

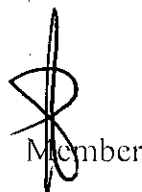
03.06.2016

Counsel for the appellant, M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Mr. Usman Ghani, Senior Government Pleader for respondents present.

The matter in question has already been decided by this Tribunal vide judgment dated 31.05.2016 in Service Appeal No. 1343/2012 titled "Javed Iqbal-vs-Government of Khyber Pakhtunkhwa, through Elementary & Secondary Education, Peshawar", this appeal is also disposed of as per judgment dated 31.05.2016 in the afore-mentioned service appeal. However, the respondent shall ascertain that the present appellant is a similarly placed person with appellant in Service Appeal No. 1343/2012. The appeal is disposed of in the above terms. Parties are, however, left to bear their own costs. File be consigned to the record room.

ANNOUNCED

03.06.2016



Member



Member

02.09.2014

Vide order sheet dated 02.09.2014 in connected Service Appeal No. 1288/2013, this appeal is adjourned to 03.12.2014.

READER

Vide order sheet dated 02.09.2014 in connected Service Appeal No. 1288/2013, this appeal is adjourned to 2-2-15.

READER

Vide order sheet dated 02.09.2014 in connected Service Appeal No. 1288/2013, this appeal is adjourned to 22-4-15.

READER

Vide order sheet dated 02.09.2014 in connected Service Appeal No. 1288/2013, this appeal is adjourned to 1-6-15.

READER

Vide order sheet dated 02.09.2014 in connected Service Appeal No. 1288/2013, this appeal is adjourned to 2-9-15.

READER

Vide order sheet dated 02.09.2014 in connected Service Appeal No. 1288/2013, this appeal is adjourned to 16-2-16.

READER

Vide order sheet dated 02.09.2014 in connected Service Appeal No. 1288/2013, this appeal is adjourned to _____.

READER

Vide order sheet dated 02.09.2014 in connected Service Appeal No. 1288/2013, this appeal is adjourned to _____.

READER

31.12.2013

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. He further contended that similar nature of appeal No. 1323/2013, titled Mr. Muhammad Pervez vs. Education Department, Peshawar has already been admitted and pending before the learned Bench-II for regular hearing. He prayed that the same may also be admitted for regular hearing and club with the said appeal. 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 31.03.2014 before the learned Bench-II.

Member

31.3.2014

Junior to counsel for the appellant and Mr. Ziaullah, GP with Khursheed Khan, SO for respondent No.1 and Sajjad Rasheed, AD for respondent No.4 present and requested for time. Fresh notices be issued to respondents No. 2 and 3. To come up for written reply on 10.6.2014.

MEMBER

MEMBER

10.6.2014.

Counsel for the appellant and Mr. Muhammad Jan, GP with Khursheed Khan, SO, Sajjad Rashid, AD, Muhammad Irshad, Supdt. and Sultan Shah, Assistant for the respondents present and requested for further time. To come up for written reply on 2.9.2014.



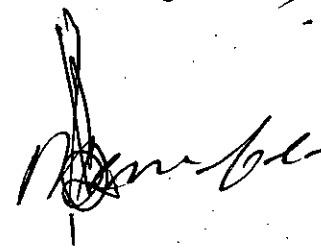
MEMBER

MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1294/2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	04/09/2013	<p>The appeal of Mr. Amir Zeb resubmitted today by Mr. Ghulam Nabi 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	9-9-2013 27-11-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>27-11-2013</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p><i>Check of counsel for the appellant present. Due to strike of lawyers, counsel for the appellant is not available. To come up for p.H. on 20-12-2013</i></p> <p style="text-align: right;"></p>

The appeal of Mr. Amir Zeb Qari GHS Parangay Sakhakot Swat received today i.e. on 30/08/2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of representation/departmental appeal mentioned in para-15 of the memo of appeal is not attached with the appeal which may be placed on it.

No. 1233 /S.T,

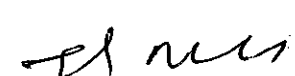
Dt. 30/8 /2013.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Ghulam Nabi Adv. Pesh.

sir,

In the instant appeal the appellant challenged the notification/rules dated 13-11-2012 which is termed by the superior courts as final order in the case reported as 1991 SCMR 1041, 1994 SCMR 1033 and 2012 PLC(cs) 142, in which eventuality the departmental appeal is not mandatory. On the subject other appeals are also pending adjudication before this Hon'ble Tribunal. Appeals No. 1323/2012 to 1342/2012 admitted for full hearing on 17-12-2012. The instant appeal is identical in nature. May kindly be fixed before the bench for hearing please.


