appellant preferred departmental appeal on 5.4.2013 which was not responded and hence the instant service appeal on 2.8.2013.

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Security & Process Fee



  
Chairman

23.02.2016

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Chairman

26.4.2016

Counsel for the appellant, M/S Hameed-ur-Rehman, AD (lit.), Khurshid Khan, SO and Javed Shah, litigation officer alongwith Addl: A.G for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 7.8.2016.

  
Chairman

02.03.2015

None present for appellant. Add: AG for the respondents present. Notice be issued to counsel for the appellant for preliminary hearing for 28.04.2015 before S.B.

  
Member

28.04.2015

Appellant in person and Mr. Ziaullah, GP for the respondents present. Appellant requested for adjournment. To come up for preliminary hearing on 15.06.2015 before S.B.

  
Member

15.06.2015

Mr. Gul Hussain, Advocate on behalf of counsel for the appellant and Asstt: AG for the respondents present. Counsel for the appellant is not in attendance. Requested for adjournment. Adjourned to ~~17~~ 17.08.2015 for preliminary hearing before S.B.

Member

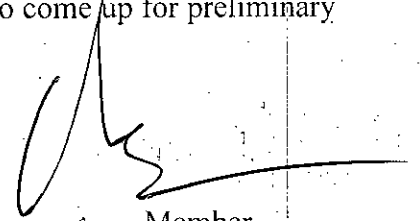
27.08.2015

None for the appellant present. Asstt: AG for respondents present. Notice be issued to appellant/counsel. To come up for preliminary hearing on 26.11.2015 before S.B.

  
Member

15.08.2014

Appellant alongwith his counsel present. Preliminary arguments partly heard. The appellant through instant appeal prayed for his seniority as PST Teacher. In this respect the appellant filed departmental appeal which was not responded. However, post of the appellant has been upgraded from BPS 7 to BPS 12 and his case re-scrutinized, Hence pre-admission notice also be issued to the learned GP to assist the Tribunal in light of record available with the respondents. To come up for preliminary hearing on 30.09.2014.



Member

30.09.2014

Clerk of counsel for the appellant and Mr. Wisal Muhammad, ADO with Mr. Kabirullah Khattak, Asst: Advocate General for the respondents present. Preliminary arguments could not be heard due to General Strike of the Bar. To come up for preliminary hearing on 09.12.2014.



Member

Reader Note:

09.12.2014

Clerk of counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 20~~03~~2015 for the same.



Reader

15.05.2014

Appellant in person present and filed application for placing on file upgradation order of appellant from BPS-7 to BPS-12. He requested for adjournment. Request accepted. To come up for preliminary hearing on 30.06.2014.



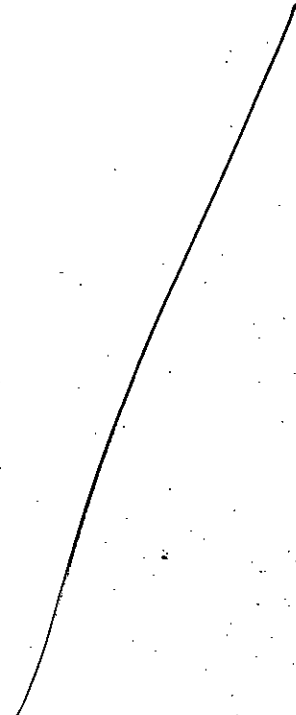
Member

30.06.2014

Appellant in person present and requested for adjournment. Request accepted. To come up for preliminary hearing on 15.08.2014.

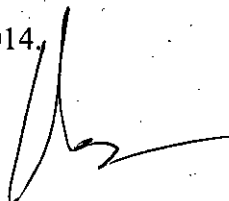


Member



02.12.2013

Clerk of counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 20.01.2014.

Member 


20.01.2014

Appellant in person present and requested for adjournment as his counsel was busy in the High Court, Peshawar. To come up for preliminary hearing on 12.02.2014.

Member 

12.02.2014

Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 26.03.2014.

Member 

26.03.2014

Appellant in person present and requested for adjournment as his counsel was busy in the Peshawar High Court, Peshawar. Request accepted. To come up of preliminary hearing on 15.05.2014.

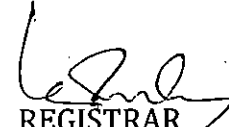

Member 



Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 1312 /2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	09/09/2013	<p>The appeal of Mr. Said Muhammad resubmitted today by Mr. Yaqoob Khan 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> <p>11-9-2013</p> <p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>2-12-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Said Muhammad PST received today i.e. on 02/08/2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- The law under which appeal is filed is not mentioned.
- 2- Copy of impugned seniority list is not attached with the appeal which may be placed on it.

No. 1130 /S.T,

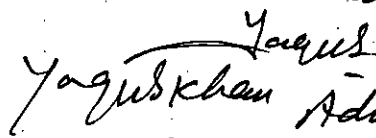
Dt. 5/8 /2013.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Yaqub Khan Adv. Mardan

Sir,

objections removed, completed and re-submitted please. Moreover, the name of appellant is not mentioned in seniority list of PST and neither circulated to the appellant, hence not attached the seniority list with memo of appeal.

