

10.05.2016

Counsel for the appellant, M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

Vide our detailed judgment of today in connected service appeal No. 1390/2013 titled "Darwaiza-vs-Secretary to Government of Khyber Pakhtunkhwa, Elementary and Secondary Education Department, Peshawar and others", this appeal is also disposed of as per detailed judgment. Parties are left to bear their own costs. File be consigned to the record room.

21-8-25  
ANNOUNCED  
10.05.2016

21-8-25  
(MUSAMMAD AZIM KHAN AFRIDI)  
CHAIRMAN

21-8-25  
AF-L  
(ABDUL LATIF)  
MEMBER (EXECUTIVE)

WV

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21-8-25

21-8-25

12.08.2014

vide order sheet dated 12.08.2014, in connected appeal No. 1390/  
2013 this appeal is adjourned to 29.10.2014.

READER

vide order sheet dated 12.08.2014, in connected appeal No. 1390/  
2013 this appeal is adjourned to 25-3-15.

READER

25-3-15

vide order sheet dated 12.08.2014, in connected appeal No. 1390/  
2013 this appeal is adjourned to 10-7-15.

READER

vide order sheet dated 12.08.2014, in connected appeal No. 1390/  
2013 this appeal is adjourned to 18-8-15.

READER

vide order sheet dated 12.08.2014, in connected appeal No. 1390/  
2013 this appeal is adjourned to 12-1-2016.

READER

vide order sheet dated 12.08.2014, in connected appeal No. 1390/  
2013 this appeal is adjourned to 29.10.2014.

READER

vide order sheet dated 12.08.2014, in connected appeal No. 1390/  
2013 this appeal is adjourned to \_\_\_\_\_.


READER

vide order sheet dated 12.08.2014, in connected appeal No. 1390/  
2013 this appeal is adjourned to \_\_\_\_\_.

READER

13.12.2013

Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 07.02.2014.

  
Member

07.02.2014

Counsel for the appellant 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 original order dated 18.06.2013, he filed departmental appeal on 08.07.2013, which has not been responded within the statutory period of 90 days, hence the instant appeal on 07.10.2013. 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 28.04.2014.

  
Member

07.02.2014

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

  
Chairman

28.4.2014

Counsel for the appellant and Mr. Ziaullah, GP with Wisal Muhammad, ADO for the respondents present and requested for time. To come up for written reply on 12.8.2014.



  
MEMBER

Form- A

FORM OF ORDER SHEET

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

Case No. 1392 /2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	07/10/2013	<p>The appeal of Mr. Shad Muhammad presented today by Mr. Khan Akbar 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>
2	22-10-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>12-12-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTOON**  
**KHWA, PESHAWAR.**

Service Appeal No B92/2013

Shad Muhammad.....Appellant

VERSUS

Secretary to Govt of K P K & others

.....Respondents

**I N D E X**

S.No.	Description of Documents	Annex	Pages
1.	Service appeal		1-5
2.	Affidavit		6
3.	Copy of retirement order dated 23.11.2012	"A"	7
4.	Copies of B.A degree	"B"	8
5.	Copies Notification dated 11.07.2012 and Notification dated 13.11.2012	"C" & "D"	9-24
6.	Copy of Application	"G"	25
7.	Copies of Office Order No.4730 and Office order No.1499	"E" & "F"	26-27
8.	Copy of application	"G"	28
9.	Wakalat Nama		29

*Shad*

Appellant

Through

*K. Akbar Khan*

(KHAN AKBAR KHAN)  
Advocate, Peshawar.

Office: - 107-B, Town Tower, Jahangir  
Abad, University Road,  
Peshawar.

Cell No: - 0344-9111911

Dated:-02.10.2013

①

**BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTOON**  
**KHWA, PESHAWAR.**

*Service Appeal No* 1392/2013

**W. J. P. P. P.**  
**1138**  
**07-10-13**

Shad Muhammad PST (Rtd) S/O Taj Muhammad Mian Isa  
Tehsil Takht Bhai Distinct Mardan.....Appellant

**V E R S U S**

- 1). Secretary to Government of Khyber Pakhtunkhwa,  
Elementary and Secondary Education Department,  
Peshawar.
- 2). Director Elementary and Secondary Education Department  
Khyber Pakhtunkhwa, Peshawar.
- 3). Executive District Officer (Male) Elementary and Secondary  
Education Pakhtunkhwa, Mardan.
- 4). District Co-Ordination Officer Mardan.

.....Respondents

=====

**APPEAL UNDER SECTION-4 OF THE KHYBER  
PAKHTON KHWA, SERVICE TRIBUNAL ACT, 1974 TO  
THE EFFECT THAT THE APPELLANT MAY PLEASE BE  
GRANTED PROMOTION IN THE LIGHT OF  
NOTIFICATIONS DATED 11.07.2012 & 13.11.2012 AS  
JUNIOR/COLLEQUES TO THE APPELLANT HAVE BEEN  
PROMOTED WHILE THE APPELLANT HAS BEEN  
IGNORED ALTOGETHER.**

=====

**PRAYER IN APPEAL.**

On acceptance of this appeal the appellant may  
please be promoted from BPS-12 to BPS-15 in the

**7/10/13**

2

light of Notifications date 11.07.2012 &  
13.11.2012.

