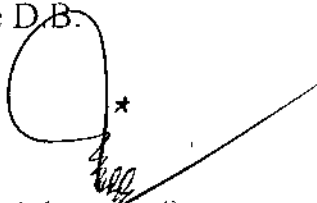



19.10.2022

Learned counsel for the appellant present. Syed Alamzeb Shah,
Law Officer alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate
General for the respondents present.

Representative of respondents submitted para-wise reply and
stated that the cost of Rs. 5000/- shall be paid on the next date. Copy
of para-wise reply handed over to learned counsel for the appellant,
who sought adjournment on the ground that he has not gone through
the reply submitted by the respondents today. Adjourned. To come up
for payment of cost of Rs. 5000/- as well as arguments on 28.11.2022
before the D.B.


(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)

28/11/22

Deleted from list to come
up for the same on 7/2/23



Reddy


07.02.2023

SCANNED
ST
Pawar

Clerk of counsel for the appellant present. Muhammad
Adeel Butt, Additional Advocate General for respondents
present.

File to come up alongwith connected Service Appeal
No. 7364/21 titled "Ali Akbar Vs. Education Department"
15.05.2023 before D.B.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

14/4/2022

Counsel for the appellant present. Mr. Naseer-ud-Din Shah
Assistant AG for the respondents present. Assistant AG requested
for adjournment. Request accepted. Last opportunity is given for
submission of written reply/comments. To come up for written
reply/comments on 10/5/2022 before S.B.



CHAIRMAN

10.05.2022

Counsel for the appellant present.

Muhammad Adeel Butt, learned Additional Advocate
General for respondents present.

Despite last opportunity, written reply/comments
were not submitted. Another request was made for
submission of comments which is acceded to on payment
of cost of Rs.5000/- to be paid to appellant on the next
date. Respondents are further directed to submit written
reply/comments well within 10 days. Otherwise, their right
of defense would be deemed as struck off. To come up for
arguments on 14.07.2022 before D.B.



(Rozina Rehman)
Member (J)

14-7-2022

Proper DB not available the case
is adjourned to 14-10-2022

Signature

Reader

Signature

Signature

25.10.2021

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contends that the promotion of the appellant was due on the basis of his eligibility and seniority but he has been deprived of the same when promotions were made vide order dated 24.03.2021. Let the appeal be heard on regular side, this appeal is admitted for full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on

Amount Deposited
Security & Process Fee

22.02.2022

22.02.2022 before the D.B.
Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 14.04.2022 for the same as before.


Chairman

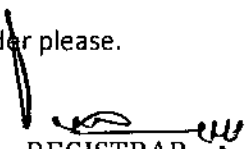


Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7366 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/09/2021	<p>The appeal of Mr. Ibrahim resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>25/10/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Muhammad Ilyas son of Khanuk Muhammad, PST (BPS-12), GPS Bin Beyari, District Uper Dir presented today i.e. on 20.08.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of the appeal may be got signed by the appellant.
- 2- Five more copies/sets of appeal along with annexures i.e complete on all respect may also be submitted with the appeal in file cover.
- 3- Appeal has not been flagged with annexures marks.
- 4- Annexure-C & F of the appeal is illegible which may be replaced by legible/better one.

No. 1643 /S.T.

Dt. 23/08/2021.

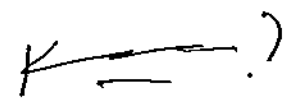

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

R/Siv

objection: No. 1 Memo of Appeal has already been signed by the Appellant,

Resubmitted after removal of all the objections.


01/9/21

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

SERVICE APPEAL NO. 7365/2021

MUHAMMAD ILYAS V/S EDUCATION DEPTT:

INDEX

S.N O	DOCUMENTS	ANNEXURE	PAGE
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4	Charge report	B	10-11
5	Appointment order as PST dt: 05-05-2017	C	12
7	Charge report	D	13
8	Notification dt: 21-03-2018	E	14-17
9	Service book	F	18-24
10	Ibid list	G	25-26
11	Impugned promotion order dt: 24-03-2021	H	27-29
12	Departmental appeal	I	30
13	Wakalat Nama	31

Dated: 20/08/2021

APPELLANT

Through:

NOOR MOHAMMAD KHATTAK
ADVOCATE
FLATE NO. 04, 2ND FLOOR,
JUMA KHAN PLAZA, NEAR FATA SECRETARIAT,
WARSACK ROAD, PESHAWAR
0345-9383141

/

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2021

Mr. Muhammad Ilyas S/O Khanuk Muhammad, PST BPS(12),
GPS Bin Beyari, District Dir Upper.

..... **APPELLANT**

Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Date No. 7461

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer Male, District Dir Upper.

20-8-2021

..... **RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 24-3-2021 WHEREBY JOINERS TO APPELLANT HAS BEEN PROMOTED TO THE POST OF SPST BPS-14 WHILE THE APPELLANT WAS IGNORED AND AGAINST THE INACTION OF THE RESPONDENTS BY NOT COUNTING THE ADHOC SERVICE OF THE APPELLANT TOWARD LENGTH OF SERVICE FOR PROMOTION AND ALSO AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the impugned order dated 24-03-2021 of the respondents may very kindly be rectified/modified to the extent of appellant by directing the respondent to consider the appellant for promotion to the post of SPST BPS-14 with all back benefits including seniorty and the respondents may further please be directed to grant pay fixation and count the previse adhoc service of the appellant for the purpose of length of service for promotion. Any other remedy which this august Court deems fit may also be awarded in favor of appellant.

R/SHEWETH:

ON FACTS:

- 1- That appellant is a peaceful and bonafide resident of Village Samai, Tehsil Wari District Dir Upper and belongs to a respectable family.

IF to-day
Registrar
20/8/2021

- 2- That appellant was initially appointed as PST BPS-12 on adhoc basis vide order 12-03-2015, submit his charge report vide dated 21.03.2015 and start performing his duties quite efficiently and to the entire satisfaction of his superior. Copies of the appointment order and charge report are attached as annexure **A & B.**
- 3- That later on through a new advertisement the appellant applied for the post of PST BPS-12 on adhoc basis for the second time through proper channel and was recommended by the departmental selection committee for approval against the said post. That in light of departmental selection committee recommendation the appellant was appointed as PST BPS-12 vide order dated 05-05-2017. Copy of the appointment order as PST dated 05-5-2017 is attached as annexure **C.**
- 4- That it is pertinent to mention here that the appellant applied for the second time for the post of PST BPS-12 for the purpose of posting at his home union council/nearby station.
- 5- That in light of the ibid appointment order the appellant submit his charge vide dated 06.05.2017 report and accordingly relived from his prewise post, started performing his duties quit efficiently and up to the entire satisfaction of his superior. Copy of the charge report are attached as annexure **D.**
- 6- That vide notification dated 21-03-2018 services of the appellant were regularized in light of regularization Act, 2017. Copy of the Notification dated 21/3/2018 attached as annexure **E.**
- 7- That accordingly the regularization entry was made in the service book of the appellant but unfortunately the prewise adhoc service of the appellant with effect from 12-03-2015 till 21-03-2018 has not been counted for the purpose of pay fixation and for the purpose of length of service count for promotion. Copy of the service book is attached as annexure **F.**
- 8- That according to the proposed list prepared by the District Educating Officer (male) Dir Upper for the purpose of promotion to the post of SPST BPS-14 the appellant was placed at Serial NO.24 of the ibid list.. Copy of the list is attached as annexure..... **G.**
- 9- That unfortunately vide impugned Office order dated 24-03-2021 the appellant was ignored for promotion to the post of SPST BPS-14 without any reason and clear justification while

juniors to appellant have been promoted to the post of SPST BPS-14. Copy of the impugned promotion order dated 24/03/2021 is attached as annexure.....H.

10- That felling aggrieved appellant preferred departmental appeal before the respondents, but no response has been given by the respondent department till the expiry of statutory period of ninety days. Copy of the departmental appeal is attached as annexure.....I.

11- That having no other remedy the appellant filed the instant appeal on the following grounds amongst the others.

GROUND:

A- That the impugned order dated 24-03-2021 of the respondents by not promoting the appellant to the post of SPST BPS-14 and the inaction of the respondents by not counting the adhoc service of the appellant toward length of service for promotion is against the law, facts and norms of natural justice.

B- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.

