

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge or Magistrate |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| | 01.10.2015 | <p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL.</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">APPEAL NO.344/2015</p> <p style="text-align: center;">(Ahmad Ali-vs- Govt: of Khyber Pakhtunkhwa, through Chief Secretary, Civil Secretariat, Peshawar and others).</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>ABDUL LATIF, MEMBER:</u></p> <p>Appellant with counsel (Mr. Khalid Rehman, Advocate), M/s Khurshid Khan, SO and Hidayatullah, D.S alongwith Mr. Ziaullah. Government Pleader for official respondents No. 1 to 5 and counsel for private respondent No.6 (Mr. Ghulam Nabi, Advocate) present.</p> <p>2. The instant appeal has been filed by the appellant under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act-1974 against the impugned order dated 03.02.2015 communicated on 27.03.2015 whereby departmental appeal of the appellant for promotion to BPS-19 under the Four Tier Formula was regretted. The appellant prayed that on acceptance of this appeal the impugned order may be set aside and respondents be directed to promote/upgrade the appellant to BPS-19 with all back benefits.</p> <p>3. Brief facts giving rise to the instant appeal are that the appellant was employee of the Elementary & Secondary Education Department serving as Principal (BPS-18) having at his credit 23 years outstanding and unblemished service record. That respondents No. 3 approved a 4-Tier up-</p> |

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| | 170 | <p>gradation formula with the ratio of 01: 15: 34: 50 for the sanctioned strength of BPS-20, BPS-19, BPS-18 and BPS-17 of the teaching cadre of the Elementary & Secondary Education Department vide letter dated 28.2.2012 the up-gradation to be effected in 2 phases. That while the appellant was legitimately expecting his up-gradation as per 4-Tier formula when he was informed that his case alongwith others for the requisite up-gradation have been dropped on account of an illegal and misplaced assumption of dearth of the prescribed length of service by not taking into account the services of appellant in BPS-16 and below. That it is pertinent to submit that initially the length of service for promotion to various grades from BPS-17 to 20 in the Federal Government have been laid down in O.M. No. 3/7/74-AR.II, dated 25.05.1974. That the matter of policy the Government of Khyber Pakhtunkhwa has all along followed the instructions of Federal Government on the subject as would be evident from the Circular letter dated 23.02.1981 and Circular letter dated 08.12.1983 issued by the then S&GAD Department, Government of Khyber Pakhtunkhwa incorporated in provincial Estacode Edition 1987 Chapter-2 Section-11. The same view is also reflected from the circular letter dated 05.06.1986 issued by the respondent No.2. That being aggrieved, appellant moved a representation and then approached the Hon'ble Peshawar Higher Court, Peshawar in Writ Petition No. 3488-P/2014 wherein the comments were called and during its pendency the impugned order dated 03.02.2015 were passed and communicated to the appellant on 27.03.2015 whereby the representation of the appellant was unlawfully regretted. The Writ Petition was dismissed on the ground that the issue of higher grade is relatable to the terms and conditions of service and the Hon'ble Tribunal has to decide the same vide judgment dated 30.03.2015, hence this appeal.</p> |
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| | <p style="text-align: center;">1 D</p> | <p>4. The learned counsel for the appellant argued that the appellant had not been treated in accordance with law, rules and policy on the subject which was clear violation of Article-4 of the Constitution of Islamic Republic of Pakistan 1973. That in case of lack of length of service acting charge appointment was to be effected in terms of Rule-9 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules,1989 but a different discriminatory yardstick was applied to the case of the appellant which was not sustainable under the law. He further argued that case of the appellant was that of up-gradation as a consequence of the Four Tier Formula and application of normal rules of promotion and particularly the denial of promotion on the premises of length of service was ill-founded, unwarranted and hence not maintainable in the eyes of law. He further submitted that appellant had been discriminated because previously similarly placed persons were appointed on action charge basis in terms of Rule -9 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 hence action of respondents militate against Article-4, 25 and 27 of the Constitution of the Islamic Republic of Pakistan, 1973. He further argued and referred to the Federal Government O.M. dated 20th May, 1974, 6th Feb, 1975, 28th Feb,1975 and O.M No. 3/7/74-AR.II, dated 01.08.1979 and Khyber Pakhtunkhwa Esta Code authority dated 5th June, 1986 which allowed counting of half of service in grade-16 and 1/4th in lower pay scale as service in Grade-17 which was applicable to promotion to grade-18 to 20 and the policy was still in vogue in the Federal Government and the Provincial Government and refusal of the respondents to give benefit of the said policy to the appellant was without lawful authority, arbitrary and not sustainable under the law. He also made reference to a number of</p> |
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officers who were considered for promotion/acting charge appointment with shorter length of service. He prayed that the instant appeal may be accepted and the appellant may be promoted/upgraded with effect from the due date with all back benefits.

5. The learned Counsel for private respondents argued that appeal was not filed in time and there was no condonation application. The learned counsel for private respondents also argued and controverted the arguments of the counsel for the appellant with specific reference to the individual Officers promoted on regular basis/acting charge basis and stated that facts, if any, should have been brought in the appeal for appropriate response of the respondents but it was not done. Moreover the individuals referred by the counsel during arguments should have been made necessary party and it was now not relevant to mention such cases. He also argued that Provincial Esta Code did not contain any guidelines for computing of service in lower scales towards length of service for promotion to BPS-19 to 20 which was never challenged. He further argued that promotion was not a vested right nor could it be requested from retrospective effect. Similarly he argued that under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act,1974 fitness and suitability for promotion could not be challenged before the Tribunal., He further argued that Service Tribunal could not issue directions to the departments. He also contended that limitation was not mere a technicality and was to be considered seriously in service matters. He relied upon 2015 PLC (C.S)962, 2005 SCMR 1742, 2006 SCMR 1630 and 2012 SCMR 911.

6. The learned Government Pleader while resisting the appeal adopted the arguments of the learned counsel for private respondents. He further

argued that instant case was not simple up-gradation but promotion against higher post in BPS-19 and selection procedure/criteria as laid down in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 was to be followed in making appointment to the various tiers. He further argued that criteria made by the Standing Service Rules Committee in pursuance of Rule-3(2) of the rules ibid had precedence over the guidelines of Esta Code cited by the counsel for the appellant and appellant failed to meet the yardstick laid down under the rules, hence lawfully ignored from promotion to higher post/ higher pay scale.

7. Arguments of the learned counsels for the parties heard at length and record perused with their assistance. From perusal of the record it transpired that appellant first agitated the issue before the Peshawar High Court through writ petition No. 3488-P/2014 who dismissed the said writ petition being out of its jurisdiction. However relevant paras of the Peshawar High Court, Peshawar judgment containing observation of the Hon'ble court are reproduced for ready reference:-

“Having heard the learned counsel for parties, record perused which reveals that petitioners are seeking up-gradation in accordance with the 4-Tier up-gradation formula from BPS-18 to BPS-19. In this respect we deem it appropriate to reproduce the prayer clause of writ petition below:

“it is therefore, humbly requested that on acceptance of this writ petition, this Hon'ble Court may graciously be pleased to declare the refusal on the part of the respondents to

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process the up-gradation cases of petitioners from BPS-18 to BPS-19 as without lawful authority and hence of no legal effect and this Hon'ble Court may further be pleased to direct the respondents to act in the matter in accordance with law and to place the cases of petitioners before the Provincial Selection Board for the desired up-gradation as a large number of vacancies are available.

From bare reading of the above and prayer clause of the writ petition, it is manifest that petitioners seek indulgence of this court for directions to respondents to place their cases before the Provincial Selection Board for up-gradation from BPS 18 to BPS 19 (in teaching cadre). It is borne out of the record that cases of petitioner were routed for promotion by the department from BPS 18 to 19. At the beginning of the meeting of P.S.B, as evident from minutes of the meeting held on 22.10.2014, the special Secretary Elementary & Secondary Education apprised the Board that due to revision of 4-tier formula, promotion and reserved posts for officers who were differed in previous P.S.B meeting, 212 posts of BPS-19 are lying vacant, however, the cases of 143 officers were placed for promotion due to deficient service record of the employees in BPS-18. According to rules on the subject the post from BPS-18 to BPS-19 are required to be filled by promotion on the basis of seniority-cum-

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fitness from amongst the Principals, Vice Principals, Government High or Comprehensive High Schools, Senior Subject, Specialist and Deputy Director, Provincial Institution for teacher education and other equivalent post in BPS-18 with at least 12 years service in BPS-17 and above or 7 years service in BPS-18. Names of petitioners were considered but they were found ineligible for promotion due to insufficient length of service in BPS 18.

By now it is settled law that wherever there is a change of grade or post for the better there is an element of selection involved i-e. Promotion and it is not earned automatically but under an order of the competent authority to be passed after due consideration on the comparative suitability and entitlement of those competent. As discussed above under section 9 of the Khyber Pakhtunkhwa civil servants Act, 1973, a civil servant possessing such minimum qualification as may be prescribed shall be eligible for promotion to a higher post, which is one of the incident of service, squarely falling in terms and conditions of service, as such, come under the domain of service tribunal especially constituted for the purpose while Article-212 of the Constitution of Islamic Republic of Pakistan, 1973 places a complete bar on High Court and any other court, except the service tribunal. In pursuance of Article-212 of the Constitution, 1973 the service tribunals have been established which have the

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exclusive jurisdiction in such matters, whereas any other Court, including the High Court has got no jurisdiction to interference in matters pertaining to terms and condition of service.”

8. We have also perused the judgment of Service Tribunal dated 23.4.2009 in appeal No. 1099/2007 cited by the learned counsel for the appellant and would be proper to reproduce the operating para ready for reference:-


“ in view of the above, we come to the conclusion that the appellant was initially appointed against the above mentioned BPS-18 post contract basis, in accordance with the terms of the contract policy and the offer of appointment, for a period of three years with immediate effect. The services of the private respondents were regularized before the date of regularization of the service of the appellant. the appellant had not objected to such regularization, and had not utilized his right to take the dispute to its logical conclusion. The services of the appellant were regularized w.e.f 23.7.2005 as a consequence of the amendment in Section 19 of the N.W.F.P Civil Servants Act, 1973. The condition of three years experience in the Population Welfare Department for the purpose of promotion to the post of Director (non-technical) (BPS-19) was a condition precedent for consideration for such promotion. The appellant had not completed that period at the time of consideration of other persons, including the private

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respondents. The appellant has, by now completed the mentioned period, and he has become eligible for such promotion to the extent of the mentioned condition. It is expected that his case will be considered in the light of the rules, whether it contains three years experience or, one year experience, at the proper time. We do not find any merit in the present appeal and we dismiss the same with costs of the official respondents and of the private respondent to be paid by the appellant to them respectively, but subject to the decree sheet, and the official record of the official respondents”.

9. It is important to note that appointment to a post in a cadre/service group is regulated under Section-9 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 which mandate the Government to prescribe a criteria/method for appointment. The Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 thus provides for the said mechanism wherein under Rule-3 (2) rules are explicitly framed which besides laying down of minimum qualification, experience and passing departmental examination etc also lays down length of service in the relevant scale/post before consideration for elevation to higher post/pay scale. Similarly Section-8 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule 17 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 provides for a principle for determination of seniority of a Civil Servant vis-à-vis other Civil Servants in the relevant cadre/service group. Section-22 of the Act stipulates that no representation shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be

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| |  | <p>promoted to a higher post or grade he may however have right to be considered for such post provided he is eligible in all respects to be promoted to such a post. Determination of fitness/suitability for a post moreover falls in the domain of the respective Departmental Promotion Committee/Provincial Selection Board as the case may be. Seniority of a civil servant in a cadre vis-à-vis other civil servants together with the fulfillment of qualification, experience and prescribed length of service in the next below post/pay scale as laid down in the service recruitment rules framed under Rule-3(2) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 are thus the sine qua non for promotion. The provision of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 being the latest instrument made under the Khyber Pakhtunkhwa Civil Servants Act, 1973 have thus precedence over the guidelines/instructions in the Esta Code pertaining to counting of non-gazetted service towards the length of service of the individual civil servant. These instructions might have been relevant prior to the enunciation of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and would also be adopted as a principle where no specific recruitment rules under the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 were framed. Otherwise, if it is accepted as a statutory tool, it would jeopardize the entire mechanism put in place under the Khyber Pakhtunkhwa Civil Servants Act, 1973 and Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 made therein and make topsy-turvy of the process of rules making or amendments therein invested in the Government. Thus it will defeat the spirit behind making rules or amendments for improvement of performance, improvement in Human Resource Development towards</p> |
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better governance and increased efficiency of Government machinery. This is likely to tie the hands of Government who otherwise has full executive authority in the arena of policy making and rules making. In this regard reliance is made on 2015 SCMR 269.

10. In the circumstances, the claim of the appellant for promotion/up-gradation on the basis of his length of service in the non-gazetted position carries no weight and the same is not covered under the law/rules pertaining to the appointment against the higher post of BPS-19 in the cadre. Nevertheless such period of service is counted towards length of service for the purpose of retirement and calculation of pension of the appellant but such period, of service cannot be computed for the purpose of mandatory stay in a particular cadre/position to the disadvantage of other civil servants as in that case it would infringe upon the seniority of the competing civil servants which is duly protected under the law/rules cited above. The appeal being devoid of any merits is accordingly dismissed. Parties are left to bear their own costs. File be consigned to the record.

11. Our this single judgment will also dispose of in the same manner appeal No. 343/2015 in respect of Pervez Iqbal Appeal where common question of law and facts are involved.


(PIR BAKHSH SHAH)
MEMBER

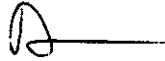

(ABDUL LATIF)
MEMBER

ANNOUNCED
01.10.2015

344/2014

09.09.2015

Appellant in person, M/S Khurshed Khan, SO & Javed Ahmad, Supdt. for the official respondents and clerk of counsel for private respondents present. Since the court time is over, therefore, case to come up for order on 1-10-15. Till then status quo is extended.



MEMBER



MEMBER

30.07.2015

Appellant in person, Khurshid Khan, SO alongwith Addl: A.G for official respondents No. 1 to 5 and agent of counsel for the private respondent No. 6 present. Private respondent No. 6 submitted written reply. The appeal is assigned to D.B for rejoinder and final hearing for 3.9.2015. Status-quo be maintained.


Chairman

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31.07.2015

Respondent No. 2 submitted application for early hearing. Allowed. To come up for rejoinder and final hearing before D.B on 13.8.2015 instead of 3.9.2015. Parties be informed accordingly.


Chairman

13.08.2015

Counsel for the appellant, Mr. Muhammad Jan, GP with Khursheed Khan, SO for the official respondents and Mr. Ghulam Nabi, Advocate for private respondent No. 6 present. Rejoinder received. Copies whereof handed over to opposite sides. To come up for arguments on 03-09-2015. Till then status quo is extended.


MEMBER


MEMBER

03.09.2015

Appellant with counsel (Mr. Khalid Rahman, Advocate), Mr. Ziaullah, GP with Hidayatullah, D.S and Khursheed Khan, SO for the official respondents and counsel for private respondents (Mr. Ghulam Nabi, Advocate) present. Arguments heard. To come up for order on 9-9-2015.


MEMBER


MEMBER

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25.05.2015

Agent of counsel for the appellant and Mr. Khurshid Khan, SO for respondent No. 2 alongwith Addl: A.G for all respondents present. Requested for adjournment. To come up for written reply/comments on 9.6.2015 before S.B. Status-quo be maintained.


Chairman

5.

09.06.2015

Appellant in person, M/S Khurshid Khan, SO for respondent No.2 and Irshad Muhammad, SO for respondent No.3 alongwith Addl: AG for the respondents present. One Abdul Salam has submitted application for impleadment as a party in the panel of respondents. Copy provided to appellant. To come up for reply and arguments on 13.07.2015 before S.B


Chairman

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13.07.2015

Appellant with counsel and Mr. Khurshid Khan, SO alongwith Addl: A.G for respondents present. Applicant Abdul Salam also present. Written reply by respondents submitted. Arguments on application submitted by Abdul Salam for impleading him as a party in the panel of respondents heard. Learned counsel for the appellant raises no objection on impleading the petitioner as a party in the penal of respondents as such the application is allowed. Name of respondent be entered in the penal of respondents. To come up for written reply/comments on behalf of newly impleaded respondent on 30.7.2015. Status-quo be maintained.


Chairman

29.04.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant is serving as Principal (BPS-18) in Elementary and Secondary Education Department and under the 4-tier upgradation formula entitled to be considered for promotion to BPS-19 on the basis of length of service earned by the appellant in BPS-16 and below according to which service rendered in BPS-16 is to be considered as service rendered in BPS-17 under the equation formula i.e. one year service in BPS-16 = 6 months service in BPS-17 and one year service in BPS-15 and below = ¼ years service in BPS-17. That the appellant preferred departmental representation for upgradation to BPS-19 under the said formula which was rejected on 3.2.2015 and communicated to the appellant on 27.3.2015 where-after service appeal was preferred on 20.4.2015.

That the appellant is entitled to be considered for upgradation to BPS-19 by computing the length of service in BPS-16 and below.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for 25.5.2015 before S.B. Notice of stay application be issued for the date fixed. Till then status-quo be maintained.


Chairman

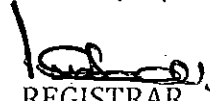


Appellant Deposited
Security & Process Fee

10-2-2015


Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 344/2015

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge or Magistrate |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1 | 20.04.2015 | <p>The appeal of Mr. Ahmad Ali presented today by Mr. Khaled Rehman Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p> REGISTRAR</p> |
| 2 | 27-4-15 | <p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>29-4-15</u></p> <p> CHAIRMAN</p>  |

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 344 /2015

Ahmad Ali

The Govt. and others

Versus

.....Appellant

.....Respondents

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Appellant

Through

Khaled Rahman
Advocate, Peshawar
3-D, Haroon Mansion
Khyber Bazar, Peshawar
Off: Tel: 091-2592458
Cell # 0345-9337312

Dated: 20/4/2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 344 /2015

**K.W.F. Provincial
Service Tribunal**

Diary No. 361
Dated 20-4-2015

Ahmad Ali,
Vice Principal, GHSS No.2, Peshawar Cantt

.....**Appellant**

Versus

1. **The Govt. of Khyber Pakhtunkhwa**
through Chief Secretary,
Civil Secretariat, Peshawar.
2. **The Secretary to Govt. of Khyber Pakhtunkhwa**
Elementary & Secondary Education,
Civil Secretariat, Peshawar.
3. **The Secretary to Govt. of Khyber Pakhtunkhwa**
Finance Department, Civil Secretariat, Peshawar
4. **The Secretary to Govt. of Khyber Pakhtunkhwa**
Establishment Department, Civil Secretariat, Peshawar
5. **The Provincial Selection Board**
through Chairman/Respondent No.1**Respondents**
6. Abdus Salam, Principal, GHS Tarkha, Nowshera

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE
IMPUGNED ORDER DATED 03.02.2015 COMMUNICATED ON
27.03.2015 WHEREBY THE DEPARTMENTAL REPRESENTATION OF
THE APPELLANT FOR PROMOTION TO BPS-19 UNDER THE 4-TIER
FORMULA WAS REGRETTEED.**

PRAYER:

On acceptance of the instant appeal, the impugned order dated 03.02.2015 communicated on 27.03.2015 may graciously be set aside and Respondents be directed to promote/upgrade the appellant to BPS-19 under the 4-Tier Formula with effect from the due date with all consequential back benefits.

Respondent no. 6
impleaded as
respondent
vide order
Sheet No. 6
dt: 13/7/15

20/4/15

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. That the appellant is employee of the Elementary & Secondary Education Department serving as Principal (BPS-18) having at his credit 23 years outstanding and unblemished service record. Seniority List (*Annex:-A*).
2. That Respondent No.3 approved a 04-Tier Upgradation Formula with the ratio of 01:15:34:50 for all the sanctioned strength of BPS-20, BPS-19, BPS-18 and BPS-17 of the Teaching Cadre of the Elementary & Secondary Education Department vide letter dated 28.02.2012 (*Annex:-B*). The up-gradation to be effected in 02 phases. The first Phase was completed in the year 2012/2013 wherein as many as 238 Officers (Male) in BPS-18 (From Serial No.1 to Serial No.238 of the Seniority List *ibid*) were placed in BPS-19 after observing all the codal formalities. As in the next and second phase the upgradation of the rest of the Officers in BPS-18 including appellant was to be effected, therefore, the service records of all the concerned including appellant was requisitioned by the Government for processing the upgradation cases before the Provincial Selection Board for consideration.
3. That while the appellant was legitimately expecting his up-gradation as per 04-Tier Formula when he was informed that his case alongwith others for the requisite up-gradation have been dropped on account of an illegal and misplaced assumption of dearth of the prescribed length of service by not taking into account the services of appellant rendered in BPS-16 and below.
4. That it is pertinent to submit that initially the lengths of service for promotion to various grades from BPS-17 to 20 in the Federal Govt.

have been laid down in O.M. No.3/7/74-AR.II, dated 20.05. 1974 as under:-

- | | |
|-----------------------------|---|
| i) <i>For Grade 18 ..</i> | <i>5 years service in Grade 17</i> |
| ii) <i>For Grade 19 ..</i> | <i>12 years service in Grade 17 and above</i> |
| iii) <i>For Grade 20 ..</i> | <i>15 years service in Grade 17 and above</i> |

Similarly vide O.M.No.3/7/74-AR.II, dated. 27.08.1974, it has been provided that requests had been received from certain Ministries/Divisions for relaxation of these service limits and for counting of service in Grade 16 and below according to the formula which was applicable for the purpose of fixation of pay in grades 19 and 20. Furthermore, the length of service was condition for promotion to grades 18, 19 and 20 so as to guard against unduly rapid promotions. These service limits would continue to be followed as a rule, however, if for sufficient reasons the relaxation was called for in an individual case, such requests may be referred to the Establishment Division with full justification for consideration of the Central Selection Board.

5. That similarly vide O.M. No.3/7/74-AR.II, dated.06.02.1975 it has been provided that in the light of O.M. dated 27.08.1974 *ibid*, the Ministries/Divisions had been referring cases for relaxation in individual cases and with a view to minimize such references it had been decided that in the case of senior most officer to be promoted to grade 18 half of the service in grade 16 and 1/4th in grade lower than 16 might be counted as service in BPS-17. Again vide O.M. No.3/7/74-AR.II, dated 01.08.1979 it was observed that references had been receiving from the Ministries/Divisions from time to time whether the formula referred above (vide O.M. No.3/7/74-AR.II, dated.06.02.1975) applied to cases involving promotions to Grade 18

only or to Grade 19 and 20 also and it was further observed that the matter was examined and the following clarifications were made:-

- (i) *The formula applies to promotions to Grades 19 and 20 also.*
- (ii) *The formula applies only to senior most officers in a grade who are due for promotion.*
- (iii) *..... not relevant.*
- (iv) *.....not relevant.*

All the above mentioned OMs have been highlighted in the Federal Estacode at SI. No.169, 170, 171 & 171A (*Annex:-C*). The same policy has been followed consistently till date in all the Federal Departments.

6. That as a matter of policy the Govt. of Khyber Pakhtunkhwa has all along followed the instructions of Federal Govt. on the subject as would be evident from the Circular letter No.SORI (S&GAD)1-29/75 dated 23.02.1981 and Circular letter No.SORI (S&GAD)1-29/75 dated 08.12.1983 issued by the then S&GAD Department, Govt. of Khyber Pakhtunkhwa incorporated in Provincial Estacode Edition 1987 Chapter-2 Section-11 (*Annex:-D*). The same view is also reflected from the circular letter No.FD(PRC)1-1/86-VI(B) dated 05.06.1986 (*Annex:-E*) issued by the Respondent No.3 (Finance Department).
7. That while compiling the Khyber Pakhtunkhwa Estacode Edition 2000, the entire Policy guidelines of the Federal and Provincial Governments on the subject as detailed hereinabove were not incorporated therein and while giving reference only to the Establishment Division O.M.No.3/7/74-AR.II dated 06.02.1975 (*Annexure-C above*) provided at Serial No.3 at page-54 of the same Estacode (*Annex:-F*) as follows:

Minimum length of service for eligibility for promotion to various grades.

SI.No.3

Consequent on the issue of instructions contained in the Establishment Division Office Memorandum No.3/7/74-AR.II, dated the 27th August, 1974 regarding relaxation of service limits for the purpose of promotion to various grades, the Ministries/Divisions have been referring cases for according relaxation in individual cases. With a view to minimize such references it has been decided to issue the following further instructions:-

- (i) in the case of senior-most officer to be promoted to grade 18, half of the service in grade 16 and 1/4th in grade lower than 16 formally known as non-gazetted, if any, may be counted as service in grade-17.*
- (ii) Where initial recruitment takes place in grades 18 and 19 the length of service prescribed for promotion to higher grade shall be reduced as indicated below:-*

For Grade 19 – 7 years in Grade 18

For Grade 20 – 10 years service in Grade 18 and above or 3 years service in Grade 19

Thus while ignoring the subsequent O.Ms particularly O.M. No.3/7/74-AR.II, dated 01.08.1979 and that of the Provincial Government as referred above which provided that the formula applied to Grade-18, 19 and 20 also was omitted. The same position was also followed in the new Promotion Policy incorporated in the new Revised Estacode Edition 2011 at Page-52 (*Annex:-G*) resultantly leading to a misconception that the formula is only applicable for promotion to BPS-18 alone.

8. That the same issue had earlier cropped up while processing the promotion cases of Officers in BPS-18 to BPS-19 of the Population Welfare Department wherein the advice of the Establishment Department on the length of service was sought vide letter dated 07.09.2005 (*Annex:-H*) which was furnished by the Establishment Department vide letter dated 20.09.2005 (*Annex:-I*) thereby clarifying that the service rendered in BPS-16 and below can also be taken into account for the purpose of length of service for promotion from BPS-18 to BPS-19 and accordingly promotions were effected on 19.02.2007. The promotion Notification was challenged by one Mr.

Parvez Khan in Service appeal No.1099/2007 before the Khyber Pakhtunkhwa Service Tribunal which was dismissed vide Judgment dated 23.04.2009 (*Annex:-J*). The Hon'ble Tribunal in Para-6 of the Judgment observed as follows:

“6. It was also contended on behalf of the appellant that some of the respondents had not completed probation period in BPS-17, but they were promoted to BPS-18 and for the purposes of some of the respondents, the service in BPS-16 and below was also considered. The contention of the appellant is correct to the extent that the service in BPS-16 and below cannot be considered for the post in BPS-19, though it can be considered for promotion to BPS-18. Such concession of counting the previous service in BPS-16 and below is a one time concession for promotion from BPS-17 to BPS-18. Once that stage passes, the right to avail the concession also falls, whether availed or not, and is no more available for further promotions. The appellant had also served as such and his previous service for promotion/ appointment to a BPS-18 post could also be considered. As is an admitted fact, the appellant was brought to the department directly in BPS-18.”

Subsequently, after the Judgment of the Service Tribunal, again the advice of the Establishment Department was sought in view of the such Judgment vide letter dated 27.06.2009 (*Annex:-K*) which was again replied by the Establishment Department vide letter dated 09.07.2009 (*Annex:-L*) observing that the circular letter No.SORI (S&GAD)1-29/75 dated 08.12.1983 (*Annexure-H above*) was still intact.

