

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

Service Appeal No: 1271/2023

Umar Dad, SST (G) BPS-16, District Kohistan Lower..... Appellant.

VERSUS

Secretary (E&SED) Khyber Pakhtunkhwa Peshawar & others..... Respondents

INDEX

S/#	Description of document	Annexure	Pages No.
1	Joint Para Wise Comments along with affidavit		1-5
2	Copy of the appointed order dated 02-03-1986.	A	6
3	Copies of the B.A Degree & Service Rules notified on 24-07-2014.	B & C	7-14
4	Copy of the Notification dated 28-10-2014.	D	15-19
5	Copies of the W.P No. 559-A/2016 & order sheet dated 13-02-2017.	E & F	20-26
6	Copy of the Notification dated 16-11-2017	G	27-28
7	Copies of the Judgment dated 13-02-2013, office order dated 26-12-2022 & adjust order dated 02-02-2023.	H, I & J	29-33
8	Authority letter		34


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

*19-10-23
Peshawar.*

①

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

Service Appeal No: 1271/2023

Umar Dad, SST (G) BPS-16, District Kohistan Lower..... Appellant.

VERSUS

Secretary (E&SED) Khyber Pakhtunkhwa Peshawar & others..... Respondents

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

Respectfully Sheweth :-

The Respondents submit as under: -

Khyber Pakhtunkhwa
Service Tribunal

Registry No. 8256

Date: 12-10-23

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 impugned Notifications/orders are legally competent & liable to be maintained.
9. **That** the appellant is not entitled for his restoration as SST in terms of the notification dated 16-11-2017.
10. **That** the appellant is not entitled for the grant of seniority & back service benefits, as SST in the Department under the rules in vogue.
11. **That** the appellant lack the prescribed qualification & BA at least in 2nd division from the recognized university.

- 2
12. That the orders dated 26-12-2022 & 02-02-2023 are in compliance of the order dated 06-04-2023 of the august Supreme Court.

ON FACTS.

- 1 **That** Para-1 pertains to the service record of the appellant against the PST post appointed vide order dated 02-03-1986 in District Kohistan **attached as Annex-A.**
- 2 **That** Para-2 is correct that the appellant has passed his B.A from University of Peshawar in academic session 1991 under Roll No. 64975, Registration No. 96-PA-46927 which is not admissible for promotion as SST (G) in BPS-16 in view of the standing Service Rules notified on 24-07-2014 with reference to S.No. I/B, whereas, 20 Y, quota has been attached from promotion as SST from Peshawar, wherein, the appellant could not made out his case for promotion copies of the cited B.A degree of Service Rules are **attached as Annex-B & C.**
- 3 **That** Para-3 is also incorrect on the grounds that the B.A degree of the appellant is in 3rd division which is not allowed for promotion under the service rules dated 24-07-2014 in vogue.
- 4 **That** Para-4 is correct that vide Notification dated 24-07-2014, service Rules were notified wherein, vide S.No. I/B, the prescribed criteria for promotion as SST is at least 2nd division whereas, the appellant has passed his B.A in 3rd division from the University of Peshawar, which is not admissible under the said Rules.
- 5 **That** Para-5 is correct to the extent of the promotion Notification dated 28-10-2014 in terms of the service Rules dated 24-07-2014 wherein, the appellant was not considered for promotion as SST due to passing of his B.A in 3rd division in 1991 from the University of Peshawar. **Copy of the Notification is Annex-D.**
- 6 **That** Para-6 is correct to the extent of the W/P No. 559-A/2016 under Article 199 instead of involving the provision under service Law of the Khyber Pakhtunkhwa Service Tribunal Act-1974 which was allowed vide judgment dated 13-02-2017 on the analogy of judgment dated 13-02-2017 in W/P No. 1041/2015 **attached as E & F.**
- 7 **That** para-7 is correct that in compliance of the judgment dated 13-02-2017, the appellant was promoted to the post of SST vide order dated 16-11-2017 with immediate effect under the provision of APT Rules 1989 attached as **Annex-G.**
- 8 **That** para 8 is correct that aggrieved from the judgment dated 13-02-2013 of the Honorable High Court, the Respondents approached the august Supreme Court of Pakistan under Article(85/3) of the constitution 1973 in CP No. 2039/2019 under case titled Government of Khyber Pakhtunkhwa V/S Umar

Dad which was allowed vide order dated 06-04-2022, the promotion order date 16-11-2017 was re-called under the Rules vide order dated 26-12-2022 where against, the Departmental appeal was also rejected vide order dated 02-02-2023 **attached as Annex-H, I & J.**

9 That para-9 is incorrect as the case of the appellant has already been adjudicated by the apex court of law vide order dated 06-04-2022 on merits of the case, therefore, the benefits of promotion at such a belated stage can not be extended to the appellant under the rules by the Department.

10 That para-10 is correct that the orders/Notification dated 26-12-2022 & 02-02-2023 have been passed in compliance of the order dated 06-04-2022 of the apex court of Law, whereby, the appellant was restored to his original post of PSHT-15, hence, the plea of the appellant is illegal.

11 That para-11 is incorrect as no Departmental appeal against the orders dated 26-12-2022 & 02-02-2023 has been filed by the appellant till date, hence, got final under the Rules in vogue, therefore, the appeal in hand is liable to be rejected on the following grounds inter alia: -

GROUND.

A. **Incorrect & not admitted.** The cited orders dated 26-12-2022 & 02-02-2023 are legally competent & even in compliance of the order dated 06-04-2022 of the august Supreme Court of Pakistan.

B. **Incorrect & not admitted,** the appellant has been treated as per Law vide the said order by the Department in the titled case.

C. **Incorrect & not admitted.** The plea of the appellant is without any reason & justification has correctly restored to the PSHT in BPS-15 post.

D. **Incorrect & not admitted** the stance of the appellant is illegal & liable to be rejected.

E. **Incorrect & not admitted** the act of the Department with regard to the said orders is legal.

F. **Incorrect & not admitted** the plea of the appellant is based on mala-fide as the Department has acted as per Law, Rules & criteria in the titled case.

G. **Incorrect & not admitted.** The act of the Department is in accordance with the provision of Article-38(e) of the constitution of 1973.

