

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Service Appeal No: 907/2023


Asif Ali, SST (Bio/Chem) BPS-16, GHS Doag Payeen, Dir Upper..... Appellant.

VERSUS

Secretary Education & others..... Respondents

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Assistant Director (Lit: II)
E&SE Khyber Pakhtunkhwa,
Peshawar

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
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VERSUS

Secretary Education & others..... Respondents

PARAWISE COMMENTS FOR & ON BEHALF OF THE RESPONDENTS No: 1-3

Respectfully Sheweth :-

The Respondents submit as under: -

Preliminary Objections

1. **That** the appellant has got no cause of action/locus standi.
2. **That** the instant Service Appeal is badly time-barred, & liable to be dismissed.
3. **That** the appellant is not an aggrieved person within the meaning of Section-4 of Khyber Pakhtunkhwa Service Tribunal Act-1974 read with Article 212 of the constitution of Islamic Republic of Pakistan 1973.
4. **That** the appellant has concealed material facts from this Honorable Tribunal in the instant service appeal.
5. **That** the instant service appeal is against the relevant provisions of law.
6. **That** the appellant has filed the instant appeal on mala-fide intentions just to put extra ordinary pressure on the Respondents for the grant of illegal & even unauthorized service benefits.
7. **That** the appellant has not come to this Honorable Tribunal with clean hands.
8. **That** the Notification dated 29-10-2021 is legally competent.
9. **That** the impugned Notifications/orders dated 01-10-2022 & 16-11-2021 are also legal & liable to be maintained.
10. **That** the appellant is not entitled for regularization as SST (Bio/Chem) in BPS-16 w.e.f 14-09-2018 under the rules in vogue.
11. **That** the appellant is not entitled for re-instatement as SST w.e.f 08-03-2019.

ON FACTS.


- 1 **That** Para-1 is correct to the extent of induction of the appellant as SST (Bio/Chem) in BPS-16 vide order dated 14-09-2018 along with his adjustment as SST at GHS Chokiatan Dir (Upper) **attached as Annex-A.**
- 2 **That** Para-2 is incorrect as the appellant has been found guilty of willful absence from duty as SST in the said school, hence, the plea regarding his illness & filing of application for the grant of leave as an adhoc/contract employee is based on mala-fide just for gaining illegal service benefits from the Department as evident from the attendance register of the said school.
- 3 **That** Para-3 is also incorrect as the appellant is a habitual duty absconder in the Department, hence, his stand regarding bed rest on the advice of Doctor is also based on mala-fide.
- 4 **That** Para-4 is correct that vide order dated 08-11-2018, the Respondent No. 3 has sought an explanation from the appellant regarding his absence from duty without leave sanction order of the competent authority which was replied by the appellant **attached as Annex-B & C.**
- 5 **That** Para-5 is also incorrect as no such application for the grant of Extra Ordinary leave has been filed by the appellant till date as explained in the forgoing paras.
- 6 **That** Para-6 is incorrect as the appellant did not report for duty nor performed his duty in the said school as no duty certificate/attendance register is available on file in support of the plea of the appellant. Therefore, the appointment order dated 14-09-2018 was re-called vide order dated 08-03-2019 under the rules in vogue **attached as D.**
- 7 **That** para-7 is correct that the Departmental appeal has allowed vide order dated 29-10-2021 partially by re-instating the appellant in services as SST with immediate effect under the relevant provision of APT Rules 1989, whereby, the appellant has been restored as SST w.e.f 06-11-2021 **attached as E & F.**
- 8 **That** para 8 is correct to the extent of the order dated 01-12-2022, whereby, the appellant has regularized as SST (Bio/Chem) in BPS-16 w.e.f 16-11-2021 under the Rules & in view of his absence from duty, therefore, not entitled for regularization as SST w.e.f 14-09-2018 **attached as Annex-G.**
- 9 That para-9 is also incorrect as no Departmental appeal has been filed by the appellant against the Notification dated 01-12-2022, hence, got finality, hence, the appeal in hand is liable to be dismissed on the following grounds inter alia: -


GROUNDS.

- A. **Incorrect & not admitted.** The act of the Department with regard to the order dated 01-12-2022 is legal.
- B. **Incorrect & not admitted.** the appellant has been treated as per Law & Rules in vogue by the Department in accordance with the provisions of Articles-04 & 05 of the constitution of 1973.
- C. **Incorrect & not admitted.** The orders/Notifications dated 29-10-2021, 06-11-2021 & 01-12-2022 are legally competent, hence, the plea of the appellant is illegal .
- D. **Incorrect & not admitted.** The plea of the appellant is against the actual facts & record he has been found guilty of willful absence from duty against SST (Bio/Chem) post by the authority.
- E. **Incorrect & not admitted** the stand of the appellant is illegal & liable to be rejected.
- F. **Incorrect & not admitted** the act of the Department is legal with regard to the order dated 16-11-2022.
- G. **Incorrect & not admitted** detailed reply has already been given by the Department in the above paras of the instant reply.
- H. **Incorrect & not admitted.** The appellant has got no cause of action to file the titled appeal under section-4 of Khyber Pakhtunkhwa Service Tribunal Peshawar Act-1974, therefore the Respondents also seek leave of this Honorable bench to submit additional grounds, case law & record on the date of hearing please.

Therefore, it is most humbly requested that the appeal is may kindly be dismissed in favor of the Respondent Department in the interest of justice.

Dated ___/ ___/2023.