9. That being aggrieved, appellant moved a Representation (*Annex:-M*) and then approached the Hon'ble Peshawar High Court, Peshawar in W.P.No.3488-P/2014 wherein the comments were called and during its pendency the impugned order dated 03.02.2015 (*Annex:-N*) were passed and communicated to the appellant on 27.03.2015 whereby the Representation of the appellant was unlawfully regretted. The Writ Petition was dismissed on the ground that the issue of higher grade is relatable to the terms and conditions of service and the Hon'ble Tribunal has to decide the same vide Judgment dated 30.03.2015 (*Annex:-O*), hence this appeal inter-alia on the following grounds:-

Grounds:

- A. That appellant has not been treated in accordance with law, rules and policy on subject and has been dealt with in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and was unlawfully refused the subject up-gradation, which is unjust, unfair and hence not sustainable in the eye of law.
- B. That in case of dearth of length of service, acting charge promotions are effected as would be evident from Notification dated 05.01.2009 (*Annex:-P*) whereby employees have been promoted to BPS-19 on Acting Charge basis in terms of Rule-9 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 (*Annex:-Q*) but for appellant a different discriminatory yardstick has been employed which is not sustainable under the law.
- C. That the peculiar features of the case of appellant is quite distinct inasmuch as the requisite up-gradation is the consequence of the 04-Tier up-gradation formula approved by the Finance Department for the up-gradation of employees of the Elementary & Secondary Education and not as a routine promotion in normal cases, therefore, the application of the promotion rules and particularly the refusal of the up-gradation to appellant on the ground of disputed length of service is ill-founded, unwarranted and therefore, is not maintainable in the eye of law.
- D. That appellant has been highly discriminated because previously similarly placed employees in BPS-19 have been promoted on acting charge basis in terms of Rule-9 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989. In this view of the matter the acts and actions of the Respondents militate against Articles-4, 25 & 27 of the Constitution of the Islamic Republic

of Pakistan, 1973.

- E. That vide O.M. No.3/7/74-AR.II, dated 01.08.1979 it has been made clearer than crystal that the formula (*half of the service in Grade 16 and 1/4th in Grade lower than 16 may be counted in Grade 17*) applied to cases of promotion to Grades-18 to 20 equally and when the same Policy is still in vogue in the Federal Government and also in the Provincial Government, therefore, the refusal of the Respondents to process the promotion cases of appellant on this wrong premise is without lawful authority, arbitrary and hence not sustainable in eye of law. The Judgment of the Hon'ble Tribunal as referred herein above is per incurium and hence is against the law.
- F. That appellant would like to offer some other grounds during the course of arguments.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

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

Dated: 20/1/2015

Through


Appellant


Khaleel Rahman,
Advocate, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2015

Ahmad Ali.....Applicant

Versus

The Govt. and others.....Respondents

Application for suspending the operation of the impugned order and restraining the Respondents from processing the promotion cases of BPS-18 Officers to BPS-19 till the final disposal of the instant appeal.

Respectfully Sheweth,

1. That the above titled service appeal is being filed today which is yet to be fixed for hearing.
2. That the facts alleged and grounds taken in the body of main appeal may kindly be taken as an integral part of this application, which make out an excellent prima facie case in favour of applicant/ appelliant.
3. That the balance of convenience also lies in favour of applicant/appellant and in case the Respondents are not restrained from processing the promotion cases of BPS-18 Officers to BPS-19 the applicant/appellant will suffer irreparable loss.

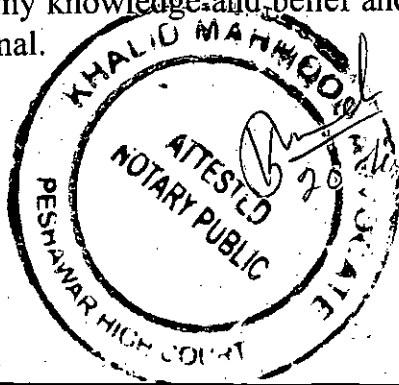
It is, therefore, humbly prayed that on acceptance of this application, the operation of the impugned order may graciously be suspended and Respondents be restrained from processing the promotion cases of BPS-18 Officers to BPS-19 till the final disposal of the main appeal.

Through

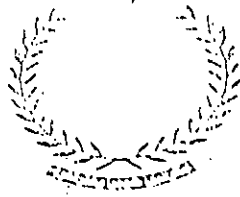
Applicant

Khaled Rahman,
Advocate, PeshawarDated: 20/4/2015Affidavit

I, Ahmad Ali, Vice Principal, GHSS No.2, Peshawar Cantt, do hereby affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Deponent



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the March 25, 2014

ANNEX A

10

NOTIFICATION

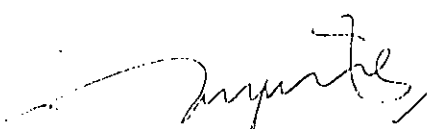
NO.SO(SIM)E&SED/4-24/2014/FSL (M)/ BS-18: In exercise of powers conferred under Sub Section (I) of Section-8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No.XVIII of 1973) the Final Seniority List of Male Education Officers (BS-18) of Elementary & Secondary Education Department as it stood on 01-01-2014 is hereby notified for information of all concerned.

Chief Secretary
Khyber Pakhtunkhwa

Endst: of even No. & Date:

Copy forwarded to the:

1. Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar
2. Director, Curriculum & Teachers Education Khyber Pakhtunkhwa, Abbottabad.
3. Director, Education (FATA) Khyber Pakhtunkhwa, Peshawar.
4. Director, PITE Khyber Pakhtunkhwa, Peshawar.
5. All District Education Officers (Male) in Khyber Pakhtunkhwa.
6. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
7. PS to Special Secretary E&SE Department, Khyber Pakhtunkhwa.
8. Incharge EMISE E&SE Department.
9. Officer concerned
10. Office order file.


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



FINAL SENIORITY LIST OF OFFICERS BPS-18 MALE OF ELEMENTARY & SECONDARY EDUCATION DEPARTMENT KHYBER PAKHTUNKHWA AS IT STOOD ON 01-01-2014

11

| S.No | Name of Officers with Classification | D/O Birth | Domicile | Date of 1st Entry in Edu; Deptt; | Regular appointment / Promotion to the present post | | | Designation/Place of Posting | Remarks |
|------|--------------------------------------|------------|-----------|----------------------------------|---|-----|-----------------------|---|---------|
| | | | | | Date | BPS | Method of Recruitment | | |
| 1 | Fazal Iqbal M.A. B.Ed | 01.01.1950 | DIR | 17.02.1938 | 12.04.2011 | 18 | By Promotion | Principal GHS Khazana Distt; Dir Lower | |
| 2 | Darwesh Khan M.A. B.Ed | 01.05.1958 | DIR | 18.04.1979 | 12.04.2011 | 18 | do | Principal GHSS Sady Distt; Dir Lower | |
| 3 | Humayoun M.A. B.Ed | 17.05.1961 | Swat | 03.03.1938 | 12.04.2011 | 18 | do | Principal GHS Chail Distt; Swat | |
| 4 | Abdul Hamid M.A. B.Ed | 12.07.1962 | Swat | 03.05.1933 | 12.04.2011 | 18 | do | V.Principal GHSS No.1 Peshawar Cantt. | |
| 5 | Humayoun Khan M.A. B.Ed | 27.03.1957 | Malakand | 27.04.1955 | 12.04.2011 | 18 | do | Principal GHS No.2 Thana Malakand | |
| 6 | Sardar Aii M.A. B.Ed | 12.01.1964 | Swat | 11.12.1929 | 12.04.2011 | 18 | do | Principal GHS Dhari Distt; Swat | |
| 7 | Jehan Didar M.A. B.Ed | 15.07.1960 | Shangla | 01.11.1957 | 12.04.2011 | 18 | do | Principal GHS Chakesar Shangla | |
| 8 | Hamid Ul Haq M.A. B.Ed | 19.01.1960 | Swat | 21.09.1959 | 12.04.2011 | 18 | do | Principal GHS Sherpa am Distt; Swat | |
| 9 | Biradar Khan M.A. B.Ed | 04.04.1960 | DIR | 21.03.1950 | 12.04.2011 | 18 | do | Principal GHS Qambar Distt; Swat | |
| 10 | Muhammad Mujtaba Khan M.A. B.Ed | 02.03.1954 | DIR | 24.03.1950 | 12.04.2011 | 18 | do | D.O. (E&SE) Kohat. | |
| 11 | Muhammad Amin M.A. M.Ed | 15.03.1951 | Swat | 25.07.1950 | 12.04.2011 | 18 | do | Principal GHS Tajori Lakki | |
| 12 | Hassnat Gul M.Sc.M.Ed | 02.04.1952 | Nowshera | 21.11.1987 | 17-9-2002 | 18 | do | Instructor RITE Kohat. | |
| 13 | Imtiaz ul Haq M.Sc.M.Ed | 02.01.1958 | Kohat | 22.10.1991 | 09.02.2004 | 18 | do | Instructor RITE Bannu | |
| 14 | Bakhtullah Shah, M.Sc.B.Ed. | 01.05.1950 | Bannu | 09.09.1985 | 09.02.2004 | 18 | do | Instructor RITE Peshawar | |
| 15 | Saraf Ali, M.Sc.B.Ed. | 25.05.1952 | Bannu | 27.09.1989 | 09.02.2004 | 18 | do | Instructor RITE DIKhan | |
| 16 | Muhammad Dilbar Shah, M.Sc.M.Ed | 23.05.1950 | Bannu | 30.05.1992 | 09.02.2004 | 18 | do | Dy. Director (Estt), Directorate (E&SE) KPK | |
| 17 | Wahid Hussain M.Sc.M.Ed. | 04.02.1954 | Peshawar | 25.09.1992 | 09.02.2004 | 18 | do | V.Principal GHSS Samar Bagh Dir Lower | |
| 18 | Muhammad Hanif, M.Sc.B.Ed | 21.10.1956 | DIKhan | 25.09.1992 | 09.02.2004 | 18 | do | DO (E&SE) Lakki | |
| 19 | Hamid Ullah Jan M.Phil. M.Ed | 12.10.1954 | Bannu | 17.03.1993 | 09.02.2004 | 18 | do | V.Principal GHSS Kailang Mardan | |
| 20 | Bakht Zada, M.A. B.ED | 11.09.1952 | Swat | 28.09.1992 | 09.02.2004 | 18 | do | DO (E&SE) Bannu | |
| 21 | Saeed ulah Jan, M.Sc.B.Ed. | 25.04.1957 | B.Agency | 26.09.1992 | 09.02.2004 | 18 | do | Instructor RITE Bannu | |
| 22 | Bakhtiar Ahmad M.Sc.M.Ed. | 13.04.1957 | Mardan | 25.09.1992 | 09.02.2004 | 18 | do | V.Principal GHSS Nawansher | |
| 23 | Muhammad Umar M.A. B.Ed | 07.09.1955 | Lakki | 25.01.1993 | 09.02.2004 | 18 | do | Principal GHSS Sheikhhan Peshawar | |
| 24 | Said Jamil M.A. B.Ed. | 09.01.1953 | Mardan | 18.02.1993 | 09.02.2004 | 18 | do | Dy. Director (P2D), Directorate (E&SE) KPK | |
| 25 | Fazal Subhan, M.A. B.ED. | 14.11.1953 | Charsadda | 26.09.1992 | 09.02.2004 | 18 | do | V.Principal GHS No 2 Hangu | |
| 26 | Amanullah M.A. B.ED. | 01.12.1955 | Bannu | 30.09.1992 | 09.02.2004 | 18 | do | Principal GHSS Abdul Khel Lakki | |
| 27 | Kifayat Ullah, M.Sc. M.Ed | 05.07.1955 | Bannu | 25.09.1992 | 09.02.2004 | 18 | do | Principal GHS Sam Kcl Dir Upper | |
| 28 | Amjad Aii M.Sc.M.Ed. | 05.04.1955 | Mansehra | 17.03.1993 | 09.02.2004 | 18 | do | | |
| 29 | Zakir Husain M.Sc.B.Ed. | 13.11.1956 | Bannu | 29.09.1992 | 09.02.2004 | 18 | do | | |
| 30 | Muhammad Majid Sabir, M.Sc.B.Ed | 13.09.1956 | Peshawar | 29.09.1992 | 09.02.2004 | 18 | do | | |
| 31 | Amir Nawaz M.Sc.M.Ed | 15.03.1958 | Karak | 25.09.1992 | 09.02.2004 | 18 | do | | |
| 32 | Muhammed Aslam M.A. B.ED | 18.04.1954 | Haripur | 11.10.1972 | 09.02.2004 | 18 | do | | |
| 33 | Muhammed Ayub M.A.M.Ed | 03.02.1938 | Lakki | 24.01.1951 | 09.02.2004 | 18 | do | | |
| 34 | Khurshid Ali M.A. B.ED | 03.04.1955 | Swat | 20.03.1993 | 09.02.2004 | 18 | do | | |
| 35 | Muhammad Nasir M.A.M.Ed. | 04.04.1955 | Nowshera | 31.03.1991 | 09.02.2004 | 18 | do | | |
| 36 | Sharif Gul M.Sc.M.Ed | 29.03.1955 | Nowshera | 14.04.1993 | 09.02.2004 | 18 | do | | |
| 37 | Iliazhar Ahmad M.Sc.M.Ed | 14.03.1954 | Peshawar | | | | | | |

11/11/14

| S.No | Name of Officers with Qualification | D/O Birth | Comcile | Date of 1st; Entry in Edu; Deptt; | Regular appoinment / Promotion to the present post | | | Designation/Place of Posting | Remarks |
|------|-------------------------------------|------------|-----------|-----------------------------------|--|-----|-----------------------|--|---------|
| | | | | | Date | BPS | Method of Recruitment | | |
| 38 | Basadar Ali Khan M.Sc.M.Ed | 03.04.1966 | Charsadda | 20.11.1990 | 09.02.2004 | 18 | By Promotion | Principal GHS Amba Dhar Charsadda | |
| 39 | Fazil Ullah Khan M.Sc. B.Ed | 10.01.1967 | Bannu | 28.09.1992 | 09.02.2004 | 18 | do | Principal GHS EDO(E&SE) Tank | |
| 40 | Saeedur Rehman M.A.B.Ed | 04.04.1964 | Mansehra | 21.10.1992 | 09.02.2004 | 18 | do | Principal GHS Bodla Abbott Abad | |
| 41 | Waqar Iqbal M.A.B.Ed. | 15.05.1965 | Mansehra | 18.08.1992 | 09.02.2004 | 18 | do | DO (E&SE) Shangla | |
| 42 | Muhammad Tariq M.A.B.Ed. | 25.04.1964 | Charsadda | 10.01.1993 | 09.02.2004 | 18 | do | V.Principal GHSS Umar Peshawar | |
| 43 | Amr-ul-Haq M.Sc.M.Ed | 03.03.1965 | Dir | 27.09.1992 | 09.02.2004 | 18 | do | V.Principal GHSS Ziar Talash Dir Lower | |
| 44 | Asadul Haq M.A.B.Ed | 07.04.1965 | Bannu | 03.01.1991 | 09.02.2004 | 18 | do | Instructor RITE Kohat | |
| 45 | Asadul Haq M.A.M.Ed | 30.05.1966 | SWA | 27.05.1979 | 09.02.2004 | 18 | do | Principal GHS Jalaka Mela Orakzai Agency | |
| 46 | Hader Hussain M.Sc.M.Ed. | 11.11.1962 | Karak | 25.04.1991 | 09.02.2004 | 18 | do | Principal GHS Warana Karak | |
| 47 | Shamsur Rehman M.Sc.M.Ed. | 04.04.1964 | Swabi | 25.09.1992 | 09.02.2004 | 18 | do | Principal GHS Ismailia Swabi | |
| 48 | Muhammad Shah M.Sc.M.Ed | 04.02.1960 | Charsadda | 05.04.1988 | 09.02.2004 | 18 | do | Principal GHS Babera Charsadda | |
| 49 | Nisar Muhammad M.Sc.M.Ed | 26.03.1966 | Mardan | 01.01.1992 | 09.02.2004 | 18 | do | Principal GHS Gadar Hamza Khan Mardan | |
| 50 | Ishtiaq M.Sc.M.Ed. | 15.01.1965 | Mardan | 25.09.1992 | 09.02.2004 | 18 | do | Principal GHS Mayer Mardan | |
| 51 | Asadul Haq M.Phil.M.Ed. | 04.04.1965 | Swat | 25.09.1992 | 09.02.2004 | 18 | do | Principal GHSS Barkot Swat | |
| 52 | Fazal Khan M.Sc.M.Ed | 01.04.1966 | Dir | 22.03.1993 | 09.02.2004 | 18 | do | Instructor RITE Mardan | |
| 53 | Fazal Mustan M.A.B.Ed | 01.09.1966 | Bannu | 17.03.1993 | 09.02.2004 | 18 | do | Dy Controller of Exam, BISE Peshawar | |
| 54 | Sher Rehman M.A.B.Ed. | 14.04.1965 | Swabi | 25.08.1975 | 09.02.2004 | 18 | do | Principal GHS Ba'a Swabi | |
| 55 | Muhammad Ihsan M.A.B.Ed | 01.09.1962 | Nowshera | 05.10.1969 | 09.02.2004 | 18 | do | Principal GHS No 2 Cantt, Nowshera | |
| 56 | Shah Hussain M.Sc.B.Ed. | 12.12.1962 | Kohat | 07.03.1989 | 09.02.2004 | 18 | do | Principal GHS Tappi Kohat | |
| 57 | Abdul Hakeem Khan M.Sc.B.Ed. | 01.09.1964 | Kohat | 25.09.1992 | 09.02.2004 | 18 | do | Instructor RITE (M) Peshawar | |
| 58 | Muhammad Nadeem M.Sc.M.Ed. | 07.11.1967 | Bannu | 01.10.1992 | 09.02.2004 | 18 | do | Instructor RITE Kohat | |
| 59 | Abdul Salam M.Sc.B.Ed | 26.02.1958 | DiKhan | 29.08.1992 | 09.02.2004 | 18 | do | Instructor RITE DiKhan | |
| 60 | Raja Shujaahud Din Amir M.A.M.Ed | 10.05.1968 | Mansehra | 03.09.1992 | 09.02.2004 | 18 | do | S.S Directorate Of CTE Abbottabad | |
| 61 | Asadul Haq M.A.M.Ed | 05.05.1969 | Haripur | 01.04.1993 | 09.02.2004 | 18 | do | Instructor RITE Haripur | |
| 62 | Muhammad Naqin M.A. B.Ed. | 20.01.1965 | Swabi | 23.10.1976 | 15.07.2004 | 18 | do | Principal GHS Tor Dhar Swabi | |
| 63 | Abdul Saeed M.Sc.M.Ed | 10.11.1964 | Dir | 18.01.1997 | 15.07.2004 | 18 | do | DO (E&SE) Distt, Dir Lower | |
| 64 | Ahmad Shahab M.A.M.Ed. | 15.05.1964 | Nowshera | 25.09.1992 | 15.07.2004 | 18 | do | V.Principal GCMHS No.2 Peshawar city | |
| 65 | Abdul Haleem M.A.M.Ed | 20.09.1965 | Peshawar | 17.03.1993 | 15.03.2004 | 18 | do | V.principal GHSS Tehkal Peshawar | |
| 66 | Muhammad Qasim Khan M.Sc.M.Ed. | 09.04.1964 | Dir | 22.09.1988 | 15.07.2004 | 18 | do | Principal GHS Gamsar Dir Upper | |
| 67 | Fazal Ahmad M.Sc.B.Ed | 03.02.1965 | Bannu | 13.03.1993 | 15.07.2004 | 18 | do | V.Principal GHSS Pir Pai Nowshera | |
| 68 | Muhammad Idrees M.A.B.Ed | 15.10.1965 | Karak | 25.09.1992 | 15.07.2004 | 18 | do | SO(AB) E&SE Deptt, KPK Peshawar | |
| 69 | Waseed Akhtar M.A.B.Ed | 01.03.1966 | Peshawar | 17.03.1993 | 15.07.2004 | 18 | do | Principal Ghazgai Charsadda | |
| 70 | Khalid Wahab M.A.M.Ed | 15.03.1964 | Karak | 22.09.1992 | 15.07.2004 | 18 | do | Principal GHS Deh Bahadar Peshawar | |
| 71 | Sarif M.A.M.Ed | 06.01.1967 | Lakki | 25.09.1992 | 15.07.2004 | 18 | do | Principal GHSS Tajzai Lakki | |
| 72 | Talib Khan M.Sc.B.Ed | 12.10.1963 | Haripur | 22.03.1993 | 15.07.2004 | 18 | do | Principal GHSS Barala Haripur | |
| 73 | Fazal Ullah M.A.M.Ed. | 09.03.1966 | Bannu | 25.09.1992 | 15.07.2004 | 18 | do | V.Principal GHSS No 3 DiKhan | |
| 74 | Jamshed Khan M.A.M.Ed | 19.04.1965 | Mansehra | 25.09.1992 | 15.07.2004 | 18 | do | V.Principal GHSS Kahi Hassan Khai F.R. Pesh; | |
| 75 | Ismail Khan M.A.M.Ed | 13.01.1969 | Bannu | 25.09.1992 | 15.07.2004 | 18 | do | Principal GHSS Wazir Begh Peshawar | |
| 76 | Qasim Khan M.A.B.Ed. | 12.02.1963 | DiKhan | 04.05.1991 | 15.07.2004 | 18 | do | Principal GHS No.2 Tank | |
| 77 | Asmaullah M.Sc.M.Ed | 03.07.1967 | Bannu | 10.01.1993 | 15.07.2004 | 18 | do | Principal GHS Mahara Kuram Ag. | |
| 78 | Muhammad Din M.A.M.Ed | 01.01.1965 | Bannu | 25.09.1992 | 15.07.2004 | 18 | do | V.Principal GHSS Mardan | |
| 79 | Muhammad Din M.A.M.Ed | 02.01.1966 | Mardan | 10.01.1993 | 15.07.2004 | 18 | do | Principal GHSS Ghazi Kapura Mardan | |

ADMITTED

| S.No | Name of Officers with Qualification | D/O Birth | Domicile | Date of 1st; Entry in Edu; Deptt; | Regular appoinment / Promotion to the present post | | | Designation/Place of Posting | Remarks |
|------|-------------------------------------|------------|------------|-----------------------------------|--|-----|-----------------------|---|---------|
| | | | | | Date | BPS | Method of Appointment | | |
| 80 | Khalid Shah M.A.B.Ed. | 12.02.1953 | Nowshera | 13.02.1984 | 15.07.2004 | 18 | By Promotion | Project Manager Peshawar | |
| 81 | Zurfiqar Khan M.A.M.Ed. | 07.03.1954 | Abbottabad | 19.03.1992 | 15.07.2004 | 18 | do | SS Directorat of Cur; & Tech; Edu; A.Abad | |
| 82 | Zahoor Ahmad M.A.M.Ed. | 01.04.1955 | Swat | 01.11.1980 | 15.07.2004 | 18 | do | Principal GHS Qambar Distt; Swat. | |
| 83 | Rashid Ahmad M.Sc.M.Ed. | 14.01.1953 | Karak | 28.09.1992 | 15.07.2004 | 18 | do | V.Principal GHSS Gujral Mardan | |
| 84 | Zaffar Arbab Abbasi M.A.B.Ed. | 10.04.1957 | Abbottabad | 28.09.1992 | 15.07.2004 | 18 | do | Principal GHS Bakot abbotabad. | |
| 85 | Muhammad Inam M.A.B.Ed. | 27.03.1956 | Mardan | 26.09.1992 | 15.07.2004 | 18 | do | Instructor RITE(M) Mardan. | |
| 86 | Ishfaq Ahmad M.A.B.Ed. | 01.04.1956 | Manshra | 01.10.1992 | 15.07.2004 | 18 | do | Principal GHS Khawari Mansehra | |
| 87 | Abdul Halim M.A.M.Ed. | 04.03.1950 | Malakand | 02.08.1982 | 15.07.2004 | 18 | do | Principal GHSS Gandigar Dir | |
| 88 | Noor Jamal M.A.B.Ed. | 15.04.1950 | Peshawar | 26.09.1992 | 15.07.2004 | 18 | do | Principal GHS Jehangira Road Nowshera | |
| 89 | Bakht Biland Khan M.A.B.Ed. | 25.10.1956 | Nowshera | 01.12.1987 | 15.07.2004 | 18 | do | V.Principal GHSS Khaweshgi Nowshera | |
| 90 | Gul Rehman M.A.B.Ed. | 01.01.1953 | Buner | 17.03.1993 | 15.07.2004 | 18 | do | Principal GHSS Nagrai Buner | |
| 91 | Muhammad Javed M.A.B.Ed. | 04.03.1956 | Peshawar | 29.09.1992 | 15.07.2004 | 18 | do | Principal GCMHSS. Nahaqi Peshawar | |
| 92 | Muhammad Naseem M.A.B.Ed. | 29.03.1954 | Mansehra | 04.04.1993 | 15.07.2004 | 18 | do | Principal GHS Parnala Mansehra | |
| 93 | Abdul khalig M.A.B.Ed. | 27.04.1954 | Kohat | 31.01.1991 | 15.07.2004 | 18 | do | Principal GHSS Khadizai kohat | |
| 94 | Ajlah Dad Khan M.A.B.Ed. | 25.08.1955 | Karak | 12.04.1993 | 15.07.2004 | 18 | do | Principal GHS Dhoda Hangu. | |
| 95 | Habib Ullah Khan M.A.B.Ed. | 25.03.1956 | Mardan | 14.01.1993 | 15.17.2004 | 18 | do | V.Principal GCMHS No.3 Mardan | |
| 96 | Amin Dad M.A.B.Ed. | 25.10.1956 | Abbottabad | 29.03.1993 | 15.07.2004 | 18 | do | Principal GHS Kholia Bala Haripur | |
| 97 | Arif Ali M.A.B.Ed. | 31.12.1957 | Charsadda | 07.01.1993 | 15.07.2004 | 18 | do | Instructor RITE (M) Peshawar | |
| 98 | Ghulam Mustafa M.A.M.Ed. | 08.06.1954 | Swabi | 01.03.1977 | 15.07.2004 | 18 | do | Dy Director (Estt) Directorate (E&SE)KPK | |
| 99 | Nadeem ur Reiman M.Sc.M.Ed. | 20.12.1962 | Peshawar | 26.09.1992 | 15.07.2004 | 18 | do | Principal GHS. Tarkha Nowshera | |
| 100 | Muhammad Iqbal M.A.M.Ed. | 04.05.1956 | Dir | 26.09.1992 | 15.07.2004 | 18 | do | Principal GHS Haji Abad Dir Lower | |
| 101 | Shamsul Hadi M.A.M.Ed. | 20.02.1952 | Buner | 12.03.1988 | 15.07.2004 | 18 | do | Principal GHS Annawar Buner | |
| 102 | Muhammad Atlas Khan M.A.B.Ed. | 15.03.1956 | D.I.Khan | 01.10.1992 | 15.07.2004 | 18 | do | Principal GHS Harichnd Charsadda | |
| 103 | Abdur Rashid M.A.B.Ed. | 31.03.1955 | Swabi | 30.06.1983 | 15.07.2004 | 18 | do | V.Principal GHSS Khairabad Mardan | |
| 104 | Muhammad Ilyes M.A.M.Ed. | 01.05.1954 | Peshawar | 03.10.1992 | 15.07.2004 | 18 | do | Principal GHS Lendi Kochi Kohat | |
| 105 | Muneeb Ahmad M.A.B.Ed. | 15.03.1956 | Abbottabad | 12.04.1993 | 15.07.1004 | 18 | do | SS Directorat of Cur; & Tech; Edu; A.Abad | |
| 106 | Shakeel Hussain M.A.B.Ed. | 15.07.1957 | D.I.Khan | 26.09.1992 | 15.07.2004 | 18 | do | Controller of Exam; BISE D.I.Khan | |
| 107 | Muhammad Abbas M.A.Tech.Edu; | 08.09.1957 | Haripur | 24.10.1978 | 15.07.2004 | 18 | do | DO (E&SE) Haripur | |
| 108 | Shahzada M.A.B.Ed. | 05.09.1952 | Mansehra | 21.10.1988 | 15.07.2004 | 18 | do | Principal GHS Behali Mansehra. | |
| 109 | Sajid Anjum M.Sc.B.Ed. | 01.01.1953 | Peshawar | 26.09.1992 | 15.02.2004 | 18 | do | V.Principal GHSS No.2 A.Abad | |
| 110 | Fazal Ahad M.A.B.Ed. | 05.09.1954 | Malakand | 17.03.1993 | 15.07.2004 | 18 | do | DO (E&SE) Malakand | |
| 111 | Farid Ullah M.Sc.B.Ed. | 20.05.1953 | SWA | 17.03.1993 | 15.02.2004 | 18 | do | Principal GHS Mandra Kallan D.I.Khan. | |
| 112 | Muhammad Tahir M.A.B.Ed. | 28.05.1955 | Mansehra | 18.03.1993 | 15.07.2004 | 18 | do | Principal GHSS Hazar Khawani Peshawar. | |
| 113 | Sardar Ullah M.A.B.Ed. | 05.05.1951 | Nowshera | 05.02.1986 | 15.07.2004 | 18 | do | Principal GHS Panyala D.I.Khan. | |
| 114 | Samiullah M.A.B.Ed. | 21.05.1951 | D.I.Khan | 05.05.1986 | 15.07.2004 | 18 | do | Principal GHS Ghazi Haripur. | |
| 115 | S.Farhat Abass M.A.M.Ed. | 05.02.1953 | Haripur | 10.02.1981 | 15.07.2004 | 18 | do | Principal GHS Mandani Charsadda. | |
| 116 | Masal Khan M.A.B.Ed. | 15.04.1953 | Charsadda | 10.03.1981 | 15.07.2004 | 18 | do | Principal GHS Bandai Swat | |
| 117 | Hazrat Aji M.A.B.Ed. | 25.12.1959 | Swat | 25.03.1980 | 15.07.2004 | 18 | do | DO (E&SE) Hangu | |
| 118 | Hassan Badshah M.A.M.Ed. | 02.01.1956 | Hangu | 10.01.1993 | 15.07.2004 | 18 | do | Principal GHS Kandaw F.R Peshawar | |
| 119 | Muhammad Iqbal M.A.M.Ed. | 12.01.1959 | Bannu | 05.02.1984 | 15.07.2004 | 18 | do | Principal GHS Sardar Ghari Peshawar. | |
| 120 | Sahibzada M.A.M.Ed. | 12.12.1957 | Peshawar | 05.12.1977 | 15.07.2004 | 18 | do | V.Principal GHSS No.4 D.I.Khan. | |
| 121 | Ishad Hussain M.A.M.Ed. | 05.02.1955 | D.I.Khan | 14.05.1978 | 15.07.2004 | 18 | do | | |