  
Yaqub Khan Advocate  
9/9/2013

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTONKHWA PESHAWAR.

Appeal NO. 1312 /2013.

Said Muhammad PST Teacher GPS Serai Koragh, Mardan

r/o Village & Tehsil Takht Bhai, Mardan.

... Appellant.

VERSUS.

Director of Education Khyber Pakhtoonkhwa Peshawar.

and others.

.... Respondents.

I N D E X.

S.NO.	Description of documents.	Annexure.	Page.
1.	Memo of appeal w/Affidavit.		1-4
2.	Copy of Certificates of Petr:	A	5-6
3.	Copy of Service book of Ptr:	B.	7-10
4.	Copy of Order.	C.	11-12
5.	Copy of Affidavit.	D	- 13
6.	<del>Copy of d/Appeal</del> Wakalat Name.	E	14-15 - 16

Appellant. *Said Muhammad*

Said Muhammad.

Through Counsel:-

Dated: 07.2013.

*Yacob Khan*  
( YACCOB KHAN )

Advocate Distt: Courts,  
Mardan.

Appeal NO. 1312 /2013.

~~1227~~  
~~02/08/13~~

SAID MUHAMMAD PST TEACHER GPS SERAI KORAGH, MARDAN

R/O VILLAGE AND TEHSIL TAKHT BHAI, MARDAN.

... APPELLANT.

VERSUS.

1. DIRECTOR OF EDUCATION KHYBER PAKHTOONKHWA PESHAWAR.
2. D.E.O (P) (M) MARDAN. .... RESPONDENTS.

-----  
L u/s 4 of Service Tribunal Act 1974 <sup>x/k</sup>

APPEAL FOR INCLUDING THE NAME OF APPELLANT IN THE SENIORITY LIST OF PST TEACHER MARDAN ON THE BASIS OF HIS REGULAR APPOINTMENT OF APPELLANT AS A PST TEACHER VIDE ORDER DATED 25.04.1992 AS PER LAW AND RULE ACCORDINGLY.

R/Sir,

Appellant humbly submits as under:-

1. That appellant is posted as PST teacher with respondent department.
2. That appellant has equipped requisite qualification for the post of PST teacher.

(Copy of Certificates is attached as Annex: "A").


re-submitted to  
and filed.

3. That appellant was appointed as E.T/ Primary teacher by respondent on 25/4/92 after completion of all codal formalities and took over charge and performed his duty with entire satisfaction of his superior and received his salary properly.

(Copy of service book is attached as Annex: "B").

4. That appellant has served with respondents department from date of appointment till today and there is no any break in service of appellant.
5. That due to his best performance and well aware of his job, appellant was up-graded from BPS-5 to BPS-7 vide order dated 21.02.2011.

(Copy of order is attached as annex: "C").

- 
6. That appellant has got knowledge that respondent department has prepared seniority list, which is not circulated to the appellant but the name of appellant is not included in the seniority list of PST at his proper place on the basis of his regular appointment i.e. Ist: appointment of appellant.

( Copy of affidavit to the same effect is attached as Annex: "D").

...3....

3

7. That appellant preferred an appeal before the respondent NO.1 but in vain.

(Copy of departmental appeal is attached as Annex: "E").

8. That appellant is entitled for placing in the seniority list of PST teachers, Mardan on the following grounds.

G R O U N D S :-

- A. That when appellant was appointed as a Primary teacher against regular Post on regular basis, then as per Sec: 8 (4) of Civil Service Act 1973, he is entitled for seniority from the date when he was appointed i.e. 25/4/92.
- B. That similarly placed all primary teachers have been included in the seniority list from the date of Ist: appointment, while appellant is ignored, which is clear and crystal discrimination.
- C. That when appellant was appointed as Primary teacher on regular basis then he is entitled for his seniority from the date of his Ist: appointment at his proper place in the seniority list of PST teachers, Mardan.

It is therefore, humbly prayed that on acceptance of this appeal, respondents may please be directed to include the name of appellant in the seniority list of PST teachers, Mardan from the date of 1st: regular appointment at his proper place of seniority. Any other relief deemed fit may also be graciously awarded.

APPELLANT. 13/13  
Said Muhammad

Through Counsel:-

Yaqub  
(YACCOB KHAN)  
Advocate Distt: Courts,  
Mardan.

Dated: 01.08.2013.

A F F I D A V I T.

I, undersigned declare on Oath that contents of appeal are true and correct to the best of my knowledge and belief.



Deponent. 13/13  
Said Muhammad.

S. No. 088220

Roll No. 59990

Group. Humanities



Aux A  
5

**Board of Intermediate and Secondary Education**  
**Mardan N.W.F.P. Pakistan**  
**INTERMEDIATE EXAMINATION**

SESSION 2009 - ANNUAL

*This is to certify that* SAID MUHAMMAD *son of* ALI MUHAMMAD  
*and resident of* District Mardan *Registration No.* 3734-B/MP-2008 *has passed the Intermediate Examination of the Board of Intermediate & Secondary Education, Mardan held in* May/June, 2009 *as a* Private *candidate. He Obtained* 435 *Marks out of 1100 and has been placed in* Grade E *Representing* Satisfactory

  
Asstt. Secretary

*Attested to be  
true copy -  
years*

  
Secretary

This certificate is issued without alteration or erasure.



