

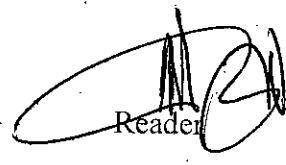
05.04.2016

Clerk to counsel for the appellant and Mr. Ziaullah, GP for respondents present. Clerk to counsel for the appellant requested for adjournment. To come up for arguments on 03.08.2016.


Member

12.12.2016

Since 12th December, 2016 has been declared as a public holiday an account of 12th Rabi-ul-awal. Case is adjourned to 17.04.2017 before D.B.



Reader

17.04.2017

None present for appellant. Mr. Hameed-ur-Rehman, AD (Litigation) alongwith Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. The court time is about to over but non-appeared on behalf of the appellant nor the appellant was present in person, therefore, the instant appeal is hereby dismissed in default. File be consigned to the record room.

ANNOUNCED
17.04.2017


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

10.03.2015

Agent of counsel for the appellant, M/S Khurshid Khan, SO for respondent No. 1 and Mosam Khan, AD for respondent No. 4 alongwith Addl: A.G for all respondents present. Requested for adjournment. To come up for written reply on 24.6.2015 before S.B.


Chairman.

24.06.2015

Agent of counsel for the appellant, M/S Khurshid Khan, SO and Javed Ahmed, Supdt. alongwith Addl: A.G for respondents present. Para-wise comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 13.11.2015.


Chairman

13.11.2015

Clerk to counsel for the appellant and Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to shortage of time. Therefore, the case is adjourned to 5-4-16 for arguments as well as rejoinder.


Member


Member

09.12.13

vide order sheet dated 09.12.2013 in connected appeal No. 415/2013, this appeal is adjourned to 11.2.2014.

READER

Vide order sheet dated 09.12.2013 in connected appeal No. 415/2013, this appeal is adjourned to 30-11-14.

READER

30-4-14

Vide order sheet dated 09.12.2013 in connected appeal No. 415/2013, this appeal is adjourned to 23-6-14.

READER

23-6-14

Vide order sheet dated 09.12.2013 in connected appeal No. 415/2013, this appeal is adjourned to 15-10-14.

READER

15-10-14

Vide order sheet dated 09.12.2013 in connected appeal No. 415/2013, this appeal is adjourned to 23-12-14.

READER

23-12-14

Vide order sheet dated 09.12.2013 in connected appeal No. 415/2013, this appeal is adjourned to 10-3-15.

READER

Vide order sheet dated 09.12.2013 in connected appeal No. 415/2013, this appeal is adjourned to _____.

READER

Appeal No-418/2013
Mr. Nisur Muhammad

29.08.2013

6.

Mr. Ghulam Nabi, Advocate is present as proxy on behalf of counsel for the appellant and heard on preliminary. Contended that the appellant has not been treated in accordance with the law/rules. He further contended that similar nature of cases have already been admitted to regular hearing. In this respect he referred to one in service appeal No.1322/12 titled Ikramullah vs Govt which has been fixed for hearing before the Hon'ble Final Bench-II on 10.10.2013. On the same analogy the instant appeal also admitted for regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Case adjourned to 09.12.2013 for submission of written reply before Final Bench-II.

Member.

71-8 31

71/

71-51 50

71-21-21

71-2-25

4.
9.5.2013

Assistant to counsel for the appellant present and requested for adjournment. Case adjourned to 3.7.2013 for preliminary hearing.


Member.

5.
03.07.2013

Clerk to counsel for the appellant present. In pursuance of the Khyber Pakhtunkhwa Service Tribunals (Amendment) Ordinance 2013, (Khyber Pakhtunkhwa ord-II of 2013), the case is adjourned on note Reader for proceedings as before on 29.08.2013.



Reader



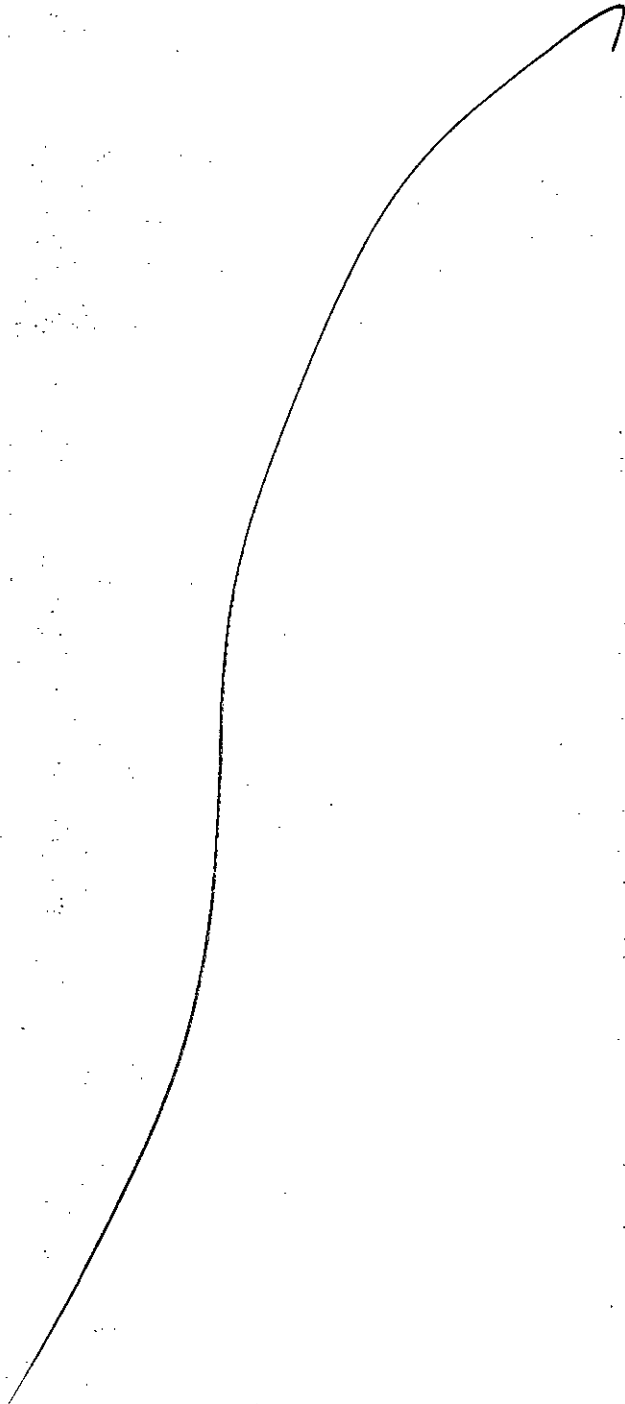
3. 26.3.2013

No one is present on behalf of the appellant.

To come up for preliminary hearing alongwith
connected appeals on 9.5.2013.





Chairman.