AFFECTED

| S.No | Name of Officers with Qualification | D/O Birth | Domicile | Date of 1st Entry in Edu; Dept; | Regular appionment / Promtion to the present post | | | Designation/Place of Posting | Remarks |
|------|-------------------------------------|------------|-----------|---------------------------------|---|-----|-----------------------|---|---|
| | | | | | Date | BPS | Method of Recruitment | | |
| 122 | Abdul Hakeem M.Sc M.Ed. | 01.09.1967 | Haripur | 14.12.1993 | 15.07.2004 | 18 | By Promotion | Principal GHS Kancra Colony Haripur | |
| 123 | Saleem Javed M.A B Ed. | 03.03.1966 | Peshawar | 18.12.1993 | 15.07.2004 | 18 | do | Principal GHS No 1 Haripur. | |
| 124 | Bahrawar Khan M.Sc M.Ed. | 01.04.1955 | Dir | 23.05.1992 | 15.07.2004 | 13 | do | Principal GHS Sam Kot Dir Upper. | |
| 125 | Muhammad Shah M.A B Ed | 10.12.1964 | Moh;Agy. | 13.09.1969 | 15.07.2004 | 13 | do | Principal Ghafarai Mohmand Agy. | |
| 126 | Shafiqat Khan M.Sc. M Ed | 24.05.1965 | Abbotabad | 30.11.1993 | 15.07.2004 | 13 | do | Principal GHS Muslim Abad A/Abad | |
| 127 | Abbas Khan M.A M Ed | 08.05.1957 | Moh;Agy. | 30.11.1993 | 15.07.2004 | 13 | do | Asstt. Director FATA Directorate. | SO(S)1-2/2009/promotion BS-17 to BS-18 (M) dated 03.02.2012 |
| 128 | Saiad Hussain M.Sc B.Ed. | 20.01.1955 | Haripur | 10.04.1993 | 15.07.2004 | 13 | do | Instrutor RITE (M) Haripur. | |
| 129 | Pir Muhammad M.Sc B.Ed. | 03.02.1959 | Swat | 10.04.1992 | 15.07.2004 | 13 | do | Principal GHSS Batogram Swat | |
| 130 | Mujlaba Amin M.A M Ed. | 03.04.1965 | Swabi | 11.12.1993 | 15.07.2004 | 18 | do | Principal GHS La'piani Mardan. | |
| 131 | Hanifur Rehman M.Sc.M.Ed. | 11.03.1967 | Moh;Agy. | 11.12.1993 | 15.07.2004 | 18 | do | Dy Director(F&A) Directorate (E&SE) KPK | |
| 132 | Sarfulah M.Sc.M.Ed. | 01.04.1966 | Swabi | 12.07.1993 | 15.07.2004 | 13 | do | Principal GHS Gagra Buner. | |
| 133 | Faqir Shah M.Sc B Ed. | 03.01.1959 | Mardan | 09.01.1993 | 15.07.2004 | 18 | do | Principal GHSS Kot Malakand | |
| 134 | Abdullah Shah M.Sc. M Ed | 15.03.1993 | Swat | 30.11.1993 | 15.07.2004 | 18 | do | Principal GHS Amarkot Swat | |
| 135 | Abid Hussain M.A M Ed. | 08.01.1967 | Haripur | 01.05.1993 | 15.07.2004 | 13 | do | Principal GHS Kahal Haripur | |
| 136 | Umer Farooq M.Sc M Ed. | 10.02.1953 | Nowshera | 01.05.1993 | 15.07.2004 | 13 | do | Controller of Exam. EISE Peshawar. | |
| 137 | Fida Muhammad M.A M Ed. | 01.04.1968 | Malakand | 30.09.1993 | 15.07.2004 | 13 | do | Principal GHS Ghazi Usman zhai MKD. | |
| 138 | Muhammad Rashid M.Sc M.Ed. | 01.03.1963 | Karak | 11.04.1993 | 15.07.2004 | 13 | do | V.Principal GHSS Karak. | |
| 139 | Sabir Rehman M.Sc B.Ed | 30.04.1964 | Buner | 30.11.1993 | 15.07.2004 | 13 | do | Principal GHSS Banera Buner | |
| 140 | Muhammad Younas M.Sc. M Ed | 25.03.1968 | Moh;Agy. | 01.02.1992 | 15.07.2004 | 13 | do | Principal GHS Umar Miana Peshawar | |
| 141 | Jehar Ali M.Sc M Ed | 07.07.1962 | Swabi | 27.01.1994 | 15.07.2004 | 13 | do | Principal GHS Deqi Banda Nowshera. | |
| 142 | Wali Muhammad M.A M Ed | 01.01.1964 | B Agency | 14.12.1993 | 15.07.2004 | 13 | do | Principal GHS Zorbandar Bajawar Agy. | |
| 143 | Ali Badshah M.Sc M Ed | 15.02.1966 | Karak | 14.10.1990 | 15.07.2004 | 13 | do | V.Principal GHSS Shakardara Kotai | |
| 144 | Muhammad Araf M.A M Ed | 01.05.1991 | Karak | 14.10.1990 | 15.07.2004 | 13 | do | Principal GHS PAF Shaheen Camp, Pesh; | |
| 145 | Rashid Ahmad M.A M Ed. | 20.05.1966 | Abbotabad | 07.10.1989 | 15.07.2004 | 13 | do | Principal GHS Dhamior A/Abad. | |
| 146 | Anwar Khan M.A M Ed | 01.04.1964 | Buner | 12.12.1993 | 15.07.2004 | 13 | do | Principal GHSS Nawagai Buner. | |
| 147 | Bakiaz Khan M.A M Ed. | 10.11.1969 | Lakki | 01.02.1994 | 15.07.2004 | 13 | do | Principal GHS Ghadizi Buner. | |
| 148 | Muhammad Shoab M.A M Ed | 19.09.1965 | Bannu | 01.02.1994 | 15.07.2004 | 13 | do | Principal Lalozai Bannu. | |
| 149 | Muhammad Nawaz M.A M Ed | 10.04.1969 | Charsadda | 01.02.1994 | 15.07.2004 | 13 | do | V.Principal GHS Timgara Dir Lower | |
| 150 | Muhammad Sharif M.Phil B Ed | 05.02.1960 | Mansehra | 01.02.1994 | 15.07.2004 | 13 | do | Principal GHS Birat Abbotabad | |
| 151 | Muhammad Roohullah M.Sc M Ed | 12.03.1958 | Karak | 01.02.1994 | 25.04.2006 | 13 | do | Instructor RITE (M) Kohat | |
| 152 | Masad Ali Khan M.Sc. B Ed | 02.02.1964 | Karak | 01.02.1994 | 25.04.2006 | 13 | do | Principal GHS Latamber Karak | |
| 153 | Muhammad Hanif M.A M Ed. | 01.01.1964 | Chitral | 01.02.1994 | 25.04.2006 | 13 | do | Principal GHSS Shahrgram Chitral | |
| 154 | Tanveer Hussain Shah M.A M Ed | 01.05.1957 | Swabi | 30.01.1981 | 25.04.2006 | 13 | do | Principal GHS Zardai Swabi | |
| 155 | Noor Zada M.A M Ed | 05.03.1962 | Abbotabad | 07.10.1982 | 25.04.2006 | 13 | do | Principal GHS NO 1 Abbotabad | |
| 156 | Imtiaz Khan M.A B Ed | 09.12.1957 | Moh;Agy. | 01.10.1987 | 25.04.2006 | 13 | do | Instructor RITE (M) Mardan | |
| 157 | Riaz Muhammad M.A M Ed | 10.01.1969 | Swat | 13.10.1994 | 25.04.2006 | 13 | do | V.Principal GHSS Mangora Swat | |
| 158 | Said Pervez M.A M Ed | 20.11.1963 | Mardan | 12.09.1999 | 25.04.2006 | 13 | do | Principal GHSS Pirsaddi Mardan | |
| 159 | Sherzada M.A B Ed | 01.01.1951 | Bannu | 17.09.1994 | 25.04.2006 | 13 | do | Instructor RITE (M) DI Khan | |
| 160 | Muhammad Alamgir M.A M Ed M.Phil | 02.02.1959 | Swat | 19.05.1992 | 25.04.2006 | 13 | do | DO (E&SE) Distt. Swat | |
| 161 | Fazl Rabi M.A B Ed M.Phil | 10.03.1953 | Charsadda | 20.03.1995 | 25.04.2006 | 13 | do | V.Principal GHSS No 1 Peshawar dt. | |
| 162 | Zarbat Khan M.A M Ed | 10.04.1955 | Dir | 20.03.1995 | 25.04.2006 | 13 | do | Principal GHS Civi Quarter Peshawar | |
| 163 | | 03.05.1951 | Bannu | 31.10.1998 | 25.04.2006 | 13 | do | Principal GHSS Maharam Haved Bannu | |

ATTESTED

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ATTACHED

| Sl. No. | Name | Qualification | Date of Birth | Domicile | Entry in Edu. Deptt. | Regular appointment / Promotion to the present post | | | Designation/Place of Posting | Remarks |
|---------|---------------------|---------------|---------------|------------|----------------------|---|-----|-----------------------|--|---------|
| | | | | | | Date | BPS | Method of Recruitment | | |
| 205 | Mahmood Din | M.A.B.Ed. | | | | | | | | |
| 207 | Shahzada M. Aslam | M.A.B.Ed. | 30.03.1954 | Bajour Agy | 23.05.1993 | 26.04.2009 | 15 | By Promotion | Principal GHS Barakozai Bajour Agency. | |
| 208 | Gul Sayed Khan | M.Sc. M.Ed. | 16.02.1953 | D.I.Khan | 11.07.1995 | 23.04.2009 | 15 | do | Principal GHSS Ramak D.I.Khan. | |
| 209 | Muhammad Ibrahim | M.A.M.Ed | 30.12.1953 | NWA | 12.11.1995 | 28.04.2009 | 15 | do | V.Principal GHS Eidak NWA. | |
| 210 | Muhammad Tahir | M.A.B.Ed. | 14.04.1954 | Peshawar | 26.02.1995 | 28.04.2009 | 15 | do | Principal GHS Kappa wala Peshawar | |
| 211 | Gohar Ali | M.A.B.Ed | 22.05.1954 | Dir | 11.07.1995 | 28.04.2009 | 15 | do | Prin. GHS Kohi Hassan Khel F.R peshawar. | |
| 212 | Ahaz Hussain Shah | M.A.M.Ed. | 01.03.1953 | F.R.Pesh. | 11.07.1995 | 28.04.2009 | 15 | do | Principal GHS No.1 Haripur. | |
| 213 | Muhammad Ataulah | M.A.M.Ed | 05.03.1955 | Abbotabad | 12.11.1995 | 28.04.2009 | 15 | do | Principal GHSS Musazai Peshawar. | |
| 214 | Wajid Ali | M.A.B.Ed | 01.05.1955 | Swat | 12.11.1995 | 28.04.2009 | 15 | do | Principal GHS Zimdera, Dir Lower. | |
| 215 | Muhammad Tahir | M.A.B.Ed | 25.03.1955 | Kurram Agy | 11.07.1995 | 28.04.2009 | 15 | do | Prin. GHS Shahbaz Azmat Khel Bannu. | |
| 216 | Waris Ali | M.A.B.Ed | 25.11.1955 | Dir | 11.07.1995 | 28.04.2009 | 15 | do | Instructor RITE (M) Bannu. | |
| 217 | Raham Din | M.A.M.Ed | 18.05.1954 | Kurram Agy | 18.04.1995 | 28.04.2009 | 15 | do | C/O of Directorate (FATA) | |
| 218 | Ihsan Ullah | M.A.M.Ed. | 01.12.1952 | Moh.Agy | 12.11.1995 | 28.04.2009 | 15 | do | C/O of Directorate (FATA) | |
| 219 | Sanam Rehman | M.A.B.Ed | 07.01.1957 | Bannu | 28.05.1995 | 28.04.2009 | 15 | do | Principal GHS Jawar Buner | |
| 220 | Mahbub Khan Khan | M.A.B.Ed | 02.04.1953 | Lakki | 11.07.1995 | 28.04.2009 | 15 | do | Principal GHS Langrial Abbotabad. | |
| 221 | Idol Muhammad | B.A.B.Ed | 20.03.1952 | Ork. Agy | 05.03.1990 | 12.04.2011 | 18 | do | Principal GHSS Hakeem Haved Bannu. | |
| 222 | Hussain Ali | M.A.B.Ed | 05.07.1954 | NWA | 05.10.1975 | 12.04.2011 | 18 | do | C/O of Directorate (FATA) | |
| 223 | Khan Afsar | M.A.B.Ed | 10.04.1955 | Swat | 28.03.1995 | 12.04.2011 | 18 | do | Principal GHS Chitta Zana Mansehra. | |
| 224 | Mudassar Ullah | M.A.B.Ed | 04.05.1957 | Abbotabad | 26.02.1995 | 12.04.2011 | 18 | do | Principal GHSS Munda Dir Lower. | |
| 225 | Hamid Ullah | M.A.B.Ed | 15.02.1956 | Bannu | 28.03.1995 | 12.04.2011 | 18 | do | Principal GHS Aloli Haripur | |
| 226 | Muhammad Haroon | M.A.B.Ed | 06.03.1952 | F.R.Bannu | 23.08.1995 | 12.04.2011 | 18 | do | Principal GHSS Warair Malakand. | |
| 227 | Muhammad Anwar Khan | M.A.B.Ed | 15.03.1953 | Mansehra | 05.03.1993 | 12.04.2011 | 18 | do | C/O of Directorate (FATA) | |
| 228 | Muhammad Anwar Khan | M.A.B.Ed | 15.03.1955 | Bajour Agy | 26.08.1995 | 12.04.2011 | 18 | do | Principal GHS Kutiala Abbotabad. | |
| 229 | Muhammad Khan | M.A.B.Ed | 05.11.1953 | Bannu | 11.07.1995 | 12.04.2011 | 18 | do | Principal GHS Thail Hangu. | |
| 230 | Abdul Ali | M.A.B.Ed | 15.04.1953 | Malakand | 11.07.1995 | 12.04.2011 | 18 | do | Prin. GCMHS Turbela Township Haripur | |
| 231 | Khaira Rahman | M.A.B.Ed | 11.08.1954 | Moh.Agy | 11.07.1995 | 12.04.2011 | 18 | do | Principal GHS Nurur Bannu. | |
| 232 | Muhammad Zaveed | M.A.B.Ed | 06.04.1955 | Bajour Agy | 11.07.1995 | 12.04.2011 | 18 | do | Principal GHS Kot Mafarand | |
| 233 | Za Shahid | M.A.B.Ed | 05.11.1953 | Swat | 11.07.1995 | 12.04.2011 | 18 | do | Principal GHS Tarika Nowshera | |
| 234 | Abdul Jabbar Khan | M.A.B.Ed | 14.12.1954 | Abbotabad | 11.07.1995 | 12.04.2011 | 18 | do | Principal GHS Kanju Swat | |
| 235 | Khizar Hayat | M.A.B.Ed | 15.08.1953 | SWA | 12.11.1995 | 12.04.2011 | 18 | do | Principal GHSS Shahbaz Khel Lakki | |
| 236 | Abdul Aziz Khan | M.A.B.Ed | 24.04.1953 | Haripur | 23.05.1997 | 12.04.2011 | 18 | do | Principal GHSS Dhanu D.I.Khan | |
| 237 | Sajid Ahmad | M.A.B.Ed | 06.01.1955 | Dir | 23.05.1997 | 12.04.2011 | 18 | do | Principal GHS Gadeza Buner | |
| 238 | Sayed ur Rehman | M.A.S.Ed | 15.04.1957 | Bannu | 23.05.1997 | 12.04.2011 | 18 | do | C/O of Directorate (FATA) | |
| 239 | Abdus Salam | M.A.B.Ed | 15.01.1955 | Malakand | 23.05.1997 | 12.04.2011 | 18 | do | Principal GHS Mahb Bando Nowshera | |
| 240 | As Sher | M.A.B.Ed. | 02.02.1953 | Peshawar | 23.05.1997 | 12.04.2011 | 18 | do | | |
| 241 | Nadir Ali | M.A.B.Ed. | 02.01.1953 | Swat | 11.04.1993 | 12.04.2011 | 18 | do | | |
| 242 | Qasir Anwar | M.A.B.Ed | 03.04.1954 | Lakki | 23.05.1993 | 12.04.2011 | 18 | do | | |
| 243 | Muhammad Wasim | M.A.B.Ed | 30.07.1953 | D.I.Khan | 12.11.1993 | 12.04.2011 | 18 | do | | |
| 244 | Muhammad Rasool | M.A.B.Ed | 02.04.1958 | Malakand | 25.05.1997 | 12.04.2011 | 18 | do | | |
| 245 | Asad | M.A.B.Ed | 21.03.1954 | Bajour Agy | 05.10.1995 | 12.04.2011 | 18 | do | | |
| | | | 11.03.1954 | Dir | 23.11.1992 | 12.04.2011 | 18 | do | | |

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With Notification No. 503 of 2011 dated 12.04.2011

ANNEXED

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| S.No | Name of Officers with Qualification | D/O Birth | Domicile | Date of 1st; Entry in Edu; Deptt; | Regular appionment / Promtion to the present post | | | Designation/Place of Posting | Remarks |
|------|-------------------------------------|------------|------------|-----------------------------------|---|-----|-----------------------|---------------------------------------|---------|
| | | | | | Date | BPS | Method of Recruitment | | |
| 246 | Muhammad Ilyas, M.A.B.Ed ✓ | | | | | | | | |
| 247 | Ashfaq Raza M.A.B.Ed ✓ | 01.02.1955 | Haripur | 25.05.1983 | 12.04.2011 | 18 | By Promotion | Principal GHSS Bagra Haripur. | |
| 248 | Muhammad Kamal M.A.B.Ed ✓ | 12.03.1955 | Mardan | 12.11.1998 | 12.04.2011 | 18 | do | Principal GHSS Ismaila Swabi. | |
| 249 | Shaukat Hujat M.A.B.Ed ✓ | 02.05.1959 | Ork. Agy | 12.11.1998 | 12.04.2011 | 18 | do | Principal GHSS Chorlaki Kohat. | |
| 250 | Khalid Mahmood M.A.B.Ed ✓ | 13.04.1958 | Mardan | 01.05.1995 | 12.04.2011 | 18 | do | Principal GHSS Qasmi Mardan. | |
| 251 | Muhammad Ishaque M.A.B.Ed ✓ | 05.05.1955 | Swat | 19.04.1993 | 12.04.2011 | 18 | do | Principal GHS Chitor Swat. | |
| 252 | Muhammad Farid, M.A.M.Ed ✓ | 30.03.1954 | Lakki | 11.11.1998 | 12.04.2011 | 18 | do | Principal GHS Paharpur No.1 D.I.Khan. | |
| 253 | Irshad Ali M.A.B.Ed ✓ | 01.03.1956 | Swabi | 27.4.1996 | 12.04.2011 | 18 | do | Principal GHS Kalabat Swabi. | |
| 254 | Akhtar Hussain, M.A.B.Ed ✓ | 01.02.1956 | Swabi | 01.12.1998 | 12.04.2011 | 18 | do | Principal GHSS Mattani Peshawar. | |
| 255 | Bakhtiar Khan M.A.B.Ed ✓ | 32.04.1959 | Charsadda | 12.11.1998 | 12.04.2011 | 18 | do | Principal GHSS Ghazqi Charsadda. | |
| 256 | Muhammad Riaz M.A.B.Ed ✓ | 01.01.1951 | Karak | 21.12.1980 | 12.04.2011 | 18 | do | Principal GHSS Wrana Karak. | |
| 257 | Ahmad Khan M.A.B.Ed ✓ | 02.02.1957 | Mansehra | 12.11.1998 | 12.04.2011 | 18 | do | Principal GHSS Hassa Mansehra. | |
| 258 | Fayaz Hussain M.A.B.Ed ✓ | 02.03.1953 | Swat | 26.09.1989 | 12.04.2011 | 18 | do | Principal GHSS kishawra Swat. | |
| 259 | Muhammad Tariq M.A.B.Ed ✓ | 15.03.1956 | Nowshera | 16.07.1998 | 12.04.2011 | 18 | do | Principal GHS Kahi Nowshera. | |
| 260 | Muhammad Tayyab, M.A.B.Ed ✓ | 01.01.1963 | Mardan | 23.05.1997 | 12.04.2011 | 18 | do | Principal GHS Manqa Mardan. | |
| 261 | Noor Zaman, M.A.B.Ed ✓ | 07.04.1957 | Swabi | 12.11.1998 | 12.04.2011 | 18 | do | Principal GHSS Baghicha Dheri Mardan. | |
| 262 | Ghulam Nabi, M.A.B.Ed ✓ | 01.11.1959 | Karak | 12.11.1998 | 12.04.2011 | 18 | do | Principal GHSS Chokara Karak. | |
| 263 | Khadim Hussain M.A.B.Ed ✓ | 05.11.1959 | Dir | 04.04.1990 | 12.04.2011 | 18 | do | Principal GHSS Hayasari Dir Lower. | |
| 264 | Muhammad Naeem M.A.B.Ed ✓ | 27.02.1955 | Mansehra | 12.11.1998 | 12.04.2011 | 18 | do | Principal GHS Bafa Mansehra. | |
| 265 | Muhammad Nawazish M.A.B.Ed ✓ | 04.08.1957 | Mch.Agy | 12.11.1998 | 12.04.2011 | 18 | do | Principal GHS Jehangira Nowshera. | |
| 266 | Sher Muhammad M.A.B.Ed ✓ | 01.02.1954 | Haripur | 23.05.1998 | 12.04.2011 | 18 | do | Principal GHSS Bareela Haripur. | |
| 267 | Munsif Khan, M.A.B.Ed ✓ | 15.03.1955 | Mansehra | 12.11.1998 | 12.04.2011 | 18 | do | Principal GHS Gandian Mansehra. | |
| 268 | Sherin Zada M.A.B.Ed ✓ | 15.04.1951 | Abbottabad | 12.11.1998 | 12.04.2011 | 18 | do | Principal GHS Berole Abbottabad. | |
| 269 | Safiullah M.A.B.Ed ✓ | 02.02.1959 | Buner | 17.03.1984 | 12.04.2011 | 18 | do | Principal GHS Manjai Dir Lower. | |
| 270 | Muhammad Kamin, M.A.B.Ed ✓ | 05.01.1954 | Dir | 12.11.1998 | 12.04.2011 | 18 | do | Principal GHS Saro Shah Mardan. | |
| 271 | Rafique Ahmad M.A.B.Ed ✓ | 25.12.1958 | Swat | 12.04.1990 | 12.04.2011 | 18 | do | Principal GHS sherker Peshawar. | |
| 272 | Iqbal Bhatti M.A.B.Ed ✓ | 12.03.1958 | Mardan | 12.11.1998 | 12.04.2011 | 18 | do | Prin. GHS Salima Sikandar Khel Bannu. | |
| 273 | Sher Malik Khan M.A.B.Ed ✓ | 03.05.1957 | Peshawar | 12.11.1998 | 12.04.2011 | 18 | do | Principal GHS Jandrai Karak. | |
| 274 | Farid Ullah Shah M.A.B.Ed ✓ | 13.10.1950 | Bannu | 12.11.1998 | 12.04.2011 | 18 | do | Principal GHS Dalola Abbottabad. | |
| 275 | Muhammad Shafique, M.A.B.Ed ✓ | 07.01.1954 | Karak | 10.12.1985 | 12.04.2011 | 18 | do | Principal GHSS Bagh Dir Lower. | |
| 276 | Rehman Maula, M.A.B.Ed ✓ | 05.04.1955 | Abbottabad | 21.09.1985 | 12.04.2011 | 18 | do | Principal GHS Aza Khel Bala Nowshera | |
| 277 | Mirza Ali Khan M.A.B.Ed ✓ | 01.04.1950 | Dir | 01.04.1981 | 12.04.2011 | 18 | do | GHS Samand Khatta Abbottabad | |
| 278 | Tahir Javed M.A.M.Ed ✓ | 04.01.1955 | Karak | 23.05.1997 | 12.04.2011 | 18 | do | DO District Charsadda | |
| 279 | Jehangir Khan M.A.M.Ed ✓ | 14.05.1954 | Abbottabad | 15.05.1986 | 20.09.2011 | 18 | Direct Selectee | Principal GHS Ikram Pur Mardan | |
| 280 | Irshad Ahmad M.A.M.Ed ✓ | 05.05.1958 | Charsadda | 22.09.1987 | 20.09.2011 | 18 | do | Principal GHS Zaida District Swabi | |
| 281 | Akhtar Ali M.Sc (Electronic) M.Ed ✓ | 09.10.1975 | Kohat | 17.03.1987 | 20.09.2011 | 18 | do | GHSS Balzai Kharki District Malakand | |
| 282 | Abdul Haq M.A.M.Ed ✓ | 15.10.1959 | Swabi | 23.06.1997 | 20.09.2011 | 18 | do | Principal GHS Ibrahim Zai Charsadda | |
| 283 | Arif Gul M.A.M.Ed ✓ | 01.03.1954 | Malakand | 02.09.1989 | 20.09.2011 | 18 | do | Principal GHS Suraizai Bala Peshawar | |
| 284 | Jehangir M.A.M.Ed ✓ | 27.04.1953 | Charsadda | 15.04.1982 | 20.09.2011 | 18 | do | Principal GHS Suraizai Bala Peshawar | |
| 285 | Muhammad M.Sc(Bot) M.Ed ✓ | 15.04.1971 | Peshawar | 17.11.1994 | 20.09.2011 | 18 | do | Principal GHS Suraizai Bala Peshawar | |
| | | 22.11.1955 | Baitagram | 04.01.1955 | 17.09.2009 | 18 | do | DO (M) E & S Education Baitagram | |