H. **Incorrect & not admitted.** The appellant is not an aggrieved person within the meaning of section-4 of Khyber Pakhtunkhwa Service Tribunal Act-1974 read with Article-212 in the titled matter. However, the Respondents also seek leave to submit additional grounds/record at the time of arguments on the date of hearing please.

PRAYER:

Therefore, it is most humbly requested that the titled case may kindly be dismissed in favor of the 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)

(5)

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

Service Appeal No: 1271/2023

Umar Dad, SST (G) BPS-16, District Kohistan Lower Appellant.

VERSUS

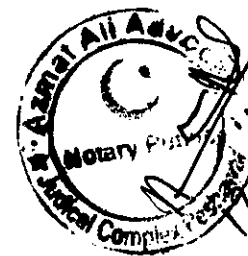
Secretary (E&SED) Khyber Pakhtunkhwa Peshawar & others..... Respondents

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



ANNEX "A" (7)

6

-9-

DISTRICT EDUCATION OFFICER (MALE) KOHISTAN AT PATTAN.

OFFICE ORDER NO. 178

DATE 2/3/1986

APPOINTMENT/ADJUSTMENT.

The following candidates are hereby appointed against vacant P.T.C Post in the School noted against each in EPS 7 (No: 553-23-2320) Rs:560/- PM fixed Plus usual allowances as provided in Government Circulars, admissible under the rules in the int. of Public Service W.E.F. the date of taking over Charge. Ref: 1-4

(3) Annex (D)

S.NO.	Name/Father Name	Residence	From	TO	Remarks
(1)	MA: Umar Dad s/o	Romulya			Cand. at JPS Kumbh A.N.C. Post
	MA: Bahia				

- NOTES:-
1. Charge report should be submitted to this office in Duplicate.
 2. No TA/DA and EC is allowed any Cmp.
 3. They required Health and age Certificate
 4. They are required to Produce Health and age Certificate from Medical Superintendent: Concerned.
 5. Their Services are liable to termination at any time without any reason being assigned arrival of trainees.
 6. They should not be allowed to take over Charge if their age is less than 18 Years and above 30 Years.
 7. Certificates of all Candidates will be checked and in case any certificate is found bogus, Service of holder of Such Certificate will be terminated.
 8. Candidates should take over Charge Within Ten days of issuance of the order otherwise appointment order will stand canceled.

(15-2/3/86)
DISTRICT EDUCATION OFFICER
(MALE) KOHISTAN AT PATTAN.

Encl: NO. 1461-63/A-I Dated Kohistan the 2/3/1986.

Copy of the above is forwarded for information and necessary action to the:-

- 1:- ADEO (Academic) Local office.
- 2:- ADEO (Accounts) Local Office.
- 3:- Candidate Concerned.
- 4:- Office order file.

Attested
(Signature)

(Signatures)
Attested
(Signature)

MAJID AYUB
G-55 C-1
1986

UNIVERSITY OF PUNJAB



Provisional Certi.

SESSION 1991 ANNUAL

This is to certify th

Umer, Daad Khan
Bakht Khan

appeared in the ... Examination at the Bachelors ... of the
University of Punjab held in July 91 ... Division by

THE EXAMINATION WAS TAKEN AS ...

Roll No. 90-PIA-46927

Roll No. 26-3-92

Signature: Anwarul

Attested
[Signature]

Attested
[Signature]

Roll No. 64975

Date: 27-12-92

[Signature]

27/12/92

ANNEX "B" 7
6-9

7

18

ANNEX "D"

(17)

16

(17)

B.C

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
Peshawar, dated 24th July, 2014

NOTIFICATION:

No. SO (PE) 4-5/SSRC/Meeting/2013/Teaching Cadre-In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby directs that in this Department's Notification No. SO (G) S&LD/1-28/2003/Vol-II dated, 09-04-2004, Notification No. SO (G) S&L/1-69/06/Vol-1/DPE/LIB dated 13-11-2007, and Notification No. SO (PE) 4-5/SSRC/Meeting/2012 Teaching Cadre, dated 13.11.2012, the following further amendments shall be made, namely:

AMENDMENTS

in the Appendix:-

(i) Serial No. 1 shall be renumbered as 1B and before Serial No. 1B, as so renumbered, the following new entries shall be inserted in respective columns, namely:

1	2	3	4	5
*1	Subject Specialist (BPS-17)	i. At least second class Master's Degree or four years BS Degree in the relevant subject; and ii. Bachelor of Education or Master of Education or M.A Education or equivalent qualification from a recognized University	23 to 35 years	(ii) Fifty percent by promotion, on the basis of seniority-cum-fitness, for the relevant subject from amongst the Secondary School Teachers (BPS-16), with at least five years service as such and having qualification mentioned in column No.3 Note: If no suitable candidates is available in the relevant subject the post falling in their promotion quota shall be filled by initial recruitment; and

Attested

(18) B.C

(18)

-17-

				(b) fifty percent by initial recruitment.
1A	Director Physical Education (BPS-17)	At least second class Master's Degree in Physical Education from a recognized University	22-35 years	<p>(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, for the relevant subject from amongst Senior Physical Education Teachers (BPS-16), with at least five years service as Senior Physical Education Teacher and Physical Education Teacher and having qualification mentioned in column No.3</p> <p>Provided that if no suitable person is available from amongst Senior Physical Education Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst the Physical Education Teachers, with at least five years service as such and having qualification mentioned in column No.3;</p> <p>(b) fifty percent by initial recruitment; and</p>

Attested
R

10

(19) B.C

Against Serial No. 1B shall be remembered for the existing entries, the following shall be substituted in respective columns, namely:

1	2	3	4	5
1B	Secondary School Teacher (BPS-16)	<p>I. At least second class Bachelor Degree's from a recognized university on need basis from the following groups with tow subject</p> <p>(a) (Chemistry, Botany or Zoology)</p> <p>or</p> <p>(b) (Physics, Maths "A" or "B" or Statistics)</p> <p>or</p> <p>(c) (Humanities and other equivalent groups at degree level with English as compulsory subject)</p> <p>and</p> <p>II. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualification from a recognized University</p>	21 to 35 years	<p>1. Seventy Five per cent by promotion, on the basis of seniority cum-fitness, from the district concerned in the following manner</p> <p>(a) forty per cent form amongst the Certified Teachers (BPS-16) with at least five years service as Senior Certified Teacher and Certified Teacher having qualification mentioned in column No. 3.</p> <p>Provided that if no suitable candidate is available form amongst Senior Certified Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst the Certified Teachers, with at least five years service as such and having qualification mentioned in column No.3;</p> <p>(b) Four per cent from amongst the Senior Drawing Masters(BPS-16) with at least five years service as Senior Drawing Masters and Drawing Masters and having qualification mentioned in column No.3.</p> <p style="text-align: right;">Attested P</p>