C- That the respondent Department acted in arbitrary and malafide manner by not promoting the appellant to the post of SPST BPS-14 and by not counting the adhoc service of the appellant toward length of service for promotion.

D- That the appellant has been discriminated by the respondent Department on the subject noted above and as such the respondent violated the principle of natural justice.

E- That by not promoting the appellant to the post of SPST BPS-14 and not counting the adhoc service of the appellant toward length of service for promotion violated section-9 of the civil servant Act1973 read with Rule-7 of the appointment, promotion and transfers Rules 1989.

F- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.



It is therefore most humbly prayed that appeal of the appellant may be accepted as prayed for.

Dated: 20/8/21

APPELLANT


Muhammad Ilyas

THROUGH:
NOOR MOHAMMAD KHATTAK



UMAR FAROOQ MOHMAND


KAMRAN KHAN

& 
SAID KHAN

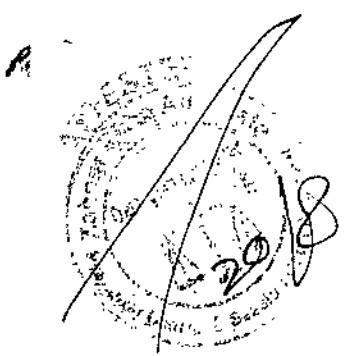
ADVOCATES HIGH COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

MUHAMMAD ILYAS VS EDUCATION DEPTT:

AFFIDAVIT

Stated on oath that the contents of the accompanying service appeal are correct to best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.



M. Ilyas
DEPONENT

CERTIFICATE:

Certify that no earlier service appeal has been filed by the appellatant in the instant matter before this Honorable Service Tribunal.

M. Ilyas
CERTIFICATION

District Education Officer Male District Dir Upper



1st circle

PH No. 0944-881400-Fax-881400

E-mail demisdirupper@gmail.com

Muhammad Hujas

APPOINTMENT.

Consequent upon recommendation of the Departmental Selection Committee, appointment of the following candidates are hereby ordered against the post of Primary School Teachers (PST) Male School based in BPS-12 (Rs.7000-500-22000) @ Rs. 7000/- fixed plus usual allowances as admissible under the rules on adhoc basis under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with effect from the date of taking over charge :-

S.#	Name	Father's Name	Place of Posting	Union Council	Remarks
01	Kaleem Ullah	Mohammad Rosh Khan	GPS Chowa	Kotkay	A.V.P
02	Amanullah	Zar Hameed Khan	GPS Gamdat	Kotkay	A.V.P
03	Inayatur Rahman	Mir Afzal Khan	GPS Katigam	Kotkay	A.V.P
04	Bakhtawar Khan	Rasool Nabi	GPS Sharatkal	Kotkay	A.V.P
05	Alamgir Khan	Lajbar Khan	GPS Dislawar	Dislawar	A.V.P
06	Khan Wali	Makhtum Khan	GPS Dogran		A.V.P
07	Mahmood Asam	Rahmat Jan	GPS Malanga	Dislawar	A.V.P
08	Jamshid Khan	Jan Rahman	GPS K.M Gojar	Dislawar	A.V.P
09	Mujahid Hussain	Shamsuddin	GPS K.M Gojar	Dislawar	A.V.P
10	Miftahullah	Wali Ullah	GPS Charkoom (P)	Dislawar	A.V.P
11	Naseemullah	Saeedullah	GPS Charkoom (B)	Dislawar	A.V.P
12	Riaz Ahman	Shah Rasool Khan	GPS Gogyal	Sundal	A.V.P
13	Muhammad Nisar	Gul Muhammad	GPS Shalga A	Nehag	A.V.P
14	Irfanullah	Dil Farosh	GPS Abid Khan	Bandai	A.V.P
15	Khan Wahid	Ghulam Qadar	GPS Gurrai Wari	Wari	A.V.P
16	Gul Islam	Khan Bar Khan	GMPS Malook Banda	Wari	A.V.P
17	Majeed Ullah	Aminullah	GPS Tatogram (B)	Wari	A.V.P
18	Akhtar Zeb	Muhammad Sharin	GMPS Gurrai	Wari	A.V.P
19	Farhaid Khan	Muzfar Khan	GPS Manzai Wari	Wari	A.V.P
20	Suliman	Bacha Amin	GMPS Ishaq Abad	Akhgram	A.V.P
21	Muhammad Bacha	Amir Bacha	GMPS Kasai	Akhgram	A.V.P

ATTESTED

Appointment Order PST (M)

54	Waris Khan	Shah Usman Khan	GPS Kot Kass	Darora	A.V.P
55	Fazal Haleem	Fazli Rabbi	GMPS Bunn	Palam	A.V.P
56	Inayatur Rahman	Muhammad Alam Khan	GPS Palam	Palam	A.V.P
57	Aziz Khan	Itbar Khan	GPS Palam	Palam	A.V.P
58	Ijaz Ali	Sar Taj	GPS Samkoot	Palam	A.V.P
59	Aqal Zarin	Akbar Zarin	GPS Barkand	Palam	A.V.P
60	Arshad Ayub	Sher Bacha	GPS Nashnamal	Palam	A.V.P
61	Inam Ullah	Lal Bacha	GMPS Mani Sar	Palam	A.V.P
62	Syed Tasbeeh Ullah	Syed Inayatullah	GPS Pacha Kalay	Ganori	A.V.P
63	Muhammad Ali	Mohammad Akbar Khan	GPS Hattan Bala	Ganori	A.V.P
64	Safdar Khan	Gul Khan	GPS Kumrat	Kalkot	A.V.P
65	Shah Faisal	Hazrat Faqir	GPS Malo Kumrat	Kalkot	A.V.P
66	Mukhtiar Zaman	Gul Roz	GMPS Jangari	Gwaldai	A.V.P
67	Mohammad Rasool	Amir Muhammad	GPS Banjo	Gwaldai	A.V.P
68	Farid Ullah	Bakht Munir	GPS Gurrai Bala Dir	Gwaldai	A.V.P
69	Muhammad Zahid	Mutabar Khan	GMPS Dogal	Patrak	A.V.P
70	Atee ur Rahman	Rasool Ghulam	GPS Dambarkoon	Patrak	A.V.P
71	Usman Khalid	Taj Muhammad	GPS Sia San	Patrak	A.V.P
72	Badshah Islam	Asfandyar Khan	GPS Shonga	Patrak	A.V.P
73	Ijzul Haq	Said Rahman	GPS Kilot	Doag Dara	A.V.P
74	Nasar Khan	Khaista Rahman	GPS Salam Bakai	Doag Dara	A.V.P
75	Sahib Zada	Khaista Rahman	GPS Kohistano Banda	Doag Dara	A.V.P
76	Azim Khan	Mian Abdar Khan	GPS Belo Ganshall	Sheringal	A.V.P
77	Zia uddin	Niamat Ullah	GMPS Bandi Khawar	Sheringal	A.V.P
78	Imran Ullah	Khaista Muhammad	GMPS Raza Banda	Chukyatin	A.V.P

TERMS & CONDATION.

1. *NOTA/DA is allowed.*
2. *Charge reports should be submitted to all concerned in duplicate.*
3. *Appointment is purely on temporary basis initially for one year.*
4. *They should not be handed over charge if they exceed 35 years or below 18 years of age.*
5. *Appointment is subject to the condition that their certificates/degrees must be verified from the concerned authorities if any one found producing bogus Certificate will be reported to the law enforcing agencies for further action.*
6. *Their services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.*

ATTESTED

8

9

Appointment Order PST (M)

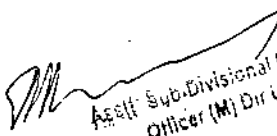
7. Pay will not be made until and unless a certificate from the concerned authority is issued as his certificates are verified.
8. They should join their post within 15 days of the issuance of this notification. In case of failure to join their post within 15 days of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained.
9. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
10. He will be governed by such rules and regulations as may be issued from time to time by the Govt.
11. Their services shall be terminated at any time, in case of his performance is found unsatisfactory during his probation period. In case of misconduct, he will be proceeded under the rules.
12. His appointment is made on School based, He will have to serve at the place of posting, and his service is not transferable to any other station.
13. Before handing over charge once again their document may be checked if they having no required qualifications they may not be handed over charge.
14. No payment will be made so then before making verification from concerned institutions.