vide notification No SO/S.M.E/1550/3-2/2007/Principal IV Peshawar (ES-15) dated 20.09.2011

vide no SO/S.M.E/1550/3-2/2007/Principal IV Peshawar (ES-15) dated 20.09.2011

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| Sl. No | Name of Officers with Qualification | D/O Binh | Domicile | Date of 1st Entry in Edu. Deptt. | Regular appionment / Promotion to the present post | | | Designation/Place of Posting | Remarks |
|--------|-------------------------------------|------------|-------------|----------------------------------|--|-----|-----------------------|--|---|
| | | | | | Date | BPS | Method of Recruitment | | |
| 266 | Abdul Wahab M.A.M.Ed | 02.01.1970 | Karak | 05.03.1993 | 20/09/2011 | 18 | Direct Selectee | Principal GHS Nari Pansos District Karak | |
| 267 | Noor Hayat M.A.M.Ed | 01.09.1971 | Malakand | 10.02.1993 | 20/09/2011 | 18 | do | Principal GHSS Sirsenai District Swat | Vide Notification No. SO(S.M, E&SE)D/3/2007/Principal IV Promotion ES-18 (M) dated 20.09.2011 |
| 268 | Hidayat Ullah M.A.M.Ed | 01.04.1964 | Buner | 18.07.1982 | 20/09/2011 | 18 | do | Principal GHSS Nawagai Buner. | do |
| 269 | Aqal Badshah M.A.M.Ed | 14.04.1972 | Orakzai Agy | 01.09.1994 | 20/09/2011 | 18 | do | Principal GHSS Dalan Hangu | do |
| 270 | Faiz ud Din M.A.M.Ed | 22.05.1972 | Haripur | 07.04.1994 | 20/09/2011 | 18 | do | Principal GHS Ghazi Helmal Haripur | do |
| 271 | Abdus Salim Khan M.A.M.Ed | 01.09.1965 | Dir | 25/05/1999 | 20/09/2011 | 18 | do | Principal GHS Haji Abad Dir Lower | do |
| 272 | Faiz ud Din M.A.M.Ed | 22.02.1955 | D.I Khan | 10/11/1988 | 20/09/2011 | 18 | do | Principal GHSS No. 2 Paharpur D.I Khan | do |
| 273 | Gul Shad M.A.M.Ed | 09.04.1958 | Peshawar | 28/03/1996 | 20/09/2011 | 18 | do | Principal GHS Naqri Bala Abbottabad | do |
| 274 | Jadai Khan M.A.M.Ed | 11.04.1970 | Peshawar | 1/12/1990 | 20/09/2011 | 18 | do | Principal GHS Bireta Abbottabad | do |
| 275 | Nawab Ali M.A.M.Ed | 03.05.1972 | Shanqla | 20/12/1990 | 20/09/2011 | 18 | do | Principal GHS Pura Shanqla | do |
| 276 | Pervaz Iqbal M.A.M.Ed | 28.04.1969 | Peshawar | 7/3/1994 | 20/09/2011 | 18 | do | Principal GHSS Tarnab Charsadda | do |
| 277 | Muhammad Bilal M.A.M.Ed | 22.11.1970 | Peshawar | 21/05/1992 | 20/09/2011 | 18 | do | Principal GHS Sher Kara Peshawar | do |
| 278 | Bashir Ahmed M.A.M.Ed | 11.12.1969 | Dir | 29/01/2002 | 20/09/2011 | 18 | do | Principal GHSS Mavar Dir Lower | do |
| 279 | Syed Gul Nawab Shah M.A.M.Ed | 21.04.1957 | Nowshera | 5/4/1993 | 20/09/2011 | 18 | do | Principal GHS Spin Khak Nowshera | do |
| 280 | Ahmad Ali M.A.M.Ed | 10.03.1971 | Nowshera | 24/11/1990 | 20/09/2011 | 18 | do | Principal GHS Babu Zai District Mardan | do |
| 281 | Abdul Wali Khan M.A.M.Ed | 04.02.1974 | Peshawar | 16/10/2003 | 20/09/2011 | 18 | do | Dy Director (P&D) Directorate E&SE Pesh | do |
| 282 | Shah-e-Muq M.A.M.Ed | 01.03.1955 | Charsadda | 1/5/1992 | 20/09/2011 | 18 | do | Principal GHSS Hassan Zai Charsadda | do |
| 283 | Farman Ullah Khan M.A.M.Ed | 16.09.1969 | SWA | 28/02/2003 | 20/09/2011 | 18 | do | Principal GHS Boobak Charsadda | do |
| 284 | Mir Alam Saïd, M.A. B.Ed | 04.01.1966 | Moh. Agy | 28.11.1997 | 28.11.2012 | 18 | By Promotion | Pri: GHS Cheri Lakpani Mardan | Vide No. SO(S.M, E&SE)D/3/2012 Promotion ES-17 to ES-18 (M) regular dated 28.11.2012 |
| 285 | Muhammad Zia, M.A. B.Ed | 02.03.1957 | Haripur | 08.11.1994 | 28.11.2012 | 18 | do | Pri: GHSS Sarikot Haripur | do |
| 286 | Johar Ali, M.A. B.Ed | 12.02.1970 | Mardan | 01.04.1994 | 28.11.2012 | 18 | do | Pri: GHS Toru Mardan | do |
| 287 | Abdur Rashid, M.A. B.Ed | 18.03.1957 | Charsadda | 23.11.1998 | 28.11.2012 | 18 | do | Pri: GHSS Tarnab Charsadda | do |
| 288 | Pervaz Khan, M.A. B.Ed | 01.03.1952 | Swabi | 26.11.1997 | 23.11.2012 | 18 | do | Pri: GHS Jehangira Swabi | do |
| 289 | Alah Dad, M.A. B.Ed | 01.01.1955 | Karak | 15.01.1998 | 28.11.2012 | 18 | do | Pri: GHSS Dhoda Kchal | do |
| 290 | Nimatullah Khan M.A. B.Ed | 01.09.1955 | FR. Bannu | 12.11.1998 | 28.11.2012 | 18 | do | Pri: GHSS Mamash Khel Bannu | do |
| 291 | Abbas Khan, M.A. B.Ed | 14.08.1956 | Dir | 12.05.1987 | 28.11.2012 | 18 | do | Pri: GHS Rabat Dir (L) | do |
| 292 | Gul Anwar Khan, M.A. B.Ed | 05.01.1957 | FR. Bannu | 23.05.1997 | 28.11.2012 | 18 | do | Pri: GHS Azim Killi Bannu | do |
| 293 | Muhammad Ashad, M.A. B.Ed | 04.05.1957 | Mansehra | 12.11.1988 | 28.11.2012 | 18 | do | Pri: GHS Bihali Mansehra | do |
| 294 | Anwar Ullah Khan, M.A. B.Ed | 03.03.1968 | FR. Bannu | 25.05.1997 | 28.11.2012 | 18 | do | At the disposal of FATA | do |
| 295 | Rafiqullah Khan, M.A. B.Ed | 05.09.1959 | FR. Bannu | 12.11.1998 | 28.11.2012 | 18 | do | Pri: GHSS Demail Bannu | do |
| 296 | Tilawat Shah, M.A. B.Ed | 15.02.1972 | Swabi | 23.02.1999 | 28.11.2012 | 18 | do | Pri: GHS Seri Swabi | do |
| 297 | Tariq Samar, M.A. B.Ed | 08.02.1958 | Abbottabad | 23.02.1999 | 28.11.2012 | 18 | do | Pri: GHS Kekal Barseen Abbottabad | do |
| 298 | Mumammad Ikram Ul Haq, M.A. B.Ed | 10.04.1956 | Abbottabad | 14.10.1995 | 28.11.2012 | 18 | do | Pri: GHSS Barkara Swat | do |
| 299 | Fazli Rabi M.A. B.Ed | 01.01.1959 | Swat | 09.03.1999 | 28.11.2012 | 18 | do | Pri: GHS Gulbala Peshawar | do |
| 300 | Muhammad Tahir | 02.10.1956 | Charsadda | 09.03.1999 | 28.11.2012 | 18 | do | Pri: GHS Mandara Di Khan | do |
| 301 | Abdulqah Jan M.A. B.Ed | 04.01.1972 | Bannu | 15.03.1999 | 28.11.2012 | 17 | do | Pri: GHS Seim Khak Nowshera | do |
| 302 | S.Rifaat Ali Shah, M.A. B.Ed | 02.10.1955 | Moh. Agy | 23.02.1999 | 28.11.2012 | 18 | do | At the disposal of FATA | do |
| 303 | Mir Mustafiz Khan, B.A. B.Ed | 15.01.1953 | FR. Bannu | 11.02.1999 | 28.11.2012 | 18 | do | Pri: GHSS Shahbaz Azmat Khel Bannu | do |
| 304 | Gul Baci Jan, B.A. B.Ed | 23.04.1952 | Bannu | 11.02.1999 | 28.11.2012 | 18 | do | Pri. GHSS Shah Saïeam Karak | Vide No. SO(S.M, E&SE)D/3/2012 Promotion ES-17 to ES-18 (M) regular dated 28.11.2012 |
| 305 | Nazir Ahmad, B.A. B.Ed | 14.03.1959 | Bannu | 11.02.1999 | 28.11.2012 | 18 | do | Pri. GHSS Gani Sherqad Peshawar | do |
| 306 | Nazar ul Haq, B.A. B.Ed | 12.03.1952 | Moh. Agy | 18.10.1993 | 28.11.2012 | 18 | do | Pri. GHSS Takhar Takhar Shai Mardan | do |
| 307 | Sultan Muhammad, B.A. B.Ed | 10.11.1953 | Moh. Agy | 02.11.1992 | 28.11.2012 | 18 | do | Pri. GHSS Jahanom Banda Karak | do |
| 308 | Arif Ullah Khan, B.A. B.Ed | 15.03.1959 | Lakki | 23.10.1994 | 28.11.2012 | 18 | do | | do |
| 309 | Zafar Iqbal, B.A. B.Ed | 01.11.1959 | Haripur | | | | | | do |

ATTACHED

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| S.No | Name of Officers with Qualification | D/O Birth | Domicile | Date of 1st; Entry in Edu; Deptt; | Regular appointment / Promotion to the present post | | | Designation/Place of Posting | Remarks |
|------|-------------------------------------|------------|------------|-----------------------------------|---|-----|-----------------------|-------------------------------------|---------|
| | | | | | Date | APS | Method of Recruitment | | |
| 330 | Muhammad Javed, B.A B.Ed | | | | | | | | |
| 331 | Ifkhar Ali B.A B.Ed | 21.03.1951 | Mardan | 05.11.1966 | 28.11.2012 | 18 | By Promotion | Pri: GHS Shamshad Abad Mardan | |
| 332 | Ihsanul Haq, B.A B.Ed | 15.04.1953 | Mardan | 04.02.1982 | 28.11.2012 | 18 | do | Pri: GHSS Ayub Khan Killi Swabi | do |
| 333 | Abdu Hadi, B.A B.Ed | 15.03.1954 | Chitral | 16.04.1987 | 28.11.2012 | 18 | do | Pri: GHSS Darosh Chitral | do |
| 334 | Oazi Tajamal Hussain, B.A B.Ed | 15.09.1959 | Bannu... | 22.11.1982 | 28.11.2012 | 18 | do | Pri: GHS Hazar Ahmad Khan Bannu | do |
| 335 | Janas Khan, B.A B.Ed | 28.11.1957 | Haripur | 09.03.1991 | 28.11.2012 | 18 | do | Pri: GHS Bazar Haripur | do |
| 336 | Muhammad Farooq B.A B.Ed | 10.03.1955 | Peshawar | 21.12.1965 | 28.11.2012 | 18 | do | Pri: GHS Dabgan Gate Peshawar | do |
| 337 | Gul Nawaz Khan, B.A B.Ed | 27.07.1950 | Haripur | 07.10.1964 | 28.11.2012 | 18 | do | Pri: GHS Kahal Haripur | do |
| 338 | Mumtaz Hussain, B.A B.Ed | 01.04.1958 | Dir | 28.4.1985 | 28.11.2012 | 18 | do | Pri: GHS Gamseer Dir (U) | do |
| 339 | Misal Khan B.A B.Ed | 01.05.1955 | Kohat | 11.10.1990 | 28.11.2012 | 18 | do | Pri: GHS Muhammad Zai Kohat | do |
| 340 | Obaid Ullah, Abid, B.A B.Ed | 03.04.1951 | Peshawar | 02.05.1988 | 28.11.2012 | 18 | do | Pri: GHSS Sheikhhan Peshawar | do |
| 341 | Muhibullah B.A B.Ed | 01.01.1953 | SW Agency | 16.09.1969 | 28.11.2012 | 18 | do | At the disposal of FATA | do |
| 342 | Ijaz Ahmad, B.A B.Ed | 09.02.1965 | Dir Lower | 19.02.1991 | 28.11.2012 | 18 | do | Pri: GHS Pir Abad Mardan | do |
| 343 | Rehman Ullah, B.A B.Ed | 22.05.1955 | Haripur | 12.01.1999 | 28.11.2012 | 18 | do | Pri: GHSS Kakotri Haripur | do |
| 344 | Tashrif Ullah, B.A B.Ed | 18.05.1957 | Buner | 01.10.1975 | 28.11.2012 | 18 | do | Pri: GHS Totali Buner | do |
| 345 | Noor Khan, B.A B.Ed | 05.08.1959 | Charsadda | 23.09.1982 | 28.11.2012 | 18 | do | Pri: GHS No.1 Charsadda | do |
| 346 | Zial Ullah B.A B.Ed | 01.09.1961 | Lakki | 01.12.1983 | 28.11.2012 | 18 | do | Pri: GHS Mohri Bad Ehen Abbottabad | do |
| 347 | Ali Nawaz Khan B.A B.Ed | 14.03.1962 | FR Bannu | 21.09.1983 | 28.11.2012 | 18 | do | At the disposal of FATA | do |
| 348 | Umar Zaman B.A B.Ed | 17.03.1950 | Mansehra | 21.11.1984 | 28.11.2012 | 18 | do | Pri: GHS No.2 Mansehra | do |
| 349 | Muhammad Aslam Khan B.A B.Ed | 23.11.1964 | Mansehra | 04.12.1986 | 28.11.2012 | 18 | do | Pri: GHS Muslim Abad Abbottabad | do |
| 350 | Atal Eliahi B.A B.Ed | 13.11.1955 | Lakki | 18.11.1986 | 28.11.2012 | 18 | do | Pri: GHSS Aba Khel Lakki | do |
| 351 | Rambail Khan B.A B.Ed | 05.05.1955 | Mansehra | 01.01.1984 | 28.11.2012 | 18 | do | Pri: GHS Sham Dara Mansehra | do |
| 352 | Muhammad Hamid B.A B.Ed | 27.09.1951 | Bannu | 12.01.1987 | 28.11.2012 | 18 | do | Pri: GHS Nor Shakinullah Bannu | do |
| 353 | Ahmad Rashid B.A B.Ed | 27.33.1953 | Charsadda | 01.10.1984 | 28.11.2012 | 18 | do | Pri: GHS Babara Charsadda | do |
| 354 | Abdur Rashid, B.A B.Ed | 01.05.1950 | Charsadda | 25.11.1981 | 28.11.2012 | 18 | do | Pri: GHS No.3 Tanci | do |
| 355 | Nazir Ahmad | 10.01.1960 | Abbottabad | 14.10.1982 | 28.11.2012 | 18 | do | Pri: GHS No.3 Abbottabad | do |
| 356 | Masaud Khan, B.A B.Ed | 27.05.1960 | Abbottabad | 14.10.1982 | 28.11.2012 | 18 | do | At the disposal of FATA | do |
| 357 | Hazrat Rehman, B.A B.Ed | 12.05.1962 | FR Kohat | 10.02.1981 | 28.11.2012 | 18 | do | Pri: GHS Namli Maira Abbottabad | do |
| 358 | Ifkhar Ahmad, B.A B.Ed | 21.05.1955 | Swat | 05.12.1989 | 28.11.2012 | 18 | do | Pri: GHSS Mingora Swat | do |
| 359 | Syed Wahab, B.A B.Ed | 04.09.1966 | Kohat | 01.10.1966 | 28.11.2012 | 18 | do | Pri: GHS Khadi Zai Kohat | do |
| 360 | Muhammad Ismail, B.A B.Ed | 25.07.1957 | Swabi | 14.01.1991 | 28.11.2012 | 18 | do | Pri: GHS Taraki Swabi | do |
| 361 | Muhammad Rehman, B.A B.Ed | 01.09.1960 | Swat | 15.10.1987 | 28.11.2012 | 18 | do | At the disposal of FATA | do |
| 362 | Sahbur Rehman, B.A B.Ed | 15.02.1961 | Kohat | 20.03.1983 | 28.11.2012 | 18 | do | Pri: GHS Manyar Swat | do |
| 363 | Saeed Ur Rehman, B.A B.Ed | 12.04.1963 | Chitral | 01.10.1966 | 28.11.2012 | 18 | do | Pri: GHS Beoni Chitral | do |
| 364 | Saeed Gul, B.A B.Ed | 01.05.1963 | Haripur | 10.09.1981 | 28.11.2012 | 18 | do | Pri: GHS Mano Haripur | do |
| 365 | Inayabillah Khan, B.A B.Ed | 12.03.1955 | Saj Agency | 17.09.1986 | 28.11.2012 | 18 | do | At the disposal of FATA | do |
| 366 | Taimoor Khan, B.A B.Ed | 05.01.1958 | FR Bannu | 20.03.1981 | 28.11.2012 | 18 | do | At the disposal of FATA | do |
| 367 | Nisar Ahmad, B.A B.Ed | 10.10.1959 | Haripur | 16.10.1966 | 28.11.2012 | 18 | do | At the disposal of FATA | do |
| 368 | Syed Hussain Afridi, B.A B.Ed | 29.04.1951 | Abbottabad | 10.10.1984 | 28.11.2012 | 18 | do | Pri: GHS Harpur Haripur | do |
| 369 | Aftab Alam, B.A B.Ed | 01.12.1958 | FR Kohat | 12.06.1990 | 28.11.2012 | 18 | do | At the disposal of FATA | do |
| 370 | Tariq Munir, B.A B.Ed | 12.10.1951 | Dir | 28.09.1966 | 28.11.2012 | 18 | do | Pri: GHS Tariwal Abbottabad | do |
| | | 07.12.1963 | Abbottabad | 20.05.1982 | 28.11.2012 | 18 | do | Pri: GHS Pind Karoo Khan Abbottabad | do |

CERTIFICATE:-

It is certified that the Seniority List is final and undisputed.

[Signature]
 Deputy Director, FATA



GOVT: OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
NO.BOV/FD/2-112/2011/04-Tier Formula.
Dated Peshawar the 28th February, 2012.

To

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

ANNEX B

Subject: -
Dear Sir,

UPDATION OF 04 TIER FORMULA.

19

I am directed to refer to your Department letter No. SO(S/M) E&SED/7-34/2012/4-Tier Structure dated 01-02-2012 on the subject noted above and to state that consequent upon the approval of the competent authority Finance Department agrees to the updation of total sanctioned strength of 5164 posts i.e. BPS-20, BPS-19, BPS-18 and BPS-17(as on 30-09-2009) of the Teaching cadre of Elementary & Secondary Education Department, on the basis of 04-Tier Formula , carrying the Ratio of 01:15:34:50, subject to the observance of all codal formalities. The 04-Tier formula was approved and introduced previously vide Finance Department letter No. FD (SR-I) 1-41/91 dated 15-11-1992. The current updation/up gradation shall be effective in two phases, as per details elaborated below.

| BPS | Existing Position | | | Total Up gradation Due | | | Total Additonality | | |
|-------------------------------------|-------------------|--------|--------------------------------------|------------------------|--------|---------------------------------|--------------------|---------|---------|
| | Male | Female | Total | Male | Female | Total | Male | Female | Total |
| BPS-20 | 9 | 4 | 13 | 36 | 15 | 51 | | | |
| BPS-19 | 176 | 28 | 204 | 541 | 233 | 774 | (+)27 | (+) 11 | (+)38 |
| BPS-18 | 480 | 119 | 599 | 1228 | 528 | 1756 | (+) 365 | (+) 205 | (+) 570 |
| BPS-17 | 2946 | 1402 | 4348 | 1806 | 777 | 2583 | (+) 748 | (+) 409 | (+)1157 |
| Total | 3611 | 1553 | 5164 | 3611 | 1553 | 5164 | -1140 | -625 | - 1765 |
| 1st Phase effective from 01-07-2012 | | | IInd Phase effective from 01-07-2013 | | | Over all position on 01-07-2013 | | | |
| | Male | Female | Total | Male | Female | Total | Female | Female | Total |
| BPS-20 | 13 | 6 | 19 | 13 | 6 | 19 | | | |
| BPS-19 | 183 | 102 | 285 | 183 | 102 | 285 | (+) 26 | (+)12 | (+)38 |
| BPS-18 | 374 | 205 | 579 | 374 | 204 | 578 | (+)366 | (+)204 | (+)570 |
| BPS-17 | -570 | -313 | -883 | -570 | -313 | -882 | (+)748 | (+)409 | (+)1157 |
| Total | 0 | 0 | 0 | 0 | 0 | 0 | -1140 | -625 | -1765 |
| | | | | | | | 0 | 0 | 0 |

I am to state that Finance Department further agrees to the up gradation of a total 1765 in BPS-20, BPS-19 and BPS-18 in two phases by abolishing equal number of posts in BPS-17, as per details given below.

| BPS | w.e.f 01-07-2012 | | | w.e.f 01-07-2013 | | | Total of both phases. | | |
|--------|------------------|--------|-------|------------------|--------|-------|-----------------------|--------|-------|
| | Male | Female | Total | Male | Female | Total | Male | Female | Total |
| BPS-20 | 13 | 6 | 19 | 13 | 6 | 19 | 26 | 12 | 38 |
| BPS-19 | 183 | 102 | 285 | 183 | 102 | 285 | 366 | 204 | 570 |
| BPS-18 | 374 | 205 | 579 | 374 | 204 | 578 | 748 | 409 | 1157 |
| BPS-17 | -570 | -313 | -883 | -570 | -313 | -882 | -1140 | -625 | -1765 |
| Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

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Audit copy, indicating Institution/District wise distribution of the 883 posts up graded in the 1st w.e.f 01-07-2012 may be prepared and submitted for authentication during the N.F.Y 2012-2013. The same exercise be repeated for the posts up graded in the IInd phase w.e.f. 01-07-2013 in the F.Y 2013-2014.

Yours faithfully,

(HAYAT UR REHMAN)
BUDGET OFFICER-V

Endst: No. & date as above.

Copies forwarded to: -

- 1- The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2- The Director Bureau of Curriculum and Teachers Education Khyber Pakhtunkhwa A.Abad.
- 3- The Director PITE Peshawar.
- 4- The Section Officer (SR-I) Finance Department.
- 5- The P.As to AFS (Budget) for information.
- 6- The P.A to Deputy Secretary (Budget-IV) Finance Department for information.
- 7- The P.A to Deputy Secretary (Regulation I & II) Finance Department for information..
- 8- Master File.

F ref 28.02.12
BUDGET OFFICER-V

1986-
Estalcode
ANNEX C
20

Sl. No. 169: Prescribed length of service for promotion to Grades 18-20 posts.—The question of prescribing minimum length of service for promotion to various grades has been under consideration in the Establishment Division for sometime. It has been decided with the approval of the Prime Minister that in future the minimum length of service for promotion to various grades will be as given below:—

| | | |
|--------------|---|---|
| For Grade 18 | 5 years service in Grade 17. | ✓ |
| For Grade 19 | 12 years service in Grade 17 and above. | ✓ |
| For Grade 20 | 15 years service in Grade 17 and above. | ✓ |

2. No proposal for promotion submitted to the Establishment Division for consideration by the Central Selection Board or the Minister will be entertained unless the condition of length of service as prescribed above is fulfilled.

(Authority.—O.M. No. 3/774-AR.II, dated the 20th May, 1974.)

Sl. No. 170:

Certain minimum service limits were prescribed in the Establishment Division O.M. No. 3/774-AR. II, dated the 20th May, 1974, for promotion to Grades 18, 19 and 20. Requests have been received from certain Ministries/Divisions for relaxation of these service limits and for counting of service in Grade 16 and below according to the formula which is applicable for the purpose of fixation of pay in Grades 19 and 20.

2. The length of service condition for promotion to Grades 18, 19 and 20 was prescribed to guard against unduly rapid promotions. These service limits will continue to be followed as a rule. However, if for sufficient reasons a Ministry/Division considers that relaxation is called for in an individual case, such requests may be referred to the Establishment Division with full justification. Cases for relaxation for promotion to Grades 19 and 20 will be considered by the Central Selection Board and the approval of the Minister for Establishment obtained. Cases for promotion to Grade 18 will be examined in the Establishment Division.

(Authority.—O.M. No. 3/774-AR.II, dated the 27th August, 1974.)

Sl. No. 171:

Consequent on the issue of the instructions contained in the Establishment Division Office Memorandum No. 3/774-AR. II, dated the 27th August, 1974, regarding relaxation of service limits for the purpose of promotion to various grades, the Ministries/Divisions have been referring cases for according relaxation in individual cases. With a view to minimising such references it has been decided to issue the following further instructions:—

- In the case of the senior most officer to be promoted to Grade 18 half of the service in Grade 16 and one-fourth in Grades 15 and 14 (formerly known as non-gazetted), if any, may be counted as service in Grade 17.
- Where initial recruitment takes place in Grades 19 and 20, the length of service prescribed for promotion to higher grades shall be reduced as indicated below:—

| | |
|--------------|--|
| For Grade 19 | 7 years service in Grade 18. |
| For Grade 20 | 10 years service in Grade 18 and above or 3 years service in Grade 19. |

(Authority.—O.M. No. 3/774-AR.II, dated the 6th February 1975.)

Sl. No. 171-A:

Establishment Division's O.M. No. 3/774-AR. II, dated 6th February, 1975, refers. The following formula for computation of length of service in Grade-17 and above for eligibility for promotion to higher grades has been laid down:—

"In the case of the senior most officer to be promoted to Grade-18, half of the service in Grade-16 and one-fourth in Grades lower than 16 (formerly known as non-gazetted), if any, may be counted as service in Grade-17".

2. References have been received from Ministries/Divisions from time to time seeking clarification whether the formula, referred to above, applies to cases involving promotion to Grade-18 only or to Grades 19 and 20 also.

3. The matter has been examined and the following clarifications are made:—

- The formula applies to cases of promotions to Grades 19 and 20 also.
- The formula applies only to the senior-most officer in a grade who is due for promotion.
- If the senior-most officer does not have to his credit the prescribed length of service, the officer junior to him will not be considered for promotion even though he may have the required length of service by computation of service in grade 16 and below, unless the senior person has been found unsuitable for promotion by the Departmental Promotion Committee Central Selection Board. Example: A is senior to B, but he does not have to his credit the required length of service. B, though junior to A has the required length of service according to the computation formula. B will not be considered for promotion unless 'A' has either been promoted or has been found unsuitable for promotion by the relevant Departmental Promotion Committee or the Central Selection Board, or the case may be.
- If there are two or more vacancies to be filled by promotion at a time then the persons in order of seniority equal to the number of vacancies will be considered as senior most for the purpose of the formula. Example: there are two vacancies in Grade-19 in a Division/Department to be filled by promotion. A and B are the two senior-most persons in Grade-18 in the relevant seniority list of the Division/Department. Therefore, both A and B will be considered for promotion to Grade-19. If any of them is found unsuitable by the Central Selection Board, then the person next to 'B' will be considered.

(Authority.—O.M. No. 3/774-AR. II, dated the 1st August 1974.)

Sl. No. 172: Criteria to be followed in making selection.—It has been decided that the criterion for selection to all posts should be merit with due regard to qualifications and experience. Reservation should not be permitted to stand in the way of above criterion.