=====

**Respectfully Sheweth:-**

1. That the appellant was working as Senior Primary School Teacher (PST) in District Mardan and after tendering long tenure of service extending to 37 years, he was allowed to proceed on retirement on attaining the age of superannuation on dated 23.11.2012, w.e.f. 27.12.2012 (Copy of the retirement order is attached herewith as *Annex:- "A"*).
2. That the appellant is a PTC trained and had also passed B.A Examination in 1982. (Copies of B.A degree is attached herewith as *Annex:- "B"*).
3. That the Government of Khyber Pakhtunkhwa vide a Notification dated 11.07.2012 followed by another Notification dated 13<sup>th</sup> November 2012, introduced a policy of up-gradation for Primary School teachers (PST), whereby they were up-graded from BPS-12 to BPS-15 and BPS-14 on the basis of length of service. (Copies of Notification dated 11.07.2012 & Notification dated 13<sup>th</sup> November 2012 are attached herewith as *Annex:- "C" & "D"* respectively).
4. That after promulgation of the referred Notifications, the Departmental Promotion Committee held a meeting and the sine PST Teachers were held entitled to BPS-15 but the appellant was ignored altogether.
5. That against the said discrimination of the Department the appellant wrote an application to the respondent No.4 for considering his name for promotion to BPS-15 in the light of

above mentioned Notifications. (Copy of application is attached herewith as *Annex:- "E"*).

6. That on the said application, respondent No.4 sought advice from respondent No.2 vide his office letter No.4730 dated 6/5/2013, which was properly replied by respondent No.2 vide an Office Order No.1499 dated 18.06.2013, with the observation that those civil servant are entitled to promotion whose names have been cleared by the DPC and who got retired after the DPC meeting and not before. (Copy of the Office orders No.4730 dated 6.05.2013 and Office Order No.1499 dated 18.06.2013 are attached herewith as *Annex:- "F" & "G"* respectively).
- 6). That appellant on dated 08.07.2013 filed another application before the Respondent No.3, but so far no action has been taken over the said application. (Copy of the application is attached herewith as *Annex:- "H"*).
- 7). That being aggrieved from the acts and actions of the Respondents by not considering the appellant as entitled to BPS-15 in the light of Notification dated 11.07.2012 & 13.09.2012, and having no other adequate and efficacious remedy available to him, the appellant files this appeal inter-alia on the following grounds.

**GROUND:-**

- A). That the appellant having his service extending up-to 37 years has been totally ignored and has not been given any chance of up-gradation/promotion throughout his their professional career, inspite of having such a long spotless tenure of service.



- C). That the appellant fulfills the criteria given for promotion in the above mentioned both the Notifications; hence he was eligible to have been promoted to BPS-15.
- B). That act of the respondent department, thereby depriving the appellant from the above said benefit of up-gradation is illegal, unlawful without authority/ jurisdiction, as well as being based on malafide intentions of the respondent department is liable to be set aside.
- C). That the appellant has been serving on the above said post since long, whereas his minimum tenure of service is 26 years and has been waiting since long for his turn to be promoted/upgraded to some higher scale, however after having a tenure of such a long legitimate expectations the appellant has been treated unlawfully without any cogent/solid grounds.
- D). That considering some of the teachers for promotion by the Departmental Promotion committee while ignoring the appellant amounts to serious discrimination on their part.
- E). That the said act of the respondent department is not merely illegal as well as unlawful, but is also against the very clear Article of Constitution of Islamic Republic of Pakistan as engraved in the basic rights of said constitution.
- E). That the appellant has got every right to be treated equally with his other colleagues and closing all the ways of up-gradation/promotion for the appellant is against all the norms of justice.
- F). That Respondents have not treated the petitioner in accordance with law, rules and policy on subject and acted in violation of Article.4 of the constitution of Islamic Republic of

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Pakistan, 1973 by not considering the Petitioners as entitled to the BPS-15 in the light of the referred Notifications, which is unjust, unfair and hence not sustainable in the eyes of law.


For the aforesaid reasons, it is, therefore, humbly prayed that on acceptance of this appeal, this Honourable Tribunal may graciously be pleased to direct the respondents to award promotion to the appellant in BPS-15 in the light of Notification dated 11.07.2012 & 13.11.2013.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for may also be granted to appellant.

  
Appellant

Dated:-02.10.2013s


Through

  
**KHAN AKBAR KHAN**  
&

  
**SAIF ULLAH MOHMAND**  
Advocate High Court.

**CERTIFICATE:**

Certified that as per information furnished by my client no such like service appeal on the subject has earlier been filed in this Hon'ble Tribunal.