(Ghulam Nabi)
Advocate, Peshawar

4/8/13

BEFORE THE SERVICE TRIBUNAL, KPK,
PESHAWAR

Service Appeal No. 1294 of 2013

Amir Zeb S/O Abdul HaqAppellant

VERSUS

Govt: of KPK through Secretary, Elementary & Secondary Education & others.....**RESPONDENTS**

I N D E X

S.NO	Description of Documents	Annexure	Pages
1	Appeal		1-9
2	Affidavit		10
3	Coy of Notification issued on 01/10/2007	A	11-12
4	Copy of Notification dated: 13/11/2012	B	13-27
5	Copy of Notifications dated: 11/7/2012 and 26/6/2012	C & D	28-31
6	Wakalat Nama		32

Appellant

Through


Ghulam Nabi Khan

Advocate Supreme Court
17-B Haroon Mansion,
Khyber Bazar, Peshawar City.
Cell No. 0300-5845943

Dated: 28/8/2013

Address:

BEFORE THE SERVICE TRIBUNAL, KPK,
PESHAWAR

Service Appeal No. 1294 of 2013

Govt of Peshawar
1294
30/8/13

Amir Zeb S/O Abdul Haq,
Qari, Govt: High School Parangay, Sakhat Kot, Malakand,
Resident of Parangay, Sakhakot,
Malakand Agency.

(APPELLANT)

VERSUS

1. Govt: of Khyber Pakhtunkhwa through Secretary, Elementary & Secondary Education Department, Civil Secretariat, Peshawar.
2. Govt: of Khyber Pakhtunkhwa through Secretary, Finance Department, Civil Secretariat, Peshawar.
3. Govt: of Khyber Pakhtunkhwa through Secretary, Establishment Department, Civil Secretariat, Peshawar.
4. Director, Elementary & Secondary Education, Govt: of Khyber Pakhtunkhwa, Peshawar.

Govt of Peshawar
30/8/13

(RESPONDENTS)

re-submitted to ~~Govt~~
and filed.

Govt of Peshawar
4/9/13

APPEAL UNDER SECTION-4 OF NWFP SERVICE
TRIBUNAL ACT, 1974 TO THE EFFECT THAT THE
NEWLY INDUCTED CONDITION OF BEING
INTERMEDIATE FOR THE PROMOTION TO BPS-15

FOR SENIOR QARI FROM THE POST OF QARI BPS-12 MAY PLEASE BE SETASIDE AND THE PROMOTION OF ALL OF THE QARIS BE GRANTED ON SENIORITY CUM FITNESS BASIS. FURTHERMORE, THE IMPUGNED NOTIFICATION NO. SO (PE)4-5/SSRC/Meeting/2012/Teaching Cadre DATED 13/11/2012 AND NOTIFICATION NO. SO(B&A)/1-18/F&SE/2012 DATED 11/7/2012 AND THE OFFICE MEMO/NOTIFICATION NO. SO(FR)/FD/10-22(E)2010 DATED 26/6/2012 OF THE RESPONDENT'S DEPARTMENT BE DECLARED WITHOUT LAWFUL AUTHORITY AND ULTRA VIRUS AND THE QARIS QARIS/SENIOR QARIS BE GIVEN MINIMUM BASIC SCALE OF BPS-15 AND BPS-16 RESPECTIVELY.

PRAYER IN APPEAL:

On acceptance of this Appeal, the condition of Intermediate of the above noted Notification dated 13/11/2012 whereby the condition of Intermediate has been imposed for the promotion of Senior Qaris from BPS-12 to BPS-15 may please be setaside. Furthermore, the Qaris/Senior Qaris may also be granted from BPS-15 and BPS-15 instead of BPS-12 and BPS-15.

Respectfully Sheweth;

1. That the Appellant is belonging to the Education Department and serving on the post as mentioned against his names in the heading of the appeal.
2. That the Appellant has got at his credit on the above said post a long tenure of service extending to so many years.
3. That previously the basic qualification for the appointment at the post of Qari was Matric with Hifz-e-Quran and Qirat Sanad from recognized institution and the appellant was appointed having the said qualification as was the requirement at the time of the appointment of the Appellant.
4. That the basic qualification for the post of Qari was duly enhanced with basic qualification from Matric to Intermediate in the year 2011 and many others colleagues of the Appellant were then appointed on the same posts of Qari having their qualification as Intermediate Hifz-e-Quran and Qirat Sanad.
5. That in the year 2007, a policy of upgradation was promulgated by the then Provincial Government, whereby all the Teachers were upgraded to the higher scales on the basis of the length of the service **(Copy of the Notification dated 1/10/2007 issued by the Government is attached and marked as Annexure-A).**

6. That a new policy was promulgated on 13/11/2012 and the policy has been converted from time scale to education scale whereby promotion policy for the Qaris to Senior Qaris was formulated as under:-

“Qari BPS-12, Intermediate with Hifz-e-Quran and Qirat Sanad from a recognized institution”

“Senior Qari BPS-15, by promotion on the basis of Seniority Cum Fitness from amongst Qaris with at least 05 years service as such and having qualification for initial recruitment”.

(Copy of Notification dated 13/11/2012 is enclosed and marked as Annexure-B).