ANNEX C
20
ANNEX C
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ANNEX C
20

Muhammad Iqbal Memon
ADVOCATE
High Court Peshawar

FOR OFFICIAL USE

ANNEX D

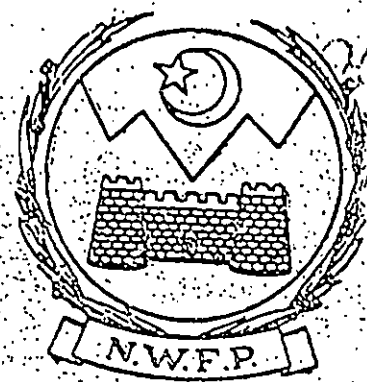
GOVERNMENT OF N.W.F.P.
ESTABLISHMENT CODE

(21)

(Volume: I)

1987

CODE OF LAWS, RULES AND INSTRUCTIONS RELATING
TO THE TERMS AND CONDITIONS OF THE
GOVERNMENT SERVANTS OF N.W.F.P.



Muhammad Iqbal Memon
ADVOCATE
High Court Peshawar

Compiled and Published

ATTESTED

By

Offices & General Administration Department,
Government of N.W.F.P., Peshawar.

any categories of Class II posts where merit could be identified as against other posts where such identification would be difficult. Necessary proposals may then be made for amendment of the relevant Class II Rules.

(West Pak: S&GA Deptt. letter
No. SOR-III-2-32/65,
dated 1.5.70).

22

MINIMUM LENGTH OF SERVICE FOR ELIIBIITY FOR VARIOUS GRADES AND ACTING CHAGE APPOINTMENT

I am directed to state that in supersession of all the previous instructions issued from time to time, the Governor, NWFP is pleased to decide that the minimum length of service for promotion to various grades shall be as follows:—

| | | |
|--------------|----|-------------------------------|
| For Grade-18 | .. | 5 years in Grade-17. |
| For Grade-19 | .. | 12 years in Grade-17 & above. |
| For Grade-20 | .. | 17 years in Grade-17 & above. |
| For Grade-21 | .. | 22 years in grade-17 & above. |

Provided that where initial appointment takes place in Grade 18, 19 & 20, the length of service for promotion to higher Grades shall be as followed:—

| | | |
|--------------|----|---|
| For Grade-19 | .. | 7 years in Grade-18. |
| For Grade-20 | .. | 12 years in Grade-18 & above or 5 years in Grade-19. |
| For Grade-21 | .. | 17 years in Grade-18 & above or 5 years in Grade-20. |

(NWFP S&GA Deptt. letter
SORI(S&GAD)-1-29/75,
dated 23.2.81).

MINIMUM LENGTH OF SERVICE FOR ELIGIBILITY FOR VARIOUS GRADES, AND ACTING CHARGE APPOINTMENT

I am directed to refer to the subject cited above and to say that the Government of NWFP is pleased to decide that 1/2 (one half) of the service in Grade-16 and 1/4th (one fourth) of service in Grade-15 and below of persons, already in Government service, will be counted as service in Grade-17 for computing length of service for the purpose of promotion as contained

ATTACHED

in this Department's letter of even number dated 23rd February, 1981. This will be applicable with immediate effect.

(NWFP S&GA Deptt. letter No. SORI(S&GAD)-1-29/75, dated 8.12.83).

MINIMUM LENGTH OF SERVICE FOR ELIGIBILITY FOR VARIOUS GRADE AND ACTING CHARGE APPOINTMENT

I am directed to refer to this Department's letter of even number dated 23.2.1981 on the subject cited above and to say that instructions contained in the above referred letter shall take effect from the date of its issue i.e. 23.2.1981.

2. I am further to state that the formula of 1/4 non-gazetted and 1/2 of grade 16 service for computation of length of service in Grade-17 stands also superseded with effect from 23.2.1981.

(NWFP S&GA Deptt. letter No. SORI(S&GAD)-1-29/75, dated 11.7.81).

APPOINTMENT IN HIGHER GRADES

I am directed to forward herewith a copy of office memorandum No. 2/25/69-C.I., dated 31.7.1979 from the Government of Pakistan Cabinet Secretariat Establishment Division on the subject mentioned above and to state that the instructions contained therein should be followed strictly.

(NWFP S&GA Deptt. letter No. SORI(S&GAD)-1-29/75(KW), dated 20.8.79).

O.M. No. 2/25/69-C.I., dated 31st July, 1979 from Government of Pakistan, Cabinet Secretariat, (Establishment Division).

APPOINTMENT IN HIGHER GRADES

A number of cases have come to notice where Ministries/Divisions and Provincial Government have made appointment of officers serving under them to posts in higher grades without the prior approval of the competent authority or going through

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Dated Peshawar, the 5th June 1986.

From

Saeed Ullah Jan,
Secretary to Government of
N.W.F.P., Finance Department,
Peshawar.

ANNEX E

To

- 24
1. All Administrative Secretaries to Govt. of N.W.F.P.
 2. The Senior Member, Board of Revenue, N.W.F.P.
 3. All Heads of Attached Departments in N.W.F.P.
 4. All Commissioners/Deputy Commissioners/Political Agents/District and Session Judges in N.W.F.P.
 5. The Registrar, High Court, Peshawar.
 6. The Secretary, Public Service Commission, N.W.F.P.
 7. The Secretary to Governor, N.W.F.P.
 8. The Registrar, Service Tribunal, N.W.F.P.
 9. The Secretary, Board of Revenue, N.W.F.P.
 10. The Secretary, Provincial Assembly, N.W.F.P.

Subject:- REVISION OF LENGTH OF SERVICE FOR THE PURPOSE OF PAY AND INCREMENTS.

Sir,

I am directed to say that the question of revision of length of service for the purpose of pay and increment on promotion to posts carrying BPS-18 and above has been under consideration in this Department.

2. It has been decided after due consideration that the minimum length of service (in Scale-17 and above) prescribed for the purpose of drawal of pay and increment on promotion to posts carrying BPS-18 and above shall be as under:-

| <u>Basic Pay Scale of the post.</u> | <u>Length of Service.</u> |
|-------------------------------------|---------------------------|
| 18 | 5 years. |
| 19 | 12 years. |
| 20 | 17 years. |
| 21 | 22 years. |
| 22 | 22 years. |

Contd.....Page/2

P.T.O.

3. For calculating the service rendered in BPS-17 and above, half of the service rendered in BPS-16 and 1/4th of service rendered in scale below 16, if any, shall be added for the purpose of computing total length of service.

4. These orders shall take immediate effect.

Your obedient servant

I Hussain
(IFTIKHAR HUSSAIN)
Officer On Special Duty
(Pay Cell).

Tele: 78106 & 70542

No. FD(PRC)1-1/86-VI(B). Dated Peshawar, the June, 5, 1986.

Copy forwarded for information to:-

1. All Autonomous-Semi Autonomous Bodies in N.W.F.P.
2. The Secretary Finance Department, Government of the Punjab, Sind and Baluchistan.

I Hussain
(IFTIKHAR HUSSAIN)
Officer on Special Duty
(Pay Cell).

Tele: 78106 & 70542

No. FD(PRC)1-1/86-VI(B). Dated Peshawar, the June, 5, 1986.

Copy forwarded for information to:-

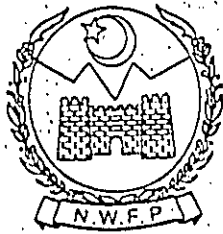
1. The Accountant General, N.W.F.P., Peshawar.
2. All District/Agency Accounts Officers in N.W.F.P.
3. The Treasury Officer, Peshawar.
4. The Private Secretary to Finance Minister, N.W.F.P.
5. P.S. to Secretary, P.As. to Additional Secretaries/ Deputy Secretaries in Finance Department.
6. All Section Officers/Budget Officers in Finance Department.
7. The Director, Local Fund Audit, Peshawar.

I Hussain
(IFTIKHAR HUSSAIN)
Officer on Special Duty
(Pay Cell).

Tele: 78106 & 70542.

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Jehangir/*

8/5/86



ANNEX F

25

ESTACODE

ESTABLISHMENT

CODE NWFP

2000

VOLUME-I

A COMPENDIUM OF LAWS, RULES AND
INSTRUCTIONS RELATING TO THE TERMS AND
CONDITIONS OF PROVINCIAL CIVIL SERVANTS

ATTESTED

ATTESTED

COMPILED BY:
(O&M) SECTION
SERVICES & GENERAL ADMINISTRATION DEPARTMENT

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2. For the existing entries, in para-2, under "B - DEPARTMENTAL PROMOTION COMMITTEES", the following shall be substituted, namely:-

"The Departmental Promotion Committee shall make recommendations for appointment by promotion or transfer to posts in BPS-16 and BPS-17 and shall also assess fitness/suitability of officers for move-over from BPS-15 to BPS-16 or BPS-16 to BPS-17 or BPS-17 to BPS-18 or BPS-18 to BPS-19, as the case may be, and make its recommendations.

(Authority S&GAD Letter No.SORI(S&GAD)-I-1/75(Vol.II:) dt: 27.9.1997)

Minimum length of service for eligibility for promotion to various grades.

Sl.No.3

← P-25

Consequent on the issue of the instructions contained in the Establishment Division Office Memorandum No.3/7/74-AR.II, dated the 27th August, 1974, regarding relaxation of service limits for the purpose of promotion to various grades, the Ministries/Divisions have been referring cases for according relaxation in individual cases. With a view to minimizing such references it has been decided to issue the following further instructions:-

C/25

(i) In the case of the senior most officer to be promoted to Grade 18, half of the service in Grade 16 and one-fourth in Grades lower than 16 formerly known as non-gazatted), if any, may be counted as service in grade 17.

(ii) Where initial recruitment takes place in grades 18 and 19 the length of service prescribed for promotion to higher grades shall be reduced as indicated below:-

- For Grade 19 - 7 years in Grade 18 ✓
 - For Grade 20 - 10 years service in Grade 18 and above.
- or
- 3 years service in Grade 19

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(Authority: Establishment Division O.M No.3/7/74-AR.II, dated 02.7.75 circulated by NWFP vide letter No.SOS.III(S&GAD)I-29/75, dated 28.2.75.

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1.8.79
Ignored.

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ANNEX G

27



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ESTABLISHMENT CODE KHYBER PAKHTUNKHWA
(REVISED EDITION) 2011

P-52

A COMPENDIUM OF LAWS, RULES AND INSTRUCTIONS
RELATING TO THE TERMS AND CONDITIONS
OF PROVINCIAL CIVIL SERVANTS

KHALED REHMAN
Advocate
High Court Peshawar

9-B, Hafiz Mansion,
Khyber Pakhtunkhwa

ATTESTED

COMPILED BY;
(O&M) SECTION
ESTABLISHMENT & ADMINISTRATION DEPARTMENT

ATTESTED

No
[S]

SUBJECT:- NORTH-WEST FRONTIER PROVINCE CIVIL SERVANTS PROMOTION POLICY, 2009.

Dear Sir,

I am directed to refer to the subject noted above and to say that in order to consolidate the existing Promotion Policy, which is embodied in several circular letters issued in piecemeal from time to time, and to facilitate the line departments at every level in prompt processing of promotion cases of Provincial civil servants, it has been decided to issue the "North-West Frontier Province Civil Servants Promotion Policy, 2009" duly approved by the competent authority, for information and compliance by all concerned. This Policy will apply to promotions of all civil servants holding appointment on regular basis and will come into effect immediately. The Policy consists of the provisions given hereunder:-

I. Length of service:

(a) Minimum length of service for promotion to posts in various basic scales will be as under:

- Basic Scale 18 : 5 years' service in BS-17
- Basic Scale 19 : 12 years' service in BS-17 & above
- Basic Scale 20 : 17 years' service in BS-17 & above

No proposal for promotion shall be entertained unless the condition of the prescribed length of service is fulfilled.

(b) Service in the lower pay scales for promotion to BP-18 shall be counted as follows:

- (i) Half of the service in BS-16 and one fourth in Basic Scales lower than 16, if any, shall be counted as service in Basic Scale 17.
- (ii) Where initial recruitment takes place in Basic Scale 18 and 19, the length of service prescribed for promotion to higher Basic Scales shall be reduced as indicated below:
 - Basic Scale 19 : 7 years' service in BS-18
 - Basic Scale 20 : 10 years' service in BS-18 and above or 3 years' service in BS-19.

II. Linking of promotion with training:

(a) Successful completion of the following trainings is mandatory for promotions of officers of the Provincial Civil Service / Provincial Management Service to various Basic Scales:

- Mid-Career Management Course at National Institute of Management (NIM) for promotion to BS-19

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- Senior Management Course at National Management College, Lahore for promotion to BS-20
 - National Management Course at National Management College, Lahore for promotion to BS-21
- (b) This condition will not be applicable to civil servants in specialized cadres such as Doctors, Teachers, Professors, Research Scientists and incumbents of purely technical posts for promotion within their own line of specialization as envisaged in the existing Promotion Policy.
- (c) The qualifying thresholds of quantification of PERs for nomination to these trainings are as under:
- | | |
|------|----|
| MCMC | 60 |
| SMC | 70 |
| NMC | 75 |
- (d) There will be no exemptions from mandatory trainings. An officer may, however, request for temporary exemption in a particular moment in time but grant of such exemption would be at the discretion of the competent authority. No such request with regard to an officer would be made by the Government Departments concerned.
- (e) Three officers shall be nominated for each slot of promotion on the basis of their seniority. Those unwilling to attend will be dropped at their own expense without prejudice to the rights of others and without thwarting or minimizing the chance of improving the quality of service.
- (f) Officers failing to undergo mandatory training in spite of two time nominations for a training shall stand superseded if such failure was not for the reasons beyond the control of the officers concerned.

III. Development of Comprehensive Efficiency Index (CEI) for promotion:

- (a) The Comprehensive Efficiency Index to be maintained for the purpose of promotion is clarified as under:
- (i) The minimum of aggregate marks for promotion to various grades shall be as follows:

| Basic Scale | Aggregate marks of Efficiency Index |
|-------------|-------------------------------------|
| 18 | 50 |
| 19 | 60 |
| 20 | 70 |
| 21 | 75 |

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- (ii) A panel of two senior most officers shall be placed before the Provincial Selection Board for each vacancy in respect of promotion to BS-18 & 19. Similarly, a panel of three senior most officers shall be submitted to the Provincial Selection Board for each position in respect of promotion to BS-20 and 21 and the officer with the requisite score on the Efficiency Index shall be recommended for promotion.
- (iii) The senior most officer(s) on the panel securing the requisite threshold of the Efficiency Index shall be recommended by the Provincial Selection Board for promotion unless otherwise deferred. In case of failure to attain the requisite threshold, he (she)/they shall be superseded and the next officer on the panel shall be considered for promotion.

(b) - Marks for quantification of PERs, Training Evaluation Reports and Provincial Selection Board evaluation shall be assigned as under:-

| Sl. No. | Factor | Marks for promotion to BS-18 & 19 | Marks for promotion to BS-20 & 21 |
|---------|--|-----------------------------------|-----------------------------------|
| 1 | Quantification of PERs relating to present grade and previous grade(s) @ 60% : 40% | 100% | 70% |
| 2 | Training Evaluation Reports as explained hereafter. | -- | 15% |
| 3 | Evaluation by PSB | -- | 15% |
| | Total | 100% | 100% |

(c) A total of fifteen (15) marks shall be allocated to the Training Evaluation Reports (Nine marks @ 60% for the training in the existing BPS and Six marks @ 40% in the preceding BS). Evaluation of the reports from the Training Institutions shall be worked out as under:-

- (i) It shall be on the basis of Grade Percentage already awarded by the National School of Public Policy (National Management College and Senior Management Wing) and its allied Training Institutions as provided in their reports.
- (ii) Previous reports of old Pakistan Administrative Staff College and old NIPAs where no such percentage has been awarded, points shall be worked out on the basis of weighted average of the percentage range of grades followed by these Institutions as reflected in table-A below:

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TABLE-A
Old PASC & NIPAs

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| Category | Range | Weighted Average | Points of PASC @ 60%=9 | Points of NIPAs @ 40%=6 |
|------------------|---------|------------------|---------------------------|----------------------------|
| A. Outstanding | 91-100% | 95.5% | 8.60 | 5.73 |
| B. Very Good | 80-90% | 85% | 7.65 | 5.10 |
| C. Good | 66-79% | 72.5% | 6.52 | 4.35 |
| D. Average | 50-65% | 57.5% | 5.17 | 3.45 |
| E. Below Average | 35-49% | 42% | 3.78 | 2.52 |

- (iii) Grades from National Defence University will be computed according to the weighted average based on the Grading Key for the range provided by the NDU as reflected in Table-B below:

TABLE-B
NATIONAL DEFENCE UNIVERSITY

| Category | Range | Weighted Average | Points @ 60%=9 |
|------------------------|-----------|------------------|----------------|
| A. Outstanding | 76-100% | 88% | 7.92 |
| B-Plus. Very Good | 66-75.99% | 71% | 6.39 |
| B-High. Good | 61-65.99% | 63.5% | 5.71 |
| B-Average. Average | 56-60.99% | 58.5% | 5.26 |
| B-Low. Below Average | 51-55.99% | 53.5% | 4.81 |
| B-Minus. Below Average | 46-50.99% | 48.5% | 4.36 |
| C. Below Average | 40-45.99% | 43% | 3.87 |
| F. Below Average | 35-39.99% | 37.5% | 3.37 |

- (d) The officers who have been granted exemption from mandatory training having attained the age of 56 years or completed mandatory period of serving in a Training Institution upto 27-12-2005, may be awarded marks on notional basis for the training factor (for which he/she was exempted) in proportion to the marks obtained by them in the PERs.

- (e) Status quo shall be maintained in respect of officers of special cadres such as teachers, doctors, professors, research scholars and incumbents of

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technical posts for promotion within their own line of speciality. However, for calculation of their CEI, 70% marks shall be assigned to the quantified score of PER s and 30% marks shall be at the disposal of the PSB.

- (f) For promotion against selection posts, the officer on the panel securing maximum marks will be recommended for promotion. Thirty marks placed at the disposal of the Provincial Selection Board in such cases shall be awarded for technical qualification, experience and accomplishments (research publications relevant to the field of specialism).
- (g) Since three of the aspects of performance i.e. moral integrity, intellectual integrity, quality and output of work do not figure in the existing PER forms, the grades secured and marks scored by the officer in overall assessment shall be notionally repeated for the other complementary evaluative aspects and form the basis of quantification.
- (h) The performance of officers shall be evaluated in terms of the following grades and scores:

| | | <u>Upto 11th June. 2008</u> | <u>From 12th June. 2008</u> |
|----|---------------|--|--|
| 1. | Outstanding | -- | 10 Marks |
| 2. | Very Good | 10 marks | 8 marks |
| 3. | Good | 7 marks | 7 marks |
| 4. | Average | 5 marks | 5 marks |
| 5. | Below Average | 1 mark | 1 mark |

- (i) The outstanding grading shall be awarded to officers showing exceptional performance but in no case should exceed 10% of the officers reported on. The grading is not to be printed in the PER form but the reporting officer while rating an officer as "outstanding" may draw another box in his own hand in the form, initial it and write outstanding on the descriptive side. Convincing justification for the award shall be recorded by the reporting /countersigning officer. The discretion of awarding "outstanding" is to be exercised extremely sparingly and the award must be merited.
- (j) The quantification formula and instructions for working out quantified score are annexed.

IV. Promotion of officers who are on deputation, long leave, foreign training:

- a) The civil servants who are on long leave i.e. one year or more, whether within or outside Pakistan, may be considered for promotion on their return from leave after earning one calendar PER. Their seniority shall, however, remain intact.

- b) The civil servants who are on deputation abroad or working with international agencies within Pakistan or abroad, will be asked to return before their cases come up for consideration. If they fail to return, they will not be considered for promotion. They will be considered for promotion after earning one calendar PER and their seniority shall remain intact.
- c) In case of projects partially or fully funded by the Federal or Provincial Government, where PERs are written by officers of Provincial Government, the condition of earning one calendar PER shall not be applicable. The Officers on deputation to projects shall be considered for promotion. However, after promotion they will have to actualize their promotion within their cadre.
- d) The civil servants on deputation to Federal Government, Provincial Government, autonomous/semi-autonomous organization shall be considered for promotion and informed to actualize their promotion within their cadres. They shall have to stay and not be allowed to go back immediately after promotion. Such stay shall be not less than a minimum of two years. If he/she declines his/her actual promotion will take place only when he/she returns to his/her parent cadre. His/her seniority in the higher post shall, however, stand protected.
- e) The cases of promotion of civil servants who have not successfully completed the prescribed mandatory training (MCMC, SMC & NMC) or have not passed the departmental examination for reasons beyond control, shall be deferred.
- f) Promotion of officers still on probation after their promotion in their existing Basic Scales shall not be considered.
- g) A civil servant initially appointed to a post in a Government Department but retaining lien in a department shall not be considered for promotion in his parent department. However, in case he returns to parent department, he would be considered for promotion only after he earns PER for one calendar year.
- h) A civil servant who has resigned shall not be considered for promotion no matter the resignation has yet to be accepted.

V. Deferment of Promotion:

- (a) Promotion of a civil servant will be deferred, in addition to reasons given in para-IV, if
- (i) His inter-se-seniority is disputed/sub-judice.
- (ii) Disciplinary or departmental proceedings are pending against him.

1. Subs. vided circular letter No. SOR-IV/E&AD/1-16/2006, dated 19-04-2010

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- (iii) The PER dossier is incomplete or any other document/ information required by the PSB/DPC for determining his suitability for promotion is not available for reasons beyond his control.
- (b) The civil servant whose promotion has been deferred will be considered for promotion as soon as the reasons for deferment cease to exist. The cases falling under any of the above three categories do not warrant proforma promotion but the civil servant will be considered for promotion after determining his correct seniority over the erstwhile juniors.
- (c) If an officer is otherwise eligible for promotion but has been inadvertently omitted from consideration in the original reference due to clerical error or plain negligence and is superseded, he should be considered for promotion as soon as the mistake is noticed.
- (d) If and when an officer, after his seniority has been correctly determined or after he has been exonerated of the charges or his PER dossier is complete, or his inadvertent omission for promotion comes to notice, is considered by the Provincial Selection Board/ Departmental Promotion Committee and is declared fit for promotion to the next higher basic scale, he shall be deemed to have been cleared for promotion alongwith the officers junior to him who were considered in the earlier meeting of the Provincial Selection Board/Departmental Promotion Committee. Such an officer, on his promotion will be allowed seniority in accordance with the proviso of sub-section (4) of Section 8 of the North-West Frontier Province Civil Servants Act, 1973, whereby officers selected for promotion to a higher post in one batch on their promotion to the higher post are allowed to retain their inter-se-seniority in the lower post. In case, however, the date of continuous appointment of two or more officers in the lower post/grade is the same and there is no specific rule whereby their inter-se-seniority in the lower grade can be determined, the officer older in age shall be treated senior.
- (e) If a civil servant is superseded he shall not be considered for promotion until he earns one PER for the ensuing one full year.
- (f) If a civil servant is recommended for promotion to the higher basic scale/post by the PSB/DPC and the recommendations are not approved by the competent authority within a period of six months from such recommendations, they would lapse. The case of such civil servant would require placement before the PSB/DPC afresh.

VI. Date of Promotion:

Promotion will always be notified with immediate effect.

VII. Notional Promotion:

In respect of civil servants who retire (or expire) after recommendation of their promotion by the PSB/DPC, but before its approval by the competent authority, their

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ALLIANCE

promotion shall be deemed to have taken effect from the date of recommendation of the PSB/DPC, as the case may be, and their pension shall be calculated as per pay which they would have received had they not retired/expired.

VIII. Promotion of Civil Servants who are awarded minor penalties.

- (a) The question of promotion to BS-18 and above in case of civil servants who have been awarded minor penalties has been settled by the adoption of quantification of PERs and CEI which allows consideration of such cases for promotion subject to deduction of 5 marks for each major penalty, 3 marks for each minor penalty and 1 mark for each adverse PER from the quantified score and recommendation for promotion on attaining the relevant qualifying threshold.
- (b) However, the CEI policy is not applicable to civil servants in BS-16 and below. In this case, the concerned assessing authorities will take into consideration the entire service record with weightage to be given for recent reports and any minor penalty will not be a bar to promotion of such a civil servant.

IX. Promotion in case of pending investigations by NAB:

- If there are any NAB investigations being conducted against an officer, the fact of such investigations needs to be placed before the relevant promotion fora which may take a considered decision on merits of the case.
2. All the existing instructions on the subject shall stand superseded to the above extent, with immediate effect.

Yours faithfully,

(MUHAMMAD ABID MAJEED)
Special Secretary (Regulations)

~~ACCEPTED~~

GOVERNMENT OF NWFP
POPULATION WELFARE DEPARTMENT
F.C. TRUST BUILDING, JUNEHR MASJID ROAD
PESHAWAR CANTT.

NO.SO(PW)4-27/2002/119
Dated Peshawar th 7th Sept, 2005

To

The Secretary
Government of NWFP,
Establishment Department

Subject:- PROMOTION FOR BS-18 TO BS-19

ANNEX H

Dear Sir,

36

I am directed to refer to your letter No.SOR-III(E&AD) 8(3)/2005 dated 05-09-2005 on the subject noted above and to say that the following BS-18 officers who are due for promotion to BS-19 have completed the prescribed length of twelve year service in BS-17 and above in terms of NWFP Estacode under section-6 promotion policy serial No.3 vide letter No. SOS.III(S&GAD)1-29/75 Dated 28-02-1975 as under:-

| S.No. | Name of Officers | Services rendered below BS-16 | Services rendered in BS-16 | Services rendered in BS-17 | Services rendered in BS-18 |
|-------|----------------------------|-------------------------------|----------------------------|----------------------------|----------------------------|
| 1. | Mr. Saif Ullah Khan | 01-07-1967 to 15-05-1969 | 16-07-1969 to 12-11-1995 | 13-11-1995 to 28-05-2004 | 29-05-2004 till date |
| 2. | Syed Mudassar Shah | Nil | 14-1-75 to 07-0-1996 | 08-01-1996 to 28-05-2004 | 29-05-2004 till date |
| 3. | Mr. Mahbaram | Nil | 10-0-19976 to 07-01-1996 | 08-01-1996 to 28-05-2004 | 29-05-2004 till date |
| 4. | Mr. Shah Nawab | Nil | 1977 to 07-1996 | 08-01-1996 to 28-05-2004 | 29-05-2004 till date |
| 5. | Mr. Muhammad Anwar Qurashi | 28-06-1973 to 09-12-1986 | 10-12-1986 to 07-01-1996 | 08-01-1996 to 28-05-2004 | 29-05-2004 till date |

I am further directed to request that an early advice requested vide this office letter of even number dated 31-08-2005 may kindly be conveyed to this department for further processing the promotion cases of the above mentioned officers. It is pertinent to mention here that one of the above officer at Serial No.1 is going to be retired from service on 02-10-2005.