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 418/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	18/02/2013	<p>The appeal of Mr. Nisar Muhammad presented today by Mr. Muhammad Isa Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	22-2-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>26-3-2013.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE KHYBER PUKHTOON KHAWA SERVICE
TRIBUNAL, PESHAWAR**

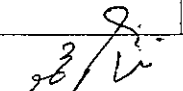
Service Appeal No. 418 /2013

~~NISA MUHAMMAD~~ S/o Haji Mahmood Jan PST,
GPS Mata Shah, Bajawar Agency **Appellant**
Versus

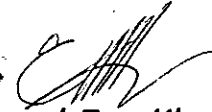
Govt. of K.P.K., through Secretary Elementary & Secondary
Education, Peshawar & others..... **Respondents**

INDEX

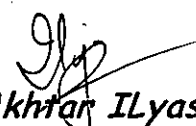
S.No.	Description of Documents	Annexure	Pages
1.	Service Appeal		1-6
2.	Affidavit		7
3.	Application for Interim Relief alongwith affidavit		8-10
4.	Copy of appointment order	'A'	11
5.	Copy of Notification dated 13 th Nov; 2012	'B'	12-27
6.	Copies of orders	'C/1 to 'C/3	28-35
7.	Copy of Rules of Ministerial Staff	'D'	36-37
8.	Copy of upgradation dated 1.10.2007	'E'	38-39
9.	Wakalatnama		40


Appellant

Through


Muhammad Isa Khan
Advocate Supreme Court

&


Akhtar Ilyas
Advocate High Court,
Peshawar

1

BEFORE THE KHYBER PUKHTOON KHAWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 418 /2013

~~NISAT Muhammad~~ S/o Haji Mahmood Jan PST,
GPS Mata Shah, Bajawar Agency Appellant

~~425~~
~~18-2-13~~

Versus

1. Govt. of K.P.K., through Secretary Elementary & Secondary Education, Peshawar.
2. Director, Elementary & Secondary Education Govt. of K.P.K., Peshawar.
3. Secretary, Finance Department, Govt. of K.P.K., Peshawar.

..... Respondents

APPEAL U/S 4 OF K.P.K., SERVICE
TRIBUNAL ACT, 1974.

PRAYER:

On acceptance of this appeal the respondents may graciously be directed to amend the impugned rule to the extent of giving the experience/length of service of the appellant a considerable place and allowing him promotion. It is further prayed that respondents may be directed to grant enhancement to the appellant to BPS-15 without tying up his length of service with any academic qualification beyond Secondary School Certificate.

~~18/2/13~~
18/2/13

Sheweth,

1. That the appellant was appointed vide order dated 30.07.1990 (Annexure-'A') against the post of PTC Teacher (BPS-7), which has now been redesignated as Primary School Teacher (PST).
2. That the stated post was later on upgraded and by now the post of PST is BPS-12, as such all the PST have now been rendering services in BPS-12.
3. That being the senior most teachers and having served for decades on the same post and having no future prospect for the enhancement of their scales, the Teacher's Association struggled for a long time for providing them a service structure that may accommodate the Senior Teachers in higher pay scales either through promotion or upgradation or through some time scale.
4. That on pressing the demand vigorously and with untiring zeal by the Senior teachers, the respondents notified the Rules for the recruitment and promotion of the teachers vide notification dated November 13, 2012 (Annexure-'B'), wherein PST (BPS-12) appears at S.No. 21 with the required qualification and method of recruitment in the corresponding columns.

5. That at S.No. 19 of the rules (ibid) is the post of Primary School Head Teacher (PSHT) BPS-15, which is liable to be filled "by promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least ten years service and having qualification prescribed for initial recruitment of Primary School Teacher".
6. That in the given scenario, the Senior Teachers, including the appellant having been placed no where and they are left hire and dry, without any chance of promotion or enhancement of pay scale. On the contrary, their juniors who are equipped with an intermediate certificate would be able to obtained (BPS-15) and become the bosses of their own seniors.
7. That feeling aggrieved of the impugned rules, the appellant assails the same through the instant appeal, inter alia, on the following:-

Grounds

- a) That at the time of induction of the appellant as PTC the requisite qualification was only Secondary School Certificate (SSC) and no other academic qualification or, for that matter, any training was required as a condition percent for appointment against this post. Therefore, the additional qualification of Primary School Teacher Certificate or Diploma in Education, introduced

the provinces of Balochistan and Sindh and the Govt of AJK have adopted a uniform policy by granting a time scale to the stated post on the following count:

BPS-7 to BPS-10	after 09 years.
BPS-10 to BPS-11	after 14 years
BPS-11 to BPS-14	after 21 years
BPS-14 to BPS-15	after 25 years

(Copies of the orders are appended herewith as Anenxure-'C/1 to 'C/3).


- f) That the impugned rule is not sustainable for yet another defect. All the rules on the subject of promotion in almost all departments give a good margin to experience/length of service but this criterion is lacing in the impugned provision. Rules of Ministerial staff in the respondent department are attached as Annexure-'D'.
- g) That in the matter of upgradation of the same post of PST from BPS-9 to BPS-12 only length of Service of 10 years was required as requisite qualification and no other conditions were attached thereto (Annexure-'E').

- h) That the appellant has not been treated in accordance with law, as against the provisions contained in Article 4 of the Constitution.
- i) That the appellant seeks leave to urge additional grounds, after the stance of the respondents becomes known to him.

PRAYER:

In view of the above said facts, it is therefore, prayed that on acceptance of this appeal the respondents may graciously be directed to amend the impugned rule to the extent of giving the experience/length of service of the appellant a considerable place and allowing him promotion. It is further prayed that respondents may be directed to grant enhancement to the appellant to BPS-15 without tying up his length of service with any academic qualification beyond Secondary School Certificate.


Any other remedy to which the appellant is found fit in law, justice and equity may also be allowed.


Appellant

Through


Muhammad Isa Khan
Advocate Supreme Court

&


Akhtar Ilyas
Advocate High Court,
Peshawar

**BEFORE THE KHYBER PUKHTOON KHAWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2013

~~Nisar Muhammad~~
~~Muhammad Nisar~~ S/o Haji Mahmood Jan PST,
 GPS Mata Shah, Bajawar Agency **Appellant**

Versus

Govt. of K.P.K., through Secretary Elementary & Secondary
 Education, Peshawar & others **Respondents**

AFFIDAVIT

~~Nisar Muhammad~~
 I, ~~Muhammad Nisar~~ S/o Haji Mahmood Jan PST, GPS Mata Shah,
 Bajawar Agency do hereby solemnly affirm and declare on oath
 that contents of the accompanying Service Appeal are true and
 correct to the best of my knowledge and belief and nothing has
 been kept concealed from this Honourable Tribunal.

[Signature]
 Deponent



BEFORE THE SERVICE TRIBUNAL K.P.K., PESHAWAR

C.M.No. _____/2013

In

Service Appeal No. _____/2013

~~Muhammad Ahsan~~ *Nizam Muhammad*
 S/o Haji Mahmood Jan PST,
 GPS Mata Shah, Bajawar Agency Appellant

Versus

Govt. of K.P.K., through Secretary Elementary & Secondary
 Education, Peshawar & others Respondents

APPLICATION FOR TEMPORARY
 INJUNCTION TO THE EFFECT THAT
 RESPONDENT MAY KINDLY BE
 RESTRAINED FROM TAKING ANY
 ACTION FOR THE PROMOTION OF PSTS
 TO BPS-14/15 AS ACCORDING TO THE
 PROCEDURE MENTIONED IN THE
 IMPUGNED RULES/NOTIFICATION
 DATED 13.11.2012

Sheweth:

1. That the appellant has filed the above titled service appeal before this Honourable Tribunal, in which no date of hearing has yet been fixed.