رجسٹریشن نمبر 95-این این-1818

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

رول نمبر 6150968 ای

نمبر شمار 98019

# حکامہ اقبال اوپن یونیورسٹی اسلام آباد



سیٹر بہار 1998ء

علی محمد

بن / بنت

سید محمد

تصدیق کی جاتی ہے کہ

کوڈ	کورس	ساکن / صوبہ	سرحد	نے	پروگرامی ٹیچر ٹریفکٹ	مندرجہ ذیل کورسز پاس کر کے حاصل کیا ہے۔
کوڈ	کورس	کوڈ	کورس	کوڈ	کورس	حاصل کردہ نمبرز
۶۱۱	ورکشاپ و تدریسی مشق	80	تدریس اردو	۶۱۷	تدریس اردو	49
۶۱۳	اصول تعلیم	45	تدریس ریاضی	۶۱۸	تدریس ریاضی	64
۶۱۴	تعلیمی نفسیات	49	تدریس سائنس و جسمانی تعلیم	۶۱۹	تدریس سائنس و جسمانی تعلیم	49
۶۱۵	تنظیم مدرسہ	45	تدریس اسلامیات و معاشرتی علوم	۶۲۰	تدریس اسلامیات و معاشرتی علوم	61
۶۱۶	سکول کمیونٹی اور عملی فنون	50				492/500

Attested price copy

طالب علم نے مجموعی طور پر پی ٹی سی پروگرام میں 55 فیصد نمبر اور گریڈ میں کامیابی حاصل کی۔

محمد رفیق

(یہ سند بغیر کسی نشان و نشانی کے جاری کی گئی)

اسلام آباد  
مورخہ 31 جولائی 1999ء

Annex B  
⑦

OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER (MALE) MARDAN

ADJUSTMENT/APPOINTMENT

OFFICE ORDER

Mr, Said Mohammed, Matric Waib Qasid, Office of the District Education Officer (Male) Primary: Mardan, is hereby appointed as Elementary Teacher and posted on vacant post at Government Elementary School, Mian Gul Zara, (Mardan) in EPS: No: 5 (GAs: 1035-49-1770/-) plus usual allowance as admissible to him under the rules in the interest of public service with immediate effect.

- NOTE:-
- 1:- No: TA/DA is allowed.
  - 2:- Charge report should be submitted to all concerned.

(JAMANDOS KHAN)

DISTRICT EDUCATION OFFICER,  
(MALE) PRIMARY: MARDAN.

Endst: No: 2451-54 / F: NO: Apptt: Elem: Teacher, DATES, Dated. 25 / 4 / 1992

Copy forwarded for information to the:-

- 1:- Director Primary Education N:W:F: Kayat Abad, Peshawar.
- 2:- Sub: Divisional Education Officer (Male) Mardan.
- 3:- Candidate Concerned.
- 4:- General File.

DISTRICT EDUCATION OFFICER,  
(MALE) PRIMARY: MARDAN.

*Attested to be true copy :-*

*Yousaf*

(For use in Police Department only).

3

Heirs,

- 1.
- 2.
- 3.

Verification Roll No.                      dated                      received back

② Passed P.T.C Examination Spring 1998 from AIOU Islamabad under Roll No: BE6150968 obtained Marks 492 out of 900. Result declared on: 31-7-1999.

Left thumb-impression:

*[Signature]*  
Sub. Date: 19/7/2009  
Officer (AI) Mardan

Qualification	Date	Qualifications	Date
English		① Passed S.S.C Exam Annual First Acts 1982 under RNO. 36421 from B.I.S.E Pesh. Marks obtain 381/850 ✓	
Pashtu		B. L. or B. A. by District Education Officer (Type) Primary Mardan.	
Urdu		Pleadership examination	
Plan-drawing		Training School Final examination	
Finger print		Other qualifications—	
Drill instructing	③ Passed F.A (A) Mardan Under marks in Grade	Examination 2009 from BISE Roll No, 59990 obtained 435/1100 "E" Result declared on	
Court duties	21-07-2009.		
Reserve duties		Deputy District Officer, Prg. Edu: Mardan.	