81

mo
it lea
ter u
ntic

if

11

20 BC

2

19-

			<p>Attested P</p>	<p>Provided that if no suitable candidate is available from amongst Senior Drawing Masters for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst the Drawing Master, with at least five years service as such and having qualification mentioned in column No.3;</p> <p>(c) Four per cent form amongst the Senior Arabic Teachers (BPS-16) with at least five years service as Senior Arabic Teachers and having qualification mentioned in column No. 3.</p> <p>Provided that if no suitable candidate is available from amongst Senior Arabic Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from Arabic Teachers, with at least five years service as such and having qualification mentioned in column No.3;</p> <p>(d) Four per cent form amongst the Senior Theology Teachers (BPS-16) with at least five years service as Senior Theology Teacher and having qualification mentioned in column No. 3,</p>
--	--	--	-----------------------	---

12

(21) B.C

21

-20-

			<p>Attested</p>	<p>Provided that if no suitable candidate is available from amongst Senior Theology Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers, with at least five years service as such and having qualification mentioned in column No.3;</p> <p>(e) Three per cent from amongst the Senior Qari (BPS-16) with at least five years service as Senior Qari and Qari having qualification mentioned in column No. 3, Provided that if no suitable candidate is available from amongst Senior Qaris then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from Qari with at least five years service as such and having qualification mentioned in column No.3;</p> <p>(f) Twenty per cent from amongst the Primary School Head Teachers (BPS-16) with at least five years service as Primary School Teachers and Primary School Teachers having qualification mentioned in column No. 3,</p>
--	--	--	-----------------	--


(13)

(22)

B.C

(2)

21-

			<p>Attested</p> 	<p>Provided that if no suitable candidate is available from amongst Primary School Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Primary School Teachers, with at least five years service as such and having qualification mentioned in column No.3;</p> <p>Provided that if no suitable candidate is available from amongst Senior Primary School Teachers for promotion then the post shall be filled, from amongst the Primary School Teachers, with at least Seven years service as such and having qualification mentioned in column No.3; and</p> <p>(ii) Twenty Five percent by initial recruitment.</p> <p>Note:</p> <p>I. If no suitable candidate is available in the relevant cadre of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment.</p> <p>II. Posts of General SST and SSTs-1 Science and SST-2 Science shall be filled by promotion or initial recruitment, each on need basis separately</p>
--	--	--	---	--

(23) B.C

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Endst: of even No & date:

1. The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department Peshawar.
3. The Secretary to Government of Khyber Pakhtunkhwa, Law Department Peshawar.
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
5. The Accountant General Khyber Pakhtunkhwa, Peshawar.
6. The Director, Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
7. The Director of Education (FATA) Peshawar.
8. The Director Curriculum and Teacher Education Khyber Pakhtunkhwa Abbottabad.
9. The Director (PITE) Khyber Pakhtunkhwa Peshawar.
10. The Director ESRU Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
11. Manager Government Printing Press Khyber Pakhtunkhwa Peshawar.
12. The Deputy Director, EMIS (S&SE) Department Khyber Pakhtunkhwa Peshawar.
13. All District Education Officer (M&F) in Khyber Pakhtunkhwa.
14. All District Accounts Officer in Khyber Pakhtunkhwa.
15. All Agency Education Officer in FATA
16. All Agency Account Officer in FATA
17. PS to Governor Khyber Pakhtunkhwa Peshawar.
18. PS to Chief Minister Khyber Pakhtunkhwa, Peshawar.
19. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
20. PS to Minister E&SE Khyber Pakhtunkhwa, Peshawar
21. PS to Secretary E&SE Khyber Pakhtunkhwa, Peshawar.
22. Master file

Attested
P

SD/-
(ZAMIN KHAN MOMAND)
SECTION OFFICER (PRIMARY)

(23)

-22-

131



Notification

Consequent upon the recommendations of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification NoSO(PE)/4-5/SE/RC/Meeting/2013/Teaching Cadre dated 24th July, 2014, the following SCTs/CTs, SDMs/DMs, SATs/ATs, STTs/TTs, Senior Qaris/Qaris, PSHTs/SPSTs/PSTs are hereby promoted to the post of SST (Bio-Chem), SST (Phy-Maths), SST (General) noted against each BPS-16 (Rs.10000-300-34000) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and condition given below with immediate effect and further they will be posted by the District Education Officer concerned on "School based".

A. SST (Bio-Chem)

1. PROMOTION OF SCT/CT TO THE POST OF SST (Bio-Chem) BPS-16

Total No. of SST Bio-Chem (M) Posts vacant Posts	24
25% share initial recruitment	06
75% share for Promotion	18
40 % Share of promotion of SCT/CT	10
Posts available for promotion	10
Promoted through this order	07

S.N.	S.I.No	Name of Official	Present Place of Posting	Date of Birth	Remarks
1	32	Mohammad Nawaz	GHS Jabba Madakhal.	15/3/1967	Services placed at the disposal of DEO (M) Kohistan for further posting against SST (Bio-Chem) post on school based.
2	34	Akhtar Parulz	GHSS Battaira.	3/1/1974	-----do-----
3	36	Mohammad Bagg	GHSS Battaira.	21/11/1975	-----do-----
4	37	Zainul Abdeen	GHSS Badakout	1/1/1961	-----do-----
5	04	Shah Wali Ullah	GHS Ranolla	1/1/1977	-----do-----

B. SST (General)

1. PROMOTION OF SCT/CT TO THE POST OF SST (General) BPS-16

Total No. of SST General (M) Posts vacant Posts	122
25% share initial recruitment	30
75% share for Promotion	92
40 % Share of promotion of SCT/CT	48
Posts available for promotion	48
Promoted through this order	48

S.N.	S.I.No	Name of Official	Present Place of Posting	Date of Birth	Remarks
1	4	Noor Muhammad	GHS Pattan	3/3/1967	Services placed at the disposal of DEO (M) Kohistan for further posting against SST (General) post on school based.
2	9	Muhammad Akram	GHS Kharsa Gaddar	2/7/1966	-----do-----
3	11	Fazal Subhan	GHS Pattan	12/11/1968	-----do-----

Attested
(P)

See to Page No: 03

4/11/14

Directorate order
Dated: 28-10-2014
see dat^o End copy also.