  
ADVOCATE

6

**BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTOON  
KHWA, PESHAWAR.**

*Service Appeal No* \_\_\_\_\_/2013

Shad Muhammad.....Appellant

**VERSUS**

Secretary to Govt of K P K & others

.....Respondents

**AFFIDAVIT**

I, Khan Akbar Khan Advocate, as per instruction of my client, do hereby solemnly affirm and declare on Oath that the contents of the accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.



*K. Akbar*  
Deponent

EXCUTIVE DISTRICT OFFICER ELEMENTARY & SECY: EDUCATION MARDAN.

ENJOINMENT OF LPR.

Under the Punjab Pukhtoon "Hwa Govt; servants

leave rules 1985, sanction is hereby accorded to the grant of

ment of LPR in favour of Mr; Shah Muhammad PST GPS Shohid P.M.A

1.7.12 to 27.12.12. He is further allowed to proceed on retire

from the Govt; service w.e.f 27.12.12(A.N) after completing his

years of age. This is final order and will not be reverted/withd

at any stage.

Note.

Necessary entry to this effect should be made in his S/Book.

(SAHADUR KHAN MARDAN)

EXCUTIVE DISTRICT OFFICE

ELEMENTARY & SECY: EDUC.

Undst: No. / Shah Mohd. PST. Dated. 23/11/82.

Copy forwarded to the:-

1. District Manager Director (M) P. Sahit alongwith S/Book.

2. DAO Mardan.

3. Official concerned.

EXCUTIVE DISTRICT OFFICER

ELEMENTARY & SECY: EDUC. MARDAN.

17398-17400

Annexure-63  
بسم اللہ الرحمن الرحیم

# University of Peshawar (Pakistan)

Session: SUPPLEMENTARY, 1981

SHAD MOHAMMAD Son of SAJJAD MOHAMMAD and a student  
of MARDAN DISTRICT having passed the prescribed examination  
in APRIL 1982, is this day admitted by the University of Peshawar  
to the Degree of

## Bachelor of Arts

in the SECOND Division HE passed also in ISLAMIYAT  
as an Additional/Optional Subject.

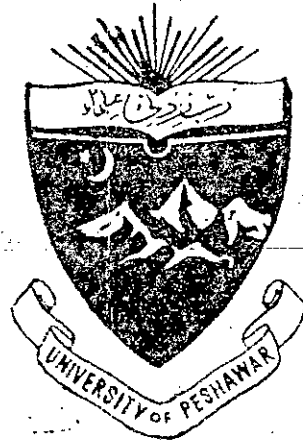
The examination was taken as a whole/in parts

Serial No. 000259

Registered No. 81-P-29453

Roll No. 2267

3RD JULY 19 82



*[Signature]*

Registrar

Countersigned

*[Signature]*

Vice-Chancellor



(9)

Annexure (C)  
AD 0  
Pormey seet  
H. H.

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

Dated Peshawar, 11.07.2012

**NOTIFICATION:**

**No. SO (B & A)/1-18/E&SE/2012:** Sanction of the Government of Khyber Pakhtunkhwa is hereby accorded to the up gradation of the posts for Grant of Incentive of Higher Pay Scale to different Categories/Cadres of teachers in Elementary & Secondary Education Department w.e.f. 01-07-2012 as per details given below:-

Sr. No.	Nomenclature of Teaching Cadre Post	Location	Existing Basic Pay Scale	New Approved Basic Pay Scale	Remarks
1.	Primary School Teacher (PST)	Govt. Primary School	BPS-5 BPS-6 BPS-7 BPS-9 BPS-10 BPS-12	(BPS-12)	The post of PST is upgraded to BPS-12. Accordingly, 33,497 posts of PSTs, already sanctioned in various pay scales are upgraded to BPS-12 for the present incumbents as well as future appointees.
2.	Senior Primary School Teacher (Sr. PST)	"do"	Newly Upgraded/Redesignated Post	(BPS-14)	22,331 posts of the existing PSTs in various existing pay Scales are upgraded to BPS-14 and redesignated as Senior PST. The posts will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
3.	Primary School Head Teacher (PSHT)	"do"	Newly Upgraded/Redesignated Post	(BPS-15)	20,804 posts of the existing PST's (one post in each Primary School) are upgraded to BPS-15 and redesignated as Primary School Head Teacher, and will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
4.	Certified Teachers (CT)	Govt. Middle/High/Higher Secondary School	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of CTs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
5.	Senior Certified Teachers (Sr. CT)	"do"	Newly Upgraded/Redesignated Post	(BPS-16)	One thirds (1/3 <sup>rd</sup> ) of the total CT posts are upgraded to BPS-16 and redesignated as Senior CTs which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
6.	Arabic Teachers (A.T)	"do"	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of ATs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
7.	Senior Arabic Teachers (Sr. AT)	"do"	Newly Upgraded/Redesignated Post	(BPS-16)	One thirds (1/3 <sup>rd</sup> ) of the total AT posts are upgraded to BPS-16 and redesignated as Senior AT, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
8.	Teacher of Theology (TT)	"do"	BS-07 BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of TTs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
9.	Senior Teacher of Theology (Sr. TT)	"do"	Newly Upgraded/Redesignated Post	(BPS-16)	One thirds (1/3 <sup>rd</sup> ) of the total TT posts are upgraded to BPS-16 and redesignated as Senior TT, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
10.	Drawing Masters (DM)	"do"	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of DMs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
11.	Senior Drawing Masters (Sr. DM)	"do"	Newly Upgraded/Redesignated Post	(BPS-16)	one thirds (1/3 <sup>rd</sup> ) of the total DM's posts are upgraded to BPS-16 and redesignated as Senior DM, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or