SECRETARY
 E&SE Department Khyber
 Pakhtunkhwa, Peshawar.
 (Respondent No: 1)


DIRECTOR
 E&SE Department Khyber
 Pakhtunkhwa, Peshawar.
 (Respondents No: 2 & 3)

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No: 907/2023


Asif Ali, SST (Bio/Chem) BPS-16, GHS Doag Payeen, Dir Upper..... Appellant.

VERSUS

Secretary Education & others..... Respondents

AFFIDAVIT

I, Dr. Hayat Khan Assistant Director (Litigation-II) E&SE Department Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant para wise Comments are true & correct to the best of my knowledge & belief. It is further stated on oath that in this appeal the answering Respondents have neither been placed Ex-Parte nor their defense has been struck off/cost.


Deponent

ATTESTED



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A - (5) (6)

Dir Upper Male Appointment Order SST Adhoc

**Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar**



APPOINTMENT.

Consequent upon recommendation of the Departmental Selection Committee, appointment of the following candidates are hereby ordered against the post of Secondary School Teacher (SST Bio Chem), (SST Maths Phy), (SST General) School based in BPS-16 (Rs. 15880-1280-54280) @ Rs. 15880/- fixed plus usual allowances as admissible under the rules on adhoc basis on Contract under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with effect from the date of their taking over charge:-

(SST Bio Chem)

Sr#	RollNo	Name	NICH	Address	Academic Marks	NTS Marks	Total Marks	School Name
1	291002894	SALIM SAIF ULLAH	16102-9668224-1	ROOM NO 2 IMG HOSTEL PAK METERO LOGICAL DEPT UNIVERSITY ROAD KARACHI	72.92	67	139.92	GHS Akhgram
2	351000391	MURAD KHAN	15701-9589501-1	MOHALLAH GIRLS HIGH SCHOOL BULIGAR TEH DIR DISTT DIR UPPER	67.98	64	131.98	GHS Dobando
3	351000412	ASIF ALI	15701-8919531-1	VILL SHAMORGRA PO BIBYAWAR TEH DIR DISTT DIR UPPER	65.30	65	130.3	GHS Chuklatan
4	351000213	IFTIKHAR ANJUM	15701-1716301-9	VILL KATAN PAYEN CHUMRA P DARORA DIST AND TEHSIL AND UPPER DIR	67.72	62	129.72	GHS Gandigar
5	351000158	IBAD UR RAHMAN	15701-9775558-3	HASAN DRUG HOUSE NEAR DHQ HOSPITAL MAIN BAZAR DIR UPPER	64.68	65	129.68	GHS Surobat
6	351000113	IQRAR ULLAH	15701-5395444-3	VILLAGE KALU BNANDI PO JABAR TEHSL DIR DSIRICT UPPERDIR	74.55	55	129.55	GHS Samkoot
7	351000367	FAYAZ KHAN	15701-0801476-1	VILLAGE AND P/O ALMAS TEHSIL AND DISTR UPPER DIR	61.64	67	128.64	GHS Alligasar
8	351000382	ASHFAQ AHMAD	15702-1463631-7	VILLAGE CANKASS TEH AND POST OFFICE WARI DISTT UPPER DIR	72.05	56	128.05	GHS Shang
9	351000290	WAHEED ARSHAD	15702-8282832-1	VILLAGE WARI TEH PO WARI	65.47	62	127.47	GHS Bibyawar
10	241000694	INAM UL HAQ	15702-8356963-3	VILLAGE GURRAI TEHSIL AND POST OFFICE WARI DIR LOWER	73.29	52	125.29	GHS Bandi (P)
11	271001274	TAHIR REHMAN	16101-9952274-3	VILL BAGH E HARAM PO ALO TEHSIL KATLANG DISTT MARDAN	65.23	60	125.23	GHS Patrak
12	271001705	SHAKEEL AHMAD KHAN	15701-4859129-7	MOHALLAH BAZAR CHUM VILL DARORA DIST UPPER DIR	62.03	62	124.03	GHS Jelar
13	351000319	RIAZ KHAN	15702-6442308-3	VILL TANGI PO WARI DISTT UPPER DIR	64.57	58	122.57	GHS Molvi
14	351000261	TAHIR ULLAH	15701-5864716-7	VILL AND PO BIBYAWAR DIST UPPER DIR KPK	63.17	59	122.17	GHS Kahr Dara
15	241000843	INAYAT ULLAH HAQ	15702-8162310-5	VILL GURRAI WARI P O WARI DISR U DIR	64.11	58	122.11	GHS Shinkari
16	291001662	MUDASSIR ALAM	15702-1074118-7	NAVEED MEDICOSE WARI UPPER DIR	69.09	52	121.09	GHS Sharngal
17	351000501	NISAR AHMAD	15701-8183885-3	VILLAGE CHERAGULI PAYEEN P O BIBYAWAR DIST AND TEH DIR UPPER	56.64	54	120.64	GHS Sawnd
18	351000459	GHULASM ISHAQ	15702-3342174-5	VILLAGE AND PO AKHAGRAM TEHSIL WARI DIR UPPER	60.89	58	118.89	GHS Bela

Attested
(P)

M. R. Khan

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Dir Upper Male Appointment Order SST Adhoc2