7. That in the light of above said Notification, all the fresh appointed Qaris with Intermediate education have been given BPS-15 whereas all the other Qaris to whom have been appointed on the basis of Matric certificate have been dropped from the promotion process and all the ways of their promotion have also been blocked through the said Notification for the rest of their service.
8. That the Appellant and their colleagues have served on the above said post a long tenure of service extending to so many years have totally been ignored and have not been given any chance of their upgradation/promotion throughout their professional career inspite of having such along spotless tenure of service.

9. That similarly the other two Notifications dated: 11/7/2012 and 26/6/2012 as mentioned above, inspite of the fact that the appellant belongs to High School Teaching Staff and his whole cadre have been confined to teaching in the High Schools and have also been discriminated through the upgradation policy **(Copy of the Notifications dated: 11/7/2012 and 26/6/2012 are enclosed and marked as Annexure C& D respectively).**
10. That as according to the above said Notification, under the new policy/scheme of the above noted Notification, all the posts of high school teaching staff were sub-divided into two categories whereby the category of initial appointment was placed on the minimum level of BPS-15 with the condition of no qualification whereas the other category was placed on the minimum of Seniority cum fitness except "Qari cadre".
11. That under the new scheme/policy, all the teaching of the Govt: High Schools in the various cadres were upgraded except Qaris to minimum scale of BPS-15 with no condition but the upgradation of the Qaris cadre was conditioned apart from others mainly on the condition of having the academic qualification of Intermediate which qualification earlier was never required.
12. That according to the above said Notification, Qari cadre was sub-divided in categories of "Qari" in BPS-12 and "Senior Qari" in BPS-15. For the "Senior Qaries" 1/3rd posts out of the total posts of the cadre

were allocated which were to be filled up by promotion/upgradation from the present incumbents of Qaries on the basis of seniority cum fitness and upon fulfilling the conditions of the academic qualification of Intermediate with the professional qualification of Hifz-e-Quran & Qirat Sanad and further the experience of minimum of five years service as such.

13. That as per the impugned Notification, all the High School Teachers i.e. CT, AT, TT, DM, PET etc instead of cadre of the appellant to the minimum scale of BPS-15 for the upgradation to BPS-16 whereas the appellant were given the initial scale of BPS-12 and Senior Qaris to BPS-15.
14. That the Appellant is also equally entitled to be upgraded on the basis of his tenure of service and be given the same benefit as it has been given to the other teachers.
15. That in this regard, the appellant moved his representation to the concerned authorities explaining his grievance, however, no response has been received so far, therefore, the Appellant having got no other efficacious/adequate remedy, now approaches this Honourable Court on the following grounds amongst the others:-

GROUND:

- A. That the act of the respondents department, thereby depriving the Appellant from the above said benefit of upgradation is illegal,

unlawful, without authority/jurisdiction as well as being based on the malafide intentions of the respondents department is liable to be set aside.

- B. That since hundred and hundreds of the teachers have been treated in a discriminatory manner and have been deprived of the above said benefit mere on the ground that they are not having the qualification of Intermediate is an act unjust and without any reasonable ground, as the basic qualification at the time of the appointment of the Appellant was Matric and the basic qualification at the time of the appointment of the benefited teachers were Intermediate, hence no privilege can be granted to the persons, whom have been appointed on the prescribed qualification.
- C. That the Appellant has been serving on the above said posts since long and the Appellant has been waiting 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 it is very respectfully submitted that it has never been happened that in the cases of upgradation/promotion the factor of seniority should be abolished/ignored totally and the grounds of upgradation/promotion should be made mere education qualification, whereas the upgradation/promotion has always been

made on the basis of seniority-cum-fitness and have never at the basis of higher qualification whatsoever it may be.

- E. That the said act of the respondents department is not merely illegal, as well as, unlawful but is also against the very clear Articles of Constitution of Islamic Republic of Pakistan as engraved in the basis rights of said Constitution.
- F. That the Appellant has got every right to be treated equally with his other colleagues and closing all the ways of upgradation/promotion for the Appellant is against all the norms of justice as it has been done in the above mentioned Notifications.
- G. That it will be pertinent to bring into the kind notice of this Honourable Court that the above said benefit has also been extended to the Clerk's community, whereby the Clerk's even with the Matric Certificate have been upgraded from BPS-09 to BPS-16 and similarly according to other Notification dated: 24th April 2012, the Federal Government has been pleased to upgrade the PST Teachers from BPS-09 to BPS-14 including the Matriculate Teachers.

In the aforesaid circumstance, it is, therefore, respectfully prayed that on acceptance of this appeal, the respondents may please be directed to set aside the terms "having qualification prescribed i.e. Intermediate for the initial recruitment of Qaris in the newly promulgated policy and the Appellant may


please be considered equally for the above said promotion/upgradation with the other colleagues, whom have been appointed on Intermediate basis and the above said conditions alongwith impugned Notifications dated 13/11/2012, 11/7/2012 and 26/6/2012 being illegal, unlawful, ultra virus, unconstitutional and discriminatory may please be setaside.

It is further prayed that the Qaris and Senior Qaris may also be given the same BPS-15 and BPS-16 as have been granted to other teachers staff of the high schools.