4	12	Muhammad Iqbal	GHSS Badakoat	1/2/1971	do
5	13	Sajfur Rahman	GHS Seo	10/12/1964	do
6	14	Muhammad Miskin Khan	GHSS Chakal	8/3/1966	do
7	15	Fazalur Rahman	GHS Kuz Paro	5/5/1971	do
8	16	Mohd Saghir	GHS Banil Jag	4/2/1972	do
9	18	Abdul Saboor	GHS Chuchang	2/2/1971	do
10	19	Fazal Raouf	GHSS Bankhad	1/10/1972	do
11	20	Muhammad Yousof	GHS Dassu	1/10/1969	do
12	22	Fateh Mohammad	GHS Banil Jag	6/2/1970	do
13	23	Muhammad Nawab	GHS Paro	01.04.1970	do
14	28	Fazal Haq	GHS Jalakoat	4/5/1973	do
15	30	Asar Jan	GHS Maidan Kolat	2/1/1975	do
16	31	Shir Afzal	GHS Shetial	4/8/1975	do
17	35	Murad Ali	GHSS Bgtairg	2/1/1975	do
18	37	Zainul Abdeen	GHSS Badakoat	1/1/1961	do
19	39	Muhammad Nazeem	GHS Kuz Sharyal	1/12/1968	do
20	40	Hidayatullah	GHS Harban Koat	8/12/1969	do
21	41	Muhammad Jankhan	GHS KK Ranolia	6/7/1970	do
22	43	Noorul Bari	GHS Banil Jag	15/2/1972	do
23	44	Sher Zada	GHS Harban Koat	3/2/1972	do
24	47	Abdul Majeed	GHS Lohi	2/6/1975	do
25	49	Amin Khan	GHS Kharoo Gaddar	18/5/1975	do
26	50	Faiz Ahmad	GHS Bar Bela	3/1/1962	do
27	51	Kurshid Khan	GHS Bar Bela	2/5/1968	do
28	52	Firdos Khan	GHS Sharakoat	3/10/1968	do
29	53	Habibur Rahman	GHS KK Ranolia	4/1/1969	do
30	54	Raji Rahmat	GHS Shetial	10/10/1969	do
31	56	Fakhrud Din	GHS Sharakoat	1/1/1976	do
32	57	Muhammad Nazeer	GHS Kuz Sharyal	4/4/1966	do
33	58	Gul Nameer	GHS Seo	3/10/1967	do
34	59	Karim Dad	GHS Karobair	3/3/1970	do
35	60	Yahya Khan	GHS Sherakot	6/5/1976	do
36	61	Muhammad Nawab	GHSS Banhad	6/1/1979	do
37	62	Ghulam Nabi	GHS Mazoo	6/1/1968	do
38	63	Bauwar Khan	GHS Dassu	4/2/1971	do
39	67	Muhib Gul	GHS Pattah	21/1/1973	do
40	68	Rahim Khan	GHS Ranolia	20/10/197	do
41	72	Abdullah	GMS Ishpidar	30/6/1969	do
42	73	Abdullah	GMS Singa Raja Abad	8/1/1970	do
43	76	Irshad Khan	GMS Sazeem	9/12/1972	do

25

-24-

16

Attested
P

45	79	Liaqat Ayub	GHS Peroo Bela	9/1/1973	-----do-----
46	81	Mumtaz Khan	GMS Gazai Abad	2/5/1974	-----do-----
47	83	Abdullah Khan	GHS Lohi	5/9/1974	-----do-----
48	84	Nawaz Khan	GMS Dag Pattan	6/7/1974	-----do-----

25

17

-25-

2. PROMOTION OF PSHT/SPST/PST TO THE POST OF SST (General) BPS-16

Total No. of SST General (M) Posts vacant Posts	121
25% share initial recruitment	30
75% share for Promotion	91
20 % Share of promotion of PSHT/SPST/PST	24
Posts available for promotion	24
Promoted through this order	24

S.N	SC No	Name of Official	Present Place of Posting	Date of Birth	Remarks
1	5	Bakht Jehan	GPS Segoi Bair	10/02/1964	Services placed at the disposal of DEO (M) Kohistan for further posting against SST (General) post on school based.
2	17	Muhammad Nabi	GPS Qilla Madakhel	2/11/1964	-----do-----
3	21	Amir Badshah	GPS D Village	06/07/1956	-----do-----
4	37	Serajuddin	GPS Mano Patti	02/09/1960	-----do-----
5	50	Sher Afzal	GPS Bar Dubiar	01/01/1966	-----do-----
6	83	Satfultalt	GPS Shalkhan Abad	1/13/1968	-----do-----
7	112	Mohammad Easo	GPS Bashir Abad	14/08/1970	-----do-----
8	193	Khan Bahader	GPS Mari Shalakat	02/02/1970	-----do-----
9	198	Abdu Rehman	GPS Kandroo	3/3/1972	-----do-----
10	200	Nawab Khan	GPS Shatyai	4/6/1972	-----do-----
11	203	Aurang Zeb	GPS M.Garrison	05/01/1965	-----do-----
12	209	Anwar Ali	GPS Ishpidar 2	3/5/1971	-----do-----
13	222	Miskeen Khan	GPS Dook Bela	3/14/1973	-----do-----
14	231	Abdur Rashid	GPS M.T.Q.S S:Abad	8/24/1972	-----do-----
15	238	Sher Afzal	GPS Raqolia	04/01/1973	-----do-----
16	239	Jan Mohammad	GPS Barakad	08/02/1973	-----do-----
17	240	Sher Zada	GPS Khanat Ran:	05/03/1973	-----do-----
18	262	M Arbab Khan	GPS Hidar Abad	6/12/1968	-----do-----
19	311	Ayoub Jan	GPS Harban Kot	1/3/1971	-----do-----
20	316	Muh: Zaher Shah	GPS Muslim Kot	1/1/1970	-----do-----
21	337	Muhammad Jamil	GPS Kalbir	2/6/1971	-----do-----
22	351	Rahim Khan	GPS Dang Dataru	15/06/1975	-----do-----
23	396	Gul Khan	GPS Mahreen	1/1/1976	-----do-----
24	397	Seyab Khan	GPS Kus Sharial	2/12/1976	-----do-----