Sr#	RollNo	Name	NIC#	Address	Academic Marks	NTS Marks	Total Marks	School Name
19	281000533	MUHAMMAD AYAZ	15701-8462314-9	HOUSE NO 60 ARMOUR COLONY NO 2 HAKIMABAD NOWSHERA CANTT	64.61	54	118.61	GHSS Kalkot
20	351000155	SHAHZAD ZAKI	15704-5424207-1	VILLAGE PO AND TEH BRAWAL BANDI DIS DIR LOWER	57.31	61	118.31	GHS Shingara
21	351000406	FARMAN ALI	15701-8484005-3	PO DIR URBAN QUADI E AZAM MODEL SCHOOL DIR UPPER	60.05	58	118.05	GHS Rokhan
22	351000337	ZIA UD DIN	15701-8340369-1	VILLAGE DOAG PAYEEN POST OFFICE SHIERNGAL DISTRICT DIR UPPER	63.22	54	117.22	GHS Baderkani
23	271002288	IBRAHIM KHAN	15701-2957084-7	VILL SHAHOOR PAYEEN POST OFFICE TEH SHERINGAL DISTT UPPER DIR KP	70.43	46	116.43	GHS Hayagi Sherqi
24	291001911	MUHAMMAD ISMAIL	15702-8159898-9	UMAR PHARMACY NEAR FRONTIER WOMEN UNIVERSITY QILLA BALA HESAR LRH	58.19	58	116.19	GHS Thali
25	351000486	FAZAL MANAN	15704-4275708-7	VILL BIN PAYEEN PO TEHSIL BARAWAL BANDI DIST DIR UPPER	63.79	52	115.79	GHS Janbhatti

(SST Maths Phy)

Sr#	RollNo	Name	NIC#	Address	Academic Marks	NTS Marks	Total Marks	School Name
1	352000212	NAGIB ULLAH	15701-9082466-7	VILLAGE AND PO HAYASERI BALAMBAT TEH	66.16	72	138.16	GHSS Sharingal
2	352000370	IRFAN UDDIN	15701-0702596-9	VILLAGE AND PO BIBYAWAR DISTT UPPER DIR	58.99	72	130.99	GHSS Usheral
3	352000392	MUJAHID KHAN	15702-5286812-9	C/O IJAZ HARDWAR CHAPPAR CHAK PO WARI TEH WARI	60.69	66	126.69	GHS Ossori
4	352000337	NISAR UL HAQ	15702-3835780-1	ROOM 63 RAHMAN BABA HOSTEL 2 UNIVERSITY OF PESHAWAR	64.38	62	126.38	GHS Nagrii
5	352000222	NISAR MUHAMMAD	15701-7886983-5	VILLAGE DARIKAND TEHSIL AND P.O BARAWAL BANDI DISTT	62.63	62	124.63	GHSS Patrak
6	352000045	ZAHEER ABBAS	15701-5947232-9	VILLAGE MASHANGO KASS TEH AND P/O BARAWALA BANDI DISTT DIR UPPER	64.96	59	123.96	GHS Shingara
7	352000338	SAJJAD AHMAD	15702-9485752-1	VILLAGE UMRALI PAYEN TEHSIL WAR UPER	65.79	58	123.79	GHS Jughabanj
8	292001775	SHAH ZAIF KHAN	15702-8773296-9	DIR MEDICOS TOWN RING ROAD PESHAWAR	64.52	59	123.52	GHS Birari
9	352000205	SHAKEEL AHMAD	15701-6847611-9	VILL AND POIST BIYAWAR DISTT	62.68	60	122.68	GHSS Sawari
10	352000138	SAJJAD KHAN	15701-3926542-1	ROOM NO 63 RAHMAN BABA HOSTEL 2 UNIVERSITY OF PESHAWAR	64.45	57	121.45	GHSS Qulandi
11	352000385	AMBAR KHAN	15703-2634511-7	VILL PO PATRAK TEH KALKOT DSIT DIR UPPER	64.24	55	119.24	GHS Bankot
12	352000281	ABID AYUB	15701-1857869-7	VILLAGE AND PO BOX BIBYAWAR DIR LOWER	66.08	53	119.08	GHS Bibyawar
13	242000416	MUHAMMAD IBRAHIM	15702-3722836-3	VILLAGE AND PO AKHAG RAM TEHSIL WARI DIR UPPER	61.67	57	118.67	GHSS Patrak
14	242000042	AYAZ ULLAH	15702-7382094-3	VILAGE AND P/O SHAIBABAD TEH WARI DIT DIR UPPER	60.13	58	118.13	GHSS Gandigar
15	292000635	SAIF UR RAHMAN	15702-5995410-5	VILLAGE UMRALI PO TEHSIL WARI DISTT UPPER DIR	58.45	59	117.45	GHS Daskor

Attested

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Dir Upper Male Appointment Order SST Adhoc3