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


Appellant

Through


Ghulam Nabi Khan
Advocate Supreme Court

Dated: 2/16/2013

BEFORE THE SERVICE TRIBUNAL, KPK,
PESHAWAR

Service Appeal No. _____ of 2013

Amir Zeb S/O Abdul HaqAppellant

VERSUS

Govt: of KPK through Secretary, Elementary & Secondary Education & others.....**RESPONDENTS**

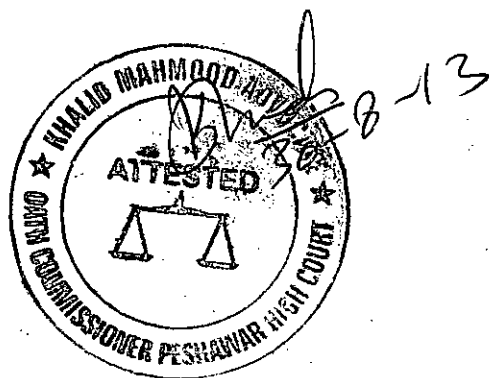
AFFIDAVIT

I, Amir Zeb S/O Abdul Haq, Qari, Govt: High School Parangay, Sakhat Kot, Malakand, Resident of Parangay, Sakhakot, Malakand Agency do hereby solemnly affirm and declare 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 Honourable Tribunal.

Amir Zeb
DEPONENT

Identified by:

Ghulam Nabi Khan
Ghulam Nabi Khan
Advocate Supreme Court



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(11)

Government of NWFP
Finance Department
No. SO (FR) 10-22(B)/2005
Dated: 01.10.2007

A

To

The Secretary to Govt. of NWFP,
Schools & Literacy Department.

Subject: UPGRDATION OF VARIOUS POSTS OF TEACHING/
CAREER STRUCTURE IN SCHOOLS AND LITERACY
DEPARTMENT GOVERNMENT OF NWFP.

Sir,

I am directed to refer to your letter No. SO(G)104/2007 dated 01.10.2007 on the subject noted above and to inform that the Chief Minister NWFP has been pleased to upgrade various posts of teachers in Schools and Literacy Department NWFP as per details given below in respect of those incumbents mentioned against each with immediate effect.

S.No	Designation/ existing Pay Scale	Qualification	Revised Pay Scale
1	Primary School Teacher PST BPS-09	F.A / FSc at least 2 nd Division with PTC/ Diploma in Education	09
2	PST with requisite experience renamed as Head Teacher/ head Mistress of Rpmry School BPS-07	On the basis of 10 years service experience as Primary School Teacher in BPS-09	12
3	C.T BPS-09	B.A . BSc at least 2 nd Division with Diploma in Education/CT	15
4	AWICT Technical Industrial Arts/ Home Economics BPS-09	B.A/ BSc at least 2 nd Division with Diploma in Education/ Certificate from Directorate of Curriculum and Teachers Education NWFP Abbottabad in Agro Tech/ Industrial Arts Home Economics.	15
5	D.M BPS-09	B.A/ B.Sc at least 2 nd Division with Drawing Master Course.	15
6	PET BPS-09	B.A/ BSC at least 2 nd Division with JDPE.	15

msd

	Qari/Qaria BPS-07	Hafiz-e-quran with SSC at least 2 nd Division and Sand in Qirat.	12
8.	SST/SST Teacher/Agri with requisite experience rename Sr. SST/Sr. SST Teacher/Sr. SST Agri BPS-16	M.A./M.Sc at least 2 nd Division with B.Ed. M.Ed/M.A. equivalent Education qualification	17
9.	DPE BPS-16	M.Sc. at least 2 nd division in (HPE)	17

2. The promotion/direct Promotion against the upgraded posts shall be made as per laid down procedure and in accordance with the Service Rules to be framed pursuant to the relevant provisions of NWFP Civil Servants (appointments, Promotion and Transfer) 1989 read with the NWFP Civil Servants Act, 1973 in the light of the meeting held on 26.09.2007 of the committee constituted vide Schools & Literacy Department Notification No. SO(G)S&L/1-4/2007 dated 01.08.2007.

Audit copy may please be prepared and sent to the Department for authentication/signature.

Section Officer (FR)

Endst of even No. & date.

Copy for information & necessary action to:-

1. Accountant General NWFP.
2. Director Schools & Literacy NWFP, Peshawar.
3. Director of Education FATA NWFP, Peshawar.
4. PSO to Chief Minister NWFP.
5. PSO to Chief Secretary NWFP.
6. PS to Secretary Finance Department NWFP.
7. All Distric/Vagency Accounts Officers in NWFP.

Attest
SHEIK
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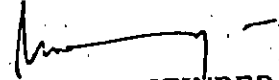
GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.



NOTIFICATION

Peshawar, dated the November 13, 2012.

No. SO(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 Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all Notifications issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby lays down the method of recruitment qualification and other conditions specified in the Appendix to this Notification which shall be applicable to all the posts specified in Column No. 2 of the said Appendix and the schedule therewith.