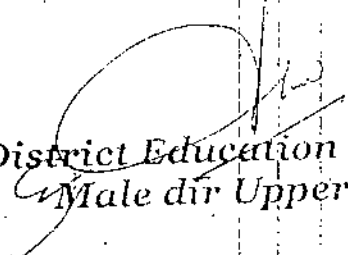
(Jehan Muhammad)
District Education Officer,
Male dir Upper

Dist: No. 968-75 / File No. 03-C-/PST/Appnt:/DEO(M)/ADO(P) Dated Dir (U) the 12/03/2015.

Copy forwarded for information and necessary action to the:-

1. Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer Dir Upper
3. Dy: District Education Officer Male Dir Upper.
4. Sub: Divisional Education Officer Male Dir.
5. Sub: Divisional Education Officer Male Wari.
6. A.P EMIS Local Office.
7. Official Concerned.
8. M/File


Asstt. Sub-Divisional Education
Officer (M) Dir Upper


District Education Officer,
Male dir Upper

CHARGE REPORT

Education Department D/O (U)

محمد ایس وید جنورل جسٹس - کارڈ نمبر 9-1727655-15701 - میں

کے مطابق آرڈر نمبر 2015-APPT-03C-75-968 کے
NTS / D/O (M) / ADO (P)

قبل اردو پریس مورچہ 2015-03-21 کے حکم پر PST کا

کا مکمل چارج تو رکنٹ پر اہلکاروں کے سہ ماہی

میں کھینچ لیا۔ گھنٹہ آپ صاحبان کو چارج

ریپورٹ ارسال خدمت ہے

پندرہ پندرہ نمبر 65 نمبر کا ہال

دیکھو انداز

[Signature]

[Stamp and Signature]

11

(CONFIDENTIAL REPORT)

TEACHING STAFF

CONFIDENTIAL REPORT FOR THE YEAR ENDING 31ST DECEMBER 2019

1. Name MUHAMMAD ILYAS
2. Name of Service P.S.T
3. Qualification M.A (Sociology)
4. Total Service on 31st December eight year 03 months 15 days.
5. Scale of pay and present pay BPS (12) (17160)
6. Various post held during the year with ()

PARTICULAR REMARKS ON:

1. Judgment and sense of profession
2. Initiative and drive
3. Teaching Knowledge
- Supervision and control over student
4. Integrity
5. Co-operation with staff Obedient, Friendly and nice
6. Relation with public Cooperative and friendly
7. Suitability for promotion
8. Knowledge

GENERAL REMARKS:

General Remarks by Higher Officer

Name in (in block letters and

Signature of the Reporting
Officer with Seal

ATTESTED

ANNEXURE C
Better copy

12

OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DIR UPPER

APPOINTMENTS

Consequent upon the recommendation of the Departmental Selection Committee, appointment of the following candidates are hereby ordered against the post of Primary School Teachers (PST) Male School-based in BPS-12 {Rs. 11140-800-35140}@ Rs. 11140/- fixed plus usual allowances as admissible under the rules on adhoc basis under the existing policy of the Provincial Government, in Teacher Cadre on the terms and condition given below with effect from the date of their taking over charge.

S.#	NTS Roll No.	Name	Father Name	DOB	Place of posting	CNIC	MARIT	W/U.C	MARKS
1	7935000362	M, ILYAS	KHANUK MUHAMMAD		GPS	15701- 1727655-9	139.15	QULANDAI	AVP

ATTESTED



ANNEXURE C

12

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) DIR UPPER

PH NO 09943-881400 Email: deodirupper@pntd.com

APPOINTMENTS

2nd App order - 8-10-17

Consequent upon the recommendation of the Departmental Selection Committee, appointments of the following candidates are hereby ordered against the post of Primary School Teachers (PST) Male Subordinate in BPS-12 (Rs 11140-800-35140) @ Rs 11140/- fixed plus usual allowances as admissible under the rules in vogue basis under the existing policy of the Provincial Government, in Teaching Cadre on the terms and conditions given below with effect from the date of their taking over charge.

Sr	NTS Roll No	Name	Father Name	DOB	Name of Posting	Qual	Mark	Remarks
1	7915000387	MUHAMMAD RYAS	KHANNID MUHAMMAD	07 07 93	GPS BARAM PAKHOP	15701	100%	GRH ANTI
2	7921000266	WAMEED MURAD	BULHAN IRDOSH	04 04 93	GPS DIR NO 2	15701	85.01	GRH ANTI
3	7921000402	AUGHUR RAHMATI	SHER AHMED	17 01 92	GPS DIRANI ANHAN	15701	67.14	GRH ANTI
4	7922000511	WAJED AHMAD	RAJED AHMAD	11 06 91	GPS DIR NO 2	15701	79.00	GRH ANTI
5	7923000855	SHANSHIR RAHMAN	AUGHUR AHMAD	10 01 91	GPS NAHAKALI	15701	100%	GRH ANTI

TERMS & CONDIATION.

- 1 NO TA/DA etc is allowed
- 2 Charge reports should be submitted to all concerned in duplicate
- 3 Appointment is purely on temporary basis initially for one year
- 4 They should not be handed over charge if they exceed 35 years or below 18 years of age
- 5 Appointment is subject to the condition that their certificates/degrees must be verified from the concerned authorities if anyone found producing bogus Certificate will be reported to the law enforcing agencies for further action.
- 6 Their services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government
- 7 Pay will not be paid until and unless a certificate from the concerned authority is issued that their certificates are verified.
- 8 They should join their post within 15 days of the issuance of this notification. In case of failure to join their post within 15 days of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained
- 9 Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
- 10 They will be governed by such rules and regulations as may be issued from time to time by the Govt
- 11 Their services shall be terminated at any time, in case of their performance is found unsatisfactory during their contract period. In case of misconduct, they will be proceeded under the rules framed from time to time.
- 12 Their appointments are made on School based, they will have to serve at the place of posting, and their service is not transferable to any other station
- 13 Before handing over charge once again their document may be checked if they have not required qualifications, they may not be handed over charge
- 14 No payment will be made so then before making verification from concerned institutions.
- 15 The errors and omissions etc if found at any stage shall be rectified. In case of termination of said candidate, he will have no right to claim the order already issued in any court.

ATTESTED

(Signature)
 DISTRICT EDUCATION OFFICER
 (MALE) DIR UPPER

محمد الیاس ولد خنوک محمد - کارڈ نمبر 9-1727655-15701

میں نے حکایتیں آراڈ

کو 3125-33-03C-PST-APPTT-2017-1
NTS/DEO(M)/ADO(P)

قبل از رد یہ صرفہ 2017-05-06 اپنے عہدے PST کا مکمل خارج سے تیار کیا۔

33 جی ایس میں سے کسی ایک سے اپنی پناہ کو گزراہ خارج رپورٹ ارسال فرماتے ہیں۔

خارج لینے والا

خارج دینے والا

Sub-Divisional Officer (M) Dir Upper

Fazal Khan
PSHT BPS-15 GPS
Bin Berawal Dir Upper

Sub-Divisional Education Officer (M) Dir Upper

ATTESTED



**OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) UPPER DIR**

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

**NOTIFICATION**

In pursuance of Khyber Pakhtunkhwa Employees of the Elementary & Secondary Education Appointment & Regularization of Services Act, 2017 (Khyber Pakhtunkhwa Act no.1 of 2018). & Elementary & Secondary Education Department Notification No-SO(S/P)E&SED/3-2/2018/S/ET/Contract Dated: 16/02/2018. Services of the following (427) Primary School Teachers of Sub-Division Wari, Dir Upper appointed w.e.f. (03-05-2014 to 23-06-2017) through NTS on adhoc/contract basis, are hereby regularized in BPS-12, on terms and condition given below with effect from the date of their 1st appointment as per details given against each, in the interest of public service.