Sr#	RollNo	Name	NIC#	Address	Academic Marks	NTS Marks	Total Marks	School Name
16	352000223	RASHID KHAN	15701-9800305-3	VILL PANAKOT PO QULANDI DISTT DIR TEH DIR UPPER	65.80	51	116.8	GHS Rokhan
17	292001948	SHAHID ALI SHAH	15704-8450459-1	ALLAMA IQBAL HOSTEL NO 9 ROOM 88 UNIVERSITY OF PESHAWAR	57.69	59	116.69	GHS5 Pachakalay
18	352000232	ABDUL WADUD	15701-1268634-3	MOHALLHA QALA CHUKYATAN TEHSIL DIR DIST UPPER DIR	63.61	53	116.61	GHS Dobando
19	352000214	MUHAMMAD AYAZ	15702-9316795-5	VILLAGE UMARKOT PO TEHSIL WARI DSIT DIR UPPER	60.33	56	116.33	GHS5 Sharngal
20	292001147	MUHAMMAD YASEEN	17301-9619046-3	P/O CITY RAILWAY STATION H 137 ST 3 MOH KHALID BIN WALID COLONY RING ROAD PESHAWAR	61.10	55	116.1	GHS Molvi
21	292001957	MUHAMMAD IMRAN	15702-5055248-9	HO NO 1575 ST 39 SECTOR 1/10/2 ISLAMABAD	57.46	58	115.46	GHS S S Khel
22	352000260	ASIF ANWAR	15702-5626900-7	VILLAGE KAKAD BANDA PO AND TEHSIL WARI DIR UPPER	63.38	52	115.38	GHS Darora
23	352000180	NAVEED ULLAH	15701-5778271-1	VILL REHANKOT PAYEEN PO DIR UPPER DISTT AND TEH DIR UPPER	65.95	49	114.95	GCMHSS Dir
24	352000168	ABDUL WARIS	15701-8362507-7	VILL SURCAT PAYEEN PO GAND RI DISTT AND TEH DIR U	58.82	56	114.82	GCMHSS Dir
25	352000124	HAZ AHMAD	15702-3747539-5	VILG CHAPPER TEH AND P/O WARI DIST UPPER DIR	54.93	59	113.93	GHS5 Nehag
26	212000079	SAMI UR RAHMAN	15704-5010803-3	VILLAGE AND P O BARAWALBANDI	65.91	48	113.91	GHS Surbat
27	152000143	RASOOL KHAN	15703-0610687-7	CO MASOOD JAN QARI NEAR MIDDLE SCHOOL MAHMOOD ABAD UMRZAI	56.77	57	113.77	GHS5 Beyar
28	352000143	JAN ZADA	15702-5393505-5	VILLAGE KOORBATAN P O AND TEH WARI	55.72	58	113.72	GHS Katan (B)
29	352000044	KHIZAR HAYAT	15701-2061598-3	SAMIULHAQ GO EMIS BRANCH DIST EDUCATION OFFICE DIR U	57.68	56	113.68	GHS Samkoot
30	292000668	KURSHID ALAM	15703-1833621-5	P O NAHAQI CHARSAADA ROAD SHAH ALAM PUU GULSHAN MADINA COLONY PESHAWAR	66.36	47	113.36	GHS5 Kalkot
31	272000987	ATTA ULLAH	17101-4010571-7	VILL SHEIKHAN P/O DASEHRA DISTT AND TEHSIL CHARSAADA	57.02	56	113.02	GHS Thall
32	352000331	NAEEM ZADA	15702-8674933-3	VILLAGE GOGYAL TEHSIL WARI DISTRICT UPPER DIR	56.45	55	111.45	GHS Allgasar

Attest

(SST General)

Sr#	RollNo	Name	NIC	Address	Academic Marks	NTS Marks	Total Marks	School Name
1	293003459	AMJAD ALI	17301-3757870-3	SABEEN TRAVELS DIR MADEL TOWER BARMAT OFFCE NO 01 LR ROAD PESH	67.82	82	149.82	GHS Samkoot
2	354000494	WIQAS AHMED	15701-5492907-7	VILL KASS TEHSEEL AND DIS DIR UPPER C O ARSHAD ALI KPO DEPUTY COMMISSIONER OFFICR	68.73	78	147.73	GHS Rokhan
3	354000501	ZIA UR RAHMAN	15701-2860182-9	SAEED MEDICIPOS NEAR DISTT HEAD QUARTER DHQ HOSPITAL DIR TEH DIR DISTT DIR UPPE	70.52	77	147.52	GHS Sharmal

Dir Upper Male Appointment Order SST Adhoc

Sr#	RollNo	Name	NIC	Address	Academic Marks	NTS Marks	Total Marks	School Name
4	354000792	SAJAD ULLAH	15701-8908647-5	MATAKA COLELGE COLONY UPPER DIR	71.84	74	145.84	GHS Sharmal
5	354000404	KHURSHID ALI	15701-8388840-1	SHALIMAR PRINTING PRESS DIR TOWN TEHSIL DIR DIST UPPER DIR	63.53	80	143.53	GMS Doon Serai
6	293001816	HAFIZ UDDIN	15704-7615049-9	MAIN KOHATI GATE WAZIR BAGAH ROAD ZEB MEDICOSE PESHAWAR	69.73	71	140.73	GHSS Patrak
7	243000564	SAIF ULLAH	15702-4014111-3	VILLAGE MAJAL TEHSIL WARI DISTRICT DIR UPPER POST OFFICE SHINKAIRARI KORI	72.64	67	139.64	GMS Bandi Bala
8	354000803	USMAN GHANI	15701-8389965-1	USMAN SANATORY STORE NEAR TELENOR FRANCHISE CHITRAL ROAD DIR	70.01	69	139.01	GHS Hayagi Sherqi
9	243001149	SANA ULLAH	15701-8290577-5	ZAIB HOUSE MOHALALH ZAIBABAD P O CHAKDARA TEH ADENZAI DIR LOWER	64.79	73	137.79	GHSS Usheral
10	354000486	AMJAD MAAZ	15701-4355311-5	VILLAGE SERI PO BIBYAMAR DIST AND TEHSIL DIR UPPER	65.76	72	137.76	GHS Molvi
11	354000685	IFTIKHAR KHAN	15701-7426210-9	VILLAGE AND POST OFFICE QULANDI TEH AND DST UPPER DIR	60.54	77	137.54	GHS Malanga
12	293003811	SADDAM HUSSAIN	15702-6616572-1	VILLAGE KAKAD THE AND P/O WARI DIST UPPER DIR	62.41	75	137.41	GHS Bandi (P)
13	353000558	AMIAD KHAN	15701-9466541-5	MOHALLAH JABBA VILLAGE AND P/O DARORA TEHH NAD DIT DIT UPEPR	66.79	70	136.79	GHS Samkoot
14	354000790	ABAID ULLAH	35201-4508761-3	HOSUE NO 189 LDA USMANABAD MUGHALPURA LHORE	54.42	82	136.42	GMS Gurral
15	353000349	ROOHUL AMIN	15701-1843337-5	PO JABAR VILL ALMAS TEH DIR DIST UPPER	67.08	69	136.08	GHS Allgasar
16	353000360	FAZLI REHMAN	15702-5911683-3	THE CRESENT MODEL SCHOOL WARI DIST UPPER DIR	67.98	68	135.98	GHS Bandi (P)
17	354000374	ABDUL QAYUM	15701-5017034-7	VILL GLAKOR P/O TARPATAR DIST DIR UPPER	70.88	65	135.88	GMS Jarjuri
18	354000122	NIAZU DDIN	17102-8156674-1	PETAW KATIR P O SHERIGNAL TEHSIL SHERIGNAL DISTRICT DIR UPPER	54.36	81	135.36	GHS Miana Doug
19	354000201	HANIF ULLAH	15702-5297251-3	VILLAGE UMARKOT TEHSIL AND PO WARI UPPER DIR	50.87	84	134.87	GHSS Beyar