2. That respondent vide notification dated 13.11.2012 with regard to the fresh education policy has given a new method of promotion which is bound to violate the promotion right of thousands of teachers including the appellant
3. That the applicant/appellant has prima facie case of action and is very hopeful for the ultimate success of his appeal.
4. That all the three ingredients i.e. prima facie case, balance of convenience and irreparable loss as per spirit of the rule for granting injunction are present in the said appeal.
5. That in case the injunction as prayed for above is denied, the applicant/appellant will suffer irreparable loss as the impugned vacancies will be fill up and there would be no chance for appellant's accommodation. Therefore, it is in the interest of justice to stay further proceedings on the impugned notification till the final decision of the instant appeal.
6. That the facts and grounds taken in the memo of appeal may kindly be considered as part and parcel of the instant application.

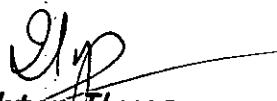
It is, therefore, humbly prayed that in the light of the above said submissions this Honourable Tribunal may please be kind enough to restrain the concerned respondents from taking any action towards promoting the PSTs teachers on the basis of the above noted notification.


Appellant


Through


Muhammad Isa Khan
Advocate Supreme Court

&


Akhtar Ilyas
Advocate High Court,
Peshawar

AFFIDAVIT


I, **Muhammad Nisar** S/o Haji Mahmood Jan PST, GPS Mata Shah, Bajawar Agency do hereby solemnly affirm and declare on oath that contents of the above application are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Honourable Tribunal.




Deponent

OFFICE OF THE AGENCY EDUCATION OFFICER BAJAUR AGENCY AT KHAR.

APPOINTMENT.

As recommended by Special Assistant to the Chief Minister NWFP, for Education, the following appointment of ~~the~~ following candidates are hereby appointed against the newly created of PTC post (Detail given as under) in SPS 7 @ Rs. 750/- PM Fixed with usual allowances as admissible under the rules from the date of their taking over charge in the interest of public service.

<u>NO.</u>	<u>Name of Candidate.</u>	<u>School where appointed.</u>	<u>Remarks.</u>
1.	✓ Mohammad Nisar S/O Haji Mahmud Jan.	GPS Mata Shah.	Against newly created post.
2	Zahir Shah S/O Rehman Jan.	GPS Shka Kohal Tangi, <i>Dist. P. W. Khan</i> <i>SPS Dinnar</i>	-do-

Terms/Conditions:-

1. Charge reports should be submitted induplicate to this office.
2. They should produce their health & age certificate from the Agency Surgeon.
3. Their appointment purely made on temporary basis & liable to termination with out any notice any time.
4. They should produce their original certificates before taking over charge.

SA
(HAJI AQIL JAN KHAN),
Agency Edu; Officer
Bajaur Agency.

Endst; NO 2/22-77 /A-IX/PTO dated 30 /7/90.

Copy to the:-

- 1-2. Head Teachers concerned.
- 3-4. Candidates concerned.
5. AAEO(M) Concerned.
6. Accountant of the local office.

Inam /

AAO
Agency Edu; Officer
Bajaur Ag. Bcy.

M. Khan
R

B - 12

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

NOTIFICATION

Peshawar, dated the November 13, 2012.

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

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

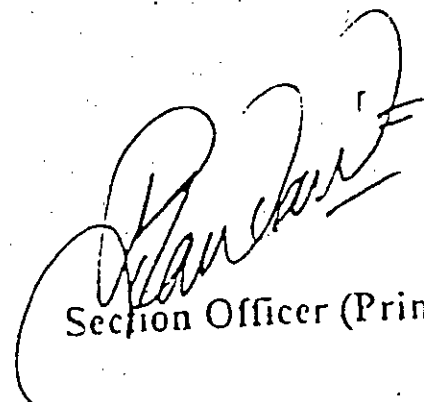
Endst. No. & Date as above.

Copy forwarded to:-

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

Attended

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



Section Officer (Primary)

APPENDIX

enclature of the post.	Minimum qualification and experience for initial appointment or by transfer.	Age limit.	Method of recruitment.
2.	3.	4.	5.
Secondary School Teacher BPS 10.	(i) Second class Bachelor's Degree with two subjects as Chemistry, Botany, Zoology, Physics, Mathematics, Statistics Humanities and other equivalent groups from a recognized University; or (ii) M.A in Education or Bachelor's Degree in Education, from a recognized University.	18 to 35 years.	(a) Fifty percent by promotion on the basis of seniority-cum-fitness, in the following manner: (i) forty per cent from amongst the Certified Teachers (General), Certified Teachers (Agriculture), Certified Teachers (Industrial Arts) and Certified Teachers (Home Economics) with at least five years service as such and having qualification mentioned in column No. 3; (ii) four per cent from amongst the Drawing Masters with at least five years service as such and having qualification mentioned in column No.3; (iii) four per cent from amongst the Physical Education Teachers with at least five years service as such and having qualification mentioned in column No. 3;

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

Certified Teacher Industrial Arts) 16).		By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Industrial Arts), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Industrial Arts).
Senior Certified Teacher Agriculture) BPS 16).		By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Agriculture), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Agriculture).
Senior Drawing Master B-PS 16).		By promotion on the basis of seniority-cum-fitness from amongst Drawing Masters, with at least five years service as such and having qualification as prescribed for initial recruitment of Drawing Master.
Senior Certified Teacher Home Economics) S C T BPS 16).		By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Home Economics), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Home Economics).
Senior Physical Education Teacher (BPS-16).		By promotion, on the basis of seniority-cum-fitness, from amongst Physical Education Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Physical Education Teacher.

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

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

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

(Industrial Arts):

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

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

Certified Teacher
(Agriculture)
B.A.S -15).

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

18 to 35 years.