*[Signature]*  
19/8/09  
Attested  
Yours

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

9	10	11	12	13		14	15
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment.	Reason of termination (such as promotion, transfer, dismissal, etc).	'Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
				Period	Government to which debitable		
As Lamb D.E.O. (Male) Pr: Mardan.	31/5/91	Revised B.P.S	As Lamb D.E.O. (Male) Pr: Mardan.			Appointed as B.P.S. No I-Rs 600-13-860	N/Osid 600-13-860
						vide this office S/AE-I/ Appointed of c/c dated: 12.5.91	order No 1091-44/F. No
As Lamb D.E.O. (Male) Pr: Mardan.	30/11/91	Annual Incr	As Lamb D.E.O. (Male) Pr: Mardan.			By District Education Officer Pr: Mardan.	
As Lamb D.E.O. (Male) Pr: Mardan.	25/4/92	Appointed E/T	As Lamb D.E.O. (Male) Pr: Mardan.			Service verified w.e.f 15/5/91 to 30/4/92 in the record maintained in this office	
S. D. Mardan Pr: Mardan.	30/11/92	Annual Incr	S. D. Mardan Pr: Mardan.			By District Education Officer Pr: Mardan.	
S. D. Mardan Pr: Mardan.	30/11/92	A/mc pay	S. D. Mardan Pr: Mardan.				ET
S. D. Mardan Pr: Mardan.	31/5/94	Revised	S. D. Mardan Pr: Mardan.			Service verified w.e.f. 1.12.91	
S. D. Mardan Pr: Mardan.	30/11/94	A/mc	S. D. Mardan Pr: Mardan.			to 25.4.92 in from the the Record of this office	
S. D. Mardan Pr: Mardan.	30/11/95	A/mc	S. D. Mardan Pr: Mardan.			By As Lamb Pr: Mardan.	
S. D. Mardan Pr: Mardan.	30/11/96	A/mc	S. D. Mardan Pr: Mardan.			Appointed as Elem. Teacher B.P.S. No. 05 Rs. 1035-49-1770 plus usual allowances under the rules with D.E.O. (Pr) Pr: Mardan No. 2451-33 dt. 25.4.1992.	
S. D. Mardan Pr: Mardan.	30/11/97	A/mc	S. D. Mardan Pr: Mardan.				
S. D. Mardan Pr: Mardan.	30/11/97	A/mc	S. D. Mardan Pr: Mardan.				

9	10	11	12	13		14	15
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
Period	Government to which debitable						
D.D.O. (M) J Edu: Mardan	30-11-2009	A/MC	D.D.O. (M) J Edu: Mardan				Service Verified w.e.f 1-12-08 to 30-11-09 from Acq: & other record of this office.
D.D.O. (M) J Edu: Mardan	30-11-2010	A/MC	D.D.O. (M) J Edu: Mardan				Deputy District Officer, Prg: Edu: Mardan.
D.D.O. (M) J Edu: Mardan	21-2-2011	Promoted to BPS7	D.D.O. (M) J Edu: Mardan				Service Verified w.e.f 1-12-09 to 30-11-10 from Acq: & other record of this office.
D.D.O. (M) J Edu: Mardan	30-6-2011	Pay Revised.	D.D.O. (M) J Edu: Mardan				Deputy District Officer, Prg: Edu: Mardan.
D.D.O. (M) J Edu: Mardan	30-11-2011	A/MC	D.D.O. (M) J Edu: Mardan				Service Verified w.e.f 1-12-10 to 30-11-11 from Acq: & other record of this office.
BY: DISTT. OFFICER MARDAN	31-12-2012	Transferred	BY: DISTT. OFFICER MARDAN				Deputy District Officer, Prg: Edu: Mardan.
BY: DISTT. OFFICER MARDAN	MF-333 10/11/12						
Don app of P... in Al... on of app... 21-2-11				Decision of Court S. Tribunal As per decision of Service Tribunal Peshawar K.P.K. Appeal No 1352/2009 date 24-7-2012 the official is here by up graded to the Post of PST-BPS-7 and merged from Elementary to PST vide notification No SO (PE) 4-3/ADP/PST ET/Pak/ Policy/vol III w.e.f 24-7-2012 vide order No 1559-65 date 15-10-12 EDO Mardan.			
Addl. Distt: A/c's Officer Mardan 195				Deputy District Officer, Prg: Edu: Mardan.			

Aux. C.  
11

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E & S) EDUCATION MARDAN.  
OFFICE ORDER.

As per decision of the Hon'able Khyber Pakhtunkhwa Service Tribunal Peshawar Appeal No 1352,2009 date of decision 24.07.2012, Mr, Said Muhammad Elementary Teacher GEPS, Mian gulzara is hereby Up-Graded to the post of PST BPS-07, merged him in the cadre of PST in Elementary and Secondary Education department and re-designated his post from Elementary Teacher to PST vide notification No SO (PE) 4-3/ Appt/ PTC/ ET/Rules/Policy/Vol.III and is further adjusted at GPS, Serai Koragh w.e.f 24.07.2012 in the interest of public service

15159-65

(BAHADAR KHAN MARWAT)  
EXECUTIVE DISTRICT OFFICER  
(E & S) EDUCATION MARDAN,  
Dated 15/10/2012

Endst: No \_\_\_\_\_ /Elementary File

Copy forwarded to the:-

1. Chairman Khyber Pakhtunkhwa Service Tribunal Peshawar
  2. Director E&SE Khyber Pakhtunkhwa Peshawar.
  3. Secretary E&SE Govt of Khyber Pakhtunkhwa Peshawar.
  4. District Coordination Officer Mardan.
  5. Dy: District Officer (M) Pzy: Mardan.
  6. EMIS Mardan.
- Official Concerned.