TERMS & CONDITIONS.

- NO TA/DA etc is allowed.
- Charge reports should be submitted to all concerned in duplicate.
- Appointment is purely on temporary & contract basis initially for one year wef 20th September, 2018 to 19th September, 2019.
- He should not be handed over charge if he exceeds 35 years or below 19 years of age. Age relaxation case may be submitted to competent authority.
- If any candidate is over age less than two years, their upper age limit less than two years is hereby relaxed.
- If any maritorious candidate is deprived from appointment by this order and the competent authority accepted his appeal, the appointment order of the low merit candidate will be withdrawn and adjustment order will be reviewed according to merit.
- Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO (concerned), any one found producing bogus Certificate will be reported to the law enforcing agencies for further action.
- His services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.

Attested

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WAP

M. J. ATTES

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Dir Upper Male Appointment Order SST Adhoc5

9. Pay will not be drawn until and unless a certificate to the effect by DEO(concerned) is issued that his certificates are verified
10. He should join his post within 15 days of the issuance of this notification. In case of failure to join the post within 15 days of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained.
11. The candidate concerned should produce Health & Age certificate duly signed by Medical Superintendent concerned before taking over charge.
12. He will be governed by the rules and regulations in the field and as may be issued from time to time by the Govt.
13. His contract shall be discontinued at any time, in case his performance is found unsatisfactory.
14. His appointment is made on School based, He will have to serve at the place of posting, and His service is not transferable to any other station.
15. Before handing over charge once again their document may be checked if they have not the required relevant qualifications as per rules, they may not be handed over charge of the post.

(Farid Ahmad Khattak)

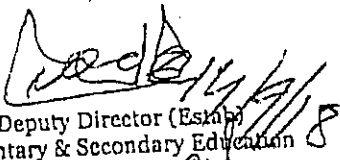
Director
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar


Endst: No. 583-89. / File No.1/ /SST/Adhoc/Apptt:/2018 Dated Peshawar the 14 /09/2018.

Copy forwarded for information and necessary action to the: -

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar.
3. District Education Officer (Male) concerned.
4. District Accounts Officer Concerned
5. Official Concerned.
6. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
7. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
8. M/File.

Attested



Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa


ATTESTED

G-10



OFFICE OF THE
DISTRICT EDUCATION OFFICER, MALE DIR UPPER
PH NO: 0944-881400 FAX: 0944-880411 Email: deomdirupper@gmail.com

No. 8701 /F.No.36/DEO (M) Dir (U)/SEB Dated Dir (U) the; 8/11 /2018

To: Mr. Asif Ali,
SST (Bio, Chem),
GHS Chukyatan Dir Upper.

Subject: - EXPLANATION.

Memo:

As per report of the Head Master GHS Chukyatan Dir Upper that you remained from your school duties w.e.f 24-10-2018 without sanction of leave, you are hereby directed to insu presence at your duty station otherwise strict disciplinary action will be taken against you under rules, 2011. Your this practice is against the office discipline and amounts to be gu. inefficiency/misconduct and habitually absention yourself from duties without lawful approval for under section 3(d) of the Khyber Pakhtunkhwa Government servants (Efficiency and Disc Rules, 2011.

You are hereby directed to explain your position for such absence. Your reply explanation should reach to the undersigned within three days positively.

Attested

[Signature]
DISTRICT EDUCATION OFFICER,
(MALE) DIR UPPER.

No. 8702-6 /F.No.36/DEO (M) Dir (U)/SEB Dated Dir (U) the; 8/11 /2018

Copy to the:-

- 01- Director of Elementary & Secondary Education Khyber Pakhtunkhwa for information and further process please
- 02- District Accounts Officer Upper Dir.
- 03- District Monitoring Officer Dir Upper.
- 04- Head Master GHS Chukyatan Dir Upper.
- 05- Officials Concerned.

[Signature]
ATTESTED
DISTRICT EDUCATION OFFICER,
(MALE) DIR UPPER.