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

Encls. No. & Date as above.

Copy forwarded to:-

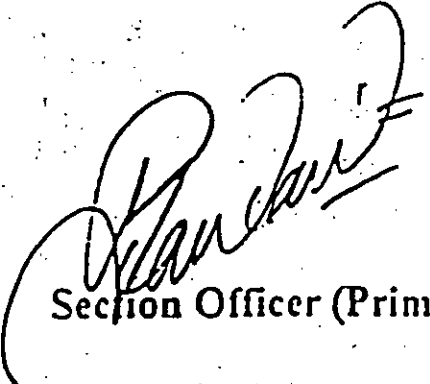
1. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Law Department.
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General,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

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


Section Officer (Primary)

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3

APPENDIX

enclature of the post.	Minimum qualification and experience for initial appointment or by transfer.	Age limit.	Method of recruitment.
2.	3.	4.	5.
<p><i>Secondary School Teacher</i> <i>BPS 10.</i></p>	<p>(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</p> <p>(ii) M.A in Education or Bachelor's Degree in Education, from a recognized University.</p>	<p>18 to 35 years.</p>	<p>(a) Fifty percent by promotion on the basis of seniority-cum-fitness, in the following manner:</p> <p>(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;</p> <p>(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;</p> <p>(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;</p>

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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> <p>(b) fifty per cent by initial recruitment.</p>
Senior Arabic Teacher (SAT) (BPS-16)			By promotion, on the basis of seniority-cum-fitness, from amongst Arabic Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Arabic Teacher.
Senior Theology Teacher (ST) (B-16).			By promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Theology Teacher.
Senior Certified Teacher (SCT) (General) (B-16).			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).

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<p>Certified Teacher (Industrial Arts) 16).</p>		<p>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).</p>
<p>Senior Certified Teacher (Agriculture) BPS 16).</p>		<p>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).</p>
<p>Senior Drawing Master BPS 16).</p>		<p>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.</p>
<p>Senior Certified Teacher (Home Economics) SCT BPS 16).</p>		<p>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).</p>
<p>Senior Physical Education Teachers (BPS-16).</p>		<p>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.</p>

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

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	<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><i>Certified Teacher (Industrial Arts) RRS 15)</i></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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Certified Teacher
(Agriculture)
B.A.S-15.

	<p>University with nine months training from any Government Agro Technical Teacher Training Center of the Level of Certified Teacher, Agro technical (Industrial Arts).</p>		<p>(Industrial Arts):</p> <p>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).</p> <p><u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.</p>
	<p>(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</p> <p>(ii) Bachelor's Degree with Agriculture as one of the subject, from a recognized University; or</p> <p>(iii) 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 (Agriculture):</p> <p>Provided that if no suitable candidate is available amongst the</p>

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

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.

Certified Teacher (Home Econ. (Economics) BPS 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

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

(iv) Bachelor's Degree, from a recognized

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<p>University with any Government institute with Government Training center Teacher Agro Te</p>	<p>one year vocational training Government training center or institute with months training from Government Technical Teacher of the level of certified Technical (Home Economics).</p>		<p>Certified Teacher (Home Economics). <u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.</p>
<p>or's Degree from one year Drawing institute</p>	<p>a recognized University Drawing Master (DM) course</p>	<p>18 to 35 years.</p>	<p>(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. <u>Note:</u> In case of non-availability of suitable candidate for promotion, then by initial recruitment.</p>

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Physical Education

Bachelor's Degree from a recognized University 19 to 25 years

with one year Junior Diploma in Physical Education course or Army equivalency or other equivalent qualification.

years.

(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.

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.

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

PSHT
Senior Primary School Head (PSHT)

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
(BPS-14).

By promotion, on the basis of seniority-cum-fitness, from amongst Primary School Teachers

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and

				with at least five years service as such having qualification prescribed for 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 C level: provided that if no suitable candidate within the Union Council is available, then 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 the posts mentioned herein 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 = _____
BA/BSc	Marks obtained X 20 / total marks = _____
M.A Arabic / Shahdatul Alamia Fil Uloomul Arabia wal Islamia from a recognized Tanzimuatul Wafaqul Madaris	Marks obtained X 20 / total marks = _____
Other MA/MSc/M.Ed / MA Edu	Marks obtained X 15 / total marks = _____
MPhil/PhD	Marks = 05

Theology Teacher

Category of Qualification	Total Marks 100
SSC	Marks obtained X 20 / total marks = _____
HSSC	Marks obtained X 20 / total marks = _____
BA/BSc	Marks obtained X 20 / total marks = _____
MA/MSc/M.Ed / MA Edu	Marks obtained X 20 / total marks = _____
M.A Islamiat / Shahdatul Alamia Fil Uloomul Arabia wal Islamia from a recognized Tanzimuatul Wafaqul Madaris	Marks obtained X 15 / total marks = _____
MPhil/PhD	Marks = 05