ATTESTED

Yours Faithfully,
(MUHAMMAD SAEED)
SECTION OFFICER (PW)

GOVERNMENT OF NWFP
POPULATION WELFARE DEPARTMENT
FC Trust Building Sunehri Masjid Road
Peshawar Cantt

227
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Dated Pesh, the February 19, 2007

NOTIFICATION

No.SOE/PWD/4-27/2006/PC/Vol.II : On the recommendations of the Provincial Selection Board and with the approval of the Competent Authority, the following Deputy Directors (NT)/DPWOs (BPS-18) are hereby promoted as Directors (NT) BPS-19 in the Population Welfare Department NWFP on regular basis with immediate effect :-

1. Syed Mudasir Shah
2. Mahbaram Khan
3. Arbab Muhammad Ramzan
4. Shahi Nawab
5. Muhammad Anwar Qureshi

2. The officers on promotion will remain on probation for a period of one year in terms of Section 6(2) of NWFP Civil Servants Act, 1973 read with Rule 15(1) of NWFP Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. Consequent upon the above, the following posting/transfers amongst the officers are made in the interest of public service henceforth :-

| S. No. | Name | From | To | Remarks |
|--------|----------------------------|---|---|--|
| 1 | Syed Mudasir Shah | District Population Welfare Officer Abbottabad (BPS-18) | District Population Welfare Officer Abbottabad (BPS-19) | Against the BPS-19 post (already occupied by the officer in his own pay scale) |
| 2 | Mr. Mahbaram Khan | District Population Welfare Officer D.I.Khan (BPS-18) | District Population Welfare Officer D.I.Khan (BPS-19) | Against the BPS-19 post (already occupied by the officer in his own pay scale) |
| 3 | Arbab Muhammad Ramzan | Deputy Director (M&E) Provincial Office (BPS-18) | District Population Welfare Officer Mardan (BPS-19) | Vice No. 8 |
| 4 | Mr. Shahi Nawab | District Population Welfare Officer Hangu (BPS-18) | District Population Welfare Officer Swat (BPS-19) | Against the BPS-19 post occupied by officer at S.No. 11 |
| 5 | Mr. Muhammad Anwar Qureshi | Deputy Director (Admn) Provincial Office (BPS-18) | District Population Welfare Officer Kohat (BPS-19) | Vice No.6 |
| 6 | Mr. Noor Afzal Khan | District Population Welfare Officer Kohat (BPS-19) | District Population Welfare Officer Peshawar (BPS-19) | Vice No. 7 |

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| | | | | |
|----|------------------|---|--|--|
| 7 | Mr. Nowsherawan | District Population Welfare Officer Peshawar (BPS-18) | District Population Welfare Officer Charsadda (BPS-18) | Vice No. 9 |
| 8 | Mr. Ikramullah | District Population Welfare Officer Mardan (BPS-18) | District Population Welfare Officer Karak (BPS-18) | Vice No. 10 |
| 9 | Mr. Akhtar Zaman | District Population Welfare Officer Charsadda (BPS-17) | Deputy Director (M&E) Provincial Office (BPS-18) | Vice No. 3 in his own pay scale |
| 10 | Mr. Ghulam Farid | District Population Welfare Officer Karak (BPS-17) | District Population Welfare Officer Hangu (BPS-18) | Vice No. 4 in his own pay scale |
| 11 | Mr. Fazal Rabi | District Population Welfare Officer Swat (in his own pay scale) | Accountant (BPS-16) District PW Office Swat | Against his original post of Accountant BPS-16 |
| 12 | Mrs. Nayab Ahmad | On study leave abroad | Deputy Director (Admn) Provincial Office (BPS-18) | For the purpose of pay & allowances |

CHIEF SECRETARY
GOVERNMENT OF NWFP

Endst number and date even /408-44

Copy to :-

1. The Accountant General NWFP Peshawar.
2. The Director General Population Welfare NWFP Peshawar.
3. PS to Minister for Population Welfare NWFP.
4. PS to Chief Secretary NWFP.
5. All District Population Welfare Officers in NWFP.
6. District Accounts Officers Kohat/D.I.Khan/Abbottabad/Swat/Hangu/Karak/Charsadda and Mardan.
7. Officers concerned.
8. Manager, Govt Printing Press Peshawar.
9. Personal Files of the Officers.

(USMAN SHAH)
SECTION OFFICER (ESTAB)

19-2-07

19/2/07

19/2/2007

13

GOVERNMENT OF NWFP,
ESTABLISHMENT & ADMIN. DEPARTMENT,
(REGULATION WING)

NO. SO. III (C/AD) II(3)/2005.
Dated: Pesh: the, 20/9/05.

ANNEX I

To,

The Secretary to Govt: of NWFP,
Population Welfare Department.

Subject: PROMOTION FOR US-II TO US-III

37

Dear Sir,

I am directed to refer to your letter NO. SO (PW)4-27/2002/2719 dated 7/9/2005 on the subject noted above and to say that service rendered in PWS-16 and below can be taken into account for the purpose of length of service.

Yours faithfully,

ATTESTED

(SHAKIRULLAH)
Section Officer (R-II)

ATTESTED

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

Appeal No. 1099/2007

Date of Institution ... 31.10.2007
Date of Decision ... 23.04.2009

Pervez Khan, Deputy Director Population Welfare Department,
NWFP FC Plaza, Peshawar Cantt. ...

(Appellant)

VERSUS

1. Government of NWFP through Chief Secretary, NWFP Peshawar.
2. Chairman, Provincial Selection Board/Chief Secretary NWFP, Peshawar.
3. Government of NWFP Population Welfare Department, FC Plaza, Peshawar through Secretary.
4. Establishment & Administration Department, Government of NWFP through Secretary.
5. Syed Mudassar Shah District Population Welfare Officer, Abbottabad, Population Welfare Department, NWFP and 9 others.... (Respondents)

Answer J

38

APPEAL FOR SETTING ASIDE/CANCELLATION OF SENIORITY LIST DATED 22.3.2006 OF OFFICERS IN BPS-18 WHERE RESPONDENT NO.5 TO 14 HAVE BEEN SHOWN SENIOR TO APPELLANT, THE IMPUGNED ADVICE DATED 20.9.2005 TENDERED BY THE RESPONDENT NO. 4 AND PROPOSAL FOR PROMOTION IN RESPECT OF RESPONDENTS NO. 5 TO 9, SENT BY RESPONDENT NO.3 UNDER COVERING LETTER NO.SOE (PWD)4-27/2002/2785 DATED 21.11.2006 TO PROVINCIAL SELECTION BOARD HEADED BY RESPONDENT NO.2 AS BOTH ARE AGAINST RELEVANT LAW AND RULES; THEREFORE, ITS CONSIDERATION AND APPROVAL BY THE PROVINCIAL SELECTION BOARD COMPRISING RESPONDENTS NO. 1 TO 4 IS ULTRA VIRES, VOID AB-INITIO, WITHOUT LAWFUL AUTHORITY AND OF NO LEGAL EFFECT. THE SUBSEQUENT PROMOTION NOTIFICATION NO.SOE/PWD/4-27/2006/PC/Vol.II DATED 19.2.2007 THEREFORE, MAY GRACIOUSLY BE DECLARED UNLAWFUL, VOID AB-INITIO AND OF NO LEGAL EFFECT.

MR. NASIR MAHFOOZ KHAN,
Advocate

... For appellant.

MR. ZAHID KARIM KHALIL,
Addl. Government Pleader, For respondents No. 1 to 5.

ATTESTED

MR. KHALID RAHMAN,
Advocate.

... For respondent No. 14.

MR. JUSTICE (R) SAJJAM KHAN,
S. MANZOOR ALI SHAH,

... CHAIRMAN
... MEMBER.

ATTESTED

JUDGMENT

JUSTICE (R) SALIM KHAN, CHAIRMAN.

The appellant

contended that he joined Government service in BPS-17 on 03.11.1988. Vacancies of the District Population Welfare Officer/Deputy Director/Executive District Officer (BPS-18) were created. The appellant joined the Population Welfare Department on 29.9.2004 by appointment on transfer. Five posts of Director (non-technical)/District Population Welfare Officer (BPS-19) were to be filled through promotion. The names of the appellant and of 12 other officers were recommended for consideration before the Provincial Selection Board. The appellant contended that he impleaded respondents No. 10 to 14 because they had been shown senior to the appellant in the impugned seniority list, in fact they were junior to him. He contended that respondents No. 10, 11, and 13 were promoted unlawfully on regular basis w.e.f. 29.5.2005 whereas the services of respondent No.12 in BPS-17 were regularized on 18.7.2007 but he was promoted on 30.8.2005 alongwith respondent No. 3 w.e.f. 21.5.2005. The appellant contended that he had previously objected to the seniority position of the respondents on various occasions.

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2. He also contended that the condition of three years service to his case was illegally attached, and respondents Nos. 5 to 13 were promoted to BPS-18 before expiry of their probation period and completing statutory length of service. He also contended that the condition was applicable to the persons who have not rendered service in BPS-17 and the three years period has been reduced to one year by the competent designated forum.

The respondents contested the appeal.

We heard the detailed arguments of the learned counsel for the appellant, but the appellant needed personal hearing. He was also heard in detail. We also heard the arguments of the A.G.P and of the learned counsel for the private respondent No. 14.

5. The learned counsel for the appellant and the appellant contended that the Rules for promotion to the post of Director (non-technical)/District Population Welfare Officer (BPS-19), contained the words "12 years service in BPS-17 and BPS-18 or in the case of persons who have not rendered any service in BPS-17, seven years service in BPS-18, of which three years shall be in the Population

ATTESTED

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Welfare Department." The appellant contended that this condition of three years service was applicable only to those persons, who had not rendered service in BPS-17 and 18 and who were required to have seven years service in BPS-18, out of which three years must have been in the Population Welfare Department. This interpretation/construction of the rules is incorrect. The condition "of which three years service shall be in the Population Welfare Department" is attached to both the categories of the employees. The only difference between the two categories is that one category is of the officers who had served in BPS-17 as well as in BPS-18 (who are called promotees), and the persons who have directly joined the department in BPS-18 (are called appointees by initial recruitment). The basic criterion was that persons having three years service in Population Welfare Department whether they were promotees or appointees by initial recruitments, were eligible for the post in question as required.

6. It was also contended on behalf of the appellant that some of the respondents had not completed probation period in BPS-17, but they were promoted to BPS-18 and for the purposes of some of the respondents, the service in BPS-16 and below was also considered. The contention of the appellant is correct to the extent that the service in BPS-16 and below cannot be considered for the post in BPS-19, though it can be considered for promotion to BPS-18. Such concession of counting the previous service in BPS-16 and below is a one time concession for promotion from BPS-17 to BPS-18. Once that stage passes, the right to avail the concession also falls, whether availed or not, and is no more available for further promotions. The appellant had also served as such and his previous service for promotion/ appointment to a BPS-18 post could also be so considered. As is an admitted fact, the appellant was brought to the department directly in BPS-18.

7. There is nothing on record to show that the appellant had objected to the promotions of the private respondents from BPS-17 to BPS-18 at the relevant time and had taken the issue/dispute to its logical conclusion. The principles of limitation and estoppel hinder the way of the appellant at this stage of proceedings.

8. The office order dated 29.9.2004 shows that the appellant was appointed as Deputy Director (Non-Technical)/District Population Welfare Officer/ Deputy City Population Welfare Officer (BPS-18) on contract basis, for a period of three years on the terms and conditions as laid down in the Government contract

ATTENTION

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policy/offer for appointment vide letter No.SO(PW)4-26/2002, dated 27.9.2004, with immediate effect. The appellant contended that he was appointed by transfer. In fact, he was neither appointed by promotion nor by transfer. Appointment by transfer could be made from amongst the persons holding appointment on regular basis in the same basic pay scale, in which the post to be filled, existed. The appellant was in BPS-17 before the above mentioned appointment, and he was appointed against the BPS-18 post. Such posting was neither on acting charge basis nor on officiating or current charge basis. The appointment was clearly on contract basis for a period of three years with immediate effect, in accordance with the Government contract policy. Such appointment was independent of his previous service for the purposes of linkage for promotion or transfer.

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9. It is worth mentioning that the services of the appellant stood regularized as a result of the amendment of Section 19 of the N.W.F.P Civil Servants Act, 1973. It provided that a person though selected for appointment in the prescribed manner to a service or post on or after the first day of July, 2001, till the commencement of the said Act (23.7.2005) but appointed on contract basis shall, w.e.f. the commencement of the said Act (23.7.2005) be deemed to have been appointed on regular basis. The services of the appellant had to be considered on regular basis w.e.f. 23.7.2005 only, if he was initially appointed on contract basis on selection for appointment in the prescribed manner. It is admitted by him that the services of the private respondents were already regularized before 23.7.2005. The appellant had never objected to such regular appointments at the relevant time and had not availed his legal remedies, if any, at the proper time. The appellant, therefore, remained junior to the private respondents due to his appointment order and the amendments in Section 19 mentioned above.

10. Sections 7 and 8 of the N.W.F.P Civil Servants Act, 1973 declare that the seniority of a civil servant shall be reckoned in relation to other civil servants belonging to the same service or cadre, whether serving in the same department or office or not, as may be prescribed, and confirmation of a civil servant in a service or post shall take effect from the date of occurrence of permanent vacancy in that service or post or from the date of continuous officiation in such service or post, whichever is later.

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~~ATTESTED~~

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11. Seniority of the persons who had to be promoted to BPS-18 post had to be reckoned w.e.f. the date of their regular appointment to BPS-18 posts. The length of service or experience, if prescribed for a certain promotion, is included in the minimum qualification prescribed for eligibility for promotion of a person to such higher post.

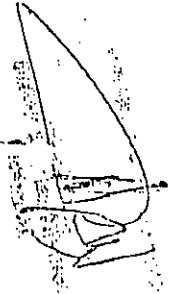
12. In view of the above, we have come to the conclusion that the appellant was initially appointed against the above mentioned BPS-18 post on contract basis, in accordance with the terms of the contract policy and the offer of appointment, for a period of three years with immediate effect. The services of the private respondents were regularized before the date of regularization of the service of the appellant. The appellant had not objected to such regularization, and had not utilized his right to take the dispute to its logical conclusion. The services of the appellant were regularized w.e.f. 23.7.2005 as a consequence of the amendment in Section 19 of the N.W.F.P Civil Servants Act, 1973. The condition of three years experience in the Population Welfare Department for the purpose of promotion to the post of Director (non-technical) (BPS-19) was a condition precedent for consideration for such promotion. The appellant had not completed that period at the time of consideration of other persons, including the private respondents. The appellant has, by now completed the mentioned period, and he has become eligible for such promotion to the extent of the mentioned condition. It is expected that his case will be considered in the light of the rules, whether it contains three years experience or, one year experience, at the proper time.

13. We do not find any merit in the present appeal and we dismiss the same with costs of the official respondents and of the private respondent to be paid by the appellant to them respectively, but subject to the decree sheet, and the official record of the official respondents.

ANNOUNCED
23.4.2008

*Self Justice @ Pathankot
Sd/- G.P. Singh
Sd/- G.P. Singh*

[Signature]



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GOVERNMENT OF NWFP
POPULATION WELFARE DEPARTMENT
F.C. TRUST BUILDING, SUNEHR MASJID ROAD,
PESHAWAR CANTT.

NO.SOE (PWD)4-9/28/08
Dated Peshawar the 27th June, 2009

43

ANNEX K

To

The Secretary to Government of NWFP,
Establishment Department,
Peshawar.

Subject: -

SERVICE APPEAL NO.1099/2007 PERVEZ KHAN VERSUS
GOVERNMENT OF NWFP THROUGH SECRETARY
POPULATION WELFARE DEPARTMENT AND OTHERS.

Dear Sir,

I am directed to refer to your Department letter No. SO (Li) E&AD / 3-1045 / 2004 dated 02-5-2009 on the subject noted above and to enclose herewith a copy of Judgment dated 23-4-2009 passed by the NWFP Service Tribunal in the above cited appeal wherein the appeal has been dismissed with cost of litigation of official and private respondents.

I am further directed to draw your kind attention towards Para-6 of the judgment wherein contention of the appellant that service in BPS-16 and below cannot be considered for computing length of service for promotion to the post in BPS-19 though it can be considered for promotion to BPS-18 as provided for in former S&GAD letter No. SOR 1 (S&GAD) 1-29 / 75 dated 08-12-1983 (copy enclosed) has been held correct. This Department has to process promotion case of District Population Welfare Officers / Deputy Directors (Non-Technical) BPS-18 to the post of District Population Welfare Officers / Directors (Non-Technical) BPS-19 and as such advice of Establishment Department, NWFP is solicited in the matter as to whether instructions contained in the former S&GAD letter dated 08-12-1983 still hold good or not keeping in view para-6 of the judgment referred to above.

An early response in the matter will be appreciated please.

Encls. - As above.

Your faithfully,

SECTION OFFICER (ESTT)

Endst: - No & date even.

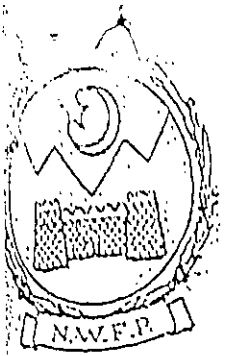
Copy forwarded to the Director General, Population Welfare, NWFP, Peshawar for information w/r to his letter No. 4 (15) / 95-2007/Admn-Vol-VI / 4529-30 dated 16-6-2009.

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ATTESTED

P-40

10/11



GOVERNMENT OF NWFP
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NO. SOR.II(E&AD)3 (249)/2007
Dated Peshawar, the 9.7.2009

POPULATION WELFARE DEPARTMENT
NWFP, PESHAWAR
Diary No. 891
Dated 19-7-09
Sign: _____

ANNEX L

To
The Secretary to Govt of NWFP,
Population Welfare Department.

SUBJECT:- SERVICE APPEAL NO.1099/2007 PERVEZ KHAN VERSUS
GOVERNMENT OF NWFP THROUGH SECRETARY
POPULATION WELFARE DEPARTMENT AND OTHERS.

44

Dear Sir,

I am directed to refer to your letter No.SOE(PWD)-4-9/28/08 dated 27.6.2009 on the subject noted above and to state that this Department circular letter No.SORI (S&GAD) 1-29/75 dated 8.12.1983 is still intact.

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Yours faithfully,

(Signature)
(ROBIN HAIDER BOKHARI)
Section Officer(R.II)

Endst of even No. & date.

Copy forwarded for information to Section Officer (Lit)
Establishment Department.

Section Officer (R.II)

ATTESTED

over
1099
SO/27
in
MO

Provide photo copy to
DG, PWD NWFP for guidance/
future.

ATTESTED

NWFP PWD

SECTION OFFICER (ESTT)

To,

The Chief Secretary.

Govt. of Khyber Pakhtonkhwa Peshawar.

45

ANNEX M

Subject: - Appeal for Promotion to BPS 19 under 4 Tier Formula

Sir,

It is respectfully submitted that I have been working against Principal since 21/09/2011. My name is being dropped from promotion under the 4 Tier Formula due to unknown reasons. I feel that it is against the natural justice and might deprive me from the right of promotion.

A. My service history is as under;

| Serial No | Appointment/Promotion | From | To | Service Length |
|--|-----------------------|------------|------------|--------------------------|
| 1 | PST BPS-07 | 24/11/1990 | 30/10/2003 | 12Years 11Months 06Days |
| 2 | SET BPS 16 | 30/10/2003 | 20/03/2011 | 08Years 12Months 20 Days |
| 3 | Principal BPS-18 | 21/09/2011 | 21/10/2014 | 03Years 1Months 0Days |
| Total service | | | | |
| 1) (Below BPS 16) 12Years 11Months 06 Days | | | | |
| 2) (In BPS 16) 08Years 12Months 20 Days | | | | |
| 3) (In BPS 18) 03Years 1Months 0Days | | | | |

B. Under the Khyber Pakhtonkhwa (Appointment, Promotion and Transfer rules 1989 "a,... civil servant belonging to the cadre or service concerned ,who is otherwise eligible for promotion, does not posses the specified length of service the authority may appoint him to that post on acting charge basis. Provided that no such appointment shall be made, if the prescribed length of service is short by more than (three years)."

C. It is further submitted that before phase one under 4 Tier Formula PSB, the officers promoted in BPS 19, their non -gazetted and period of BPS 16 were considered for promotion.

~~TESTED~~

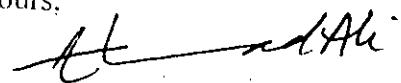
D. It is also submitted that 133 posts of BPS 19 are still lying vacant under the 4 Tier Formula phase 2.

46

I therefore request to your good self to consider my case sympathetically for the said promotion under the 4 Tier Formula and obliged.

Sincerely Yours,

Ahmad Ali,



Vice Principal BPS-18

GHSS Cantt-2,

Peshawar.

Copy to

- 1) PS to Secretary E&SE Department Govt. of Khyber Pakhtunkhwa Peshawar.
- 2) PS to Secretary Establishment Department Govt. of Khyber Pakhtunkhwa Peshawar
- 3) P.A to Director E&SE Department Govt. of Khyber Pakhtunkhwa Peshawar.

APPROVED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO(S/M)E&SED/1-2/2014/ Appeal/Ahmad Ali & others
Dated Peshawar the February 03, 2015

To

- i. Mr. Ahmad Ali, Vice Principal BS-18 GHSS No.2, Cantt: Peshawar.
- ii. Mr. Pervaiz Iqbal, Principal BS-18 GHSS Mian Gujar Peshawar.
- iii. Mr. Iftikhar Ali, Principal BS-18 GHS Shah Mansoor Swabi.
- iv. Mr. Jaddi Khan, Principal BS-18 Benevolent Public School Peshawar.
- v. Mr. Iftikhar Ali, Principal BS-18 GHS Shah Mansoor Swabi.

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ANNEX N

Subject: - APPEAL FOR PROMOTION TO BS-19 UNDER 4-TIER FORMULA.

I am directed to state that your appeals dated 21-10-2014 and 10-11-2014 for promotion to BS-19 under 4-Tier Formula was taken up with the Establishment Department, Govt. of Khyber Pakhtunkhwa, for advice as to whether service rendered in BS-16 and below can be counted towards promotion to BS-19 of those education officers who are directly appointed in BS-18 on the recommendation of Public Service Commission having less than seven years service or otherwise. The Establishment Department has advised to examine the case in light of para-1 of the Provincial Govt. Promotion Policy which is crystal clear.

2. Therefore, your appeals dated 21-10-2014 and 10-11-2014 are regretted being devoid of merit.

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

Received on 27/3/15

ATTACHED

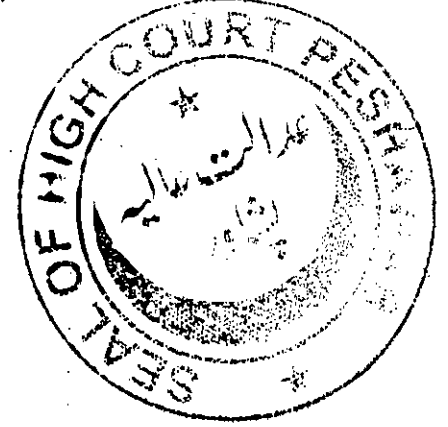
IN THE PESHAWAR HIGH COURT PESHAWAR

1

WRIT PETITION No. 3488-P/2014

ANNEX O

48



1. Ahmad Ali,
Vice Principal, GHSS No.2, Peshawar Cantt.
2. Jehangir Khan,
Principal, GHS Babara, Charsadda.
3. Iftikhar Ali,
Principal, GHS Zaida, District Swabi.
4. Arif Gul,
Principal, GHS Ibrahimzai, Charsadda.
5. Abdul Wahab,
Principal, GHS Narai, Panoos, District Karak.
6. Aqal Badshah,
Deputy District Education Officer, Hangu.
7. Jeddi Khan,
Principal, Benevolent High School, Peshawar.
8. Parvez Iqbal,
Principal, GHS Mian Gujar, Peshawar.
9. Syed Gul Nawab Shah,
Principal, GHS Ali Baig, Nowshera.
10. Abdul Wali Khan,
Deputy Director (P&D),
Directorate, Elementary & Secondary Education,
Dabgari Garden, Peshawar.
11. Shahi Mulk,
Principal, GHS Nanak Pura,
Peshawar
12. Noor Hayat,
Principal, GHSS Sirsenai, District Swat.
13. Tahir Javed,
Principal, GHS Samand Khatta,
Abbottabad.

ATTESTED
EXAMINER
Peshawar High Court
07 APR 2015

ATTESTED

FILED TODAY

Deputy Registrar

21 NOV 2014

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49

14. Hidayatullah,
Principal, GHSS Nawagai, Buner.
15. Faqir-ud-Din,
Principal, GHS Ghazi Helmat, District Haripur.
16. Abdus Salim Khan,
Principal, GHS Hiji Abad, Dir Lower.
17. Nawab Ali,
Principal, GHS Puran Shangla. *Petitioners*

Versus

1. **The Govt. of Khyber Pakhtunkhwa**
through Chief Secretary,
Civil Secretariat, Peshawar.
2. **The Secretary to Govt. of Khyber Pakhtunkhwa**
Elementary & Secondary Education,
Civil Secretariat, Peshawar.
3. **The Secretary to Govt. of Khyber Pakhtunkhwa**
Finance Department, Civil Secretariat, Peshawar
4. **The Secretary to Govt. of Khyber Pakhtunkhwa**
Establishment Department, Civil Secretariat, Peshawar
5. **The Provincial Selection Board**
through Chairman/Respondent No.1 *Respondents*

**WRIT PETITION UNDER ARTICLE, 199 OF THE CONSTITUTION
OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973.**

Respectfully Sheweth,

Facts giving rise to the present writ petition are as under:-

1. That all the petitioners are employees of the Elementary & Secondary Education Department serving as Principals, Vice-Principal, Deputy Director and Deputy District Education Officer (BPS-18) having at their credit 22 to 28 years outstanding and unblemished service record. Seniority List (*Annex:-A*).

~~ATTESTED~~

FILED TO

Deputy Reg

21 NOV 2015

~~ATTESTED
EXAMINER
Peshawar High Court
07 APR 2015~~

Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR,
JUDICIAL DEPARTMENT.

Writ Petition No. 3488-P/2014.

Ahmad Ali and 16 others...VS...Govt of Khyber Pakhtunkhwa.

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JUDGMENT

Date of hearing.....30.3.2015.....

Petitioner(s) by *Mr. Khalid Rehman Advocate*

Respondent (s) by *Mr. Rab Nawaz Khan Adl. A.G.*
M/s. Subitullah Khan and Muhammad
Zahoor Qureshi Advocates for Private Respondents

ROOH-UL-AMIN KHAN, J:- Through the

instant petition filed under Article-199 of the Constitution of Islamic Republic of Pakistan, 1973, petitioners seek directions of this Court to the respondents to include them in process of up-gradation from BPS-18 to BPS-19, initiated under 04-Tier formula and to placed their cases before the Provincial Selection Board for the desired up-gradation because a large number of vacancies are available in B-19.

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2. As per averments of the writ petition, petitioners are serving in respondent's department as Principals, Vice Principals, Deputy Directors and Deputy

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District Education Officers BPS-18. In the year 2012, the respondent No.3 approved a 04-Tier up-gradation formula with ratio 01:15:34:50 for all the sanctioned strength of BPS-20, BPS-19, BPS-18 & BPS-17 respectively of the teaching cadre of Elementary & Secondary Education Department. The first phase of the above referred policy was completed in the year 2012 wherein posts of 238 officers in BPS-18 were up-graded to BPS-19, while the second phase of up-gradation is in process, wherein the record of all the employees working in Elementary & Secondary Education department, Khyber Pakhtunkhwa, in BPS-18 have been requisitioned by the Government for meeting out the up-gradation cases before the Selection Board. From reliable sources the petitioners have come to know that their names have been dropped from the process of 04-Tier formula, on flimsy ground of **lacking of length of service**, hence this petition.

3. Learned counsel for petitioners while buttering his arguments made our visit to plethora of documents to persuade us that initially the length of service for promotion to various grades from BPS-17 to 20 was

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prescribed by the Federal Government vide directive at Serial No. 169 dated 20.5.1974, published in ESTACODE, according to which the minimum length of service for promotion to various grades will be as under:

- i. For Grade-18.....5 years service in Grade-17.
- ii. For Grade-19.....12 years service in grade 17 and above.
- iii. For Grade-20.....15 years service in Grade-17 and above.

It was emphasized that in case senior most officers shall be promoted to grade-18 half of the service in grade-16 and 1/4th in grade lower-than 16, if any, may be counted as service in grade-17. Later on, in the year 1979, on query of different ministries, it was further clarified that the formula referred to above also applicable to the cases involving promotion to grade-18, 19 and 20 equally. However, it was elucidated that the formula applies only to the senior most officer in a grade who is due for promotion and if the senior most officer does not have in his credit, the described length of service, the officer junior to him will not be considered for promotion even though he may have the required length by

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computation of service in grade-16 and below, unless the senior most person has been found unsuitable for promotion by the departmental promotion committee/ Central Selection Board. According to the up-to-date Edition of Provincial ESTACODE, 2011, the same formula has been adopted by the provincial government which is still envisaged.