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H-18

Mr. Under

EXPLANATION

Respected Sir,

In reply to the explanation orders received from your good office vide No. 3701/FIN 36/DEO (M) Dir (U)/SEB dated 8/11/2018 regarding my nonappearance to the school duties without sanctioned leave. With due respect it is submitted that:

1. I have not been absent from duties for the period as reported by the school in-charge. In fact, I was absent on 24/10/2018 due to illness. The second day I submitted application to the school in-charge through my younger brother stating therein that I am proceeding to Peshawar for treatment but the same was returned with the remarks from the school in-charge that District Monitoring Officer's staff has already marked him absent in attendance Register and the application couldn't be entertained (Annex-A).
2. On 26-29/10/2018, I was on the way to Peshawar and then in the hospital/doctor's clinic.
3. On 29/10/2018, I was examined by the doctor and advised for seven (07) days bed rest (Annex-B)
4. On returning from the hospital, I submitted my leave application to the school in-charge, who forwarded the same to your good office and your good self sanctioned the leave w.e. 29-10-2018 to 4-11-2018 (Annex-C).

In circumstances explained above, it is requested that on acceptance of my replies to the explanation, I may kindly be exonerated from the charge of absence from school duties reported by the School in-charge and awarded with forgiveness. I will remain careful in future.

Thanking You.

Yours obediently,

Attested
(Signature)

(Signature)
Asif Ali

SST (Bio-Chemistry)
GHS, Chukyatan, Dir (U)

(Signature)
12/11/18

1133
13/11/18

(Signature)
ATTESTED

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Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

205

OFFICE ORDER.

The contract in respect of Mr. Asif Ali SST (Bio/Chem) GHS. Chokyatin District Dir Upper is hereby discontinued with effect from 20-11-2017 w.e.f. 24-10-2018 as reported by the District Education Officer (Male) Mardan vide No. 1131-32 dated 22-12-2018.

Director

2224-30
Endst: No. _____ / File No. 112/SST (M) Complaint Dir Upper
Dated Peshawar 21/3 /2019

Copy forwarded for information and necessary action to the:-

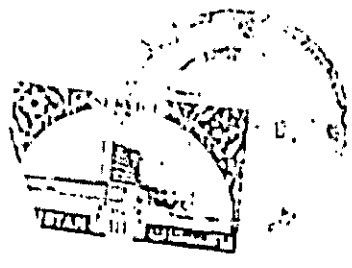
1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (Male) Dir Upper.
3. District Accounts Officer Dir Upper.
4. Principal GHS Chokyatin District Dir Upper.
5. Official concerned.
6. PS to Secretary to Govt. of Khyber Pakhtunkhwa, E&SE Department, Peshawar.
7. PA to Director Local Directorate.
8. Master File.

Attested ADD (Secy.)
do as directed
P

[Signature]
Dy: Director (Estab)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

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16/3/19

[Signature]
17/3/19





Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

GENERAL ORDER

Reference substituted with this same No. and date.

The contract in respect of Mr. Asif Ali SST (Bto/Cham) GHS Chokrajani District Dir Upper is hereby discontinued with 24-10-2018 as reported by the District Education Officer (Male) Dir Upper vide No. 143-32 dated 22-12-2018.

Director

Budg. No. 222430/ R/O No. 12/SSI (U) Complaint Dir Upper
dated Peshawar 08-03-2019

Copy forwarded for information and necessary action to the:-

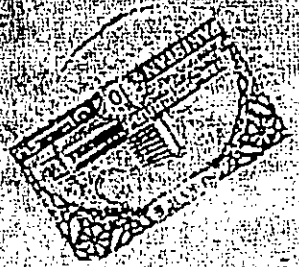
1. Accountant General Khyber Pakhtunkhwa Peshawar
2. District Education Officer (Male) Dir Upper
3. District Accounts Officer Dir Upper
4. Principal GHS Chokrajani District Dir Upper
5. Official concerned
6. PS to Secretary to Govt. of Khyber Pakhtunkhwa, E&SE Department, Peshawar
7. PA to Director Local Directorate
8. Master file

[Signature]

Dy. Director (Estab)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

[Signature]

ATTESTED



[Handwritten signature]

14

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 29-10-2021

NOTIFICATION

No.SO(PE)/5-1/Gen-Misc/Appeals/Speaking Order/Mr.Asif Ali, SST/2021:-

1. WHEREAS. Mr. Asif Ali ex-SST (Bio/Chem) BPS-16 has submitted an appeal to the appellate authority for re-instatement into service.

2. AND WHEREAS. while posted at GHS Chukiatan, Dir Upper the appellant had applied for grant of leave on Medical Grounds as advised by the Doctors. However, DEO (M) Upper Dir initiated disciplinary action against the appellant and recommended withdrawal of his contractual appointment to the Directorate E&SE.

3. AND WHEREAS. on the recommendation of the DEO (M) Dir Upper, the Directorate of E&SE, Khyber Pakhtunkhwa had discontinued contractual appointment of the appellant vide office order No. 2224/30/F.No.112/SST(M)Complaint Dir Upper, dated 08.03.2019.

4. AND WHEREAS. the appellant was provided with an opportunity of personal hearing through Mr. Rahmat Ali Wazir, Deputy Secretary (Assembly Business), E&SE Department, Khyber Pakhtunkhwa on 22.06.2021.

5. AND WHEREAS. the appellate authority, after examination of record and pros and cons of the case, has found that the appellant has been discriminated with regard to his request for leave on medical grounds.

6. NOW, THEREFORE. in exercise of the powers conferred under rule 17 (2)(b) of Efficiency & Discipline Rules, 2011, the appellate authority (Secretary E&SE) has been pleased to restore the contractual appointment of Mr. Asif Ali as SST (Bio/Chem) (BPS-16) to E&SE Department District Dir Upper with immediate effect. The intervening period w.e.f 08.03.2019 is hereby treated as leave without pay as provided under FR-54 (b).