S NO	Roll NO.	Name	Address	U/C	Total Marks /200	Name of School	App. Order No	Dated	Date of Taking over Charge	Extension Order No & Date
1	3500300	Saqibullah	V; Chapper	Chapper	130.8	GPS Chapper	8572-79	03/05/2014	04/05/2014	1868-74.30.04.2015
2	3500202	Anwar Suleem	V; Chapper	Chapper	125.6	GPS Kass Chapper GPS Gul Shah Uheral	1273-79 8572-79	03/05/2014	04/05/2014	1868-74.30.04.2015
3	3500302	Asghar Ali Ziaur	V; Nasir Abad	Chapper	116.62	GPS Dheral Chapper	8572-79	03/05/2014	04/05/2014	1868-74.30.04.2015
4	3500913	Rahman	V; Nasir Abad	Chapper	113.24	GPS Osoral	8572-79	03/05/2014	04/05/2014	1868-74.30.04.2015
5	3500512	Abdur Rahman	V; Moha Kass	Dislower	112.95	GPS Nasir Abad	8572-79	03/05/2014	04/05/2014	1868-74.30.04.2015
6	3500203	Kahtullah	V; Babo	Chapper	112.68	GPS	8572-79	03/05/2014	04/05/2014	1868-74.30.04.2015
7	3500702	Nadimullah	V; Charkoom DK	Dislower	112.65	CHARKUM P	8572-79	03/05/2014	04/05/2014	1868-74.30.04.2015
8	3500203	Hidayatullah	V; Kakad	Wari	111.62	GPS Tangal	8572-79	03/05/2014	04/05/2014	1868-74.30.04.2015
9	3500647	Sajad Ali Saifi	V; Wari	Dislower	111	GPS Dheral K Khell	270-75	03/05/2014	04/05/2014	1868-74.30.04.2015
10	350068	Rahman	V; Nasir Abad	Chapper	108.35	GPS Jelar Nu 01	8572-79	03/05/2014	04/05/2014	1868-74.30.04.2015
11	350731	Muhammad Iqbal	Vill; Islamabad Akhgram	Akhgram	104	GPS Akhgram Bala	8572-79	03/05/2014	04/05/2014	1868-74.30.04.2015
12	3500729	Wasimullah	V; Jelar	Chapper	103.78	GPS Shahkani Nu 02	8572-79	03/05/2014	04/05/2014	1868-74.30.04.2015
13	3500732	Sirajud Din	V; Jelar	Chapper	103.19	GPS Sarial	8572-79	03/05/2014	04/05/2014	1868-74.30.04.2015
14	3500309	Saffud Din	V; Sahib Abad	Dislower	103	GPS Dislower	8572-79	03/05/2014	04/05/2014	1868-74.30.04.2015
15	3500647	Mukhtyar Ali	V; Nasir abad	Chapper	102.43	GPS Shahkani Nu 02	8572-79	03/05/2014	04/05/2014	1868-74.30.04.2015
16	3500133	Inamullah	V; Shahkani	Chapper	99.9	GPS Umarkot	8572-79	03/05/2014	04/05/2014	1868-74.30.04.2015
17	791700292	Qaribullah	V; Jughabanj	Dislower	91.92	GPS Dheral K Khell	270-75	03/05/2014	04/05/2014	1868-74.30.04.2015
18	792500486	Amir Sald	V; Jekat Darora	Dislower	88.89	GPS Jekat	270-75	03/05/2014	04/05/2014	1868-74.30.04.2015
19	7935000460	Zaullah	V; Jughabanj	Dislower	84.68	GPS Dheral K Khell	3248-56	01/05/2017	04/05/2017	1578-82.03-05-2016
20	791700596	Amamullah	V; Kass Banda	Kotkal	133.45	GPS Gaudat	968-75	12/03/2015	13/03/2015	1578-82.03-05-2016
21	451700609	Muhammad Nisar	V; Karbadai	Nehaj	124.22	GPS Shalgha	968-75	12/03/2015	13/03/2015	1578-82.03-05-2016
22	791700830	Alamgir Khan	V; Dislower	Dislower	117	GPS Dislower	968-75	12/03/2015	13/03/2015	1578-82.03-05-2016
23	791700502	Mujahid Hussain	V; kot Malagajar	Dislower	110	GPS Kot Malagajar	968-75	12/03/2015	13/03/2015	1578-82.03-05-2016
24	891700855	Ali Akbar	Vill; Pashita	Akhgram	109.74	GPS Pashita	968-75	12/03/2015	13/03/2015	1578-82.03-05-2016

ADO (P) Establishment

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ATTESTED

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PST (NTS) Regularization Order

25	791700332	Hassan Ali	VIII, Shinkari Kuro	Akhgram	100.79	GPS Karkabanj	968-75	12/03/2015	13/03/2015	1578-82 .03-05-2016
26	791700644	Irfanullah	VIII; Akhgram	Akhgram	81.72	GPS Botata	968-75	12/03/2015	13/03/2015	1578-82 .03-05-2016
27	451700609	Riaz Ahmad Muhammad	V; Gogyal	Sundal	109.9	GPS Gogyal	968-70	13/03/2015	14/03/2015	1578-82 .03-05-2016
28	791700924	Hachia	VIII; Botata	Akhgram	101.69	GMPS Kasal	968-75	13/03/2015	14/03/2015	1578-82 .03-05-2016
29	791700866	Shah Rahim	VIII; Gull Bagh Karo	Akhgram	100.57	GPS Darokal	968-75	13/03/2015	14/03/2015	1578-82 .03-05-2016
30	791700854	Fazal Wahab	VIII; Batan Akhgram	Akhgram	100.09	GPS Batan Karo	968-75	13/03/2015	14/03/2015	1578-82 .03-05-2016
31	791700916	Suliman	VIII; Batan	Akhgram	98.35	GMPS Ishaq Abad	968-75	13/03/2015	14/03/2015	1578-82 .03-05-2016
32	791700172	Gul Islam	V; Tangal	Wari	115	GMPS Malook Banda	968-75	15/03/2015	16/03/2015	1578-82 .03-05-2016
33	791700758	Usmanullah	V; Jelar VIII; Doryul Karo	Chapper	116.75	GPS Samal	2499-2506	18/05/2015	19/05/2015	2801-5. 19.04.2017
34	792300394	Umar Khaluq		Akhgram	61.31	GPS Bandagal	307-12	04/03/2016	05/03/2016	1275-79. 11.03.2017
35	792200412	Rahmanullah Muhammad	V; Seri Nehag	Bandal	122.78	GPS Seri Nehag	276-81	05/03/2016	06/03/2016	1275-79 11.03.2017
36	792300319	Muhammad Farooq	V; Nasir Abad	Chapper	122.58	GPS Nasir Abad	313-18	05/03/2016	06/03/2016	1275-79 11.03.2017
37	792100370	Masnoon Din	V; Shahkani	Chapper	121.19	GPS Shahkani No 01	313-18	05/03/2016	06/03/2016	1275-79. 11.03.2017
38	792500375	Khan Wahid	V; Daskor P	Wari	118	GPS Daskor P No 02	294-300	05/03/2016	06/03/2016	1280-84. 11.03.2017
39	792300431	Majeedullah	V; Nasir Abad	Chapper	117.28	GPS Gul Shah Dheral	313-18	05/03/2016	06/03/2016	1280-84. 11.03.2017
40	792600234	Karimullah	V; Jughabanj	Dislower	116.9	GPS Dislower	270-75	05/03/2016	06/03/2016	1275-79 11.03.2017
41	792500285	Mubarak Zeb	V; Bagam	Bandal	115.43	GPS Bagam	276-81	05/03/2016	06/03/2016	1275-79 11.03.2017
42	792200302	Muhammad Ayyaz	V; Sundral N.dara	Sundal	115.24	GPS Kandaw Maskari	276 81	05/03/2016	06/03/2016	1275-79 11.03.2017
43	792600260	Inayatullah	V; Makhal	Kotkal	114.8	GPS Seri	264-69	05/03/2016	06/03/2016	1280-84. 11.03.2017
44	792500221	Qayyum Khan	V; Umralal Bala	Chapper	114.66	GPS Umralal B	313-18	05/03/2016	06/03/2016	1275-79 11.03.2017
45	792500263	Amnullah	V; Jughabanj	Dislower	114.48	GPS Sahid Abad	270-75	05/03/2016	06/03/2016	1275-79 11.03.2017
46	791700281	Israrullah	V; Seri S Khell	Kotkal	113.12	GPS Palaw	264-69	05/03/2016	06/03/2016	1275-79 11.03.2017
47	792100251	Ilkhhar Ahmad	V; Badafal	Bandal	111.06	GMPS Badafal	276-81	05/03/2016	06/03/2016	1275-79 11.03.2017
48	792300224	Said Zaman	V; Kurbatan N Dara	Bandal	111	GPS Kurbatan	276-81	05/03/2016	06/03/2016	1275-79 11.03.2017
49	791700353	Muhammad Sher Khan	V; Balkor Karo Dara	Pasita	110.64	GPS Buraral	282-87	05/03/2016	06/03/2016	1275-79 11.03.2017
50	452301144	Fazal Ahad	V; Chapper	Chapper	110.5	GPS Chapper	313-18	05/03/2016	06/03/2016	1275-79 11.03.2017
51	792500224	Said Zaman	V; Kurbatan N Dara	Bandal	110.49	GPS Kurbatan	276-81	05/03/2016	06/03/2016	1275-79 11.03.2017
52	792200366	Sadiqullah	V; Kharposal Karo	Akhgram	110.36	GPS Kharposal	282-87	05/03/2016	06/03/2016	1275-79 11.03.2017
53	792300245	Sheh Nawaz	V; Seri S Khell	Kotkal	109.86	GPS Kandoro Seri	264-69	05/03/2016	06/03/2016	1275-79 11.03.2017
54	892400234	Sihaf Ulah	VIII; Khotandu Karo	Akhgram	109.6	GPS Karkabanj	307-12	05/03/2016	06/03/2016	1275-79 11.03.2017
55	792300189	Tufzanullah	V; Makhal	Kotkal	109.58	GPS Panjkoru	264-69	05/03/2016	06/03/2016	1275-79 11.03.2017
56	791700414	Ibrahim	V; Samal	Chapper	108.91	GPS Samal	313-18	05/03/2016	06/03/2016	1280-84. 11.03.2017
57	792500174	Ruhoofullah	V; Mattar	Bandal	107.82	GPS Mattar No 02	276-81	05/03/2016	06/03/2016	1275-79 11.03.2017
58	791700418	Ilkhu Taj	V; Sundal	Sundal	107.73	GPS Mishnana B No 02	288-93	05/03/2016	06/03/2016	1275-79 11.03.2017