4. No doubt, the maximum length of service of each petitioner in BPS-18 is about three years which is much less than the requisite qualifying length of service, but according to counsel for petitioner, if half of the service in accordance of the above referred criteria is counted up toward the minimum length of service of petitioners, they would be able to cross the barrier of minimum length of service for getting the benefits of up-gradation to the post of BPS-19, under 04-Tier formula.

5. In alternate, he argued that up-gradation of the post from BPS-17 up to BPS-19, has to be awarded in the consequence of 04-Tier up-gradation formula, approved by the finance department for up-gradation of employees of the Elementary and Secondary Education which is not a routine promotion under section 9 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, therefore, the conditions of length of

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service prescribed for promotion shall not be applicable to the case of petitioners because the 04-Tier formula does not provide any condition pertaining to length of service for up-gradation to B-19. In the last he referred to the minutes of the meeting of provincial Selection Board held on 22.10.2014 wherein the petitioners have been dropped from promotion on account of non completion of required length of service for promotion.

6. Learned AAG representing respondents, attacked the maintainability of the instant writ petition on the ground that the up-gradation and promotion of employees strictly falls in terms and conditions of 'service' and petitioners being civil servants cannot invoke constitutional jurisdiction of this Court. In the case of petitioners, the service tribunal has exclusive jurisdiction to resolve the matter. He also argued that the petitioners are short of requisite length of service in BPS-18, therefore, they are not eligible for promotion or up-gradation to BPS-19. Counsel for the applicant in C.M No 91-P/ 2015 stated that under the explicit bar of Article 212 of Constitution of Islamic Republic of Pakistan, 1973 this court lacks the jurisdiction to entertain this petition, because the up-gradation

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is a sort of promotion to the higher grade, thus fall under terms and condition of service.

7. Having heard the learned counsel for parties, record perused which reveals that petitioners are seeking up-gradation in accordance with the 04-Tier up-gradation formula from BPS-18 to BPS-19. In this respect we deem it appropriate to reproduce the prayer clause of writ petition below:

“ it is therefore, humbly requested that on acceptance of this writ petition, this Hon’ble Court may graciously be pleased to declare the refusal on the part of the respondents to process the up-gradation cases of petitioners from BPS-18 to BPS-19 as without lawful authority and hence of no legal effect and this Hon’ble Court may further be pleased to direct the respondents to act in the matter in accordance with law and to place the cases of petitioners before the Provincial Selection Board for the desired up-gradation as a large number of vacancies are available.

From bare reading of the above quoted prayer clause of the writ petition, it is manifest that petitioners seek indulgence of this court for directions to respondents to place their cases before the Provincial Selection Board for up-gradation from BPS 18 to BPS 19 (in teaching cadre). It is

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born out of the record that cases of petitioner were routed for promotion by the department from BPS 18 to 19. At the beginning of the meeting of P.S.B, as evident from minutes of the meeting held on 22.10.2014, the special Secretary Elementary & Secondary Education apprised the Board that due to revision of 4-tier formula, promotion and reserved posts for officers who were differed in previous P.S.B meeting, 212 posts of BPS-19 are lying vacant, however, the cases of 143 officers were placed for promotion due to deficient service record of the employees in BPS-18. According to rules on the subject the post from BPS-18 to BPS-19 are required to be filled by promotion on the basis of seniority-cum-fitness from amongst the Principals, Vice Principals, Government High or Comprehensive High Schools, Senior Subject Specialist and Deputy Director, Provincial Institution for teacher education and other equivalent post in BPS-18 with at least 12 years service in BPS-17 and above or 7 years service in BPS-18. Names of petitioners were considered but they were found ineligible for promotion due to insufficient length of service in BPS 18.

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8. From the prayer clause of writ petition as well the above referred minutes of the meeting, it is manifest that petitioners either seek up-gradation from BPS-18 to BPS-19 or promotion to the same grade. However, both are required to be routed through provincial selection board.

9. In the given circumstances, before adhering to the merit of the case we would like to attend the objection of learned counsel for respondents regarding maintainability of the instant writ petition. Admittedly petitioners are civil servants, performing their duties in Elementary & Secondary Education in BPS-18 against their respective posts and through petition in hand seeking indulgence of this Court for issuance of directions to the respondents to consider their cases for promotion to BPS-19 in the ensuing up-gradation process. In the recent past this Court while dilating upon the issue of up-gradation has decided the writ petition "No. 1990-P/2013 Maulana Ihsan Ul Hadi and others...VS...Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa and others", wherein it has categorically been held that the up-gradation from one post to another falls in the ambit of terms and condition of service.

In the instant case, from averment of the writ petition, it is

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obvious that for up-gradation from the post of BPS-18 to BPS-19, the process of selection is involved and where the process of selection is involved, the rules for promotion from lower scale to higher scale shall be applicable, thus, moving to the higher scale must be subject to undergo the criterion laid down for the purpose of promotion. The learned counsel for petitioners placed reliance on a judgment of this Court rendered in writ petition No. 428-P/2012 titled " Najmul Saqib Noor...VS...The Govt. of Khyber Pakhtunkhwa etc." wherein it has been held that the up-gradation is movement from lower scale to higher scale without passing through criteria of promotional requirements and it merely confer financial benefits by raising the scale of pay of the post without there being movement from a lower position to a high position, therefore, does not fall in terms and conditions of service. With utmost respect, it may be observed that movement from lower scale to higher scale without passing through the criteria promotional requirements is not warranted under the law. No authority in the service hierarchy is vested with power to shift a civil servant from lower grade to upper scale without adopting the proper procedure and criteria prescribed for promotion or

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ascending to a higher scale. Likewise, none can be bestowed with higher grade without involvement of selection process like promotion. It is also true that a civil servant can never be upgraded without change in his scale and pay which is termed as financial benefits and where any change in pay would take place, section 17 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 would come into force, according to which a civil servant appointed to a post shall be entitled in accordance with the rules to the pay sanctioned for the post.

10. A glance over section 17 of the Act ibid will make it abundantly clear that every civil servant shall be entitled to get the pay sanctioned for the post. At present petitioners are serving the provincial government in a pay scale-18 but on up-gradation to the desired posts, their pay shall be increased from the pay sanctioned for BPS-18 to the post of BPS-19, which must required a proper sanction as enumerated in section 17 of the Act, 1973.

11. By now it is settled law that wherever there is a change of grade or post for the better there is an element of selection involved i.e. promotion and it is not earned automatically but under an order of the competent authority to

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be passed after due consideration on the comparative suitability and entitlement of those competent. As discussed above under section 9 of the Khyber Pakhtunkhwa civil servants Act, 1973, a civil servant possessing the minimum qualification shall be eligible for promotion to a higher post, which is one of the incident of service, squarely falling in terms and conditions of service, as such, come under the domain of service tribunal especially constituted for the purpose while Article-212 of the Constitution of Islamic Republic of Pakistan, 1973 places a complete bar on High Court and any other Court, except the service tribunal. In pursuance of Article 212 of the Constitution, 1973 the service tribunals have been established which have the exclusive jurisdiction in such matters, whereas any other Court, including the High Court has got no jurisdiction to interfere in matters pertaining to terms and condition of service.

12. The august Supreme Court of Pakistan through various pronouncements has clearly vested the tribunal with exclusive jurisdiction on matters relating to terms and conditions of civil servant. In case titled **Iqan Ahmad Khurram...VS... Government of Pakistan and others (PLD 1980 S.C 153)** the apex Court was pleased to rule that the

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service tribunal is competent to adjudicate on the question of "vires" of rules framed by the department even if the same were challenged on the basis of violating the fundamental rights of civil servant.

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In view of the above legal discourse, it can safely be stated that the right to be considered for placing in a higher grade, would relate to the terms and condition of service and the service tribunal has to decide the same which has been constituted and functional in the Province since 1974.

13. In wake of the above we have reached to the conclusion that this constitutional Court lacks jurisdiction to entertain the petition pertaining to terms and conditions of service, resultantly this petition stand dismissed being not maintainable.

14. Eventually the CM No. 91 i.e. an application for impleadment of applicant in the writ petition as respondent and CM No. 16-P/2015 for recalling/ vacating the statusquo order dated 26.11.2014 have lost its efficacy thus, dismissed as infructuous.

Sd/ Nisax Hussain Khan - S

Sd/ Raheel Amin Khan

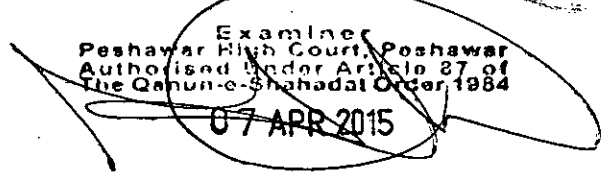
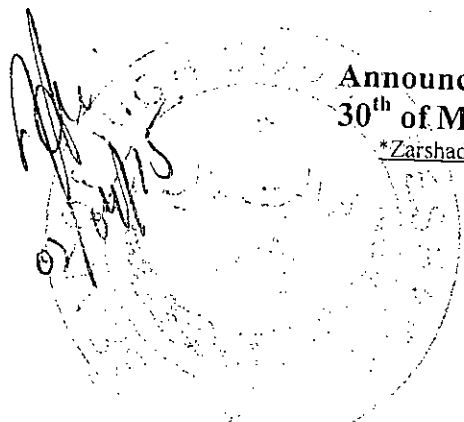
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Announced on;
30th of March, 15
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Examiner
Peshawar High Court, Peshawar
Authorised Under Article 27 of
The Qanun-e-Shahadat Order, 1984

07 APR 2015





GOVERNMENT OF NWFP
ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT
Dated Peshawar 05-01-2009

NOTIFICATION

SO(S)/E.&SE/1-2/B-18 to B-19 (M): The Provincial Government in consultation with the Provincial Selection Board is pleased to promote the following officers of the Elementary & Secondary Education Department from BPS-18 to BPS-19 on regular basis with immediate effect:

ANNEX P (62)

| | | | | | |
|----|---------------------------|----|---------------------|----|---------------------|
| 1 | Mr. Habibullah | 2 | Mr. Muhammad Zeb | 3 | Mr. Aziz ur Rehman |
| 4 | Mr. Asmat Khan | 5 | Mr. Roz Wali | 6 | Mr. Abdulillah |
| 7 | Mr. Muhammad Bashir Ahmad | 8 | Mr. Hamayun Khan | 9 | Mr. Muhammad Javed |
| 10 | Mr. Muhammad Ibrahim | 11 | Mr. Salahuddin | 12 | Mr. Muhammad Hassan |
| 13 | Mr. Saeed Khan | 14 | Mr. Abdul Haq | 15 | Mr. Zahir Shah |
| 16 | Mr. Mattiullah | 17 | Mr. Hanifullah | 18 | Mr. Nadar Khan |
| 19 | S. Mahboob Ahmad | 20 | Mr. Abdul Latif | 21 | Mr. Muhammad Qadim |
| 22 | Mr. Attaullah | 23 | Mr. Mirkalam Khan | 24 | Mr. Misal Khan |
| 25 | Mr. Akbar Hussain | 26 | Mr. Fida Muhammad | 27 | Mr. Iqbal Anwar |
| 28 | Mr. Muhammad Javed | 29 | Mr. Inayat Ali | 30 | Syed Abbas Ali Shah |
| 31 | Mr. Said Nawab | 32 | Mr. Razaullah | 33 | Mr. Mukhtiar Ahmad |
| 34 | Mr. Sultan Zeb | 35 | Mr. Ahmad Hussain | 36 | Mr. Nek Nawaz |
| 37 | Mr. Gohar Ali Khan | 38 | Mr. Nazir Khan | 39 | Mr. Khurshid Anwar |
| 40 | Mr. Mir Baz Khan | 41 | Mr. Jehan Muhammad | 42 | Mr. Hussain Ahmad |
| 43 | Mr. Mattiullah | 44 | Mr. Attiqur-Rahman | 45 | Mr. Sifatullah |
| 46 | Mr. Attiullah | 47 | Mr. Tariq Mahmood | 48 | Mr. Abdul Wahid |
| 49 | Mr. Shah Afzal | 50 | Mr. Muhammad Sultan | 51 | Mr. Hazequr Rehman |
| 52 | Mr. Muhammad Mukhtiar | 53 | Mr. Gul Zaman | 54 | Mr. Saifur Rehman |
| 55 | Mr. Delawar Khan | | | | |

2. The officers so promoted will remain on probation for a period of one year in terms of section-6 (2) of NWFP Civil Servants Act, 1973 read with Rule-15(1) of NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

3. The Provincial Government in consultation with Provincial Selection Board is further pleased to appoint the following officers of the Elementary & Secondary Education Department from BPS-18 to BPS-19 on acting charge basis with immediate effect.

| | | | | | |
|----|----------------------|----|---------------------------|----|---------------------|
| 56 | Mr. Abdul Qadoos | 57 | Mr. Muhammad Shahid Zaman | 58 | S. Manzar Jan |
| 59 | Mr. Kifayat Rehman | 60 | Mr. Wazir Khan | 61 | Mr. Abdur Reqeeb |
| 62 | Mr. Hassnat Gul | 63 | Mr. Muhammad Riaz | 64 | Mr. Muhammad Saleem |
| 65 | Mr. Qamar Ali | 66 | Mr. Muhammad Riaz | 67 | Mr. Abdul Salam |
| 68 | Mr. Lal Zada | 69 | Mr. Sher Nawaz | 70 | Mr. Abdul Ghafoor |
| 71 | Mr. Muhammad Ashraf | 72 | Mr. Shakir Ullah | 73 | Mr. Hafiz Gul Zamir |
| 74 | Mr. Abdul Qadir Khan | 75 | Mr. Ghulam Farid | 76 | Mr. Nizamuddin |
| 77 | Mr. Mumtaz Gul | 78 | Mr. Muhammad Idress | 79 | Mr. Mohiud Din |

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|----|-----------------------|----|----------------------|-----|------------------------|
| 80 | Mr. Fazli Rashid | 81 | Mr. Muhammad Basher | 82 | Mr. Mir Daud Khan |
| 83 | Mr. Muhammad Hanou | 84 | Mr. Abdul Rohan Ghub | 85 | Mr. Riazat Khan |
| 86 | Mr. Muhammad Ibrahim | 87 | Mr. Sikandar Sber | 88 | Mr. Nek Nawaz |
| 89 | Mr. Raj Muhammad Khan | 90 | Mr. Muhammad Saleem | 91 | Mr. Noor Hassan |
| 92 | Mr. Abdullah | 93 | Mr. Imtiazul Haq | 94 | Mr. Mr. Sahibzali Khan |
| 95 | Mr. Hussamul Haq | 96 | Mr. Miraj Muhammad | 97 | Mr. Abdur Rauf |
| 98 | Mr. Behramand | 99 | Mr. Bahadur Khan | 100 | Mr. Mir Nawab Khan |

4. On their promotion on regular / acting charge basis as the case may be the following posting/transfer orders are made in the public interest with immediate effect.

| | | | |
|-----|---|--|---|
| 1. | Mr. Hakim Ullah ((BPS-19)) Additional Director Directorate of (E & SE) NWFP Peshawar (working on acting charge basis) | Additional Director (BPS-19) (E & SE) NWFP Peshawar. | Already occupied by him |
| 2. | Mr. Muhammad Zeb Principal ((BPS-19)) GHS Dheri Allah Dhand No.1 Malakand (working on acting charge basis) | Principal (BPS-19) GHS Dheri Allah Dhand M. Agency. | -do- |
| 3. | Mr. Azizur Rehman ((BPS-19)) AEO SWA (working on acting charge basis) | A.E.O ((BPS-19)) SWA. | -do- |
| 4. | Mr. Asmat Khan ((BPS-19)) AEO FR Peshawar (working on acting charge basis) | A.E.O (BPS-19) FR Peshawar. | -do- |
| 5. | Mr. Roz wali (BPS-19) Secretary, BISE Abbott bad. (working on acting charge basis) | Principal (BPS-19) GHSS Sherwan Abbottabad | After actualization of his promotion he will take over charge as Secretary, B.I.S.E Abbottabad. |
| 6. | Mr. Abdullah Principal (BPS-19) GHSS Khan Pur Dir.Lower (working on acting charge basis) | Principal (BPS-19) GHSS Khan Pur Dir (Lower). | Already occupied by him |
| 7. | Mr. Muhammad Bashir Ahmad Principal (BPS-19) GHS No.1 M.M.Khel Charsadda (working on acting charge basis) | Principal (BPS-19) GHS No 1 Rajar Charsadda. | A.V.P. |
| 8. | Mr. Hamayun Khan Principal (BPS-19) GHS Shewa Dir(Lower) (working on acting charge basis) | Principal (BPS-19) GHS Shewa Dir (Lower). | Already occupied by him |
| 9. | Mr. Muhammad Javed Principal (BPS-19) GHS No.2 Abbott bad(working on acting charge basis) | Principal (BPS-19) GHS No.2 Abbottabad. | -do- |
| 10. | Mr. Muhammad Ibrahim Principal (BPS-19) GHSS Samarbagh Dir(Lower) (working on acting charge basis) | Principal (BPS-19) GHSS Samarbagh Dir(Lower) | -do- |
| 11. | Mr. Salah ud din Deputy Director (BPS-19) (FATA) Education(working on acting charge basis) | Deputy Director (BPS-19) (FATA) Education | -do- |
| 12. | Mr. Muhammad Hasan Principal (BPS-19) GHS No.1 Kohat(working on acting charge basis) | Principal (BPS-19) GHS No.1 Kohat. | -do- |
| 13. | Mr. Saced Khan EDQ(E&SE) (BPS-19) Dir(Lower) (working on acting charge basis) | EDO (E&SE) (BPS-19) Dir (Lower). | -do- |
| 14. | Mr. Abdul Haq Principal (BPS-19) GHSS Bughdada Mardan(working on acting charge basis) | Principal (BPS-19) GHSS Bughdada Mardan. | -do- |
| 15. | Mr. Zahir Shah Principal (BPS-19) GHS Sikandar Khel Bala Bannu (working on acting charge basis) | Principal (BPS-19) GHS Sikandar Khel Bala Bannu. | -do- |
| 16. | Mr. Mattullah Principal (BPS-19) GHS Shaidu Nowshera (working on acting charge basis) | Principal (BPS-19) GHS Shaidu Nowshera. | -do- |
| 17. | Mr. Hanif Ullah Principal (BPS-19) GHS Topi Swabi (working on acting charge basis) | Principal (BPS-19) GHS Topi Swabi. | -do- |
| 18. | Mr. Nadir Khan Principal (BPS-19) GHS Daroshkhela Swat (working on acting charge basis) | Principal (BPS-19) GHS Daroshkhela Swat. | -do- |

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|----|--|--|--|
| 19 | Mr. S. Mehboub Ahmad Principal (BPS-19) GHS Battagram Chasadda (working on acting charge basis) | Principal (BPS-19) GHS Battagram Chasadda. | -do- |
| 20 | Mr. Abdul Latif Principal (BPS-19) GHS Mangalore Swat (working on acting charge basis) | Principal (BPS-19) GHS Mangalore Swat. | Already occupied by him. |
| 21 | Mr. Muhammad Qadim (BPS-19) GHS Matta Swat (working on acting charge basis) | Principal (BPS-19) GHS Matta Swat. | -do- |
| 22 | Mr. Atta Ullah Principal (BPS-19) GHS Kotka Ayaz FR Bannu (working on acting charge basis) | Principal (BPS-19) GHS Kotka Ayaz FR Bannu. | -do- |
| 23 | Mr. Mir Kalam Khan Principal (BPS-19) GHS Mathra Peshawar (working on acting charge basis) | Principal (BPS-19) GHS Mathra Peshawar. | -do- |
| 24 | Mr. Misal Khan Principal (BPS-19) GHS Toru Mardan (working on acting charge basis) | Principal (BPS-19) GHS Toru Mardan. | -do- |
| 25 | Mr. Akbar Hussain Principal (BPS-19) GHSS Madayan Swat (working on acting charge basis) | Principal (BPS-19) GHSS Madayan Swat. | -do- |
| 26 | Mr. Fida Muhammad Principal (BPS-19) GHS Dholan Swabi (working on acting charge basis) | Principal (BPS-19) GHS Dholan Swabi. | -do- |
| 27 | Mr. Iqbal Anwar Principal (BPS-19) GHS Lund Khawar Mardan (working on acting charge basis) | Principal (BPS-19) GHS Lund Khawar Mardan. | -do- |
| 28 | Mr. Muhammad Javed Principal (BPS-19) GHS Dagal Swabi (working on acting charge basis) | Principal (BPS-19) GHS Dagal Swabi. | -do- |
| 29 | Mr. Inayat Ali Principal (BPS-19) GCMHS Mardan (working on acting charge basis) | Principal (BPS-19) GCMHS Mardan. | -do- |
| 30 | Mr. S. Abbas Ali Shah Principal (BPS-19) GHS Israr Shaheed Parachinar Kurum Agency FATA (working on acting charge basis) | Principal (BPS-19) GHS Israr Shaheed Parachinar Kurum Agency FATA. | -do- |
| 31 | Mr. Saud Nawab (BPS-19) AEO Bajour (working on acting charge basis) | AEO (BPS-19) Bajour Agency | -do- |
| 32 | Mr. Kazaullah (BPS-19) Chief of Education P&D Department (working on acting charge basis) | Principal (BPS-19) GHSS Zaida Swabi. | A.V.P After actualization of his promotion he will take over charge in the P&D Department. |
| 33 | Mr. Mukhtar Ahmad EDO (E&SE) (BPS-19) Kohistan (working on acting charge basis) | EDO (E&SE) (BPS-19) Kohistan. | Already occupied by him. |
| 34 | Mr. Sultan Zeb Principal (BPS-19) GHS Totalai Bunair (working on acting charge basis) | Principal (BPS-19) GHS Totalai Bunair | -do- |
| 35 | Mr. Ahmad Hussain EDO (E&SE) (BPS-19) Mardan (working on acting charge basis) | EDO (E&SE) (BPS-19) Mardan. | -do- |
| 36 | Mr. Nek Nawaz Khan Principal (BPS-19) GHS Ghoriwala Bannu (working on acting charge basis) | Principal (BPS-19) GHS Ghoriwala Bannu. | -do- |
| 37 | Mr. Gohar Ali Khan (BPS-18) Assistant Chief P&D Department. | Principal (BPS-19) GHSS Tehkal Dala, Peshawar. | V.S.No 101. After actualization of his promotion he will take over charge in the P&D Department. |
| 38 | Mr. Nazir Khan Principal (BPS-19) GHS Khawajki Qilla Karak (working on acting charge basis) | Principal (BPS-19) GHS Khawajki Qilla Karak. | Already occupied by him. |
| 39 | Mr. Khuzhd Arwar Principal (BPS-19) GHS Kabal Swat (working on acting charge basis) | Principal (BPS-19) GHS Kabal Swat. | -do- |
| 40 | Mr. Mir Baz Khan Principal (BPS-19) GHS Dag Behsud Nowshera (working on acting charge basis) | Principal (BPS-19) GHS Dag Behsud Nowshera. | -do- |
| 41 | Mr. Jehan Muhammad Principal (BPS-19) GHS No. 1 Nowshera Kalan (working on acting charge basis) | Principal (BPS-19) GHS No.1. Nowshera Kalan. | -do- |
| 42 | Mr. Hussain Ahmad Principal (BPS-19) GHS Wari Dir (Upper) (working on acting charge basis) | Principal (BPS-19) GHS Wari Dir (Upper). | -do- |
| 43 | Mr. Mattullah Principal (BPS-19) Sabir Abad Karak (working on acting charge basis) | Principal (BPS-19) GHS Sabir Abad Karak. | -do- |

| | | | |
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| 44. | Mr. Atiq ur Rehman Project Manager ((BPS-19)) Strengthening of supervisory structure in (FATA) (working on acting charge basis) | Services placed at the disposal of DE (FATA) for further adjustment. | |
| 45. | Mr. Sifatullah Principal (BPS-19) GEC(M) Kotka Ayaz FR Bannu (working on acting charge basis) | Principal (BPS-19) GEC (M) Kotka Ayaz FR Bannu | Already occupied by him. |
| 46. | Mr. Atta Ullah EDO(E&SE) (BPS-19) Bannu (working on acting charge basis) | EDO (E&SE) (BPS-19) Bannu. | Suspended. |
| 47. | Mr. Tariq Mehmood Principal (BPS-19) GHS K.T.Ship Haripur (working on acting charge basis) | Principal (BPS-19) GHS K.T.Ship Haripur. | Already occupied by him. |
| 48. | Mr. Abdul Wahid Principal (BPS-19) GHSS T.Bhai Mardan (working on acting charge basis) | Principal (BPS-19) GHSS T.Bhai Mardan. | -do- |
| 49. | Mr. Shah Afzal Principal (BPS-19) GHS Kota Swabi (working on acting charge basis) | Principal (BPS-19) GHS Kota Swabi. | -do- |
| 50. | Mr. Muhammad Sultan Principal (BPS-19)GHSS Karak (working on acting charge basis) | Principal (BPS-19) GHSS Karak. | -do- |
| 51. | Mr. Hazeerur Rehman Principal (BPS-19) GHS No.2 Kohat (working on acting charge basis) | Principal (BPS-19) GHS No.2 Kohat. | -do- |
| 52. | Mr. Muhammad Mukhtiar Principal (BPS-19) GHS Khazana Dir(Lower) (working on acting charge basis) | Principal (BPS-19) GHS Khazana Dir (Lower). | -do- |
| 53. | Mr. Gul Zaman EDO(E&SE) (BPS-19) Nowshera (working on acting charge basis) | EDO (E&SE) (BPS-19) Nowshera. | -do- |
| 54. | Mr. Saifur Rehman Principal (BPS-19) GHSS No.2 Peshawar Can't (working on acting charge basis) | Principal (BPS-19) GHSS No.2 Peshawar Can't. | -do- |
| 55. | Mr. Dilawar Khan Principal (BPS-19) GHSS Mingora Swat (working on acting charge basis) | Principal (BPS-19) GHSS Mingora Swat. | -do- |
| 56. | Mr. Abdul Qadoos Principal (BPS-19) GHS K.T.S.No.4 Haripur (working on acting charge basis) | Principal (BPS-19) GHS K.T.S. No.4 Haripur | -do- |
| 57. | Mr. Muhammad Shalid Zaman (BPS-19) Secretary BISE Kohat (working on acting charge basis) | Principal (BPS-19) Secretary BISE Kohat. | -do- |
| 58. | Mr. S.Manzar Jan (BPS-19) Project Director The quality education opportunities to the talented students of (FATA) (working on acting charge basis) | Project Director at the disposal of DE (FATA) for further adjustment | |
| 59. | Mr. Kifayat ur Rehman Principal (BPS-19) GHS Shamshtato FR Peshawar (working on acting charge basis) | Principal (BPS-19) GHS Shamshtato FR Peshawar | -do- |
| 60. | Mr. Waqar Khan Principal (BPS-19) GHSS Manga Dargai Charsadda (working on acting charge basis) | Principal (BPS-19) GHSS Manga Dargai Charsadda. | -do- |
| 61. | Mr. Abdur Raqeeb Principal (BPS-19) GHS No.3 Peshawar Can't; (working on acting charge basis) | Principal (BPS-19) GHS No.3 Peshawar Can't. | -do- |
| 62. | Mr. Hassanat Gul Principal (BPS-19) GHSS Khesghi Payau Nowshera (working on acting charge basis) | Principal (BPS-19) GHSS Khesghi Payau Nowshera. | -do- |
| 63. | Mr. Muhammad Riaz Principal (BPS-19) GHS Perhina Manshra (working on acting charge basis) | Principal (BPS-19) GHS Perhina Manshra. | -do- |
| 64. | Mr. Muhammad Saleem Principal (BPS-19) GHS No.3 Bannu City (working on acting charge basis) | Principal (BPS-19) GHS No.3 Bannu City. | -do- |
| 65. | Mr. Qamer Ali Principal (BPS-19) GHS Manerai Swabi (working on acting charge basis) | Principal (BPS-19) GHS Manerai Swabi. | -do- |
| 66. | Mr. Muhammad Riaz Principal (BPS-18) GHS Aloli Haripur | Principal (BPS-19) GHSS Panai Haripur. | A.V.P |
| 67. | Mr. Abdus Salam V/Principal (BPS-18) GHS Dargai Swabi | Principal (BPS-19) GHSS No 4 Mardan | -do- |