Attested
PZ

SECRETARY
ELEMENTARY & SECONDARY EDUCATION

Endst: No & date even:

Copy forwarded to:

1. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
2. The District Education Officer (M) Dir Upper.
3. The District Accounts Officer, Dir Upper
4. The PS to Secretary, E&SED Khyber Pakhtunkhwa.
5. The PA to Additional Secretary (Estab), E&SED, Khyber Pakhtunkhwa.
6. The PA to Additional Secretary (General), E&SED, Khyber Pakhtunkhwa.
7. The PA to Deputy Secretary (A B) E&SED, Khyber Pakhtunkhwa.
8. Mr. Asif Ali, SST (Bio/Chem) BPS-16, Chukiatan, District Dir Upper.

AD BOS

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Asim
(Min Hussain Din)
SECTION OFFICER (PE)
29-10-2021

15

M. (Signature)



**GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT EDUCATION OFFICER
MALE DIR UPPER**

PH No. 0944-881400 E-mail: deomdirupper@gmail.com



OFFICE ORDER:

In acceptance of appeal by worthy secretary E&SE Govt: of Khyber Pakhtunkhwa vide No. SO (PR)/5-1/Gen-Misc/Appeals/Speaking order/ Mr. Asif Ali SST/dated 29-10-2021, The contractual appointment of Mr. Asif Ali SST (Bio: Chem:) has been restored by Secretary Elementary & Secondary Education Khyber Pakhtunkhwa, adjusted at Govt: High School Doag Payeen Dir Upper against vacant SST (Bio: Chemistry) post w.e.f 01-11-2021, the entire period w.e.f 08-03-2019 to 31-08-2021 has been converted into leave without pay in the light of above afore mentioned notification.

Note:-

- 01- Charge report should be submitted to all concerned.
- 02- No TA/DA is allowed.

(MUHAMMAD ASHRAF)
DISTRICT EDUCATION OFFICER
(MALE) DIR UPPER.

Endst No. 4103-4106 /F.No.15/DEO (M)/Estb (S) Dated: 06 / 11 /2021.
Copy forwarded for information to the:-

- 03- Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 04- District Accounts Officer Dir Upper.
- 05- Principal/Head Master/In-charge concerned.
- 06- Teachers concerned.

Attested
(Signature)

ATTESTED
(Signature)

(Signature)
DISTRICT EDUCATION OFFICER
(MALE) DIR UPPER.



Regularization of Adhoc SST of District Dir Upper (Male) 2022

Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

Notification

Under the provision of the Khyber Pakhtunkhwa Teachers (Appointment and Regularization of Services) Act, 2022 (Khyber Pakhtunkhwa Act No.XLI of 2022), the services of the following Secondary School Teachers Male (SST Bio/Chem BPS-16, SST Maths/Phy BPS-16, SST General BPS-16 and SST IT BPS-16 appointed on Adhoc/Contract basis w.e.f 08/03/2017, are hereby regularized in Teaching Cadre on the terms and conditions given below with effect from the date of their initial appointment till the commencement of the Act ibid:

2018 SST General										
S. #	Roll #	Name Of SST	Father Name	CNIC	D.O.B	Total Marks	School	Adv.No and Date	Apnft Order No and Date	Extension Order No and Date
1.	354000 494	Wiqas Ahmed	Dakht Dilard	15701- 5492907-7	10-04-91	147.73	GIS Rokhan	INF(P) 6749/2017	583-89 date 14- 09-2018	786-92 dated 16- 11-21
2.	354000 792	Sajad Ullah	Ibadat Jan	15701- 8908647-5	15-03-92	145.84	GIS Sharmal	INF(P) 6749/2017	583-89 date 14- 09-2018	786-92 dated 16- 11-21
3.	354000 404	Khurshid Ali	Muhammed Rafiq	15701- 8388840-1	06-10-92	143.53	GMSJarjuri	INF(P) 6749/2017	583-89 date 14- 09-2018	786-92 dated 16- 11-21
4.	293001 816	Hafiz Uddin	Sangeen Khan	15701- 7615049-9	29-01-90	140.73	GHSS Patrak	INF(P) 6749/2017	583-89 date 14- 09-2018	786-92 dated 16- 11-21
5.	243000 564	Saif Ullah	Gul Rahim	15702- 4014111-3	01-02-89	139.64	GMSBandi Bala	INF(P) 6749/2017	583-89 date 14- 09-2018	786-92 dated 16- 11-21
6.	354000 803	Usman Ghani	Badshah Ud Din	15701- 8389965-1	18-03-90	139.01	GHS Hayagl- Sherqi	INF(P) 6749/2017	583-89 date 14- 09-2018	786-92 dated 16- 11-21
7.	354000 486	Amjad Manz	Muhammed Tahir	15701- 4355311-5	01-05-94	137.76	GHS Molvi	INF(P) 6749/2017	583-89 date 14- 09-2018	786-92 dated 16- 11-21
8.	354000 685	Ifthikhar Khan	Habib Ullah Khan	15701- 7426210-9	23-04-92	137.54	GHS Malanga	INF(P) 6749/2017	583-89 date 14- 09-2018	786-92 dated 16- 11-21
9.	293003 811	Saddam Hussain	Talib Jan	15702- 6616572-1	20-03-93	137.41	GHS Bandi (P)	INF(P) 6749/2017	583-89 date 14- 09-2018	786-92 dated 16- 11-21
10.	353000 558	Amjad Khan	Sham Sher Khan	15701- 9466541-5	16-05-89	136.79	GHS Samkoot	INF(P) 6749/2017	583-89 date 14- 09-2018	786-92 dated 16- 11-21
11.	354000 790	Abaid Ullah	Sharif Ullah	35201- 4308761-3	02-03-89	136.42	GMSGurrai	INF(P) 6749/2017	583-89 date 14- 09-2018	786-92 dated 16- 11-21
12.	353000 349	Roohul Amin	Abdul Sattar	15701- 1843337-5	10-09-92	136.08	GHS Samkoot	INF(P) 6749/2017	583-89 date 14- 09-2018	786-92 dated 16- 11-21
13.	353000 360	Fazil Rehman	Masook Khan	15702- 5911683-3	20-01-87	135.98	GHS Bandi (P)	INF(P) 6749/2017	583-89 date 14- 09-2018	786-92 dated 16- 11-21