ADO (P) Establishment

Page 2 of 14

ATTESTED

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PST (NTS) Regularization Order

Terms & Condition

1. Their services shall be governed by the Khyber Pukhtunkhawa Civil Servants Act, 1973, the Khyber Pukhtunkhawa (Appointment, Deputation, Posting & Transfer of teacher, Instructors & Doctors) Regulatory act, 2011, and such rules and regulations as may be issued from time to time by the Government.
2. Their services shall be considered regular and they shall be eligible for pension / deduction of GP Fund in terms of the Khyber Pukhtunkhawa Civil Servant Act, 1973 as amended in 2013.
3. They shall possess the same qualification and experience required for the regular post.
4. Their services are liable to termination on one month notice from either side, in case of resignation without notice, their one month pay/allowances shall be forfeited to the Government.
5. Their regularization shall not affect the promotion quota of existing holders of posts in respective service cadres.
6. The regularization shall not be in favor of those, who have not taken over charge or have remained absent from duty or resigned from service and also not for those who are under disciplinary proceedings.
7. The Employees whose services regularized under the Khyber Pukhtunkhawa Employees of the Elementary & Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pukhtunkhawa Act No.1 of 2018) or in the process of attaining service at the commencement of Khyber Pukhtunkhawa Employees of Elementary and secondary Education (Appointment and Regularization of services) Act, 2017 (Khyber Pukhtunkhawa Act No.1 of 2018) shall rank junior to all civil servants belonging to the same service or cadre. As the case may be, who are in service on regular basis on the commencement of the Khyber Pukhtunkhawa Employees of Elementary And secondary Education (Appointment and Regularization of services) act, 2017 (Khyber Pukhtunkhawa Act No.1 of 2018) and shall also junior to such other persons, if any, who, were appointed on regular basis to the respective service or cadre before the commencement of this Act, irrespective of their actual date of appointment.
8. The seniority inter-se of the employees, whose are regularized under this Act within the same service or cadre, shall be determined on the basis of their merit position in such service or cadre.
9. Their seniority shall be determined on the basis of their continuous service in cadre, provided that if the date of continuous services in the case of two or more employees is the same, the employee older in age shall be ranked senior to the younger one.

(ABDUL HAQ)
DISTRICT EDUCATION OFFICER
(MALE) UPPER DIR

ADO (P) Establishment

Page 13 of 14

ATTACHED

(17)


PST (NTS) Regularization Order

Endstt: No. 156667 F.No 158/DEO (M)/ADO (P) ESTB:

Dated 2/1/3 /2018

Copy forwarded to the

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer Upper Dir
3. Dy: District Education Officer (M), Upper Dir
4. SDEO (Male) Barawal, Kalkot, Dir, Wuri & Sheringal.
5. Teachers Concerned
6. AP EMIS Local Office
7. Office Copy


DISTRICT EDUCATION OFFICER
(MALE) UPPER DIR


ATTESTED

ANNEXURE .F

18

1.
2.
3.

Verification Roll No.

Date

Obtained Date

01) *Pass 550 Examination*
USE Said Under Roll No.
12896 Session 2000 Annual
Obtained marks 508/850 Thumb Impression *Obtained*
Under Roll No. 12896
Session 1117 2000
Result declared on 24

[Signature]
 S. ...
 [Official Seal]

[Signature]
 [Official Seal]

Qualifications	Date	Qualifications	Date
02) <i>Pass E.S.C Examination</i> <i>From USE Said Under Skarif</i> <i>Said Under Roll No. 20159.S.</i> <i>Session 2002 Supply</i> <i>Marks 579/1100</i>		First Arts	
		D.L. or B.A.	
		Pleadship examination	
		Training School Final Examination	
		Other Qu.ifications:-	

R.S. - Leave as directed on the 24th of the month of ...

ATTESTED

Name of the Government Servant

1. Name _____

2. Rank _____

3. Residence _____

4. Father's name and residence _____

5. Date of birth by Christian era as nearly as can be ascertained _____

6. Exact height by measurement _____

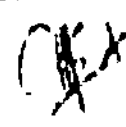
7. Personal marks for identification _____


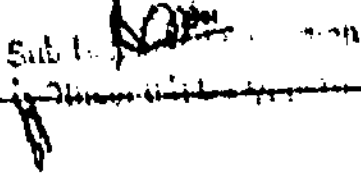
8. Left hand thumb and Finger Impression of (Non-Gazetted) Officer.

Little Finger  Ring Finger 

Middle Finger  Fore Finger 

Thumb 

9. Signature of Government Servant 

10. Signature and Designation of the Head of the Office, or other attesting Officer. 
Sub. 

~~ATTESTED~~

Name of ...

...

...

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do-

R. 1332.55

do-

R. 9055/-

do-

R. 11110/-

do-

R. 11110/-

EPS

Baroda
Darakot

R. 11110/-

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do-

R. 1332.55

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ATTESTED

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2017

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From the ...
over charge ...
Rs. (11140 - 2000 35140) 2-13

Pay on 06-05-2017 - Rs. 11140/-

" " 01-07-2017 - Rs. 13320/-

" " 01-12-2017 - Rs. 14280/-

Rs. (13320 - 400 - 41120) 2-13

- do

Rs. 14280/-

do

Rs. 16200/-

Re-appointed

2017

Office Of The Accountant General
Khyber Pakhtun Khwa Peshawar
Pay Fixed in The R.B.P.S 2017

RBPS: 13320 - 200 - 42100 (12)

AIR: 13320

1-07-2017

With Next Increment On 1-12-2017

Accounts Officer
Pay Fixation Party Khyber Pakhtunkhwa
Peshawar

HC

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17160/-

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ATTACHED

Check of
records
of all
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Dated 24/05/2014

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A/1948
T-55
117/14
SDEC
2-19
A/19
Paid Paid
1/5/16
25/6/16
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24/5/16
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Service Van
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21-02-2016

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1-11-11

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of first
Dated 02/05/2017 at 5.10.1

8-11-0
KED
UPPER

T No 105 DI 8/6

Amount Rs 2393/-

to 31/5/17

S.C 18

20/11/17

6/6 BAD 5

22-11-17

Prud

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ORI

15-11-17 30-11-17

Prud

ORI

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Handwritten signature

12-11-17

30-11-17

ANNEXURE H

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



PH No. 0944-891400

E-mail: deomdirupper@gmail.com

27

PROMOTION ORDER.