12.	Physical Education Teachers (PET's)	"do"	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of PET's are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
13.	Senior Physical Education Teachers (Sr. PET's)	"do"	Newly Upgraded/ Redesignated Post	(BPS-16)	One thirds (1/3 <sup>rd</sup> ) of the total PET's posts are upgraded to BPS-16 and redesignated as Senior PET, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
14.	Qari/Qaria	"do"	BPS-7 BPS-9 BPS-10 BPS-12 BPS-14 BPS-15	(BPS-12)	All the existing posts of Qari/Qaria are upgraded to BPS-12 for the present incumbents to the post as well as future appointees.
15.	Sr.Qari/Sr.Qaria	"do"	Newly Upgraded/ Redesignated Post	(BPS-15)	One thirds (1/3 <sup>rd</sup> ) of the total Qari/Qaria posts are upgraded to BPS-15 and redesignated as Senior Qari/Qaria, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.


2. A policy shall also be devised in the framework of input/output criteria in terms of qualification, length of service, regularity, punctuality, results, curricular and co-curricular achievements and other performance indicators, so that the teachers do not take the scheme for granted but work for it.

3. District wise/ school wise breakup of the posts is enclosed herewith as Annexure-A.

SECRETARY

Endst: No. SO(FR)/FD/10-22(E)/2010 Dated Pesh: the 16/07 2012

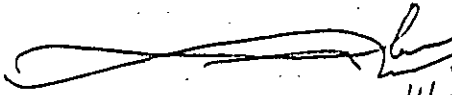
Copy is forwarded to Accountant General Khyber Pakhtunkhwa, Peshawar.  
All District Account Officers

  
SECTION OFFICER (FR)  
FINANCE DEPARTMENT

Endst. Of even Number & Date.

Copy of the above is forwarded to:-

1. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department, with reference to his letter No SO(FR)/FD/10-22(E)/2010 dated 26.06.2012.
2. P.S. to Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
3. P.S. to Special Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
4. P.S. to Deputy Secretary-II, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
5. P.S. to Minister of E&SE, Khyber Pakhtunkhwa.
6. The Director, E&SE Khyber Pakhtunkhwa, Peshawar.
7. All the Executive District Officers, E&SE Khyber Pakhtunkhwa.
8. The Managing Director, Printing Press, Khyber Pakhtunkhwa, Peshawar.
9. Master file.

  
(NOOR ALAM KHAN WAZIR) 11/07/2012  
SECTION OFFICER (B&A)  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

NOTIFICATION

Peshawar, dated the November 13, 2012.

(PE)4-5/SSRC/Meeting/2012/Teaching Cadre:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Service (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all Notifications issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby lays down the method of recruitment, selection and other conditions specified in the Appendix to this Notification which shall be applicable to all the posts specified in Column No. 2 of the Appendix and the schedule therewith.

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

No. & Date as above.

Copy forwarded to:-

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



- The Director Curriculum & Teachers Education Abbottabad.
- The Director (PITE) Khyber Pakhtunkhwa Peshawar.
- The Director ESRU, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar
- The Deputy Director Database(EMIS) E&SE Department.
- All District Coordination Officers in Khyber Pakhtunkhwa.
- All Executive District Officers Elementary & Secondary Education in Khyber Pakhtunkhwa.
- All District Accounts Officers in Khyber Pakhtunkhwa /Agency Accounts Officers FATA.
- All Agency Education Officers FATA.
- 2 S to Governor, Khyber Pakhtunkhwa.
- 2 S to Chief Minister, Khyber Pakhtunkhwa.
- 2 S to Chief Secretary, Khyber Pakhtunkhwa.
- 2 S to Minister E&SE Khyber Pakhtunkhwa Peshawar
- 2 S to Secretary E&SE Department.
- Master File.