(ii) Bachelor's Degree with Agriculture as one of the subject, from a recognized University; or

(iii) Bachelor's Degree from a recognized

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

Provided that if no suitable candidate is available amongst the



	any Government Agro Technical Teacher Training Center of the Level of Certified Teacher, Agro technical (Agriculture).		<p>promotion, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (Agriculture).</p> <p><u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.</p>
<p>Certified Teacher (Home Economics) BPS 15.</p>	<p>(i) Bachelor's Degree with Home Economics, as one of the subject, from a recognized University with in service training from Government Agro Technical Teacher Training Center; or</p> <p>(ii) Certified Teacher Certificate with Home Economics, as one of the subjects, from any Government Training school or college with Bachelor's Degree; or</p> <p>(iii) Bachelor's Degree from a recognized University with nine months training from Government Agro Technical Teacher Training Center of the level of the Certified Teacher Agro Technical (Home Economics); or</p> <p>(iv) Bachelor's Degree, from a recognized</p>	18 to 35 years.	<p>(a) Forty per cent by Initial recruitment; and</p> <p>(b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service as such and having qualification prescribed for initial recruitment of Certified Teacher (Home Economics):</p> <p>Provided that if no suitable candidate is available amongst the Primary School Head Teachers for promotion, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of</p>

<p>University with one year vocational training from any Government training center or institute with nine months training from Government Agro Technical Teacher Training center of the level of certified Teacher Agro Technical (Home Economics).</p>		<p>Certified Teacher (Home Economics). <u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.</p>
<p>Bachelor's Degree from a recognized University one year Drawing Master (DM) course etc.</p>	<p>18 to 35 years.</p>	<p>(a) Eighty per cent by initial recruitment; and (b) twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Drawing Master: Provided that if no suitable candidate is available for promotion then on the basis of seniority-cum-fitness, from Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Drawing Master. <u>Note:</u> In case of non-availability of suitable candidate for promotion, then by initial recruitment.</p>

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

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

SCHEDULE

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

Arabic Teacher

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

Theology Teacher

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

Qari/Qaria

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

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

Category of Qualification	Total Marks 100 For Humanities group at Intermediate/Graduation-Level	For Candidate of Science group
SSC	Marks obtained X 20 / total marks = ____	5 Extra marks for F.Sc, 5 Extra marks for B.Sc and 5 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection
HSSC	Marks obtained X 20 / total marks = ____	
BA/BSc	Marks obtained X 20 / total marks = ____	
CT Certificate/ Diploma in Education / ADE.	Marks obtained X 20 / total marks = ____	
MA/MSc/ M.Ed / MA Edu	Marks obtained X 15 / total marks = ____	
MPhil/PhD	Marks = 05	

Drawing Master

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

Physical Education Teacher

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

Primary School Teacher

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

Other conditions:-

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

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جوہر

1. The Adtl. Chief Secy (Dev.), Govt. of Balochistan, Quetta.
2. The Principal Secretary to Governor Balochistan, Quetta.
3. The Principal Secretary to Chief Minister Balochistan, Quetta.
4. The Senior Member/Member, Board of Revenue, Balochistan.
5. The Accountant General Balochistan, Quetta.
6. All the Administrative Secretaries, Balochistan.
7. The Chairman, Provincial Inspection Team, Quetta.
8. The Secretary, Balochistan Provincial Assembly, Quetta.
9. All the Divisional Commissioners, Balochistan.
10. All the Deputy Commissioners, Balochistan.
11. All the Heads of Attached Departments Balochistan.
12. The Registrar, Balochistan High Court, Quetta.
13. The Registrar, University of Balochistan, Quetta.
14. The Registrar, University of Inf. Technology, Quetta.
15. The Registrar, Sardar Bidiadun Khan Women University of Balochistan, Quetta.
16. The Secretary, Balochistan Public Service Commission, Quetta.
17. The Secretary, Office of the Provincial Militant Balochistan, Quetta.
18. The Director, Public Relations Balochistan, Quetta.
19. The Director Finance (MUTUALS) Takato Campus Quetta.
20. The Controller, Government Printing Press, Quetta.

Subject: GRANT OF INCENTIVE OF HIGHER GRADES ON THE BASIS OF TIME SCALE TO THE TEACHING STAFF (SCHOOL SIDE) OF EDUCATION DEPARTMENT BALUCHISTAN.

In partial modification of this Department's Circulars No.FD(R-1)VII-13/2007/3257-3357 dated 16th November 2007, No.FD(R-1)VII-13/2008/57-181 dated 2nd January, 2008, No.FD(R-1)VII-13/2009/296-328 dated 13-04-2009 & No.FD(R-1)VII-13/2009/1521-1629 dated 30th June 2009 the length of service for Time Scale to the Teaching Staff (School Side) of Education Department Balochistan may be read as under:-

S.No.	BPS of Teaching Staff <u>JVT, JVT(DR) (0-7)</u>	Length of Service from the date of appointment as JVT <u>INQUIRY</u>
1.	BPS-7 to BPS-10	After 09 years
2.	BPS-10 to BPS-11	After 14 years
3.	BPS-11 to BPS-12	After 21 years
4.	BPS-12 to BPS-13	After 25 years

S.No.	BPS of Teaching Staff <u>JETA, JETA (Tech), PTL, JDM, JAT (0-9)</u>	Length of Service from the date of appointment as JETA, JETA (Tech), PTL, JDM, JAT
1.	BPS-9 to BPS-12	After 09 years
2.	BPS-12 to BPS-14	After 14 years
3.	BPS-14 to BPS-15	After 21 years
4.	BPS-15 to BPS-16	After 25 years

S.No.	BPS of Teaching Staff <u>HEAD MASTER, DRILL MASTER (0-6)</u>	Length of Service from the date of appointment as Head Master/Drill Master
1.	BPS-06 to BPS-09	After 09 years
2.	BPS-09 to BPS-10	After 14 years
3.	BPS-10 to BPS-12	After 21 years
4.	BPS-12 to BPS-14	After 25 years

S.No.	BPS of Teaching Staff <u>LABORATORY ASSISTANT (0-7)</u>	Length of Service from the date of appointment as Laboratory Assistant
1.	BPS-07 to BPS-10	After 09 years
2.	BPS-10 to BPS-11	After 14 years
3.	BPS-11 to BPS-14	After 21 years
4.	BPS-14 to BPS-15	After 25 years

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Attended

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Summary:

Award of time scales by all provinces to the teaching staff

S #	Name of Govt	Award of time scale for SST post	Length of service as SST.	Date of Notifications
1	Baluchistan	BPS 16 to 17 BPS 17 to 18 BPS 18 to 19	After 09 years After 14 years After 21 years	18-11-2007 & 27-10-2010
2	Sindh	BPS 16 to 17 BPS 17 to 18 BPS 18 to 19	After 09 years After 14 years After 21 years	07-6-2010
3	AJ&K	BPS 16 to 17 BPS 17 to 18 BPS 18 to 19	After 09 years After 14 years After 21 years	20-6-2008
4	Punjab	BPS 16 to 17 BPS 17 to 18 BPS 18 to 19	After 09 years After 14 years After 21 years	11-7-2008
5	Gilgit & Baltistan	BPS 16 to 17 BPS 17 to 18 BPS 18 to 19	After 09 years After 14 years After 21 years	30-9-2011
6	Khyber Pakhtunkhwa	BPS 16 to 17	After 10 years	26-01-2008 Only one stage was awarded by the then Government

Since award of 04-tier formula to BPS 17 to 20 in past 1992, mostly posts of BPS-17 had been converted to BPS 18, 19 and 20 which affected the rights of SSTs and they have been stuck in the same scale and their promotions became badly slow to 24 years instead of 10 years.

Consequent upon the situation and to compensate the SSTs, at first, the Provincial Government of Balochistan has awarded time scale which was followed by all other Provincial Governments.

Recently, Khyber Pakhtunkhwa Government has updated 04-tier formula on 28-02-2012 for BPS-17 to 20, and also upgraded 15 Grade and below teaching staff on 01-7-2012 but unfortunately the SSTs cadre BPS-16 was once again ignored.