Attested
P

3. PROMOTION OF SDM/DM TO THE POST OF SST (General) BPS-16

Total No. of SST General (M) Posts vacant Posts	121
25% share initial recruitment	30
75% share for Promotion.	01
4 % Share of promotion of SDM/DM	05
Posts available for promotion	05
Promoted through this order	05

S.No	S.L No	Name of Official	Present Place of Posting	Date of Birth	Remarks
1	3	Fazal Rahim	GMS Razaka	3/1/1970	Services placed at the disposal of DEO (M) Kohistan for further posting against SST (General) post on school based.
2	27	Shireen Dad	GHSS Bataira	20/2/1975	-----do-----
3	36	Rasool Shah	GHS Sower Steel	1/1/1977	-----do-----
4	42	Amirur Rahman	GHS Chochang	16/1/1974	-----do-----
5	47	Awal Khan	GHS Ranolia	2/1/1985	-----do-----

4. PROMOTION OF SAT/AT TO THE POST OF SST (General) BPS-16.

Total No. of SST General (M) Posts vacant Posts	121
25% share initial recruitment	30
75% share for Promotion.	91
4 % Share of promotion of SAT/AT	05
Posts available for promotion	05
Promoted through this order	04

S.No	S.L No	Name of Official	Present Place of Posting	Date of Birth	Remarks
1	41	Muhammad Yahya	GHS Maidan Kolia	3/2/1972	Services placed at the disposal of DEO (M) Kohistan for further posting against SST (General) post on school based.
2	53	Kifayat ullah	GMS Mahreen	1/1/1979	-----do-----
3	60	Gul Rahman	GHS Chakal	5/1/1976	-----do-----
4	72	Insanul Haq	GHS Kus Paro	30/12/1974	-----do-----

Terms and conditions:-

- 1 They would be on probation for a period of one year extendable for another one year.
- 2 They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 3 Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
- 4 Charge report should be submitted to all concerned.
- 5 Their Inter-Se- seniority on lower post will remain intact.
- 6 No TA/DA is allowed for joining his duty.
- 7 They will give an under taking to be recorded in their service book to the effect that if any over payment is made to him in light this order will be recovered and if he/she is wrongly promoted he/She will be reversed.
- 8 They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 9 Their posting will be made on School based, They will have to serve at the place of posting, and their service is not transferable to any other station.

Attested
P

27

18

-26-

10 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.

(Muhammad Rafiq Khattak)
Director
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

27

28

19

3431-35

Endst: No. / File No. 2/Promotion SST B-16: Dated Peshawar the 27-10-2014.

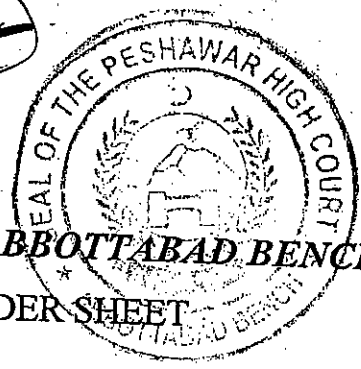
Copy forwarded for information and necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officer concerned
3. District Accounts Officer concerned
4. Official Concerned.
5. PS to the Secretary to Govt: Khyber-Pakhtunkhwa E&SE Department.
6. PA to the Director E&SE Khyber Pakhtunkhwa Peshawar
7. M/File

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

Attested
P

-35-



20

PESHAWAR HIGH COURT, ABBOTTABAD BENCH

FORM OF ORDER SHEET

Court of.....
Case No.....of.....

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
13.02.2017	<p><u>W.P.No. 559-A/2016.</u></p> <p>Present: Mr. Abdul Saboor Khan, Advocate, for the petitioners.</p> <p>Mr. Rab Nawaz Khan, AAG, for the respondents.</p> <p>***</p> <p><u>IKRAMULLAH KHAN, J.-</u> Through the instant constitutional petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 the petitioners have prayed as under: -</p> <p><i>"On acceptance of the instant writ petition, the respondents be directed not to refuse promotion to the petitioners from PSHT to SST on the ground of having BA (third division) and they be promoted from the date 31.10.2014, if they are otherwise entitled for the same on the basis of seniority cum fitness or any other writ or order as may deem fit and appropriate in the circumstances of the case, may also be issued / passed in favour of the petitioners."</i></p> <p>2. In essence, the petitioners namely, Fazal Qadeem, Fazal Mehmood and Umer Dad after having been appointed on different posts in the years 11.05.1992, 05.03.1996 and 02.03.1987 respectively in Education Department when</p>

Certified to be True Copy
EXAMINER
13 JAN 2017
Peshawar High Court
Abbottabad Bench

Attested
P

72

21

18

-35-

completed their qualification upto Bachelor Degree applied for the post of PST but they have been refused their promotions with the plea that they did their graduations in third division which is against the policy to accord such post while on the other hand juniors to the petitioners have been promoted to the post of PST, hence the instant petition.

3. Comments in this case were sought from the respondents, who accordingly submitted their parawise comments wherein they have raised the same plea that the petitioners, having did their Bachelor Degree in third division, cannot be promoted to the desired posts.

4. Not only in a case titled "*Muhammad Baqi Vs. The Government of Khyber Pakhtunkhwa through Secretary (Elementary & Secondary Education) Peshawar & 02 others*" rendered in W.P.No. 1041-A/2015 on 05.04.2016 but also in another case decided by a Division Bench on 04.06.2015 this court has earlier declared the condition of having third division as null and void, which are still in the field and have not yet been challenged or set-aside by the Apex court, therefore, we deem it proper to allow the instant petition on the same analogy.