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KPK

JJ

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JJ

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Section Officer (Primary)

June 06 2019  
APPENDIX

3

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

KPK. June 06 2019

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

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5. Senior Certified Teacher (Industrial Arts) (BPS-16).			By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Industrial Arts), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Industrial Arts).
6. Senior Certified Teacher (Agriculture) (BPS-16).	جولیا		By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Agriculture), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Agriculture).
7. Senior Drawing Master (BPS-16).			By promotion on the basis of seniority-cum-fitness from amongst Drawing Masters, with at least five years service as such and having qualification as prescribed for initial recruitment of Drawing Master.
8. Senior Certified Teacher (SCT) (Home Economics) (BPS-16).	KPK		By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Home Economics), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Home Economics).
9. Senior Physical Education Teacher (BPS-16).			By promotion, on the basis of seniority-cum-fitness, from amongst Physical Education Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Physical Education Teacher.

(14)

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

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

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(17)

University with nine months training from any Government Agro Technical Teacher Training Center of the Level of Certified Teacher, Agro technical (Industrial Arts).

(Industrial Arts):

Provided that if no suitable candidate is available amongst the Primary School Head Teachers for Promotion, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (Industrial Arts).

Note: In case of non availability of suitable person for promotion, then by initial recruitment.

Certified Teacher (Agriculture) (MPS-15).

- (i) Bachelor's Degree from a recognized University with one year training in Agriculture from any Government institute or center with nine months training from Government Agro Technical Teacher Training Center of the level of Certified Teacher Agro Technical (Agriculture); or
- (ii) Bachelor's Degree with Agriculture as one of the subject, from a recognized University; or
- (iii) Bachelor's Degree from a recognized

18 to 35 years.

- (a) Forty per cent by Initial recruitment; and
- (b) sixty per cent by promotion, on the basis of seniority-cum-fitness from amongst the Primary School Head Teachers, with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (Agriculture):

Provided that if no suitable candidate is available amongst the

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any Government Agro Technical Teacher Training Center of the Level of Certified Teacher, Agro technical (Agriculture).

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promotion, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (Agriculture).

Note: In case of non availability of suitable person for promotion, then by initial recruitment.

*KPK*  
Certified Teacher (Home Economics) (HPS-15).

- (i) Bachelor's Degree with Home Economics, as one of the subject, from a recognized University with in service training from Government Agro Technical Teacher Training Center; or
- (ii) Certified Teacher Certificate with Home Economics as one of the subjects, from any Government Training school or college with Bachelor's Degree; or
- (iii) Bachelor's Degree from a recognized University with nine months training from Government Agro Technical Teacher Training Center of the level of the Certified Teacher Agro Technical (Home Economics); or
- (iv) Bachelor's Degree, from a recognized

18 to 35 years.

- (a) Forty per cent by Initial recruitment; and
- (b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service as such and having qualification prescribed for initial recruitment of Certified Teacher (Home Economics):

Provided that if no suitable candidate is available amongst the Primary School Head Teachers for promotion, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of

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University with one year vocational training from any Government training center or institute with nine months training from Government Agro Technical Teacher Training center of the level of certified Teacher Agro Technical (Home Economics).

Certified Teacher (Home Economics).

Note: In case of non availability of suitable person for promotion, then by initial recruitment.

Drawing Master  
(BPS-15)

Bachelor's Degree from a recognized University with one year Drawing Master (DM) course Certificate.

18 to 35  
years.

- (a) Eighty per cent by initial recruitment; and
- (b) twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Drawing Master:

Provided that if no suitable candidate is available for promotion then on the basis of seniority-cum-fitness, from Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Drawing Master.

Note: In case of non-availability of suitable candidate for promotion, then by initial recruitment.

فادیت خان

				with at least five years service as such and having qualification prescribed for initial recruitment of Primary School Teacher.
21.	Primary School Teacher (BPS-12).	(i) Intermediate or equivalent qualification, from a recognized Board with Primary School Teacher Certificate/ Diploma in Education from a recognized Institute; or  (ii) Secondary School Certificate, from a recognized Board in second Division with two years Associate Degree in Education from a recognized University.	18 to 35 years.	By initial recruitment on merit at Union Council level: provided that if no suitable candidate is within the Union Council is available, then from the adjacent Union Councils on merit.
22.	Qari (BPS-12).	Intermediate with Hifz-e-Quran and Qirat Sanad from a recognized Institution.	18 to 35 years.	By initial recruitment.

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SCHEDULE

Selection criterion and other conditions for direct recruitment against the below mentioned posts shall be as under:-

Arabic Teacher

Educational Qualification	Total Marks: 100
SSC	Marks obtained X 20 / total marks =
HSSC	Marks obtained X 20 / total marks =
B.A/B.Sc	Marks obtained X 20 / total marks =
M.A Arabic / Shakhshat ul Uloom ul Arabia wal Islamiya from a recognized Tanzeemat ul Wafaq ul Muallim	Marks obtained X 20 / total marks =
Other MA/M.Sc/M.Ed / MA Edu	Marks obtained X 15 / total marks =
M.Phil/Ph.D	Marks = 05