Besides any incentive for SSTs cadre, 1765 Posts of BPS-17 have been abolished in recent 04-tier formula on which SSTs would have not been promoted to Head Master post forever.

Therefore the SSTs are requesting to the KPK Government for incentive of time scale as awarded by other Provincial Governments and also as generously awarded to Seniors staff and Juniors teaching staff of KPK by the present Khyber Pakhtunkhwa Government.

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NO. FD(SIN)/10000
 GOVERNMENT OF SINDH
 FINANCE DEPARTMENT
 Karachi, dated the 7th June, 2010.

30
 C/2

From: Dr. Farzullah Pechaho,
 Secretary to Government of Sindh.

- To:
1. The Chief Secretary to Government of Sindh.
 2. All Additional Chief Secretaries to Government of Sindh.
 3. The Senior Member Board of Revenue, Sindh.
 4. All Administrative Secretaries to Government of Sindh.
 5. All Members Board of Revenue, Sindh.
 6. The Principal Secretary to Chief Minister Sindh.
 7. The Principal Secretary to Governor Sindh.
 8. The Secretary to Provincial Assembly Sindh.
 9. All Heads of Attached Departments, Sindh.
 10. All Regional Heads of Departments, Sindh.
 11. All District & Sessions Judges, Sindh.
 12. The Registrar, High Court of Sindh.
 13. All District Coordination Officers in Sindh.
 14. The Registrar Sindh Services Tribunal, Karachi.
 15. The Secretary, Sindh Public Service Commission, Hyderabad.
 16. The Secretary, Provincial Ombudsman Secretariat Sindh, Karachi.

Subject: Grant of incentive of higher grade on the basis of time scale to the teaching staff (School side) of Education & Literacy Department, Sindh.

Government of Sindh has been pleased to allow / sanction incentive of grant of higher grade on the basis of time scale to the teaching staff (School side) of Education & Literacy Department with the following terms and conditions with effect from 07.04.2010:-

S.No.	Nomenclature of teaching posts with grades as per	Number of years of total service required for next higher grade as PST.
1.	Primary School Teachers / equivalent Teachers (BS-7)	
	BS-7 to BS-10	After 9 years
	BS-10 to BS-11	After 14 years
	BS-11 to BS-14	After 21 years
	BS-14 to BS-15	After 25 years

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S.No.	BPS of Teaching Staff, E.T.I & J.D.M (10-08)	Length of Service from the date of appointment as P.T.I & J.D.M
	BPS-09 to BPS-11	After 09 years
	BPS-11 to BPS-12	After 14 years
	BPS-12 to BPS-13	After 21 years
	BPS-13 to BPS-15	After 25 years
S.No.	BPS of Teaching Staff, LEARNING COORDINATOR B-11 promoted on the formula fixed by J.T.I-99 BPS-13 BPS-15 to BPS-16	Length of Service in B-11 & above for the next higher grade. After 30 years
S.No.	BPS of Teaching Staff, SST GENERAL, SCIENCE, TECH., SAT & S.D.M (BPS-16)	Length of Service from the date of appointment as SST General, Science, Tech., SAT & S.D.M
	BPS-16 to BPS-17	After 09 years
	BPS-17 to BPS-18	After 14 years
	BPS-18 to BPS-19	After 21 years

The Administrative Department is advised not to submit the two step cases of Time Scale of an officer before the Respective Forum at once but let them be disposed off one after the other.

The benefit of 6-tier structure already being availed by the teaching staff of school side after promotion in B-17 vide Education Department notification No.SO(S)-1-115/91-Fdn dated 21-7-1991 is hereby withdrawn with effect from 30th June, 2009.

The benefit of Time Scale will be considered and allowed on the recommendations of respective competent forum after scrutiny of service record / ACS etc instead of allowing by issuance of simple notification / order.

The condition with regard to length of service reflected in this Department's Circular NO.FD(R-1) VII-13/2010/2102-2228 dated 16th September 2010, may be treated as cancelled.

DOSTAIR KHAN JAMALDINI
Finance Secretary.

(Signature)
(Sana Ullah Khan)
Section Officer (Reg-1)

A copy is forwarded to:

1. All Additional Secretaries / Deputy Secretaries in Finance Deptt, Quetta.
2. The Private Secretary to Minister for Finance Balochistan, Quetta.
3. The Private Secretary to Chief Secretary Balochistan, Quetta.
4. All Under Secretaries / Section Officers in Finance Department, Quetta.

(Signature)
(Sana Ullah Khan)
Section Officer (Reg-1)

(Signature)

(3)

S.No.	Nomenclature of teaching posts with grades	Number of years of total service required for next higher grade as JST.
2.	Elementary Teachers / Junior School Teachers / equivalent Teachers (BS-9) BS-9 to BS-12 BS-12 to BS-14 BS-14 to BS-15 BS-15 to BS-16	After 9 years After 14 years After 21 years After 25 years

S.No.	Nomenclature of teaching posts with grades	Number of years of total service required for next higher grade as JST.
3.	High School Teachers / Senior PTIs / SLTs / SDMs / Arabic Teachers / Science Teachers / equivalent Teachers (BS-15) BS-15 to BS-17 BS-17 to BS-18 BS-18 to BS-19	After 9 years After 14 years After 21 years

S.No.	Nomenclature of teaching posts with grades	Number of years of total service required for next higher grade as JST.
4.	Subject Specialists (BS-17) BS-17 to BS-18	After 9 years

2. The award of higher grade will be subject to following conditions:-

- I) The benefit of Time Scale will be considered and allowed on the recommendations of respective competent forum after scrutiny of service record / ACRs etc instead of allowing by issuance of simple notification / order.
- II) Higher Grade will be considered as personal to the incumbent without allowing premature increment at the time of pay fixation in the higher grade and the award of higher scale will not create any right to claim of higher post.

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The benefit of 4-tier structure already being availed by the teaching staff of School side after promotion in BS-17 is hereby withdrawn with immediate effect.

Rizwan Tariq
(Rizwan Tariq)

Deputy Secretary (SR-1/Adm.)
For Secretary to Government of Sindh

NO. FD(SR-1)1(52)/2010

Karachi, dated the 7th June, 2010

A copy is forwarded for information and necessary action to:-

1. The Chief Secretary to Government of Sindh, Karachi.
2. The Additional Chief Secretary to Government of Sindh (All).
3. The Senior Member, Board of Revenue, Sindh.
4. The Administrative Secretary to Government of Sindh (All).
5. The Members, Board of Revenue, Sindh (All).
6. The Principal Secretary to Governor, Sindh, Karachi.
7. The Secretary to Chief Minister, Sindh, Karachi.
8. The Secretary to Provincial Assembly, Sindh, Karachi.
9. The Heads of attached Departments, Sindh (All).
10. The Regional Heads of Department, Sindh.
11. The District & Sessions Judges, Sindh (All).
12. The Registrar, High Court of Sindh, Karachi.
13. The District Coordination Officers in Sindh (All).
14. The Registrar, Sindh Public Service Commission, Hyderabad.
15. The Secretary, Provincial Ombudsman (Molhtasib) Secretariat, Sindh.
16. The Registrar, Sindh Service Tribunal, Karachi.
17. The Deputy Secretary (Staff) to Chief Secretary, Sindh, Karachi.