Consequent upon the recommendation of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary & Secondary Education Notification No.SO(B&A)/118/E&SE/2012 dated 11-07-2012 and Finance Department Endst.No.SO(FR)/FD/10-22(E)/2-10 dated 16-07-2012, the following Primary School Teachers (PSTs) BPS-12 are hereby promoted to the post of Senior Primary School Teacher (SPST) BPS-14 (15180-1170-50280) plus usual allowances as admissible under the rules, on regular basis under the existing policy of the Provincial Government Teaching Cadre with the terms and conditions given below with effect from 27-02-2021.

S.No	Name of teacher	Father Name	Name of present School	Place of posting	Remarks
1	RAFIULLAH	IAKHT ROZ KHAN	GPS KASS SHINGARA	GPS KASS SHINGARA	A.V.P
2	FAZAL HALEEM	FAZAL RABBI	GMPS BANU	GMPS BANU	A.V.P
3	MAJEDULLAH	MARNULLAH	GPS No.7 WARI	GPS No.7 WARI	A.V.P
4	SYED NASAR IFTIKHAR	SAEED MIAN GRAM	GPS SUNDERAWAL	GPS SUNDERAWAL	A.V.P
5	AQAL ZAHIN	AKBAR ZAHIN MUHAMMAD AKBAR KHAN	GPS HAIKAND	GPS HAIKAND	A.V.P
6	MUHAMMAD ALI	KHAN	GPS HAITAN	GPS HAITAN	A.V.P
7	MUHAMMAD NISAR	GUL MUHAMMAD	GPS SHALGAI (A)	GPS SHALGAI (A)	A.V.P
8	ADIL ZADA	RAHIM GUL	GPS BHIYANWAN	GPS BHIYANWAN	A.V.P
9	BADSHAH ISLAM	ASTANDIYAR KHAN	GPS SHONGA	GPS SHONGA	A.V.P
10	NADAR KHAN	MIR ZAMAN KHAN	GPS HAVLY KAITI	GPS HAVLY KAITI	A.V.P
11	FAZAL WAHAB	ABDUR RASHID	GPS BASTAN	GPS BASTAN	A.V.P
12	SHAH FAISAL	HAZHAT FAQIR	GPS NO.3 THALI	GPS NO.3 THALI	A.V.P
13	SULIMAN	DACHA MAIN	GMPS ISHAQ ABAD	GMPS ISHAQ ABAD	A.V.P
14	TAJ MUHAMMAD	GUL ZAMAN KHAN	GPS SHAIMAN	GPS SHAIMAN	A.V.P
15	HAJEEDULLAH	AJIB KHAN	GPS HOKHAN (P)	GPS HOKHAN (P)	A.V.P
16	AMIR ZAMAN KHAN	AKBAR KHAN	GPS KOTI BASTO	GPS KOTI BASTO	A.V.P
17	HAZ AHMAD	SHAH HASOOL	GPS Rahano knower	GPS Ahower	A.V.P
18	SHAH RAHIM	HADJIBULLAH	GPS DAROKAI	GPS DAROKAI	A.V.P
19	SHEIKHUR RAHMAN	IAKHT KARIM JAN	GPS KOTREY	GPS KOTREY	A.V.P
20	HASSAN ALI	MUHAMMAD RAJIB	GPS SHIKARAI	GPS SHIKARAI	A.V.P
21	HASAN ULLAH	SEHIB HUSSAIN	GPS DELANAL	GPS DELANAL	A.V.P
22	MUHAMMAD IKRAM	BAQIR ZAHID	GPS NO.02 MIANA	GPS NO.02 MIANA	A.V.P

[Handwritten signature]

[Handwritten signature] 24/3/21

ATTESTED

- Their Services can be terminated at any time, in case their performances are found unsatisfactory during probationary period. In case of misconduct they shall be proceeded under the rules framed from time to time.
04. Charge report should be submitted to all concerned
 05. Their Inter-Seniority on lower post will remain intact
 06. No TADA is allowed for joining their duties.
 07. The will give an undertaking to this effect to be recorded in their service books

29

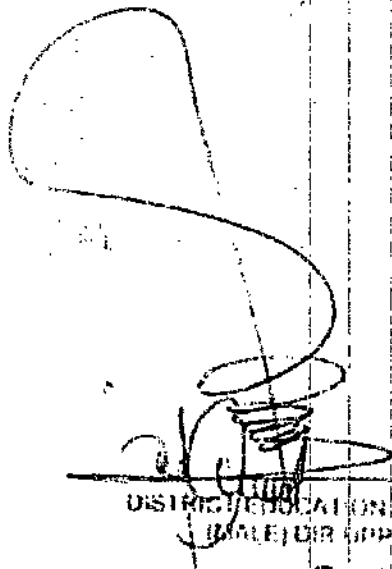
(JAFFAR MANSOOM ABBASI)
DISTRICT EDUCATION OFFICER
(MALE) DIR UPPER

Enclt No _____ /F No 107/DEC (M/AGD) (EU)

Primary (M) Dated Dir, the _____ /2021

Copy forwarded for information and necessary action to the

01. PA to the Director (EASE) Khyber Pakhtunkhwa Peshawar
02. District Accounts Officer Dir Upper
03. Sub-Divisional Education Officers Male Dir Upper
04. Budget and Account Officer Local Office
05. Officials Concerned
06. M File



DISTRICT EDUCATION OFFICER
(MALE) DIR UPPER

24/3/21

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The District Education Officer (M),
District Dir Upper.

Subject: **DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED 24-03-2021 WHERE BY JUNIORS TO APPELLANT HAVE BEEN PROMOTED TO THE POST OF SPST (BPS-14) WHILE THE APPELLANT WAS IGNORED AND AGAINST THE INACTION OF THE RESPONDED BY NOT COUNTING THE ADHOC SERVICE OF THE APPELLANT TOWARD LENGTH OF SERVICE FOR PROMOTION.**

Sir,

Most respectfully, it is stated that:

I am an employee of your Department and was initially appointed as PST BPS-12 at GPS Nergah District Dir Upper vide order dated 12.03.2015 on the proper recommendation of departmental selection committee. That in response the appellant submitted his arrival report. That where after the appellant started performing his duty at the concerned station quite efficiently and up to the entire satisfaction of his superiors.

That later on through a new advertisement the appellant applied for the post of PST BPS-12 on adhoc basis for the second time through proper channel and was recommended by the departmental selection committee for approval against the said post. That in light of departmental selection committee recommendation the appellant was appointed as PST BPS-12 vide order dated 05-05-2017.

That it is pertinent to mention here that the appellant applied for the second time for the post of PST BPS-12 for the purpose of posting at his home union council/nearby station.

That in light of the ibid appointment order the appellant submit his charge vide dated 06.05.2017 report and accordingly relived from his prewise post, started performing his duties quit efficiently and up to the entire satisfaction of his superior.

That vide notification dated 02-03-2018 services of the appellant were regularized in light of regularization Act 2017.

That accordingly the regularization entry was made in the service book of the appellant but unfortunately the prewise adhoc service of the appellant with effect from 12-03-2015 till 21-03-2018 has not been counted for the purpose of pay fixation and for the purpose of length of service count for promotion.

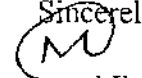
That according to the proposed list prepared by the District Educating Officer (male) Dir Upper for the purpose of promotion to the post of SPST BPS-14 the appellant was placed at Serial NO.24 of the ibid list.

That unfortunately vide impugned Office order dated 24-03-2021 the appellant was ignored for promotion to the post of SPST BPS-14 without any reason and clear justification while juniors to appellant have been promoted to the post of SPST BPS-14.

That on acceptance of this departmental appeal the impugned order dated 24-03-2021 of the respondent may very kindly be rectified/modified to the extent of appellant by directing the respondent to consider the appellant to the post of SPST BPS-14 with all back benefits and the respondents may further please be directed to grant pay fixation and count the prewise adhoc service of the appellant for the purpose of length of service for promotion.

Dated:22.4.2021

Sincerely Yours



Muhammad Hvas, PST (12),
GPS Bin Beraray, District Dir Upper.