Theology Teacher

Category of Qualification	Total Marks 100
SSC	Marks obtained X 20 / total marks =
HSSC	Marks obtained X 20 / total marks =
B.A/B.Sc	Marks obtained X 20 / total marks =
M.A/M.Sc/M.Ed / M.A Edu	Marks obtained X 20 / total marks =
M.A Islamiyat / Shakhshat ul Uloom ul Arabia wal Islamiya from a recognized Tanzeemat ul Wafaq ul Muallim	Marks obtained X 15 / total marks =
M.Phil/Ph.D	Marks = 05

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Physical Education Teacher (BPS-15).	Bachelor's Degree from a recognized University with one year junior Diploma in Physical Education course or Army equivalency or other equivalent qualification.	18 to 35 years.	<p>(a) Eighty per cent by initial recruitment; and</p> <p>(b) twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Physical Education Teacher.</p> <p>Provided that if no suitable candidate is available for promotion then on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Physical Education Teacher.</p> <p><u>Note:</u> In case of non-availability of suitable candidate for promotion, then by initial recruitment.</p>
<del>Primary School Head Teacher (PSHT) (BPS-15).</del>			By promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least ten years service and having qualification prescribed for initial recruitment of Primary School Teacher.
Senior Primary School Teacher (BPS-14).			By promotion, on the basis of seniority-cum-fitness, from amongst Primary School Teachers

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Drawing Master

Category of Qualification	Total Marks 100	For Candidate of Science group
SSC	Marks obtained X 20 / total marks = _____	5 Extra marks for F.Sc. 5 Extra marks for B.Sc and 5 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection
HSSC	Marks obtained X 20 / total marks = _____	
B.A/B.Sc	Marks obtained X 20 / total marks = _____	
DMI Certificate	Marks obtained X 20 / total marks = _____	
MA/M.Sc/M.Ed/ MA Edu	Marks obtained X 15 / total marks = _____	
MPhil/PhD	Marks = 05	

Physical Education Teacher

Category of Qualification	Total Marks 100	For Candidate of Science group
SSC	Marks obtained X 20 / total marks = _____	5 Extra marks for F.Sc. 5 Extra marks for B.Sc and 5 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection
HSSC	Marks obtained X 20 / total marks = _____	
B.A/B.Sc	Marks obtained X 20 / total marks = _____	
JDP/E or Equivalent Certificate	Marks obtained X 20 / total marks = _____	
MA/M.Sc/M.Ed/ MA Edu	Marks obtained X 15 / total marks = _____	
MPhil/PhD	Marks = 05	

Primary School Teacher

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

Other conditions:-

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

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Annexure (E)  
6

DISTRICT EDUCCA

No. 60 4730

Dated. 6/5 /13

From;

District Education Officer,  
(M) Mardan.

To,

The Director,  
Elementary & Secondary Education  
Khyber Pakhtoon Awha Peshawar.

SUBJECT:

AWARD OF B.14, B.15 TO RETIRED TEACHERS.

Memo,

It is submitted that a numbers of PST s who has been retired during the period 1.7.12 to 11.2.13, have requested for award of B.14, B.15.

It is further submitted that the D.P.O has been awarded B.14, B.15 w.e.f 12.2.13 i.e the date of D.P.O meeting.

In this connection you are requested to please guide this office that whether they are entitle for award of B.14, B.15 or not.

DISTRICT EDUCATION OFFICER

(M) MARDAN

6/5/13



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Annexure (F)

13/2-2013



Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

No. \_\_\_\_\_ / F.No. Appeal/promotion Vol I/PSI(M) Dated Peshawar the 12 / 2013

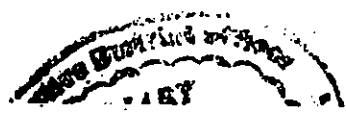
To 1199

The District Officer  
(Male)Mardan

18/6

Subject:- AWARD OF B-14 TO B-15 TO RETIRED TEACHERS.  
Memo:

I am directed to refer to your letter No. 4730 dated. 6.5.2013 and to state that a retired person/Civil Servant is not entitled for promotion to B-14 or B-15. However is case the promotion of the Civil Servant is clear in the meeting of the DPC, but he is retired before the issuance of his promotion order, he will be entitled for national promotion so one who retired before the DPC meeting is not entitled for promotion.



*[Handwritten Signature]*  
21/6/2013

Deputy Director (Establishment)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

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# WAKALATNAMA

BEFORE THE COURT OF Senior District CO-PO Peshawar

No. \_\_\_\_\_ of 2013

Shad Muhammad

(Petitioner)

(Plaintiff)

(Appellant)

## VERSUS

Secretary to Govt of CPK

(Respondent)

(Defendant)

I/We Appellant

In the above noted appeal do hereby appoint

and constitute **Mr. Khan Akbar Khan and Mr. Saif Ullah Mohmand**

Advocates as my/ our Counsels in the subject proceedings and authorize them to

appear, plead etc compromise, withdraw or refer the matter for arbitration for me/

us without any liability for his default and with the authority to engage/appoint any

other Advocate/Counsel at my/our expense and receive all sums and amounts

payable to me/ us and to all such acts which he may deem necessary for

protecting my/ our interest in the matter. They are also authorized to file Appeal,

Revision, Application for restoration or application for setting aside ex parte

decree proceedings on my/ our behalf.