M. Habib-ul-Islam
(Habib-ul-Islam)

Section Officer (SR-1)
For Secretary to Government of Sindh

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آزاد جموں و کشمیر

Azad Govt. of the State of Jammu & Kashmir
(Finance Department)

Muzaffargarh
June 20, 2005

Notification

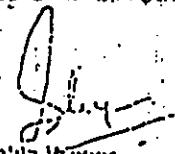
154 PPS/03-29-94/2000, The President of Azad Jammu & Kashmir has been pleased to sanction the new scale package in favour of the school teachers of Azad Jammu & Kashmir as follows:-

A. The school teachers of Azad Govt. in DPS-7 to DPS-16 shall be allowed to transfer to the new scale package as per the following schedule subject to the conditions given hereunder:-

Nomenclature of the post with scale	No. of years service required for next higher scale.
Primary Scale Teachers	
DPS-7 to DPS-10	After nine years in DPS-7
DPS-10 to DPS-11	After fourteen years
DPS-11 to DPS-13	After twenty one years
DPS-13 to DPS-15	After twenty five years
Junior Scale Teachers	
DPS-9 to DPS-12	After nine years in DPS-9
DPS-12 to DPS-14	After fourteen years
DPS-14 to DPS-15	After twenty one years
DPS-15 to DPS-16	After twenty five years
Senior Scale Teachers	
DPS-16 to DPS-17	After nine years in DPS-16
DPS-17 to DPS-18	After fourteen years
DPS-18 to DPS-19	After twenty one years

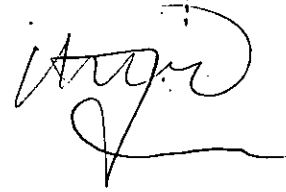
Conditions:-

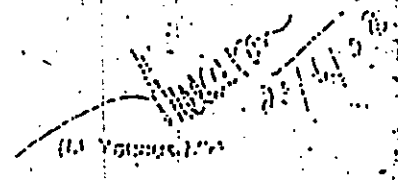
1. Government teachers will be eligible for transfer to next higher scale during the last five (5) years of service in the same grade. No transfer to higher scale is allowed until higher scale is sanctioned for this package.
2. The Scales will have no effect on regular/substantive scales nor it shall be a promotion of any description. The favour got through next scales under this policy/package will be deemed as personal scale to the extent of only financial benefit and these scales shall not affect the substantive scales of any category of teachers and rights of their seniority etc.
3. Future appointments to DPS-7 shall be made on the basis of basic qualification of P.A.P.S. with one year training course and direct appointments in junior scales shall be made on the basis of basic qualification of D.A.P.S. & C.T. Government shall amend the service rules accordingly.


Dr. Sheila Vazir
Additional Secretary Finance (II)

Copy to:-

1. The Secretary to the President AJ&K.
2. The Secretary to the Prime Minister GOAJK.
3. P.S. to the Minister Finance/Education Schools/Colleges GOAJK.
4. P.S. to the Chief Secretary GOAJK.
5. P.S. to the ACS (Gen.) (Dev) GOAJK.
6. P.S. to the Senior Member Board of Revenue GOAJK.
7. The Secretary Finance GOAJK.
8. The Secretary Education Schools/Colleges GOAJK.
9. All Secretaries in the GOAJK.
10. The Accountant General (D.G. Audit) AJ&K.
11. The Controller Printing Press GOAJK.
12. Master File.




(1) 2005/1/15

(6)

Azad Govt. of the State of Jammu & Kashmir
(Finance Department)

Muzaffarabad
June 20, 2008.

Notification.


No. FDR/9329-9420/2008. The President of Azad Jammu & Kashmir has been pleased to sanction the time scale package in favour of the school teachers of AJ&K in the following manner:-

A. The school teachers of AJ&K Govt. in BPS-7 to BPS-16 shall be allowed to benefit the time scale facility as per the following schedule subject to the conditions given there under:-

Nomenclature of the post and scale	No. of years service required for next higher scale.
Primary Scale Teachers	
BPS-7 to BPS-10	After nine years in BPS-7
BPS-10 to BPS-11	After fourteen years
BPS-11 to BPS-14	After twenty one years
BPS-14 to BPS-15	After twenty five years
Junior Scale Teachers	
BPS-9 to BPS-12	After nine years in BPS-9
BPS-12 to BPS-14	After fourteen years
BPS-14 to BPS-15	After twenty one years
BPS-15 to BPS-16	After twenty five years
Senior Scale Teachers	
BPS-16 to BPS-17	After nine years in BPS-16
BPS-17 to BPS-18	After fourteen years
BPS-18 to BPS-19	After twenty one years

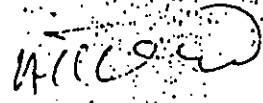
B. Conditions:-


- i) Concerned teachers will produce at least 60% result during the last five (5) years of service in the specific post before he/she is allowed next higher scale as per this package.
- ii) Time Scales will have no effect on regular/substantive scales nor it shall be a promotion in any meaning. The favour got through next scales under this policy/package will be deemed as personal scale to the extent of only financial benefit and these scales shall not affect the substantive scales of any category of teachers and rights of their seniority etc.
- iii) In future appointments in BPS-7 shall be made on the basis of basic qualification of F./VSc with one year training course and direct appointments in junior scales shall be made on the basis of basic qualification of B./VSc & CT. Government shall amend the service rules accordingly.

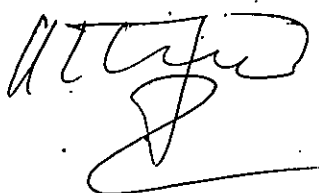

Dr. Shafiq Vajid
Additional secretary Finance (R)

Copy to

1. The Secretary to the President AJ&K.
2. The Secretary to the Prime Minister GoAJK.
3. P/S to the Minister Finance/Education Schools/Colleges GoAJK.
4. P/S to the Chief Secretary GoAJK.
5. P/S to the ACS (Gen)/(Dev) GoAJK.
6. P/S to the Senior Member Board of Revenue GoAJK.
7. The Secretary Finance GoAJK.
8. The Secretary Education Schools/Colleges GoAJK.
9. All Secretaries to the GoAJK.
10. The Accountant General/Audit AJ&K.
11. The Controller Printing Press GoAJK.
12. Minister File.




(A. Younus Mir)
Section Officer (Regulations)



METHOD OF APPOINTMENT, QUALIFICATIONS AND OTHER CONDITIONS APPLICABLE TO MINISTERIAL POSTS IN THE EDUCATION DEPARTMENT.