31



VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO _____ OF 2021

Muhammed Ilyas

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Department

(RESPONDENT)
(DEFENDANT)

I/We Muhammed Ilyas

Do hereby appoint and constitute **NOOR MUHAMMAD KHATTAK, Advocate, HIGH COURT, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2021


CLIENT

ACCEPTED
NOOR MUHAMMAD KHATTAK


KAMRAN KHAN


SAID KHAN


UMAR FAROOQ MOHMAND

& 
HAIDER KHAN
ADVOCATE

OFFICE:

Flat No.4, 2ND Floor,
Juma khan plaza near
FATA secretariat, warsak road
Peshawar City.
Mobile No:0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 7365/2021

**Mohammad Ilyas, PST (BPS-12) GPS Bin Beyari District Dir Upper
..... (APPELLANT)**

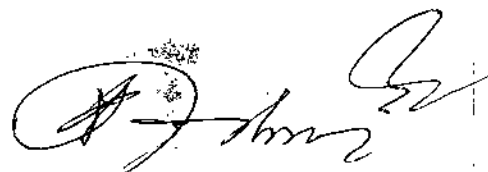
Versus

- 1. Secretary, Elementary and secondary Education Khyber Pakhtunkhwa
Peshawar.**
- 2. Director, Elementary and secondary Education Khyber Pakhtunkhwa
Peshawar.**
- 3. District Education Officer (M) DIR Upper
..... (RESPONDENTS)**

JOINT PARA WISE COMMENTS ON &for BEHALF OF RESPONDENT NO: 3 & Other

INDEX

S #	Description	Page Nos	Annexure
1	Comments along with Affidavit		
2	Copies of the resignations /NOC, s of the Appellants		A
3	Copy of The Khyber Pakhtunkhwa Employee of E&SE Department (Appointment & Regularization of Services) Act 2017.		B



**District Education Officer (M)
Dir Upper**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. 7365/2021

Mohammad Ilyas, PST (BPS-12) GPS Bin Beyari District Dir Upper
..... (APPELLANT)

Versus

1. Secretary, Elementary and secondary Education Khyber Pakhtunkhwa Peshawar.
2. Director, Elementary and secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (M) DIR Upper
..... (RESPONDENTS)

JOINT PARA WISE COMMENTS ON &for BEHALF OF RESPONDENT NO: 3 & Other

Respectfully Sheweth: -

PRELIMINARY OBJECTIONS.

1. That the Appellant have got no cause of action/locus standi to file the instant Service Appeal.
2. **That the alternate remedy was available for Appellants in shape of filing of departmental appeal before the appellate authority but Appellants badly failed to avail the already available remedy hence, the instant Service Appeal cannot file.**
3. That the instant Service Appeal is hit by the **Principal of Latches.**
4. That the Appellants have concealed the material facts from this Honorable Court.
5. That the instant Service Appeal is based on malafide intentions.
6. That the Appellant did not come to this Honorable Court with clean hands hence, not entitled for any relief.
7. That the instant Service Appeal is against the prevailing Law, Rules & Policy.
8. That the Appellant is estopped by their own conduct to file this Service Appeal.

9. That the Appellants have been treated as per Law Rules & set procedure.
10. That the present Service Appeal is bad for mis-joinder & non-joinder of the necessary parties.
11. That the instant Service Appeal is barred by Law.
12. That the appellant was appointed on adhoc/school basis for one year and after resignation he was appointed in the new advertised post of PST and later on was regularized under the section 3 of The Khyber Pakhtunkhwa Employee of E&SE Department (Appointment & Regularization of Services) Act 2017.

Facts:

1. That the Para No. 1, of the Service Appeal pertains to their identical record of the appellant hence, need no comment.
2. That the Para No. 2, of the service appeal is correct up to the extent of the appointment of the appellant on adhoc /school basis for a specific period of one year which is much clear from the terms and conditions No. 3 of the appointment order dated 12-03-2015 i.e. "Appointment is purely on temporary basis initially for one year". Which is also further clarified in the terms and condition No.12. "That his appointment is made on school based. He will have to serve at the place of posting, and his service is not transferable to any other station.
3. That the Para No. 3, of the service appeal is also correct that the appellant was initially appointed as PST on adhoc /school basis for a period of one year, the appellant applied for transfer many times for any vacant seat of PST lying in the domain of his residential, but the official respondents rejects his application due to his appointment on adhoc/contract basis , meanwhile a new advertisement was issued in which the appellant along with others colleagues applied for the said posts of PST lying near to his residential(without getting N.O.C is he was serving on an adhoc/contract basis), after conducting the test the appellant was recommended and after tendering the resignation ,he was again re appointed on the post of PST on adhoc/school basis in the year 2017.
4. In reply to Para No. 4, of the Service Appeal it is submitted that the Appellants were appointed in their own opted schools on

adhoc/contract /school base as their services were not transferable at that particular time. So, the Appellants after resigning from their previous post applied against the new post through fresh advertisement by accepting the terms and conditions of the advertisement *ibid*.

5. That Para No. 5, of the Service Appeal needs no comments.
as composed as incorrect hence denied as the Appellants were not in continuous service due to resignations already annexed as annexure "A" in the above Para.
6. That Para No. 6, of the Service Appeal is correct up to the extent of regularization with section 3 of The Khyber Pakhtunkhwa Employee of E&SE Department (Appointment & Regularization of Services) Act 2017 and the regularization orders of the Appellants were issued in accordance with the provisions of the Act *ibid* and all the contract employees were regularized from the day of their initial appointment. It is pertinent to mention here that the Appellants were appointed as adhoc/contract/school base for a probation period of one year from which they had submitted their resignations from their previous appointment and applied against the fresh advertisement with their free consent. (copy of The Khyber Pakhtunkhwa Employee of E&SE Department (Appointment & Regularization of Services) Act 2017 is annexed as "B")
7. That para-7 of the service appeal is also correct to the extent that the appellant was regularized w.e.f 21-03-2018, as the previous service of the appellant was on adhoc/contract basis just for one year from which he has submitted resignation. It is also pertinent to mention here that the appellant has not also applied through proper channel as no N.O.C was issue to him.
8. That Para No. 8, is incorrect hence denied, furthermore the appellant was regularized w.e.f 21-03-2018, so neither eligible, nor entitled for promotion to Senior Primary School Teacher.
9. That Para No. 9, of the service appeal is incorrect and further stated that the promotion order dated 24-03-2021 has been issued as per law and rules while the appellant was junior so not considered for promotion.

10. That the Para No. 10, of the instant service appeal as composed is incorrect hence denied. The Appellants did not avail the alternate remedy which was available under the law in form of **departmental appeal**. Hence the instant service appeal is not maintainable and same is liable to be dismissed on this score alone. Furthermore, the appellant was bound to file the departmental appeal to next higher authority which is director E&SE Peshawar.
11. That the Para No, 11 is incorrect, hence denied and further stated that the appellant has another alternates remedy in the shape of filling an appeal/representation for redressal of their grievances (if any).

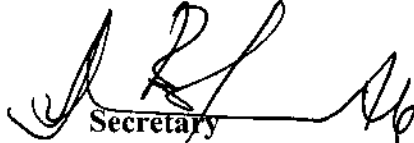
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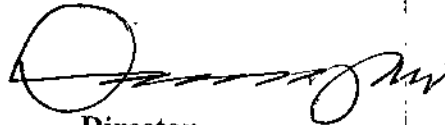
- a. That ground A, of the service appeal as composed is incorrect hence, denied as comprehensive reply has already been given in Para No.4 and 7 of the factual objections.
- b. That ground B, of the service appeal as composed is incorrect hence, denied as comprehensive reply has already been given in Para No.4 and 7 of the factual objections.
- c. That ground C, of the service appeal as composed is incorrect hence, denied. As there is no discrimination on the part of the answering respondents and the Appellants have been treated in accordance with law rules and policies. And detail reply has already been given in Para No.4 and 7 of the factual objections.
- d. That ground D, of the service appeal as composed is incorrect hence, denied.
- e. That the ground E, of the service appeal as composed is incorrect hence denied. The services of the Appellants were regularized in accordance with the section 3 of The Khyber Pakhtunkhwa Employee of E&SE Department (Appointment & Regularization of Services) Act 2017 and the regularization orders of the Appellants were issued in accordance with the provisions of the Act ibid and all the contract employees were regularized from the day of their initial appointment. It is pertinent to mention here that the Appellants were appointed as adhoc/contract/school base for a probation period of one year from which they had submitted their resignations from their previous appointment and applied against the fresh advertisement with their free consent.