No... 3826  
Dated... 31/10/12  
DDO (M) Mardan  
R & T.

EXECUTICE DISTRICT OFFICER  
(E & S) EDUCATION MARDAN.

OFFICE OF THE DEPUTY DISTRICT OFFICER (MALE) PRIMARY MARDAN.

Endst: No. 2656-57/10-7 Dated 6/11/2012.

Copy to the:-

1. Assistant District Officer Circle Mardan Khas alongwith original Service Book for necessary entry.
2. Head Teacher GPS Serai Koragh Mardan.

Attested to be true copy:-

DEPUTY DISTRICT OFFICER  
(MALE) PRIMARY MARDAN.

12

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E & S) EDUCATION MARDAN.  
CORRIGENDUM.

In continuation of this office order issued vide Endst; No. 15159-65 Dated 15.10.2012. Mr, Said Muhammad adjusted at GPS, Serai Koragh the date w.e.f 21.02.2011 may be read instead of 24.07.2012.

15390-989

(BAHADAR KHAN MARWAT)  
EXECUTIVE DISTRICT OFFICER  
(E & S) EDUCATION MARDAN.

Endst: No \_\_\_\_\_ /Elementary Teacher File Dated 17/10 /2012

Copy forwarded to the:-

1. Chairman Khyber Pakhtunkhwa Service Tribunal Peshawar
2. Director E&SE Khyber Pakhtunkhwa Peshawar.
3. Secretary E&SE Govt of Khyber Pakhtunkhwa Peshawar.
4. District Coordination Officer Mardan.
5. Dy: District Officer (M) Pry: Mardan.
6. EMIS Mardan.
7. Official Concerned.

*M. Khan Marwat*  
EXECUTIVE DISTRICT OFFICER  
(E & S) EDUCATION MARDAN.

OFFICE OF THE DEPUTY DISTRICT OFFICER (MALE) PRIMARY MARDAN.

Endst: No. 2654-55 B-7, B-9, B12 File Dated 6/11 /2012.

Copy to the:-

1. Assistant District Officer Circle Mardan Khas along with Original Service Book for necessary entry.
2. Head Teacher ~~for necessary entry~~ GPS Serai Koragh.

*M. Khan Marwat*  
DEPUTY DISTRICT OFFICER  
(MALE) - PRIMARY MARDAN.

*Attested to be true copy:-  
Said*





Aux D

(13)

A F F I D A V I T.

I, under-signed solemnly affirm and do verify that Respondents department has prepared the seniority list of PST teachers , Mardan but my name is not included in the said seniority at my proper place of seniority on the basis of my regular appointment of Primary teacher.

Deponent/Appellant. \_\_\_\_\_

*Said Muhammad*

Said Muhammad.



Said Mohd PST teacher G.P.S Umerabad  
Takhthai Mardan . . . . . Appellant.

Versus

D.E.O (M), Mardan. . . . . Respondent.

Appeal against seniority list of  
PST Teacher circulated by Respondent,  
whereby, the name of appellant stood at  
Serial No.            instead of S.No.  
while appellant was appointed on  
which is illegal, against law & facts.

RESPECTFULLY SHEWETH:

1. That appellant is posted as a PST Teacher with Respondent Department.
2. That the appellant has passed PTC Examination in the year            and issued PTC Certificate on            (Copy attached).
3. That appellant was appointed as E.T. Teacher by Respondent On            after completion his all Codal formalities and appellant has taken over charge and served with respondent to the satisfaction of his superior. (Copy of appointment order is attached as Annexure-'B').
4. That appellant has served till today without any break in service of appellant and received his salary till today.

5. That appellant has placed in the seniority list of PST already prepared by respondent at serial No. \_\_\_\_\_ in the year of \_\_\_\_\_ (Copy of previous seniority list is attached as Annexure-'C').
  
6. That presently appellant received his seniority list of PST Teacher on 27.3.2013 wherein, appellant stood at serial No. \_\_\_\_\_ instead of \_\_\_\_\_ while appellant was appointed on \_\_\_\_\_ as per service book of appellant.  
  
(Copy of Service Book of appellant and affidavit to the same effect is attached as Annexure-'D').
  
7. That appellant was upgraded from BPS-5 to BPS-7 being senior most and qualifide vide order dated 21.2.2011.  
  
(Copy of order is attached as Annexure-"E").
  
8. That after similarly placed teacher were granted seniority from the date of first appointment, while appellant is ignored, which is clear and crystal discrimination.

It is, therefore, humbly prayed that on acceptance of this Appeal, service of appellant may please be counted from first appointment i.e. \_\_\_\_\_ and name of appellant may please be placed at S.No. \_\_\_\_\_ instead of \_\_\_\_\_ will all back benefit. Any other relief deemed fit may also be graciously awarded.

Appellant *Said Mahmood*

through:

*Mus*  
(IAQOOB KHAN)  
Advocate Distt: Courts, Mdn.

Dated: 5.4.2013.