S.No.	Nomenclature of the post.	Minimum qualification prescribed for appointment by initial recruitment & transfer.	Minimum qualifications for appointment & promotion.	Age limit for appointment by initial recruitment.	Method of appointment.
1.	2.	3.	4.	5.	6.
1.	Assistant Divisional Education Officers,				" By promotion on the basis of seniority-cum-fitness, from amongst the Assistant Director (Budget & Accounts) Administrative Officer & Asstt. Distt. Education Officer (Accounts) belonging to the ministerial Establishment of Education Directorate.
	(Budget & Accounts) Administrative Officer & Assistant Distt. Education Officer (Accounts),				" By promotion on the basis of seniority-cum-fitness from amongst Superintendents, belonging to the Ministerial Estt. of Edu: Directorate.
	Superintendent.				" By promotion on the basis of seniority-cum-fitness from amongst the holders of posts of Assistants/Head Clerks/ Steno-grapher.
	Assistant/Head Clerk	Degree from a recognised University.		Not Less than 19 years and not more than above 25 years.	(i) 25% by initial recruitment and (ii) 75% by promotion on the basis of Seniority-cum-fitness from amongst the holders of the posts of Senior Clerks.

Attested

[Signature]
 Additional Director
 Secondary Education
 S. P. P. P. P.

[Signature]

[Large handwritten signature]

1 2 3 4 5
5 Senior Clerk.

By promotion on the basis of seniority-cum-fitness from amongst the holders of the posts of Junior Clerks/Asstt. Store Keepers/Laboratory Asstt./Junior Librarians.
By initial recruitment.

6 Junior clerk/Assistant Store Keeper/Laboratory Assistant/Junior Librarian.

- (a) Matriculation or equivalent qualification from a recognised University Board with Science group for Laboratory Assistant.
- (b) Speed of 25 words per minute in English typing.

Not less than 18 years and not more than 25 years.

7 Stenographer.

- (a) Matriculation or equivalent qualification from a recognised University/Board.
- (b) Speed of 100 words per minute in short-hand in English and 45 words per minute in typing.

Not less than 18 years and not more than 25 years.

(i) 2% by initial recruitment and (ii) 7% by promotion on the basis of seniority-cum-fitness from amongst the holders of the posts of Steno-Typist.

Steno-Typist.

- (a) Matriculation or equivalent qualification from a recognised University/Board.
- (b) Speed of 80 words per minute in short-hand in English & 35 words per minute in typing.

Not less than 18 years and not more than 25 years.

By initial recruitment.

Attested

[Signature]
Director of Education

Government of N.W.F.P.
Finance Department
No. SO(FR) 10-22(B)/2005
Dated: 01-10-2007

To

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

Subject: UP-GRADATION OF VARIOUS POSTS OF TEACHERS/CAREER
STRUCTURE IN SCHOOLS & LITERACY DEPARTMENT
GOVERNMENT OF N.W.F.P.

Sir,

I am directed to refer to your letter No. SO(G) S&L/1-1/2007 dated 01-10-2007 on the subject noted above and to inform that the Chief Minister NWFP has been pleased to up-grade various posts of teachers in Schools & Literacy Department NWFP as per details given below in respect of those incumbents who acquire or possess the qualification and experience mentioned against each with immediate effect.

S#	Designation/ Existing Pay Scale	Qualification	Revised Pay Scale
1	Primary School teacher (PST) BPS-07	F.A/F.Sc at least 2 nd Division with PTC/Diploma in Education	09
2	PST with requisite experience renamed as Head Teacher/Head Mistress of Primary School BPS-07	On the basis of 10 years service/experience as Primary School Teacher in BPS-09	12
3	C.T. BPS-09	B.A/B.Sc at least 2 nd Division with Diploma in Education / CT	15
4	AWECT (Technical) / Industrial Arts/Home Economics BPS-09	B.A/B.Sc at least 2 nd Division with Diploma in Education / Certificate from Directorate of Curriculum & Teachers Education NWFP Abbottabad in Agro. Tech/Industrial Arts/ Home Economics	15
5	D.N.I. BPS-09	B.A/B.Sc at least 2 nd Division with Drawing Master Course	15
6	PET BPS-09	B.A / B.Sc at least 2 nd Division with BDE.	15
7	Qari/Qari BPS-07	Hafiz-e-Quran with SSC at least 2 nd Division and Sanad in Qirat	12
8	SSTs / SSTs Teach. / Agri. with requisite experience renamed Sr. SST/Sr. SST Teach./Sr. SST Agri BPS-16	M.A/M.Sc at least 2 nd Division with B.Ed/M.Ed / M.A. Education or equivalent qualification.	17
9	DPE BPS-16	M.Sc at least 2 nd Division in (HPE)	17
10	Librarian BPS-16	MASTER degree in LIBRARY SCIENCE LEAST 2 nd DIVISION	17

C. T. C.
A. H. Khan
3/7/07

Attest

A. Khan

Attest

2. The Promotion / Direct Promotion against the upgraded posts shall be made as per laid down procedure and in accordance with the Service Rules to be framed pursuant to the relevant provisions of NWFP Civil Servants (Appointments, Promotion & Transfer) Rules 1989 read with the NWFP Civil Servants Act, 1973 in the light of the meeting held on 26-09-2007 of the committee constituted vide Schools & Literacy Department Notification No SO(G)/S&L/1-4/2007 dated 01-08-2007

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

Section Officer (FR)

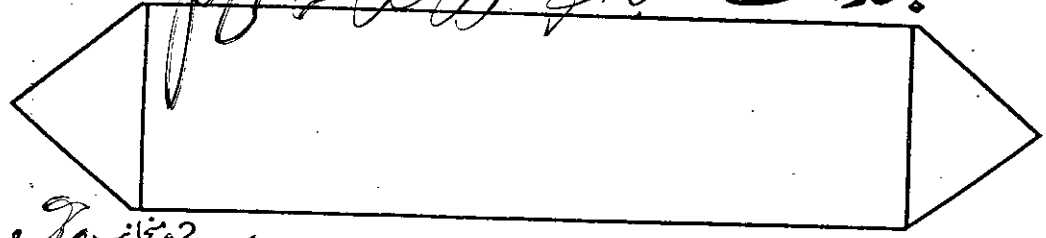
Encls: of even No. & Date

Copy for information & necessary action to:-

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

C.T.C.
Asst. Secy. (FR)
27/7/08

بعدالت عدالت



2 جناب
بنام

منگھو سر سہ کھگھ

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آئندہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
آن مقام 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 ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے وہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا ادکالت نامہ لکھد یا کہ سندر ہے۔

المرقوم _____ ماہ _____ 20 _____
واہ الع

منگھو سر سہ کھگھ

بمقام _____ کے لئے منظور ہے۔

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No: 418/2013.