64

| | | | |
|-----|---|---|--------------------------|
| 68. | Mr. Lal Zada Principal (BPS-18) GHS Bazid Khel Ork Agency | Services placed at the disposal of DE, FATA for further adjustment. | A.V.P |
| 69. | Mr. Sher Nawaz Principal (BPS-18) GHSS Landiwah Lakki Marwat | Principal (BPS-19) GHS Khezghi Bala NSR. | -do- |
| 70. | Mr. Abdul Ghafoor Principal (BPS-18) GHS Kaga Wala Peshawar | Principal (BPS-19) GHS Badabar Peshawar. | -do- |
| 71. | Mr. Muhammad Ashraf Instructor (BPS-18) RITE(M) Peshawar | Services placed at the disposal of DE, FATA for further adjustment. | A.V.P |
| 72. | Mr. Shakir Ullah Principal (BPS-18) GHSS Dakki Charsadda | Principal (BPS-19) GHSS Umarzai Charsadda. | Vice S.NO 102 |
| 73. | Mr. Hafiz Gul Zamir Principal (BPS-18) GHSS Gandaf Swabi | Principal (BPS-19) GHSS Kabgani Swabi. | A.V.P |
| 74. | Mr. Abdul Qadir Khan Vice Principal (BPS-18) GHS No.2 Bannu City | Principal (BPS-19) GHS Totakan M. Agency. | -do- |
| 75. | Mr. Ghulam Farid Principal (BPS-18) GHS Keri Khasoor D.I.Khan | Principal (BPS-19) GHSS Nathia Gali A.Abad. | -do- |
| 76. | Mr. Nizam Uddin Instructor (BPS-18) RITE(M) Chitral | Principal (BPS-19) RTTL (M) Chitral. | -do- |
| 77. | Mr. Munawar Gul Principal (BPS-18) GHS Regi Peshawar | Principal (BPS-19) GHSS Umar Payan Peshawar. | -do- |
| 78. | Mr. Muhammad Idress Principal (BPS-18) GHS Pandiyal Mohmand Agency | Services placed at the disposal of DE, FATA for further adjustment. | A.V.P |
| 79. | Mr. Mohinuddin District Officer Male (BPS-18) Karak | Principal (BPS-19) GHSS Katalang, Mardan | -do- |
| 80. | Mr. Fazle Rashid Principal (BPS-18) GHS Koga Bunair | Principal (BPS-19) GHSS Rustam Mardan. | -do- |
| 81. | Mr. Muhammad Bashir Principal (BPS-18) GHS Sheikh Janan Swabi | Principal (BPS-19) GHS Kalu Khan Swabi. | -do- |
| 82. | Mr. Mir Daud Principal (BPS-18) GHSS Hakim Haved Bannu | Principal (BPS-19) GHS Sarai Nimat Khan Haripur | -do- |
| 83. | Mr. Muhammad Haroon Principal (BPS-18) GHS No.3 Manshra | Principal (BPS-19) GHSS Battal Manshra. | -do- |
| 84. | Mr. Abdul Rohan Shah Principal (BPS-18) GHSS Kot Kashmir Lakki | Principal (BPS-19) GCMHS Hangu | -do- |
| 85. | Mr. Rizwan Khan Principal (BPS-18) GHS Sec- No.2, K.T. Ship Haripur | Principal (BPS-19) GHSS Beer Haripur. | -do- |
| 86. | Mr. Muhammad Ibrahim Principal (BPS-18) GHS Usterzai Bala Kohat | Principal (BPS-19) GHS Rajoa A.Abad. | -do- |
| 87. | Mr. Sikandar Sher Principal (BPS-18) GHS Serai Swabi | Principal (BPS-19) GHS Mainai Swabi. | -do- |
| 88. | Mr. Nek Nawaz Principal (BPS-18) GHSS Musazai Peshawar | Principal (BPS-19) GHS Sufaid Dheri Peshawar. | -do- |
| 89. | Mr. Raj Muhammad Khan Principal (BPS-18) GHS Badreshi Nowshera | Principal (BPS-19) GHSS Akberpura Nowshera. | -do- |
| 90. | Mr. Muhammad Salim Vice Principal (BPS-18) GHSS Gul Imam Tank | Principal (BPS-19) GHS Sawalder Mardan. | -do- |
| 91. | Mr. Noor Hassan Khan DO(E&SE) (BPS-18) Lakki | Principal (BPS-19) GHSS Lachi Kohat. | A.V.P |
| 92. | Mr. Abid Ullah Khan (BPS-18) D.O (F) Dir(lower) | Principal (BPS-19) GCMHS Dir Upper | Already occupied by him. |
| 93. | Mr. Imtiaz Ul haq (BPS-18) I/C Executive District Officer (E&SE) Kohat. | Executive District Officer (BPS-19) (E&SE) Kohat. | |

ATTESTED

| | | | |
|------|---|--|--------------------------|
| 94. | Mr. Sahib Zali Khan Principal (BPS-18) GHS Bazar Ahmad Khan Bannu | Principal (BPS-19) GHS No.1. M.M. Khel Charzadda. | Vice S.No 7 |
| 95. | Mr. Hussaan Ul Haq V/Principal (BPS-18) GHS Billeting Kohat | Principal (BPS-19) GHS Gujr Garhi Mardan. | A.V.P |
| 96. | Mr. Miraj Muhammad I/C Principal (BPS-18) GHS Panjpir Swabi | Principal (BPS-19) GHS Panjpir Swabi. | Already occupied by him. |
| 97. | Mr. Abdul Rauf Instructor (BPS-18) GEC(M) Janrud | Services placed at disposal of DE (FATA) for further adjustment. | |
| 98. | Mr. Behramand Principal (BPS-18) GHS Dandai Swat | Principal (BPS-19) GHSS Bafa Manshra. | A.V.P |
| 99. | Mr. Bahadar Khan Principal (BPS-18) GHSS S.Naurang Lakki | Principal (BPS-19) GHS Jamal Garhi Mardan. | -do- |
| 100. | Mr. Mir Nawab Vice Principal (BPS-18) GHSS No.4 Kakshal Peshawar | Principal (BPS-19) GHSS Adezai Peshawar. | -do- |

5. Consequential posting/transfer of the following officers is hereby ordered in their own pay and scale in the public interest.

| | | | |
|------|---|---|----------------|
| 101. | Mr. Taj Ali Khan I/C Principal (BPS-18) GHSS Tehkal Bala Peshawar | V/Principal (BPS-18) GHSS No 4 Peshawar City. | Vice S.No 100. |
| 102. | Mr. Muhammad Ayub I/C EDO (E&SE) (BPS-18) Lakki Marwat | District Officer E&SE (BPS-18) Lakki Marwat | Vice S.No. 91. |
| 103. | Mr. Mian Zaman (BPS-18) IC Principal GHSS Kabgani Swabi | Principal (BPS-18) GHSS Gandaf Swabi | Vice S.No 73. |

Note: NO T.A/D.A is allowed.

SECRETARY

End of even No. & Date

Copy forwarded for information and necessary action to:

1. The Principal Secretary to Chief Minister NWFP.
2. The Secretary to Govt of NWFP, P&D Department.
3. The Accountant General, NWFP, Peshawar.
4. PSO to Chief Secretary, NWFP, Peshawar.
5. PS to Minister for Education (E&SE), NWFP, Peshawar.
6. The Director Elementary & Secondary Education NWFP, Peshawar.
7. The Director for Education (FATA), NWFP.
8. The Director Curriculum & Teacher Education Abbottabad.
9. The Director PITE, NWFP, Peshawar.
10. All District Account Officer/ Agency Account Officer in NWFP.
11. All EDOs (Elementary & Secondary Edu:) in NWFP.
12. The Manager, Govt. Printing Press, NWFP, Peshawar.
13. PS to Secretary Elementary & Secondary Education Department NWFP.
14. Officer Concerned.
15. Master file.

(SAYED AHMAD KHAN)
SECTION OFFICER (SCHOOLS)

Section Officer (Schools)
Education

North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989

No. SOR-I (S&GAD) 4-1/80, dated 31st January, 1989.---In exercise of the powers conferred by section 26 of the North-West Frontier Province Civil Servants Act, 1973 (N.W.F.P. Act XVIII of 1973) the Governor of the North-West Frontier Province is pleased to make the following rules, namely:-

PART-I GENERAL

1. **Short title and commencement.**---(1) These rules may be called the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.
- (2) They shall come into force at once.
2. **Definitions.**---(1) In these rules, unless the context otherwise requires;-
- (a) "Appointing Authority" in relation to a post, means the persons authorised under rule 4 to make appointment to that post;
- (b) "Basic Pay Scale" means the Basic Pay Scale for the time being sanctioned by Government, in which a post or a group of posts is placed;
- (c) "Commission" means the North-West Frontier Province Public Service Commission;
- ¹[(d) "Departmental Promotion Committee" means a committee constituted for making selection for promotion or transfer to such posts under a Department, or offices of Government which do not fall within the purview of the Provincial Selection Board.]
- ²[(dd) "Departmental Selection Board" means a Board constituted for the purpose of making selection for initial recruitment /appointment to posts under a Department or office of Government in Basic Pay Scale 17 not falling within the purview of the Commission".
- Provided that more than one such Committee may be constituted for civil servants holding different scales of pay.]
- (e) "Departmental Selection Committee" means a committee constituted for the purpose of making selection for initial appointment to posts under a department, or office of Government ³[in Basic Pay Scale 17 and below not falling within the purview of the Commission]:
- (f) "post" means a post sanctioned in connection with the affairs of the Province, but not allocated to all Pakistan Unified Grades ; and
- ⁴[(g) "Provincial Selection Board" means the Board constituted by Government for the purpose of selection of civil servants for promotion or transfer to posts in respect

-
1. Substituted vide Notification No. SOR.I(S&GAD)4-1/80(Vol. II), dated 14-01-1992.
 2. Clause(dd) added by Notification No. SOR-III(S&GAD)2-7/86, dated 08-12-1994.
 3. Substituted by Notification No. SOR-III(S&GAD)2-7/86, dated 08-12-1994.
 4. Clause "(g)" substituted by Notification No. SORI(S&GAD)4-1/80/Vol.II dated 14-01-1992.

meaning
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APPROVED

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N.W.F.P. Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 655

**PART-II
APPOINTMENT BY PROMOTION OR TRANSFER**

7. Appointment by Promotion or Transfer.---¹[(1) Except as otherwise provided in any service rules for the time being in force, appointment by promotion or transfer to posts in respect whereof the appointing authority under rule 4 is the Chief Minister shall ordinarily be made on the recommendation of the Provincial Selection Board and promotion and transfer to posts other than those falling within the purview of the Provincial Selection Board shall ordinarily be made on the recommendation of appropriate Departmental Promotion Committee.]

(2) Appointment by transfer shall be made from amongst the persons holding appointment on regular basis in the same basic pay scale, in which the posts to be filled, exists.

(3) Persons possessing such qualifications and fulfilling such conditions as laid down for the purpose of promotion or transfer to a post shall be considered by the Departmental Promotion Committee or the Provincial Selection Board for promotion or transfer, as the case may be.

²[(4) No promotion on regular basis shall be made to posts in Basic Pay Scale 18, unless the officer concerned has completed such minimum length of service as may be specified from time to time, or, in case of posts in Basic pay Scale 19 to 21, the officer, besides having the minimum length of service for the time being required for promotion, has also attended such training and passed such departmental examination as may be prescribed from time to time.]

8. Inter-Provincial Transfer.---(1) Persons holding appointment in BPS 1 to 15 under Federal Government and other Provincial Government may, in deserving cases, be transferred to equivalent posts under these rules:--

Provided that:-

- (i) the Federal Government or the Government of the Province concerned, as the case may be, has no objection to such a transfer;
- (ii) the person seeking transfer possesses the requisite qualification and experience and the post to which his transfer is intended can, under the rules, be filled by transfer;
- (iii) the person concerned holds appointment to the post in his parent Department on regular basis;
- (iv) the person concerned is a bonafide resident of the North-West Frontier Province;
- (v) a vacancy exists to accommodate the request of such a transfer; and
- (vi) provided further that in most deserving cases, the merit of which shall be determined on case to case basis and the decision of the Competent Authority in that behalf shall be final, Government may allow transfer of a civil servant in BPS-16 and above, subject to the aforesaid conditions.

(2) A person so transferred shall be placed at the bottom of the cadre strength which he joins for the purposes of determining his seniority vis-a-viz other members borne on the cadre.

(3) It will be the sole discretion of the appointing authority to accept or refuse a request of transfer under this rule and any decision made in this behalf shall be final and shall not be quoted as precedence in any other case.

1. Sub-rule(1) of rule 7 substituted by Notif. No. SORP (GAD)4- 1/80(Vol.II) dated 14-01-1992.
2. Sub-rule 4 of Rule 7 substituted by Notif. No. SORP (GAD)4-1/80 (Vol-III) dated 30-12-1999.

9. Appointment on Acting Charge or current Charge Basis.---(1) Where the appointing authority considered it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned who is otherwise eligible for promotion, does not possess the specified length of service, the authority may appoint him to that post on acting charge basis. [67] [6]

Provided that no such appointment shall be made, if the prescribed length of service is short by more than ²{three years}.

(2) So long as a civil servant holds the acting charge appointment, a civil servant junior to him shall not be considered for regular promotion but may be appointed on acting charge basis to a higher post.

(3) In the case of a post in Basic Pay Scale 17 and above, reserved under the rules to be filled in by initial recruitment, where the appointing authority is satisfied that no suitable officer drawing pay in the basic pay scale in which the post exists is available in that category to fill the post and it is expedient to fill the post, it may appoint to that post on acting charge basis the most senior officer otherwise eligible for promotion in the organisation, cadre or service, as the case may be, in excess of the promotion quota.

(4) Acting charge appointment shall be made against posts which are likely to fall vacant for period of six months or more. Against vacancies occurring for less than six months, current charge appointment may be made according to the orders issued from time to time.

(5) Appointment on acting charge basis shall be made on the recommendations of the Departmental Promotion Committee or the Provincial Selection Board, as the case may be.

(6) Acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis.

PART-III INITIAL APPOINTMENT

10. Appointment by Initial Recruitment.---(1) Initial appointment to posts ³[in various pay scales] shall be made--

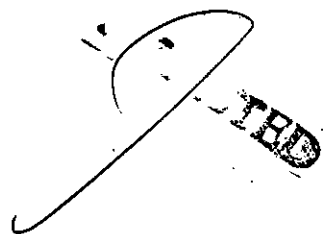
(a) if the post falls within the purview of the Commission, on the basis of Examination or test to be conducted by the Commission; or

(b) if the post does not fall within the purview of the Commission, in the manner as may be determined by Government.

⁴[(2) Initial recruitment to posts which does not fall within the purview of the Commission shall be made on the recommendation of the Departmental Selection Committee, after vacancies have been advertised in newspapers;]

⁵[Provided that nothing contained in this sub-rule shall apply to the household staff of the Chief Minister's House Peshawar, Frontier House Islamabad, Frontier Rest House Bannu, Swat and

1. Full stop at the end of rule 9(1) replaced by colon and proviso added by Notification No. SOR(S&GAD)4- 1/80(V.II), dated 20-10-1993.
2. Subs. for the words "one year" by Notification No.SORI(S&GAD)4-1/80(Vol.III), dated 14-03-1996.
3. The words "in Basic Pay scale 16 to 21" substituted by Notification No. SORI(S&GAD)1 117/91(C), dated 12-10-1993
4. Sub-rule (2)of rule 10 substituted by Notif. No. SORI(S&GAD)1-117/91(C), dated 12-10-1993.
5. Proviso added by Notification No. SOR-VI(E&AD)1-3/2003 (Vol.V) , dated 03-07-2003.



WAKALAT NAMA

IN THE COURT OF

W.P.C. Service Tribunal

Amjad Ali Applicant(s)/Petitioner(s)
VERSUS
Govt

Respondent(s)

I/We Amjad Ali do hereby appoint
Mr. Khaled Rehman, Advocate in the above mentioned case, to do all or
any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this _____

Attested & Accepted by

Khaled Rehman
Khaled Rehman,
Advocate, Peshawar.

Amjad Ali
Signature of Executants

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M. No. _____ / of 2015

IN RE:
Service Appeal No. 344 / of 2015

Service Tribunal
Entry No. 440
Dated 9/6/15

Ahmad Ali, Vice Principal Government Higher
Secondary School No.2 Peshawar Cantt... .. Appellant

VERSUS

Government of Khyber Pakhtunkhwa through
Chief Secretary Civil Secretariat Peshawar and others... .. Respondents

APPLICATION FOR IMPLEADMENT AS NECESSARY
PARTY TO BE ARRAYED AS RESPONDENT.

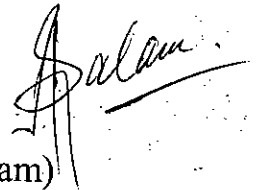
Respectfully Sheweth:

1. That the above noted appeal is pending before this Honourable Tribunal in which 9.6.2015 is fixed for hearing.
2. That in the above noted Service Appeal some promotion procedure has been challenged before this Honourable Tribunal.
3. That the seniority list as attached by the appellant as Annexure 'A' shows the applicant at serial No. 239, whereas the appellant is falling at serial No. 300.
4. That the employee falling at serial No. 237 has already been promoted and now the applicant does fall at serial No. 238 being the senior most amongst the remaining seniority list.

5. That the PSB meeting has already been conducted by the Committee and name of the applicant has already been recommended for the upgradation of BPS-19, whereas the appellant and his colleagues being the junior most have been deferred for as not being eligible to be considered for the said promotion.
6. That if the above said appeal is decided the right of the appellant will be affecting, hence the appellant is a necessary party to be arrayed as respondent in the above noted appeal.


It is, therefore, humbly prayed that on acceptance of this application the applicant may also please be arrayed as a necessary party on the respondent side.

Applicant



(Abdul Salam)
Principal Government
High School Tarkha
District Nowshera.

Through:



(Ghulam Nabi Khan)
Advocate,
Supreme Court of Pakistan
B-17, Haroon Mansion
Khyber Bazar, Peshawar
Cell # 0300-5845943

Dated: 9 .06.2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M. No. _____ / of 2015

IN RE:
Service Appeal No. _____ 344 _____ / of 2015

Ahmad Ali, Vice Principal Government Higher
Secondary School No.2 Peshawar Cantt... ... Appellant

VERSUS

Government of Khyber Pakhtunkhwa through
Chief Secretary Civil Secretariat Peshawar and others... ... Respondents


AFFIDAVIT

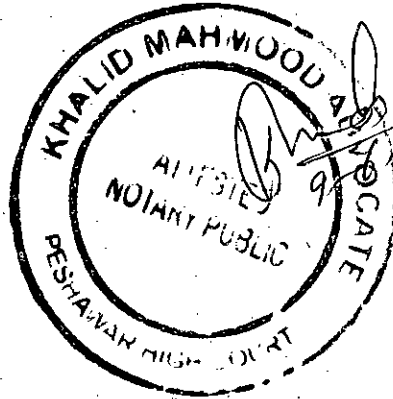
I, Abdul Salam Principal Government High School Tarkha Tehsil and
District Nowshera, do hereby solemnly affirm and declare that the contents of
this **Application** are true and correct to the best of my knowledge and belief
and nothing has been concealed from this Honourable Court.

Deponent

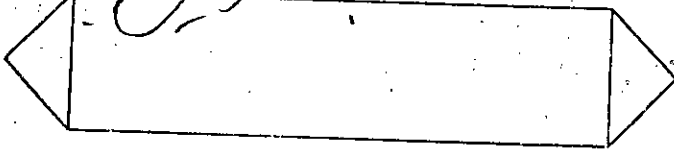


IDENTIFIED BY:


(Ghulam Nabi Khan)
Advocate, Peshawar.



بعدالت سرور مندرجہ



2015ء منجانب محکمہ عدالت
بنام سرور

9 جون

مورخہ

مقدمہ

Appel no 344/15

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ
 آن مقام کیلئے محکمہ عدالت کے سربراہ کی طرف سے مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور اصولی 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 مختار ہوگا۔ از بصورت ضرورت
 مقدمہ مذکور کے کل یا جزو کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
 تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
 اور اس کا ساختہ پر دائرہ منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
 سبب سے ہوگا۔ 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 سہدر ہے۔

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2015ء

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ماہ

9

الرقوم

والعبد العباس

کے لئے منظور ہے۔

مقام

Accepted
Sulaiman

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal # 344/2015.

Alimad Ali, V/Principal GHSS, No.2 Peshawar Cantt..... **Appellant**
VERSUS
Secretary E&SE, Deptt: Govt: of Khyber Pakhtunkhwa & others..... **Respondents**

Parawise comments *for of on* behalf of Respondents No. 1-5.

Respectfully Sheweth,

The Respondents submit as under:-

Preliminary Objections:-

1. That the appellant is not an aggrieved person within the meaning of Article 212 of the Constitution of Islamic Republic of Pakistan 1973.
2. The appellant has got no cause of action/ locus standi.
3. The instant appeal is badly time barred.
4. The appellant has concealed the material facts from this Hon 'able Tribunal, hence is liable to be dismissed on this score.
5. The appellant has not come to this Hon 'able Tribunal with clean hands.
6. The appellant has filed the instant appeal on malafide intention just to pressurize the Respondents for illegal service benefits.
7. The present appeal is liable to be dismissed for mis-joinder & non joinder of necessary parties.
8. The instant appeal is against the prevailing law and rules.
9. The instant appeal is not maintainable in its present form and also in the present circumstances of the issue.
10. That the order dated 03-02-2015 and 24-03-2015 are legally competent and are liable to be maintained in favour of the Respondents.
11. That the appellant is estopped by his own conduct to file the instant appeal before this Hon'able Tribunal.

FACTS.

1. Para-1 needs no comments being relates to the Service record of the appellant.
2. Para-2 is incorrect and mis-leading to the extent that the Govt: of Khyber Pakhtunkhwa has approved 4 tires formula vide notification No. SO(S)/7-34/91 dated 09-12-92 and subsequently the same was updated vide an other notification No. BOV/FD/2-112/2011 dated 28-02-2012, and the respondents department of E&SE has implemented the same policy in its letter and spirit having no aspect of pick and choose. Moreover, with regard to the objection of the appellant in the remaining paras is baseless being based on misconception on the grounds that the appellant is not meeting/fulfilling the prescribed criteria as given in the Esta Code 2011, hence the respondents after detail discussion on the subject/case of the appellant, the up-gradation of the appellant/BS-19 was denied in the light of the above said facts and relevant

rules. (copies of the referred citations of Esta Code with appeal are attached as Annex-A & B).

3. That Para-3 is also incorrect and denied on the grounds that mere expectations for promotions from BS-18 to BS-19 in the said Cadre do not confer any legal right to the appellant as there is no cavil with the proposition that the denial of the up-gradation of the post or group of the posts does not entail any legal violation and would not be appealable before any forum on the grounds that up-gradation of a post is a matter of policy which can only be decided by the competent authority under the mandatory discretion.

However, it is further submitted that respondents have entertained/examined the cases of promotion/up-gradation of all incumbent including the present appellant in the light of prescribe rules and policy, but he did not fulfill the prescribed criteria for promotion to the next higher scale of BS-19 in the above mentioned cadre, hence the appellant has rightly been denied/dropped being not equipped with the prescribed length of service as enshrined in Esta Code Revised Edition 2011 with the submission that the instructions contained in the said code have force and effect of rules by virtue of section 26(2), of civil servant act 1973.

4. That Para-4 is also incorrect and denied on the grounds that where rules have altered/modified the terms and conditions of service, the later would prevail and no candidate/civil servant has a vested right to be promoted against the said scale. It is further submitted that the amendments in the rules is not the function of this Hon'able Tribunal and bar of Article 212 is applicable with full force and question of virus of rules, vis-à-vis the civil servant act 1973 is such exercise is to be necessarily considered. Further mover OM dated 20-05-1974 (PLD 1980 SC Page-153) is not a cogent grounds to substantiate the instant case at such a belated stage., as the appellant was at liberty to challenge the same denial of promotion from BS-18 to BS-19 if he was aggrieved from the act of the respondents in the instant case.
5. That Para-5 is incorrect and denied on the grounds that the appellant has been treated as per law, rules and prescribed policy in the instant case with the contention that a civil servant cannot claim for the grant of promotion as a vested right and denial of the promotion is not a denial of any fundamental right of a civil servant.
6. That Para-6 is incorrect and denied, detail reply has been given in forgoing paras, hence no further comments.

7. That Para-7 is also incorrect and denied, on the grounds that rules, regulation and policy for promotion could be changed or amended in the interest of efficiency and public interest and the same changes and amendments made by the respondents cannot be challenged by the appellant because the right of promotion of the appellant has to be determined with reference to the qualification and prescribed criteria against the said post in the instant matter.

8. That Para-8 is incorrect and denied, detail reply of this para is also been given in the forgoing paras, hence, no comments.

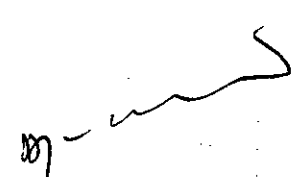
9. That Para-9 is also incorrect and misleading on the grounds that a civil servant at the most could claim that the appellant was entitled to be considered for promotion BS-18 to BS-19, but has no vested right to be promoted against the said post on the grounds that determination of the fate of the fitness for promotion of the appellant falls within the ambit of discretion of the competent authority in accordance with law, rules and policy. Moreover, the departmental appeal was rejected on sound and cogent reason. The respondents further submit on the following grounds inter-alia.

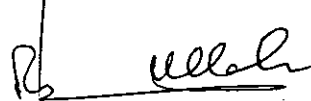
GROUNDS:

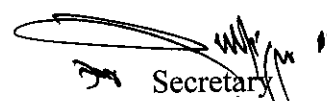
- A. Incorrect and denied: The appellant has been treated as per law, rules and policy in the instant case by the respondents, but the appellant could not qualify the prescribed criteria for promotion to ~~the~~ BS-19 against the said cadre, hence he has been rejected by the competent authority in terms of the rules and policy.
- B. Incorrect and denied, detail reply has been given in the facts of the instant reply, hence no further comments.
- C. Incorrect and denied, the appellant has been treated as per law, rules and policy in the instant matter having no question of any sought of discrimination with the appellant by the respondents.
- D. Incorrect and denied. It is settled principle of law that even otherwise the Department has right to prescribe standard and criteria for promotion as held in the case titled Muhammad Sadiq VS Secretary Govt: of Pakistan Ministry of Education & 2 Others (P&D 1996 SC-197) & Govt: of NWFP Health and Social Welfare Department VS Dr. Shekh Muzafar Iqbal Vs Govt: (1990 SCMR Page-1524).
- E. Incorrect and denied, detail reply has been given in the forgoing paras of the instant reply, hence no comments.

F. Needs no comments, however, the respondents seek to advance Addl: grounds and record at the time of arguments on the instant service appeal on the date fixed.

In view of the above made submissions, it is, therefore, most humbly requested that this Honourable Tribunal may very graciously be pleased to dismiss the appeal in hand with cost in favour of the Respondents.


Secretary,
Elementary & Secondary Education,
Department.
(For & on behalf of Respondents No. 1 & 2)


Secretary,
Finance Department.


Secretary
Establishment Department