*Attested to be true copy:-  
Mus*

# بعدالت سروسز ٹریڈنگ کمپنی

کورٹ فیس

مورخہ: 1 اگست 2013ء منجانب ریلوے

مقدمہ: سید محمد بنام: ریلوے

دعویٰ: ریلوے

جرم:

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام ریلوے کے لئے لیسٹ کے لئے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرانے اجراء اور وصولی چیک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زراس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمد ہوگی اور منسوخی دائر کرنے کی اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مذکور کے عمل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برداختہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا تاکہ سندر ہے۔

المرقوم 1 ماہ اگست 2013ء

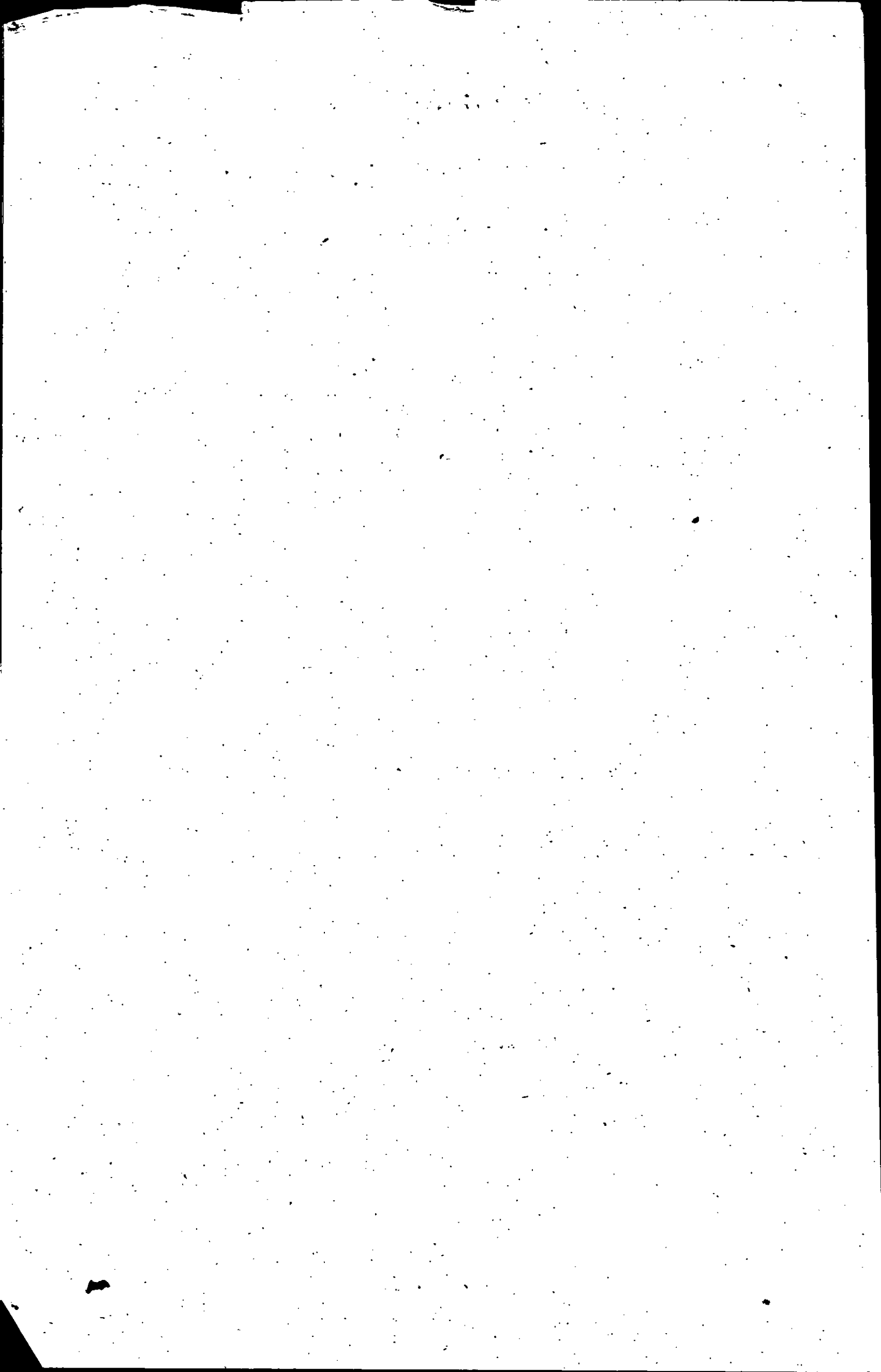
بد گواہ شہادہ الہ

کے لئے منظور ہے۔

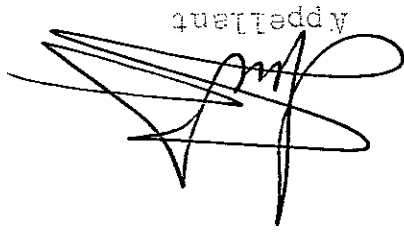
Attested & Accepted

Jagmoh

بمقام:



Courts Jordan.  
High Court At Distt :  
Yaqub Khan Advocate  
Through Counsel

Appellant  


Dated : 15-05-2014

placed on file.

upgradation order of appellant may please be  
It is therefore, humbly requested, that

on file further proceeding of the case.  
for instant case, which may please be placed

3. In instant document is necessary document

( copy of order is attached )

Letter dated: 16-07-2012.