Muhammad Nisar PST GPS Mata Shah Bajour AgencyAppellant
VERSUS

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

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

Respectfully Sheweth:-

The Respondents submit as under :-

Preliminary objections

- 1 The appellant has no cause of action/locus standi.
- 2 The instant appeal is badly time barred.
- 3 The appellant has concealed the material fact from this Hon! able Tribunal hence liable to be dismissed.
- 4 The appellant has not come to Hon! able Court with clean hands.
- 5 The present appeal is liable to be dismissed for non joinder/mis-joinder for necessary parties.
- 6 The appellant has filed the instant appeal on malafide motives.
- 7 The instant appeal is against the prevailing laws & rules.
- 8 The appellant is stopped by his own conduct to file in present appeal.
- 9 The instant appeal is not maintainable in the present form & also in the present circumstances of the issue.
- 10 This Hon !able Court has no jurisdiction to adjudicate the present appeal.
- 11 The appellant has not submitted any departmental appeal through proper channel and in accordance with Section -22 of Khyber Pakhtunkhwa civil servant Act 1974 and civil servant appeal rules 1986. Hence the present appeal is not tenable and liable to be dismissed.
- 12 That the rule 3(2) of Khyber Pakhtunkhwa Civil Servant (appointment, Promotion and Transfer) rules 1989, authorize the department to lay down the method of appointment, qualification and other conditions applicable to the post in consultation with the Establishment & Administration Department and Finance Department. Hence the appeal in hand is liable to be dismissed.
- 13 That it was observed by the Apex Court that it is exclusively with in the domain of the government to decide whether a particular qualification will be considered sufficient for promotion from a particular grade and it is also with in the domain of the government to change the above policy from time to time as no body can claim any vested right in the policy.

ON FACTS


- 1 This Para pertains to the service record of the appellant. While the appellant has not presented his appointment order and attested copy of service book, hence no *Comment*,
- 2 Pertains to record.
- 3 This Para has no concern with the answering respondents, hence denied.
- 4 The mentioned notification was issued in accordance with law, in the best interest of public, according to the needs of the department & society in large & also to enhance the quality of Education, hence there is no reason that the same may be objected/criticized by the appellants. It is pertinent that it was observed by the Apex Court that it is exclusively with in the domain of the government to decide whether a particular qualification will be considered sufficient for promotion from a particular grade and it is also with in the domain of the government to change the above policy from time to time as no body can claim any vested right in the policy.
- 5 This Para is related to policy, hence needs no comments.
- 6 Incorrect and denied. The rules/qualification mentioned in this Para are not related to the appellant being PST. The qualification and other condition mentioned in this Para relates to senior PSTs BPS-14 and their promotion to Head Teacher post BPS-15 in E&SE Deptt: . It would not be out of place to mention here that under the said rules/policy hundreds of PSTs has already been upgraded/promoted to senior PST, and Head Teacher post and the same are not imp leaded in the present petition. The respondent department notified the rules for the recruitment and promotion for the teachers of various cadres dated 13/11/2012, in accordance with the prevailing law, rules on the subject and to improve/enhance the quality of education in the best interest of Public while other contents of this Para are incorrect, misleading one and denied.
- 7 Incorrect & not admitted. The present appellant does not fall within the definition of aggrieved person and there is no reason for the petitioner to be aggrieved from the mentioned prevailing policy dated 13/11/2012. While the appellant did not implead the upgraded / promoted under the said rules and those having the higher qualification than appellant and waiting for promotion. Hence the appellant has no cause of action/ locus standi to invoke the jurisdiction of this Hon! able Tribunal, hence the appeal in hand is liable to be dismissed inter alia on the following grounds:-

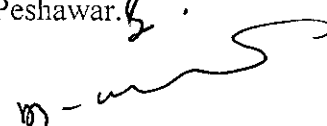
GROUNDS.


- A Incorrect and not admitted. It was observed by the Apex Court that it is exclusively with in the domain of the government to decide whether a particular qualification will be considered sufficient for promotion from a particular grade and it is also with in the domain of the government to change the above policy from time to time as no body can claim any vested right in the policy. Hence the whole Para is denied.
- B Incorrect and not admitted. How it can be justified that the appellant possessing only SSC, be treated on equal footing with other PST teachers having higher academic & professional qualification, and the same is against norms of natural justice and merit.
- C Incorrect & not admitted. The statement of the appellant in this Para is baseless against the law & rules on the subject and against principle of justice.
- D Incorrect & not admitted. The Statement of the appellant is against the principles of natural justice & merit.
- E The rules of other Provinces can not be implemented in Province of Khyber Pakhtunkhwa,

- 12
- F Incorrect & not admitted. The rules & policies of other departments are not applicable in the E&SE department, hence denied.
- G Incorrect & not admitted, The statement of the appellant in this Para is misleading one
- H Incorrect & not admitted. The appellant has been treated in accordance with law.
- I The respondents seek the permission of this Hon! able Tribunal to adduce more grounds & proofs at the time of arguments.

In view of the above submission, it is requested that this Hon' able Tribunal may very graciously be pleased to dismiss the appeal with cost in favour of the respondent Department.


Director
E & SE Khyber Pakhtunkhwa
Peshawar.


Secretary
E&SE Department, Government of
Khyber Pakhtunkhwa, Peshawar


Secretary
Govt: Of Khyber Pakhtunkhwa,
(Finance) Department, Peshawar,


1/50

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

SERVICE APPEAL No: 418/2013.

Muhammad Nisar PST GPS Mata Shah Bajour Agency. Applicant

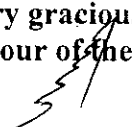
VERSUS

The Secretary E&SE Department Khyber Pakhtunkhwa, Peshawar & others.....Respondents

REPLY FOR AND ON BEHALF OF RESPONDENTS, TO THE APPLICATION FOR TEMPORARY INJUNCTION, FILED BY THE APPELLANT.

- 1 That the appellant has filed the above captioned Service Appeal on malafide motives, against the prevailing law, rules on the subject, with out any cogent legal reason hence not maintainable.
- 2 Incorrect & not admitted sub: rule-2 of Rule-3 of the Khyber Pakhtunkhwa civil servant (appointment, promotion & transfer)Rules 1989 authorize the department to lay down the method of appointment, qualifications and other conditions applicable to a post in consultation with Establishment Department and Finance Department , hence under the mentioned rule the notification date 13/11/2013 was issued to improve the quality education and efficiency in service, in the best interest of public, hence liable to be kept intact.
- 3 Incorrect and not admitted. In fact the said notification has already been implemented and the promoted/upgraded PSTs under the said notification are not impleaded in the appeal in hand hence the case of the appellant is weak being against the law, rules on the subject. While stand and case of the respondents is based on well settled rules and laws on the subject and is very sanguine for its success, hence the whole Para is denied.
- 4 Incorrect not admitted. The three in gradients i.e Prima facie case, balance of convenience and irreparable loss, for rejection of the present application are present in favour of the respondents.
- 5 Incorrect and not admitted. That in case the injunction as prayed for is granted, the respondents and the promoted PSTs would suffer extreme irreparable loss and hardship in administration of schools which would ultimately have an adverse effect on leering process of the kids of the nation. While on the other hand the appellant will suffer no loss being not qualified and not deserve for promotion/up gradation according to norms of natural justice and principles of merit.
- 6 The case of appellants does not fall within the ambit of Section-4 of Service Tribunal Act 1974. The preliminary objection, objections on fact and Grounds taken in the Para-wise comments/reply on behalf of respondents may kindly be considered integral and parcel part of instant reply.

In view of the above it is requested that this Hon! able Tribunal may very graciously be pleased to dismiss the application in hand along with main appeal in favour of the respondent Department with heavy cost.


Director
E&SE Department Khyber
Pakhtunkhwa, Peshawar.