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Qari/Qaria

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Category of Qualification	Total Marks 100
SSC	Marks obtained X 20 / total marks = _____
Qirt Sanad from a recognized Institution.	Marks obtained X 20 / total marks = _____
HSSC	Marks obtained X 20 / total marks = _____
BA/BSc	Marks obtained X 20 / total marks = _____
MA/MSc / M.Ed / MA Edu	Marks obtained X 15 / total marks = _____
MPhil/PhD	Marks = 05

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Certified Teacher
(General, Industrial Arts, Agriculture, Home Economics)

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Category of Qualification	Total Marks 100 For Humanities group at Intermediate/Graduation-Level	For Candidate of Science group
SSC	Marks obtained X 20 / total marks = _____	5 Extra marks for FSc, 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 = _____	
	Marks obtained X 20 / total marks = _____	
CT Certificate/ Diploma in Education / ADE.	Marks obtained X 20 / total marks = _____	
MA/MSc / BA / MA Edu	Marks obtained X 15 / total marks = _____	
MPhil/PhD	Marks = 05	

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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 FSc, 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
FSSC	Marks obtained X 20 / total marks = _____	
BA/BSc	Marks obtained X 20 / total marks = _____	
DM Certificate	Marks obtained X 20 / total marks = _____	
MA/MSc/M.Ed / MA Edu	Marks obtained X 15 / total marks = _____	
MPhil/PhD	Marks = 05	

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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 FSc, 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
FSSC	Marks obtained X 20 / total marks = _____	
BA/BSc	Marks obtained X 20 / total marks = _____	
JDPE or Equivalent Certificate	Marks obtained X 20 / total marks = _____	
MA/MSc/M.Ed / MA Edu	Marks obtained X 15 / total marks = _____	
MPhil/PhD	Marks = 05	

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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
HSSC	Marks obtained X 10 / total marks = ____	
B.A/BSc	Marks obtained X 25 / total marks = ____	
PST Certificate/ Diploma in Education / ADE.	Marks obtained X 20 / total marks = ____	
M.A/M.Sc/M.Ed / M.A Edu.	Marks obtained X 20 / total marks = ____	
M.Phil/Ph.D	Marks = 05	

marks

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. Deri Asnad from recognized Tazemat-ul-Wafaq Madaris, Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Parosh 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.



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

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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 High Pay Scale to different Categories/Cadres of teachers in Elementary & Secondary Education Department w.e.f. 01-07-2012 as per details given below:-

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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 PSTs (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 rd) 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 (AT)	"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 rd) 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 rd) 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 rd) 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

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

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 extracurricular achievements and other performance indicators, so that the teachers do not get the scheme for granted but work for it.

3. District wise/ school wise breakup of the posts is enclosed herewith as Annexure-1.

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

(Signature)
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.

True Copy as per information

(Signature)
Carmel

(NOOR ALAM KHAN WAZIR)
SECTION OFFICER (E&S)
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

(Signature)

FINANCE DEPARTMENT
(REGULATION WING)

NO. SO(FR)/FD/10-22(E)/2010
Dated Peshawar, the 26-06-2012

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To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department.

Subject:-

**GRANT OF INCENTIVE OF HIGHER PAY SCALE/GRADE ON
THE BASIS OF TIME SCALE TO THE DIFFERENT CADERS OF
TEACHERS IN ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT KHYBER PAKHTUNKHWA.**

Dear Sir,

I am directed to refer to your department letter No. SO (B & A)/1-18/E&SE/2008 dated 12.06.2012 on the subject noted above and to state that consequent upon the approval of the competent authority Finance Department agrees to allow upgradation of the posts as per details given below w.e.f 01/07/2012.

Category/Nomenclature of the teaching posts	Basic Pay Scales	Revised nomenclature & Pay Scales	Promotion to Higher scale
Primary school teachers	BPS-5 BPS-6 BPS-7 BPS-9 BPS-10 BPS-12	PST (BS-12) & PST (BS-15)	30,000 posts of PST presently sanctioned in various pay scales will be upgraded in BPS-12 with effect from 01.07.2012. 20,000 posts of the existing posts of PST in various existing Pay Scales may be upgraded to BPS-14 and re-designated as Senior PST teachers. The posts may be filled in by promotion from amongst the holders of posts of PST with minimum 10 years-long service as such. 22,768 posts of the existing posts of PST (one post in each Primary School) may be upgraded to BPS-15 and re-designated as Primary School Head Teacher, to be promoted from amongst Senior PST teachers on merit with due regard to seniority.
Middle/High/HS School teachers	1. CT BPS-08 BPS-10 BPS-12 BPS-14 BPS-15	(BS-15) & SCT (BS-16)	All the existing posts of CT are to be upgraded in BPS-15, while 1/3 out of the total CT posts are to be upgraded to BPS-16 and to be re-designated as Senior CT, which will be filled through promotion from CT on merit with due regard to Seniority subject to the condition that he fulfill the minimum academic qualification required for the post of CT as per service rules.
	2. AT BPS-09 BPS-10 BPS-12 BPS-14 BPS-15	AT (BS-15) & SAT (BS-16)	All the existing posts of AT are to be upgraded in BPS-15, while 1/3 out of the total AT posts are to be upgraded to BPS-16 and to be re-designated as Senior AT, which will be filled through promotion from AT on merit with due regard to Seniority subject to the condition that he fulfill the minimum academic qualification required for the post of AT as per service rules.