BPS- 7 to B PS-12 on the basis of finance

2. That appellant is upgraded/promoted from

1. That above captioned case is fixed for today.

R/Shaweth :-

upgradation order of appellant from  
BPS- 7 to BPS -12.

Subject :- Application for Placing on file

of KPK, Peshawar.

Said Mohammad vs Director of Education

Appeal No. \_\_\_\_\_/2013.

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR.

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MARDAN.

NOTIFICATION.

Consequent upon the approval given Pursuance of Finance Department of Govt: of Khyber Pukhtoon Khawa Peshawar No.SO(FR) FD/10-22(E)2010 dated, 16.7.2012, Sanction is hereby accorded to the grant of BPS-12 w.e.f. 1.7.2012 ~~to~~ in respect of Mr,Said Muhammad,PST, GPS, Raza Khan Kotey Takht Bhai on the basis of Up-Gradation of the post.

NOTE:- Necessary entry to this effect should be made in their Service book.

(BAHADAR KHAN MARWAT)  
DISTRICT EDUCATION OFFICER  
(MALE) MARDAN.

1138-40  
Endst:No. \_\_\_\_\_/BPD-12 File, Dated Mardan the, 6/21/2013.

Copy to the :-

1. Sub-Divisional Education Officer (Male) Pry: Takht Bhai.
2. District Comptroller of Accounts Mardan.
3. Teacher concerned.

*Handwritten signature*  
DISTRICT EDUCATION OFFICER  
(MALE) MARDAN.

*Handwritten date*  
4/2/2013

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No. 1312 / 2013

Said Muhammad S/O Ali Muhammad PST GPS Serai Korona, Mardan R/O Vill; &  
Tehsil Takht Bhai District Mardan.....Appellant

**Versus**

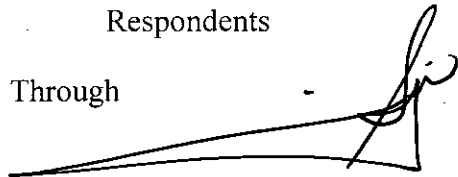
Director Education K.P.K. Peshawar & Other.....Respondents

INDEX

S.NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGES	
1.	Para wise comments along with affidavit		01	03
2.	Copy of order dated 15-10-2012	"A"	04	--

Respondents

Through



District Education Officer  
(Male) Mardan

Dated: \_\_\_\_\_



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No. 1312 / 2013

Said Muhammad S/O Ali Muhammad PST GPS Serai Korona, Mardan R/O Vill; &  
Tehsil Takht Bhai District Mardan.....Appellant

**Versus**

Director Education K.P.K. Peshawar & Other.....Respondents

Para wise comments on behalf of Respondents.

Respectfully Sheweth,

PRELIMINARY OBJECTION:

1. That the appellant has got no cause of action and locus standi to file the instant appeal.
2. That the instant appeal is incompetent in its present form, hence liable to be dismissed.
3. That the instant appeal is badly time barred.
4. That the appellant has not come to this Honourable Tribunal with clean hands.
5. That the appeal is not maintainable in its present form.
6. That the appellant is estopped by his own conduct.
7. That the appellant has concealed the material facts from this Honourable tribunal hence liable to be dismissed.
8. That the instant appeal is based on malafide intention, hence liable to be dismissed.
9. That the instant appeal is against the prevailing law and rules.
10. That the appellant has been treated as per law & rules.
11. That the appellant was upgraded from BPS-05 to BPS-07 and merged in PST Cadre on 15-10-2012 as per the decision of Honorable Tribunal Khyber Pakhtunkhwa accordingly.  
(Copy of order is attached as **Annex-"A"**)
12. That the seniority list of the different cadres prepared according to the rules and seniority cum fitness as having prescribed service duration and requisite professional qualification of the post in hand.
13. That the seniority of the Primary School Teacher were considered from having requisite professional qualification prescribed for initial recruitment of PST from taking over of the charge against the said post.

FACTUAL OBJECTIONS:


1. Para No 1 is incorrect baseless against fact and law, as the appellant was initially appointed as Elementary Teacher in the Education Department, hence denied.
2. Para No 2 pertains to record, hence no comments.
3. Para No 3 is correct to the extent that the appellant was appointed as elementary teacher being untrained at that time, hence no comments.

- 4. Para No 4 pertains to record, as thoroughly explained supra in the preliminary objections, hence need no comments.
- 5. Para no 5 is incorrect, the Elementary Teacher Cadre being "Dying Cadre" was then merged in to the PST Cadre on 15-10-2012, hence denied.
- 6. Para No 6 is incorrect, as thoroughly explained supra in preliminary objection the criteria for seniority is to be considered from the date of appointment on a requisite post accordingly, while the appellant was appointed as Elementary Teacher initially being untrained which was then declared as "Dying Cadre" and Re-Designated / Merged to the PST Cadre on 15-10-2012. So, the seniority would be maintained from 15-10-2012 being appointment date of the appellant as PST, hence denied.
- 7. Para No 7 pertains to record, hence need no comments.
- 8. That the detailed reply of the ground has been given below.