5. For the reasons mentioned herein above, this petition is accepted and the respondents are directed to promote the petitioners to the post of SST and not to refuse their due rights of promotion from PSHT to SST on the ground of having BA

Certified True Copy
 Peshawar Court
 Authorized
 Sec: 75 Evid O

Attested
 P

48

49

37 (22)

(third division), if they are otherwise entitled for the same on the basis of seniority-cum-fitness with immediate effect.

Sd/- Judge,
Sd/- Judge

Certified to be True Copy
EXAMINER
06 JAN 2020
Peshawar High Court Atd-Bench
Authorized Under Sec: 75 Evid Ordns

Attested
(R)

*/*Self*/*

39

23
78

Judgment Sheet

IN THE PESHAWAR HIGH COURT, ABBOTTABAD BENCH
JUDICIAL DEPARTMENT

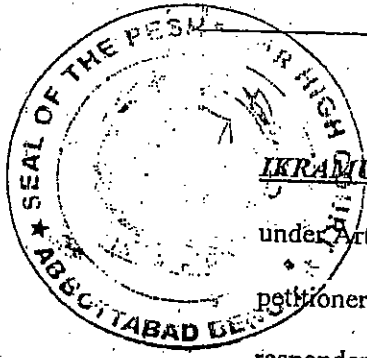
Writ Petition No. 1041-A/2015.

JUDGMENT

Date of hearing 5.4.16

Petitioner Mahammad Baqi by Mr. Asad Saboor Khan

Respondents. Govt. by A.A.G Abdante



IKRAMULLAH KHAN, J.- Through the instant writ petition under Article 199 of the Islamic Republic of Pakistan, 1973 the petitioner seeks declaration to the effect that the act of respondent No.3 whereby the promotion notification dated 28.10.2014 was withdrawn vide impugned notification dated 24.04.2014 on the ground of having qualification of B.Sc (3rd division) is illegal and without lawful authority and against the judgment of this court passed in W.P.No. 58-B of 2014.

2. In essence, the petitioner was initially appointed as Certified Teacher and, as per entitlement, later on promoted to the post of Senior Certified Teacher (BPS-16) vide notification dated 28.10.2014 whereafter the petitioner assumed the charge of the said post on 30.10.2014 and after performing his duties to the satisfaction of his competent authority, on 24.04.2015 respondent No.3 has passed the impugned notification and, as

Handwritten mark resembling a stylized 'N' or '2'.

Certified to be true copy
28.4.16
Peshawar High Court
Abbottabad Bench
Authorized Under Sec 25 of the Act

Attested
[Signature]

40-

46

29

73

74

such, the promotion order of the petitioner was withdrawn on the ground of having B.Sc in third division.

3. Comments were called from respondent No.3, who filed the same, averring therein that though petitioner was promoted to the post of SST vide notification dated 28.10.2014 by respondent No.2 but on scrutinizing his qualification documents, it was found that petitioner was not eligible for promotion to the post of SST being B.Sc third divisioner, hence, his promotion order was de-notified by the Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar and on the direction of Director the promotion order of the petitioner was withdrawn vide impugned notification dated 24.04.2015.

4. It has further been averred in the comments that promotion order of the petitioner was withdrawn on the ground of B.Sc third division and it was done in light of policy circulated vide Notification No.SO(PE)4-5 / SSRC / meeting / 2013 / teaching cadre dated 24.07.2014 according to which the method of recruitment of SST was specified with a first condition of at least second class BA / B.Sc from a recognized University on need basis with two relevant subjects alongwith second condition of MA Education or B.Ed from the recognized University. Further averred that it is the prerogative of the government to enhance, modify or alter the promotion

Certified to be true
28/11/16
Peshawar High Court
Abbottabad Bench
Authorized Under Section 75 Acts Ordms

Attested
P

47
41

25
77

criteria / policy for the civil servants and a civil servant is not supposed to be treated with a set of rules of his own choice.

5. In response to Para-6 of the petition, respondent No.3 averred in the comments that the judgment of this court was announced on 04.06.2015 whereas the withdrawal order of the petitioner was passed on 24.04.2015, prior to the announcement of the judgment.

6. The main contention of learned counsel for the petitioner is that this court has already declared the condition of having third division as null and void in its judgment dated 04.06.2015 and the case of the petitioner is on better footing for the reason that in the referred judgment the petitioner had not been appointed but so far as the case of the petitioner is concerned, he was duly promoted rather received its benefits from 28.10.2014 to 24.04.2015 and thus, the impugned order is illegal, without lawful authority and jurisdiction.

7. Admittedly, the petitioner was duly promoted to the post in question on 28.10.2014 after the departmental promotion committee evaluated his case / PERs.

8. Now the question for determination before this court would be that when the petitioner actually performed his duties on the promoted post and that too for six long months, then how the respondent No.3 could withdraw the earlier promotion order only on the pretext of having B.Sc third division.

35
Certified to be True Copy
28/11/16
Peshawar High Court
Abbottabad Bench
Authorized Under Section 75 Acts Ordms

Attested
R

42

48

26

A

65

73

8. It appears from the record that a Division Bench of this had already declared the condition of having third division as null and void in its judgment dated 04.06.2015 which fact has also been affirmed by the respondent No.3 in his comments by stating that they were not aware of that judgment at the time of withdrawal of the impugned promotion of the petitioner and when the case of the present petitioner is at par with that of the petitioner therein, rather on better footing because the petitioner was not only promoted to the post in question but he performed his duties for six long months and received its benefits, the impugned notification passed by respondent No.3 is required to be set at naught.

9. It is also a well settled principle of law that once a benefit is granted to a civil servant, cannot be taken back from him and, if so, very stringent strong reasons are required for the same, which are not available in the case in hand, moreso, when the promotion order of the similarly placed teachers having B.Sc third division have not been so far withdrawn which is clearly violation of Article 25 of the Constitution of Pakistan.