Attested
(Signature)

17

33

Regularization of Adhoc SST of District Dir Upper (Male) 2022

1.	202000 49	Muhammad Kamran Khan	Abdur Rab Khan	15701- 6800872-5	20-02-96	139.30	GHS Ganshall Bala	INF(P)40 19/20	4636-42 Dated 16-04- 2021	7686-90 dated 05- 10-22
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2021 SST IT

S. #	Roll #	Name Of SST	Father Name	CNIC	D.O.B	Total Marks	School	Adv.No and Date	Applt Order No and Date	Extension Order No and Date
1.	203000 89	Muhammad Abbas Khan	Abdur Rab Khan	15701- 2490811-7	04-03-95	135.65	GHS Daskore	INF(P)40 19/20	4636-42 Dated 16-04- 2021	7686-90 dated 05- 10-22

2021 SST Bio/Chem

1.	351000 412	Asif Ali	Sahib Zada	15701- 8919531-1	13-02-91	130.03	GHS Daag Payeen	INF(P) 6749/2017	Restoration Notification of Contract Issued vide No. SO (PE) /5-1/Gen- Misc/Appea ls/Speaking Orders/Mr. Asif Ali, SST/2021 Dated:29- 10-2021	786-92 dated 16-11- 21
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2022 SST IT

S. #	Roll #	Name Of SST	Father Name	CNIC	D.O.B	Total Marks	School	Adv.No and Date	Applt Order No and Date	Extension Order No and Date
1.	223280	Muhammad Tuaib	Farid Khan	15703- 8515656-9	02-03-93	141.45	GHS Jelar	INF(P)60 79/21	1514-19 dated 20- 06-22	Nil

*N.A stands for Not Available

Terms and Conditions:-

- 1 Their services shall be governed by the Khyber Pakhtunkhwa Civil Servant Act, 1973, the Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of Teachers, Lecturers, Instructor and Doctors) Regularity Act, 2011, and such rules and regulation as may be issued from time to time by Government.
- 2 Their services will be considered regular and they shall be eligible for pension/deduction of GP Fund in term of Khyber Pakhtunkhwa Civil Servant Act, 1973, as amended in 2013, however, the teachers appointed on or after 07/06/2022 shall be dealt with Section (2)(2) of the Khyber Pakhtunkhwa (Amendment) Act, 2022.
- 3 Their services are liable to termination on one-month notice from either side. In case of resignation without notice, their one month pay/allowances shall be forfeited to the Government.
- 4 They shall possess the same qualification and experience required for the subject post on regular basis as specified in Section (3) (a) of the Act.

Attested
(Signature)

Attested
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Regularization of Adhoc SST of District Dir Upper (Male) 2022

- 5 Their regularization shall not affect the service promotion quota of all service cadres as specified in Section (3) (c) of the Act.
- 6 They shall be entitled for seniority and pay from the date of initial appointment on Adhoc/Contract basis as specified in Section (3) (d) of the Act.
- 7 They shall perform duty for at least three years from the date of taking over charge where they were appointed/posted initially.
- 8 The regularization shall not be in favor of those teachers who have not taken over charge, remained absent from duty and resigned from service.
- 9 The Teacher, Regularized through this notification, shall be confirmed after successful completion of In-service mandatory training as specified in their Service Rules notified vide notification No SO (PI) 4-5/SSRC/Meeting/2012/Teaching Cadre/2017 dated 07/03/2018 within two consecutive attempts otherwise their appointment orders shall be considered as withdrawn/cancelled from the date of declaration of result of the second attempt made in the induction program.
- 10 DEOs are directed to check/verify the documents/ Extension Orders etc service of the regularized teachers once again with the criteria mentioned for regularization. If the teachers don't meet the criteria their service shall be considered as ceased.

(Hafiz Dr. Muhammad Ibrahim)
Director

Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

L1692-96

Endst: No. _____ / File No./D-1/SST (M)/Regularization/2018-22/Dir Upper Dated Peshawar the 01/12/2022

Copy forwarded for information and necessary action to the: -

1. District Education Officer (M) Dir Upper.
2. District Accounts Officer Dir Upper.
3. Officials Concerned
4. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department
5. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar
6. M/File

Attested

Ⓜ

Hafiz Dr. Muhammad Ibrahim
Assistant Director (Estab)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

Ⓜ

ATTESTED




19

**DIRECTORATE ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA, PESHAWAR.**

AUTHORITY LETTER

I Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar do hereby authorize Mr. Muhammad Imran Assistant (Litigation) of this Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar to attend the Khyber Pakhtunkhwa Service Tribunal in connection with filing of para wise comments in Service Appeal No. 407 / 2023 Titled Asif Ali VS Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department.

Dated 05 / 10 / 2023


Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.