Dated: - 21/01/2013

Shad Muhammad

(Client)

**(KHAN AKBAR KHAN)**

And

Saif Ullah

**(Saif Ullah Mohmand)**

Advocates High Courts

Peshawar.

Office Address: - B-107, 2<sup>nd</sup> floor, Town Tower

Jahangir Abad, University Road,

Peshawar.

Shad Muhammad  
S/o Taj Muhammad

Before the Khyber Pakhtunkhwa service tribunal Peshawar.

1392/12 S. Appeal  
No: 1390, 1392, 1401 to  
1405/2013.

**Shad Mohammad.**

Appellant.

VS

Secretary to Govt of Kyber Pakhtunkhwa E&SE Department Peshawar and others, ...  
Respondent.

Parawise comments on behalf of Respondent No.1 to 4.

Respectively sheweth.

Respondents submit as under.

Preliminary objections.

1. That the instant appeal is badly time barred.
2. That the appellant has concealed the material facts from this honorable court.
3. That the appellant has no cause of action as well as locus standi.
4. That the appellant has not come to this court with clean hands.
5. That the appellant has estopped by his own conduct.
6. That the present appeal is liable to be dismissed for nonjoinder/Misjoinder of necessary parties.
7. That the appellant filed this appeal on mala fide motives.
8. That the instant appeal is against the prevailing law and rules.
9. That the instant appeal is not maintainable in the present form and also in the present circumstances.

On facts.

1. Pertains to personal record. Hence needs no comments.
2. Pertains to personal record, needs no comments.
3. Correct, the teachers were promoted according to policy.
4. Correct to the extent that DPC was held on 12-02-2013 and the eligible teachers were upgraded to B-14 & B-15 but incorrect to the extent that the appellant was ignored. The DPC held on 12-02-2013 and upgraded the teacher w.e.f. 12-02-2013 while Appellant was retired on 13-02-2012 i.e. one year before the commencement of DPC so he was not entitled for up gradation.
5. His application was sent to respondent 2 who replied that the appellant is not entitled for up gradation (see Annex-1 of the instant appeal).
6. His appeal has no weightage and was filed.
7. No Comments.

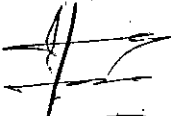



Grounds.

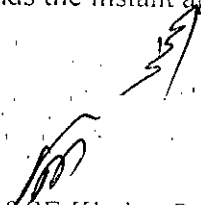
- A. Incorrect. He was retired long before the commencement of DPC and was not entitled.
- B. Incorrect. He is not entitled for up gradation as he was retired long before the DPC.
- C. Incorrect. The respondent department has acted according to law, rules.
- D. Incorrect. The up gradation/promotion is awarded according to policy, rules not on expectations.
- E. Incorrect. The department has acted according to rules and no discrimination has been made.
- F. Incorrect. The department has followed the existing policy.
- G. Incorrect. Denied
- H. Incorrect. As stated above, the department has acted upon existing policy and nothing has been violated.

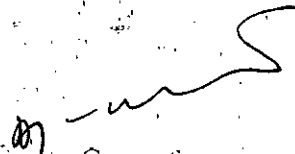
Prayer :

It is, therefore, prayed that in the light of above facts and grounds the instant appeal may kindly be dismissed with cost.

  
DEO (M)  
Mardan.

  
Deputy Commissioner  
Mardan.

  
Director E&SE Khyber Pakhtunkhwa  
Peshawar.

  
Secretary to Govt of  
Khyber Pakhtunkhwa E&SE  
Department Peshawar.



①

**BEFORE THE CHAIRMAN SERVICE TRIBUNAL, KHYBER**

**PAKHTUNKHWA, PESHAWAR.**

Service Appeal No 1392 /2013

Shad Muhammad Ex-PST

VERSUS

Secretary to Govt of KPK & others

=====

**REJOINDER ON BEHALF OF THE APPELLANT TO**

**PARA WISE COMMENTS SUBMITTED BY**

**RESPONDENTS.**

=====

**Respectfully Sheweth**

**REPLY TO PRELIMINARY OBJECTIONS:-**

1. Para No.1 of the preliminary objections is incorrect; the instant appeal is based on recurring cause of action, wherein a beneficiary Notification has been challenged, which carries retrospective effect, hence, it is well within time.
2. Para No.2 of the preliminary objection is incorrect, the appellant has disclosed all the facts before this Honorable Tribunal and nothing has been concealed or withheld deliberately.
3. Para No.3 of the preliminary objections is incorrect and wrong, in fact fundamental rights of the appellant were infringed by the respondent, and



hence he has got a good cause of action and locus standi to file the instant appeal.