GROUNDS:

- A. Para A is incorrect baseless against fact, the appellant was appointed as Elementary Teacher on 25-04-1992 being untrained it is important to mention that upon declaration of Elementary Cadre was Re-Designated - Merged as PST Teacher on 15-10-2012. So, the seniority would be maintained from 15-10-2012 being appointment date of the appellant as PST, hence no comments.
- B. Para B is incorrect, baseless and the respondents by following the seniority rules, prepared the seniority list, hence denied.
- C. Para C is incorrect, as thoroughly explained supra, hence need no comments.

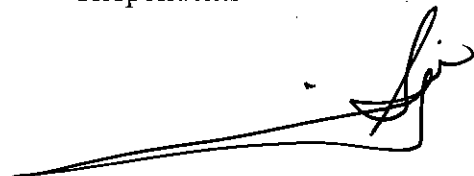
Therefore it is humbly prayed that keeping in view the above mentioned facts the instant appeal may kindly be dismissed with cost.



Director E & SE  
Peshawar



Respondents



District Education Officer  
(Male) Mardan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No. 1312 / 2013

Said Muhammad S/O Ali Muhammad PST GPS Serai Korona, Mardan R/O Vill; &  
Tehsil Takht Bhai District Mardan.....Appellant

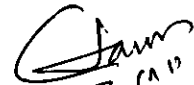
**Versus**

Director Education K.P.K. Peshawar & Other.....Respondents

AFFIDAVIT

I, Mr Javed Shah Legal Advisor Education Department Mardan do hereby solemnly affirm and declare that the contents of Para Wise Comments submitted by Respondents are true to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Deponent



Javed Shah

16101-8562610-3

Annex "A"

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E & S) EDUCATION MARDAN.  
OFFICE ORDER.

As per decision of the Hon'able Khyber Pakhtunkhwa Service Tribunal Peshawar Appeal No 1352,2009 date of decision 24.07.2012, Mr, Said Muhammad Elementary Teacher GEPS, Mian gulzara is hereby Up-Graded to the post of PST BPS-07, merged him in the cadre of PST in Elementary and Secondary Education department and re-designated his post from Elementary Teacher to PST vide notification No SO (PE) 4-3/ Appt/ PTC/ ET/Rules/Polcy/Vol.III and is further adjusted at GPS, Serai Koragh w.e.f 24.07.2012 in the interest of public service


15159-65



Endst: No \_\_\_\_\_ /Elementary File

(BAHADAR KHAN MARWAT)  
EXECUTIVE DISTRICT OFFICER  
(E & S) EDUCATION MARDAN.  
Dated 15/10/2012

Copy forwarded to the:-

1. Chairman Khyber Pakhtunkhwa Service Tribunal Peshawar
2. Director E&SE Khyber Pakhtunkhwa Peshawar.
3. Secretary E&SE Govt of Khyber Pakhtunkhwa Peshawar.
4. District Coordination Officer Mardan.
5. Dy: District Officer (M) Pzy: Mardan.
6. EMIS Mardan.
7. Official Concerned.

  
Supdt:  
Executive Dist Officer  
(E & S) Education  
Mardan

  
EXECUTICE DISTRICT OFFICER  
(E & S) EDUCATION MARDAN.  


BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No. 1312 / 2013

Said Muhammad S/O Ali Muhammad PST GPS Serai Korona, Mardan R/O Vill; &  
Tehsil Takht Bhai District Mardan.....Appellant

**Versus**

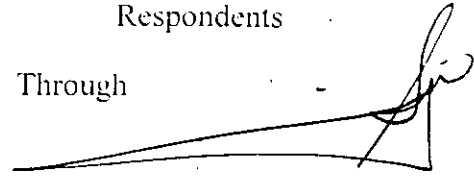
Director Education K.P.K. Peshawar & Other.....Respondents

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Respondents

Through



District Education Officer  
(Male) Mardan

Dated: \_\_\_\_\_

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No. 1312 / 2013

Said Muhammad S/O Ali Muhammad PST GPS Serai Korona, Mardan R/O Vill; &  
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**Versus**

Director Education K.P.K. Peshawar & Other.....Respondents

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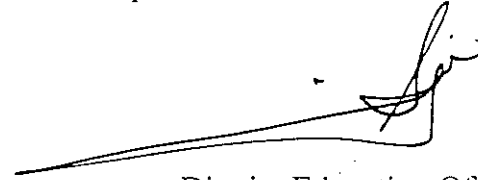
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Therefore it is humbly prayed that keeping in view the above mentioned facts the instant appeal may kindly be dismissed with cost.

  
 Director E & SE  
 Peshawar



Respondents  
  
 District Education Officer  
 (Male) Mardan