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3. TT	BPS-07	TT (BS-15) & STT (BS-16)	All the existing posts of TT are to be upgraded in BPS-15, while 1/3 out of the total TT posts are to be upgraded to BPS-16 and to be re-designated as Senior TT which will be filled through promotion from TT on merit with due regard to Seniority subject to the condition that he fulfill the minimum academic qualification required for the post of TT as per service rules.
	BPS-09		
	BPS-10		
	BPS-12		
	BPS-14		
4. DM	BPS-09	DM (BS-15) & SDM (BS-16)	All the existing posts of DM are to be upgraded in BPS-15, while 1/3 out of the total DM posts are to be upgraded to BPS-16 and to be re-designated as Senior DM, which will be filled through promotion from DM on merit with due regard to Seniority subject to the condition that he fulfill the minimum academic qualification required for the post of DM as per service rules.
	BPS-10		
	BPS-12		
	BPS-14		
	BPS-15		
5. PET	BPS-09	PET (BS-15) & SPET (BS-16)	All the existing posts of PET are to be upgraded in BPS-15, while 1/3 out of the total PET posts are to be upgraded to BPS-16 and to be re-designated as Senior PET, which will be filled through promotion from PET on merit with due regard to Seniority subject to the condition that he fulfill the minimum academic qualification required for the post of PET as per service rules.
	BPS-10		
	BPS-12		
	BPS-14		
	BPS-15		
6. Qari/Qaria	BPS-07	Qari / Qaria (BS-12) & S. Qari / S. Qaria (BS-15)	All the existing posts of Qari/Qaria are to be upgraded in BPS-12, while 1/3 out of the total Qari/Qaria posts are to be upgraded to BPS-15 and to be re-designated as Senior Qari/Qaria, which will be filled through promotion from Qaries / Qarias on merit with due regard to Seniority subject to the condition that he fulfill the minimum academic qualification required for the post Qari/Qaria as per service rules.
	BPS-09		
	BPS-10		
	BPS-12		
	BPS-14		

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- The Administrative Department however, should devise a policy 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 teachers do not take the scheme for granted but work for it.
- Audit copies may be prepared and furnished to this department for authentication please.

Yours faithfully,

(BIBI FATIMA)
SECTION OFFICER (FR)

Copy is forwarded to:-

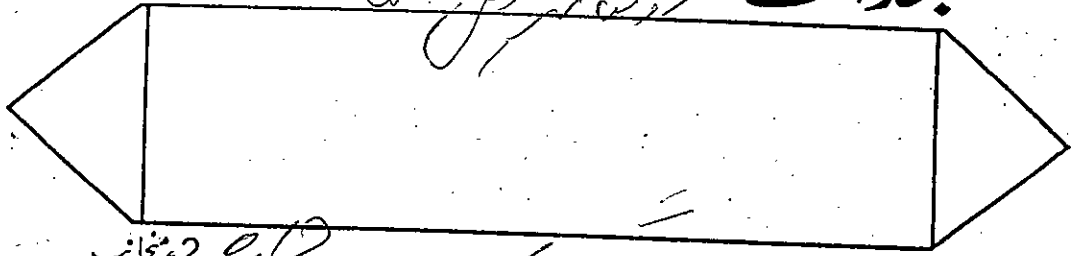
Budget Officer-V, Finance Department for information and further necessary action please.

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SECTION OFFICER (FR)

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بعدالت



20 مئی 2012ء

دہلی

بنام

اصحاب

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ

آن مقام کیلئے محمد علی احمد

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقررات ہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی

نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور

کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ

پرواخذہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے وہوگا۔

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی

مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم 74 ناہ 20

کے لئے منظور ہے۔

بمقام

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

SERVICE APPEAL No: 1294/2013.

Amir Zeb Qari GHS Paragay Malakand

-----Appellant

VERSUS

1 The Secretary Elementary & Secondary Education Department Khyber
Pakhtunkhwa, Peshawar & others -----Respondents

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

Respectfully Sheweth:-

The Respondents submit as under:-

Preliminary objections

- 1 That the appellant has no cause of action/locus standi.
- 2 That the appellant has not come to this Honorable Tribunal with clean hands.
- 3 That the appellant has concealed the material fact from this Hon! able Tribunal hence liable to be dismissed.
- 4 That the instant appeal is based on malafide intentions.
- 5 That the instant appeal is not maintainable in its present form as ~~no case~~ departmental appeal has been filed by the appellant which is a pre-requisite of Section -4 of Service Tribunal Act 1974.
- 6 That the instant appeal is badly time barred.
- 7 That the appellant is not entitled for the grant of up gradation against Senior Qari post in BPS-16 on the ground that the appellant could not qualify the prescribed criteria for up gradation.
- 8 The present appeal is against the relevant rules & policy.
- 9 That the instant appeal is bad for mis joinder & non joinder of the necessary parties.
- 10 That the appellant has been treated as per rules & policy..
- 11 That the appellant is estopped by his own conduct to file in present appeal, before this Honorable Tribunal.
- 12 That this Hon !able Tribunal has got no jurisdiction to adjudicate /entertain the present appeal.