- 4. Para No.4 of the preliminary objection is false, frivolous and vexatious. In-fact the appellant has approached this Honorable Tribunal for the redressal of his grievances with clean hands.
- 5. Para No.5 of the Preliminary Objection is incorrect. Hence denied.
- 6. Para No.6 of the Preliminary objections is incorrect, false and frivolous, hence denied.
- 7. Para No.7 of the Preliminary objections is incorrect, the instant appeal has been filed by the appellant with good intention as his fundamental and valuable rights were infringed by the respondents by their illegal acts and actions.
- 8. Para No.8 of the Preliminary Objections is incorrect; the instant appeal has been filed according to well settled rules of Services Law.
- 9. Para No.9 of the Preliminary Objections incorrect, false and frivolous, the instant appeal has been filed by the appellant in order to check the ingress and illegality committed by the respondents, hence it is maintainable.

**REPLY TO PARAWISE COMMENTS ON FACTS.**

- 1&2. Para No. 1 & 2 of the comments needs no replies
- 3. Para No.3 of the comments also needs no reply.
- 4. Para No.4 of the comments is incorrect, false and vexatious, in-fact the Notification dated 11.07.2012 (Annexure E of the appeal) and Notification dated 13.11.2012 (Annexure F of the appeal), are beneficiary notifications and in the light of judgments of apex Court as well as this Honorable Tribunal such notifications carries retrospective effect, hence the benefits of these notifications should be extended to the appellant. Moreover the

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matter in the instant appeal is a recurring cause of action, which is not hit by any time period.

Needless to mention here that at the time of promulgation of the above-mentioned both the Notifications, the appellant was in service as a senior PST.

It is also pertinent to mention here that the respondents have wrongly mentioned the date of retirement of the appellant as 13.02.2012, rather the appellant retired from services on attaining the age of superannuation on dated 27.12.2012. (Annexure A of the main Appeal)

5&6. Para No. 5&6 of the comments are false and frivolous, detail reply has been given in Para No. 4 above.

7. Para No. 7 of the comments need no reply.

**REJOINDER TO THE COMMENTS ON GROUND:-**

- A. Para No. A of the comment is false and incorrect. Detailed reply has already been given in Para No.4 of the reply to the comments. Moreover, due to the induction of policy dated 11.07.2012 and 13.11.2012, the appellant and his other colleagues have been deprived from the benefit of promotion/up-gradation, which were ignored throughout their long tenure of unblemished record.
- B. Para No.B of the comments is false and incorrect. Detail reply has been given in Para No.4 of the reply to the comments on facts as well as in the above Para No. A.
- C. Para No. C of the comments is false and incorrect. The appellant was fulfilling the criteria for promotion but despite that he was ignored by the respondent department.
- D. Para No. D of the comments is incorrect, the department has not awarded the promotion/up-gradation according to policy and rules but they have given priority to the blue eyed employees in the department.

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- E&F. Para No. E&F of the comments are false and frivolous. The acts and actions of the respondents department are not only illegal but are also against the clear-cut articles of constitution.
- G. Para No. G of the comments is incorrect and false, hence denied. Detail reply has already been given the above paras.
- H. Para No. H of the comments is incorrect, false and frivolous. Detail reply has already been given in the preceding paras.

It is, therefore, most humbly prayed that on acceptance of this rejoinder and the main appeal, the respondents may kindly be directed to award promotion to the appellant in BPS-15, and in the light of Notification dated 11.07.2012 & 13.11.2012.

Any other remedy to which appellant is found entitled, in the peculiar circumstances of the case may also be granted.

  
Appellant

Through

Dated: -29-10-2014

  
(KHAN AKBAR KHAN)

&

  
(SAIF ULLAH MOHMAND)  
Advocates, High Court,  
Peshawar.

(S)

**BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.**

Service Appeal No.1392/2013

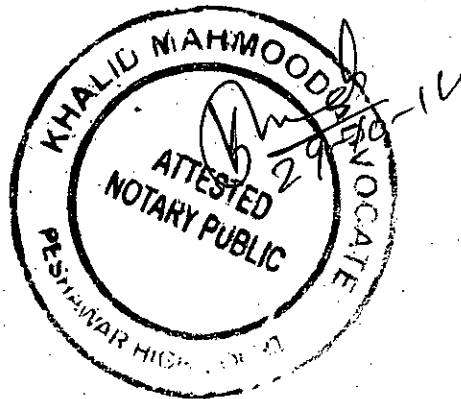
*Shad Muhammad*  
~~Shad Muhammad~~.....Appellant

**VERSUS**

Secretary to Govt: of K.P.K &  
others.....Respondents

**AFFIDAVIT**

I, Khan Akbar Khan Advocate, Peshawar, do hereby solemnly affirm and declare on Oath that the contents of the accompanying **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.



*K. Akbar Khan*  
Deponent