10. For the reasons mentioned above, this petition is accepted and the impugned notification dated 24.04.2015 issued by respondent No.3 whereby the promotion order of the petitioner was withdrawn is declared to be without lawful

28/4/16
 Certified to be True Copy
 Peshawar Court
 Abbottabad Bench
 Authorized Under Sec 75 Acts Ordins

Attested
 (Signature)



Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

PH No. 091-9225340- 9225341,
9225338, 9225339

Fax 091-9225345

E-mail rafiq_kk851@yahoo.com

Notification

Consequent upon the Judgement of the Honorable Peshawar High Court, Abbottabad Bench rendered in W.P.# 5 59-A/2016 followed by COC No. 37-A/2017 and recommendations of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification NoSO(PE)/4-5/SSRC/Meeting/2013/Teaching Cadre dated 24th July, 2014, the following SCTs/CTs, SDMs/DMs, SATs/ATs, STTs/TTs, Senior Qaris/Qaris, PSHTs/SPSTs/PSTs are hereby promoted to the post of SST (Bio-Chem), SST (Phy-Maths), SST (General) noted against each BPS-16 (Rs. 18910-1520-64510) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and condition given below with immediate effect and further they will be posted by the District Education Officer concerned.

A: SST (General)

1. PROMOTION OF SDM/DM TO SST (General) BPS-16.

Total No. of SST General (M) Posts vacant Posts	03
25% share initial recruitment	0
75% share for Promotion.	03
20% Share of promotion of PSHT/SPST/PST	03
Posts available for promotion	03
Promoted through this order	03

S. No	S.L. No	Name of Official	Place of Posting	Date of Birth	Date of Appointment as Regular DM	Qualification	Remarks
1	50	Fazal Mehmood	GPS, Bankad	05-03-1968	14-11-1990	BA/B.Ed	Services placed at the disposal of DEO (M) Kohistan for further posting against SST (General) post.
2	73	Umar Dad	GPS, Kuz Soya (Ranolia)	01-05-1968	14-03-1991		-----do-----
3	340	Fazal Qadeem	GPS, Manz Akhpa (Bankad)	15-01-1971	25-05-1995		-----do-----

Terms and conditions:-

- The promotion of the above teachers to SST (General) BPS-16 posts is subject to the condition of the judgment of august Supreme Court of Pakistan.
- They would be on probation for a period of one year extendable for another one year.

Attested
(Signature)

- They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 4 Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be preceded under the rules framed from time to time.
- 5 Charge report should be submitted to all concerned.
- 6 Their Inter-Se- seniority on lower post will remain intact.
- 7 No TA/DA is allowed for joining his duty.
- 8 They will give an under taking to be recorded in their service book to the effect that if any over payment is made to him in light this order will be recovered and if he/she is wrongly promoted he/She will be reversed.
- 9 They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 10 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.

(Muhammad Rafiq Khattak)
 Director
 Elementary and Secondary Education
 Khyber Pakhtunkhwa Peshawar

Endst: No. 317-23 / File No.2/Promotion SST B-16: Dated Peshawar the 16/11/2017.
 Copy forwarded for information and necessary action to the: -

1. Additional Registrar Peshawar High Court, Abbottabad Bench.
2. District Education Officer (M) Kohistan.
3. District Accounts Officer Kohistan.
4. Officials Concerned.
5. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
6. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
7. M/File

Attested
 (P)

[Signature]
 Director (Etab)
 Elementary and Secondary Education
 Khyber Pakhtunkhwa Peshawar
 14/11/17

7231
7242
7282
29

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

-45-

PRESENT:

Mr. Justice Ijaz ul Ahsan
Mr. Justice Munib Akhtar
Mr. Justice Sayyed Mazahar Ali Akbar Naqvi

CIVIL APPEAL NO.2039 OF 2019 AND CIVIL PETITIONS NO.91-P AND 92-P OF 2016

(Against the judgments dated 13.02.2017/04.06.2015/08.12.2015 of the Peshawar High Court, Abbottabad Bench, Abbottabad/Peshawar High Court, Bannu Bench, Bannu passed in Writ Petitions No.559-A/2016, 58-B/2014 and 87-B/2014)

Government of KPK through Secretary (E & S) Education, Peshawar etc.

...Appellant(s)/Petitioner(s)
(In all cases)

Versus

Fazal Qadeem etc.
Waris Khan
Yasmin

In C.A.2039/2019
In C.P.91-P/2016
In C.P.92-P/2016
...Respondent(s)

For the Appellant(s)/
Petitioner(s):

Mr. Zahid Yousaf Qureshi, Addl.A.G.
Mr. Sharafat Khan, DDEO
Mr. Muhammad Idrees, Litigation
Officer
Mr. Ashraf Ullah Khan, Legal Officer
(In all cases)

For Respondent No.1 & 3:

Mr. Misbah Ullah Khan, ASC
(In C.A.2039/2019)

For Respondent No.2:

Nemo
(In C.A.2039/2019)

For the Respondent(s):

Not represented
(In C.Ps.91-P & 92-P/2016)

Date of Hearing:

06.04.2022 ✓

ORDER

Attested

Ijaz ul Ahsan, J. Civil Appeal No.2039/2019 by leave of the Court arises out of a judgment of the Peshawar High Court dated 13.02.2017. Through the impugned judgment, the learned High Court by relying on two other judgments of the same High Court rendered in Writ Petition No.1041-A/2015 and a Division

ATTESTED

Senior Court Associate
Supreme Court of Pakistan
Islamabad

46

Bench judgment dated 04.06.2015 has directed the appellants to promote the respondents to the post of SST and not to refuse their due right of promotion from PSHT to SST on the ground of having passed their BA examination in the 3rd division.

2. At the very outset, we have asked the learned counsel for the respondents as to how the petitions were maintainable before the learned High Court in view of the fact that admittedly the respondents are civil servants and the stance taken by the appellants that the respondents are not qualified for such promotion. The learned High Court has erroneously proceeded on the premise that the matter relates to fitness of the respondents and, therefore, the Tribunal lacked jurisdiction to adjudicate the matter. We are unfortunately unable to agree with the said view. It is clear and obvious to us that lack of qualification does not have any nexus to fitness for promotion. Consequently the matter being of qualification or lack thereof relates to terms and conditions of service fell within the purview of jurisdiction of the Federal Service Tribunal and the bar on the jurisdiction on the High Court in terms of Article 212 of the Constitution of Islamic Republic of Pakistan was fully attracted.

3. In this view of the matter, the judgment of the learned High Court is unsustainable. It is accordingly set aside. The appeal is accordingly allowed.