ON FACTS

- 1 That Para-I needs no comments being pertain to the service record of the appellant.

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- 2 That Para-2 ^{needs} also/no comments being pertains to the appellant.
- 3 That Para-3 is incorrect & misleading, the factual position regarding the stand of the appellant against the appointment of Qari post with qualification of SSC & Sanads of Hafiz-e-Quran & Qirat from the duly recognized Religious Institutions remains that the cited policy was for the purpose of initial recruitment against the Qari post.

Whereas the appellant in the instant service appeal is seeking his up gradation against Senior Qari post from BPS-12 to 15/16, which has a different criteria & qualification of seniority cum fitness from amongst the Qaries with at least 5-years service experience as such having academic qualification of MA/ M. Sc (Islamyat or Arabic) along with the relevant Sanads from the recognized Deeni Madaras working under the Umbrella of Wifaq-ul Madaras Govt: of Pakistan for the fresh candidates.


- 4 That Para-4 is incorrect & misleading on the grounds that the appellant could not qualify the prescribed qualification / criteria for up gradation against the above said post. He has admitted in his service appeal that the prescribed qualification for the said post has been enhanced from SSC to FA/F. Sc, hence he is not entitled for the grant of up gradation against the said post.
- 5 That Para-5 is incorrect & denied, detail reply of this Para has already been given in the above Paras.
- 6 That Para-6 is correct, hence no further comments.
- 7 That Para-7 is incorrect & misleading on the grounds that the appellant & similarly other placed persons have been treated as per current / prevail- ing policy regarding up gradation from BPS-12 to 15/16.
- 8 That Para-8 is incorrect & denied, the respondents have acted as per prevailing policy for up gradation against the Qari post from BPS-12 to 15/16. The appellant could not qualify the prescribed criteria & qualification for up gradation, hence he has been rejected from up gradation against the said post by the Respondents.
- 9 That Para-9 is incorrect & misleading, reply of this Para has been given in the above mentioned Paras.
- 10 That Para-10 is incorrect & misleading, reply of this Para has been given in the above mentioned Paras.
- 11 That Para-11 is incorrect & misleading, reply of this Para has been given in the above mentioned Paras.
- 12 That Para-12 is incorrect & misleading, reply of this Para has been given in the above mentioned Paras.
- 13 That Para-13 is incorrect & misleading on the grounds that each & every teaching cadre post has its own criteria & qualification for up gradation according to the policy.
- 14 That Para-14 is incorrect & denied, the appellant is not entitled for the grant of up gradation in the light of the current policy.

15 That Para-15 is incorrect to the extent of submission of representation to the concerned authority for the grant of up-gradation whereas rest of the Para needs no comments being legal, however the respondents *rely* on the following grounds inter alia :-

ON GROUNDS

- A That ground-A is incorrect & misleading, the appellant has been treated as per law, rules & up gradation policy. The appellant could not qualify the prescribed criteria for up gradation for the Senior Qari post, hence he has been rejected by the Respondent Department.
- B That ground-B is also incorrect & denied, detail reply has been given in the above mentioned Paras.
- C That ground-C is also incorrect & denied, detail reply has been given in the above mentioned Paras.
- D That ground-D is also incorrect & denied, detail reply has been given in the above mentioned Paras.
- E That ground-E is also incorrect & misleading, hence no further comments..
- F That ground-F is incorrect & denied, the appellant has been treated as per law, rules & up gradation policy wherein he could not qualify the prescribed criteria for up gradation, he has been rejected by the Respondent Department from up gradation against the mentioned post.
- G That ground-G is incorrect & denied, each & every case / cadre has its own criteria & qualification for up gradation. The appellant could not qualify the prescribed criteria for up gradation against the Qari post, hence he has been rejected by the Respondent Department.

In view of the above made submissions, it is most humbly requested that on the acceptance of this reply, the appeal in hand may very graciously be dismissed in favour of the Respondents.

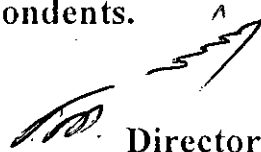

Secretary

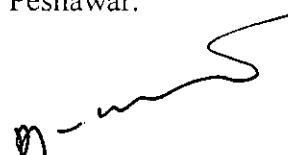
Govt: of Khyber Pakhtunkhwa,
Finance Department, Peshawar.

Suppl


Secretary

Govt: of Khyber Pakhtunkhwa,
(Estab:) Department, Peshawar.


Director
E&SE Khyber Pakhtunkhwa,
Peshawar.


Secretary
E&SE Department Khyber
Pakhtunkhwa, Peshawar.