4. We note that Civil Petition No.92-P/2016 has been filed against a judgment of the Peshawar High Court dated 08.12.2015 in Writ Petition No.87-B/2014 titled "*Mst. Yasmin Vs. Government of Khyber Pakhtunkhwa etc.*" and Civil Petition No.91-P/2016 against a judgment of the Peshawar High Court dated 04.06.2015 in Writ Petition No.58-B/2014 titled "*Waris Khan Vs. Govt. of Khyber Pakhtunkhwa and 05 others*". We have also been informed that the judgment in the case titled "*Muhammad Baqi Vs. Government of Khyber Pakhtunkhwa through Secretary (Elementary &*

Attested
R

ATTESTED

Senior Court Associate
Supreme Court of Pakistan
Islamabad

57

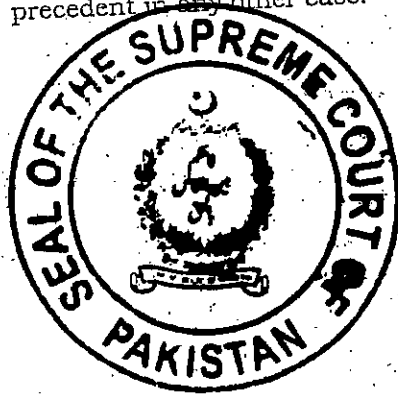
31

Secondary Education), Peshawar and 02 others" which has been relied upon by the Peshawar High Court in the impugned judgment was challenged before this Court but was dismissed on account of limitation and was not decided on merits.

5. Civil Petitions No.91-P and 92-P/2016 have been filed beyond the period of limitation. The applications for condonation of delay (C.M.As.No.149-P and 151-P/2016) do not disclose any sufficient cause that may constitute basis within the contemplation of the Limitation Act, 1908 for condonation of delay. Consequently, the applications for condonation of delay are dismissed. The petitions are dismissed as barred by time. It is, however, clarified that the judgment dated 08.12.2015 rendered in Writ Petition No.87-B/2014 titled "Mst. Yasmin Vs. Government of Khyber Pakhtunkhwa etc.", judgment dated 04.06.2015 rendered in Writ Petition No.58-B/2014 titled "Waris Khan Vs. Govt. of Khyber Pakhtunkhwa and 05 others" and the judgment dated 05.04.2016 rendered in Writ Petition No.1041-A/2015 titled "Muhammad Baqi Vs. Government of Khyber Pakhtunkhwa through Secretary (Elementary & Secondary Education), Peshawar and 02 others" shall not be used as precedent in any other case.

Certified to be True Copy

Senior Court Associate
Supreme Court of Pakistan
Islamabad



Islamabad, the
6th of April, 2022

Not approved for reproduction

Waqas Naseer

Waqas Naseer

Attested
[Signature]

GR No.:	7231/22	Civil/Criminal
Date of Presentation:	6-4-22	
Words:	900	
No of Folios:	92	
Requisition Fee Rs.:	500	
Copy Fee In:	5.50	
Court Fee Stamps:	10.50	
Date of Completion of Copy:	13/4/22	
Date of Delivery of Copy:	16/4/22	
Compared by/Prepared by:	[Signature]	
Received by:	[Signature]	



"N" -56-

32

**DIRECTORATE OF ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA PESHAWAR**

OFFICE ORDER

The Competent Authority (Director Elementary & Secondary Education Khyber Pakhtunkhwa), is pleased to withdraw the Promotion Order bearing No. 3117-23 dated 16-11-2017 to the extent of the following SSTs only, in the light of the decision of the August Supreme Court rendered in CP No. 2039/2019 and the judgment of High Court Peshawar Abbottabad Bench set aside on 06-04-2022, as reported by DEO (M) Kohistan Lower vide letter No.3980 dated 24-08-2022.

S.No	Name	Promoted From	Promoted to
1	Mr. Umar Dad	PSHT BPS-15	SST (G) BPS-16
2	Mr. Fazal Mahmood	PSHT BPS-15	SST (G) BPS-16 but retired on 31-03-2019 vide No. 9905-8 dated 06-04-2019

DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa

Endst: No. 2635-37 / F.NO.WP-559-A/2016/Fazal Qadeem VS Govt. of KPK Dated the Peshawar 21/08/2023

Copy forwarded to the:

1. District Education Officer (M) Kohistan Lower.
2. District Accounts Officer Kohistan Lower.
3. Officials concerned.
4. Master Copy

Attested
P=

Assistant Director (Estab-M1)
Elementary & Secondary Education
Khyber Pakhtunkhwa



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
KOHISTAN LOWER

Email: deokohistan@gmail.com

Face Book: DEO Male Kohistan Lower



100
-57- (33)

ADJUST ORDER

The promotion order of Mr. Umardad PSHT to SST (G) bearing No.3117-23 dated 16-11-2017 has been withdrawn Vide Director E&SE KPK No .2635-37 date 26-12-2022 in the light of the decision of the august Supreme court rendered in CP No.2039/2019,

Therefore, Mr. Umardad is hereby adjusted as PSHT against the vacant post at GPS Chari Shbikhel in BPS .15 with effect from 06-04-2022, (date of Judgment)

(Zahoor Khan)
District Education Officer (Male)
Kohistan Lower

Endst: No. 7526-94 /DEO (M) KH-L/Estab: F-No.21/Date: 02 /02 /2023
Copy forwarded for information and necessary action to the: -

01. Deputy Commissioner Kohistan Lower.
02. Dy: DEO (M) KH-L may please stop the pay.
02. Assistant Director (Estab-M1) E&SE Khyber Pakhtunkhwa, Peshawar.
03. Sub-Divisional Education Officer (M) Barakad Kohistan Lower with the direction to complete the requisite code formalities accordingly and ensure recovery of over payments.
04. District Accounts Officer Kohistan Lower.
05. District Monitoring Officer (EMA) Kohistan Lower.
07. Focal Person (HRIMS) update the same on Portal.
08. Official concerned.
09. Office file.

Attested
P-


Dy: District Education Officer (Male)
Kohistan Lower

DIRECTORATE ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA, PESHAWAR.

AUTHORITY LETTER

I Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar do hereby authorize Mr. Muhammad Imran Assistant (Delegation) 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. 1271/2023 titled Umar Dad VS Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department.

Dated 12/10 /2023



Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.