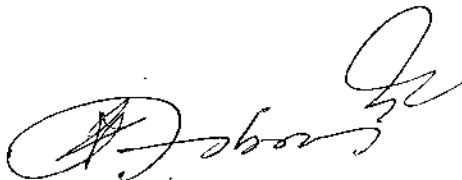
f. That the ground F, of the service appeal as composed in incorrect hence denied. As Appellant has been treated in accordance with the law and they have not been deprived by the answering respondents.

However, the answering respondent seeks leave of this Honorable Court to agitate additional grounds during the course of arguments.

It is, therefore, in the light of above stated facts and circumstances very humbly prayed that the service appeal in hand may please be dismissed with cost.


Secretary
E&SED Khyber Pakhtunkhwa
(Respondent No. 1)


Director,
E&SE Khyber Pakhtunkhwa
(Respondent No. 2)


District Education Officer (M)
Dir Upper
(Respondent No. 3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. 7365/2021

Mohammad Ilyas, PST (BPS-12) GPS Bin Beyari District Dir Upper
..... (APPELLANT)

Versus


1. Secretary, Elementary and secondary Education Khyber Pakhtunkhwa Peshawar.
2. Director, Elementary and secondary Education Khyber Pakhtunkhwa Peshawar
3. District Education Officer (M) DIR Upper (Respondents)

Affidavit

I, Syed Alamzeb Shah Litigation officer DEO (M) Dir Upper do hereby solemnly affirm and state on oath that the whole contents of this reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this August court.

Identified by

Addl; Advocate General
Khyber Pakhtunkhwa.


Deponent

Syed Alamzeb Shah
Dir Upper
Litigation Officer DEO (M) Dir Upper

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. 7365/2021

Mohammad Ilyas, PST (BPS-12) GPS Bin Beyari District Dir Upper
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Versus

1. Secretary, Elementary and secondary Education Khyber Pakhtunkhwa
Peshawar.
2. Director, Elementary and secondary Education Khyber Pakhtunkhwa
Peshawar
3. District Education Officer (M) DIR Upper

..... Respondents)

AUTHORITY LETTER

Mr. Syed Alamzeb Shah Litigation Officer of the office of DEO (M) Dir Upper
undersigned is hereby authorized to submit the comments /reply in the
service appeal No.7365/2021

Title: Mohammad Ilyas v/s Govt: of KP and others on my behalf.

District Education officer (M)

District Dir

Upper



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) DIR UPPER

PH NO.0934-881400 Email: deomdirupper@gmail.com.

APPOINTMENTS

Consequent upon the recommendation of the Departmental Selection Committee, appointment of the following candidates are hereby ordered against the post of Primary School Teachers (PST) Male School-based in BPS-12 (Rs.11140-800-35140) @ Rs.11140/- fixed plus usual allowances as admissible under the rules on adhoc basis under the existing policy of the Provincial Government, in Teaching Cadre on the terms and conditions given below with effect from the date of their taking over charge:-

S.#	NTS Roll No.	Name	Father Name	DOB	Place of Posting	CNIC	Merit	Ward/U.C	Remarks
1	7932000586	ADNAN ABRAS	SHAFI ULLAH	14-01-92	GPS KASS DIR NO 1	15701-3018852-7	117.63	DIR URBAN	AVP
2	7932000825	RAFI ULLAH	SAID MALIK	25-01-90	GPS ROKHAN BALA	15701-4797232-3	112.53	DIR URBAN	AVP
3	7931000635	ZAHID ULLAH	SHER ZADA	18-03-88	GPS KHARAV/ROKHAN	15701-1161887-7	108.7	DIR URBAN	AVP
4	7917000215	IHSAN UL HAQ	GUL AZEEM KHAN	08-08-83	GPS MIRASHI PATI	15701-4561147-1	104.46	DIR URBAN	AVP
5	7935000114	SHER RAHMAN	HAKIM KHAN	15-05-95	GPS BEKARAY	15701-3919023-9	103.39	DIR URBAN	AVP
6	7932000547	JAWAD ALI	SAID BACI	15-08-1996	KHARAV/ROKHAN	15701-8622797-3	99.93	DIR URBAN	AVP

TERMS & CONDIATION.

1. NO TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary basis initially for one year.
4. They should not be handed over charge if they exceed 35 years or below 18 years of age.
5. Appointment is subject to the condition that their certificates/degrees must be verified from the concerned authorities if anyone found producing bogus Certificate will be reported to the law enforcing agencies for further action.
6. Their services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
7. Pay will not be paid until and unless a certificate from the concerned authority is issued that their certificates are verified.
8. They should join their post within 15 days of the issuance of this notification. In case of failure to join their post within 15 days of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained..
9. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
10. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
11. Their services shall be terminated at any time, in case of their performance is found unsatisfactory during their contract period. In case of misconduct, they will be preceded under the rules framed from time to time.
12. Their appointments are made on School based, they will have to serve at the place of posting, and their service is not transferable to any other station.
13. Before handing over charge once again their document may be checked if they have no required qualifications, they may not be handed over charge.
14. No payment will be made so then before making verification from concerned institutions.
15. The errors and omissions etc if found at any stage shall be rectified. In case of termination of said candidate, he will have no right to claim the order already issued in any court.

DEO

Inst: No. 3134-42 / File No.03C/PST/Apptt:2017 NTS /DEO(M)/ADO(P)Dated Dir (U) the 03/05/2017.

Copy forwarded for information and necessary action to the: -

1. Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer Dir Upper
3. Dy: District Education Officer Male Dir Upper.
4. Sub: Divisional Education Officer (Male) Dir, Wari, Barawal and Kalkot.
5. Head Teachers concerned.
6. Sr. C.O EMIS Local Office.
7. Official Concerned.
8. M/FILE

llh
DISTRICT EDUCATION OFFICER
(MALE) DIR UPPER

[Signature]

7c



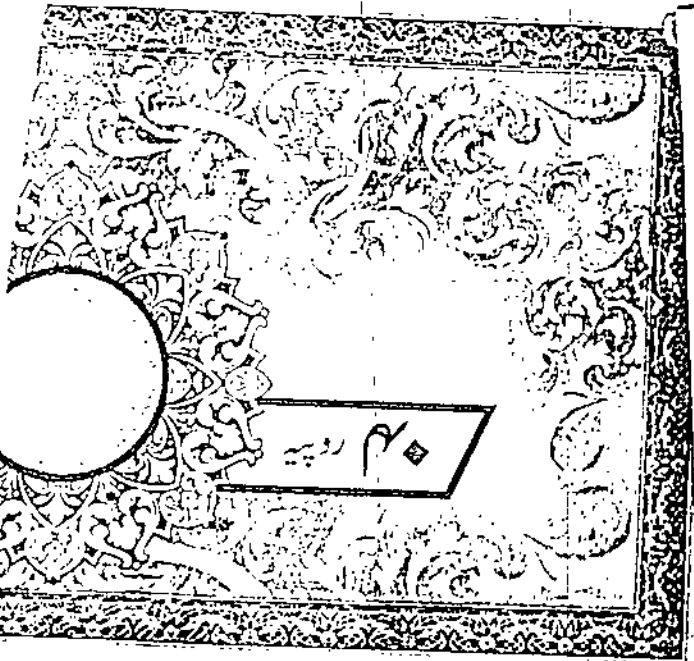
حکومت پاکستان

قومی شناختی کارڈ

15701-3919023-9

شیراز خان

15/06/1995



بیان حلفی

میں سہلی شیراز خان ولد حکیم خان سکندری بیگم کے دیر بالا
 حلقاً اقرار کرتا ہوں کہ میں نے سہلی عظمت اللہ خان ولد
 سعید اللہ خان کے حق میں GPS بیگم سے دستبردار ہوا تھا۔
 اب اگر اُسکی تقرری GPS بیگم میں نہیں ہو سکتا تو
 مجھے GPS بیگم پر ایڈجسٹ کریں۔ کیونکہ میں نے صرف مندرجہ
 کول کے لیے ایڈجسٹ کیا تھا۔

یہی میرا بیان ہے جو درست ہے

(Signature)

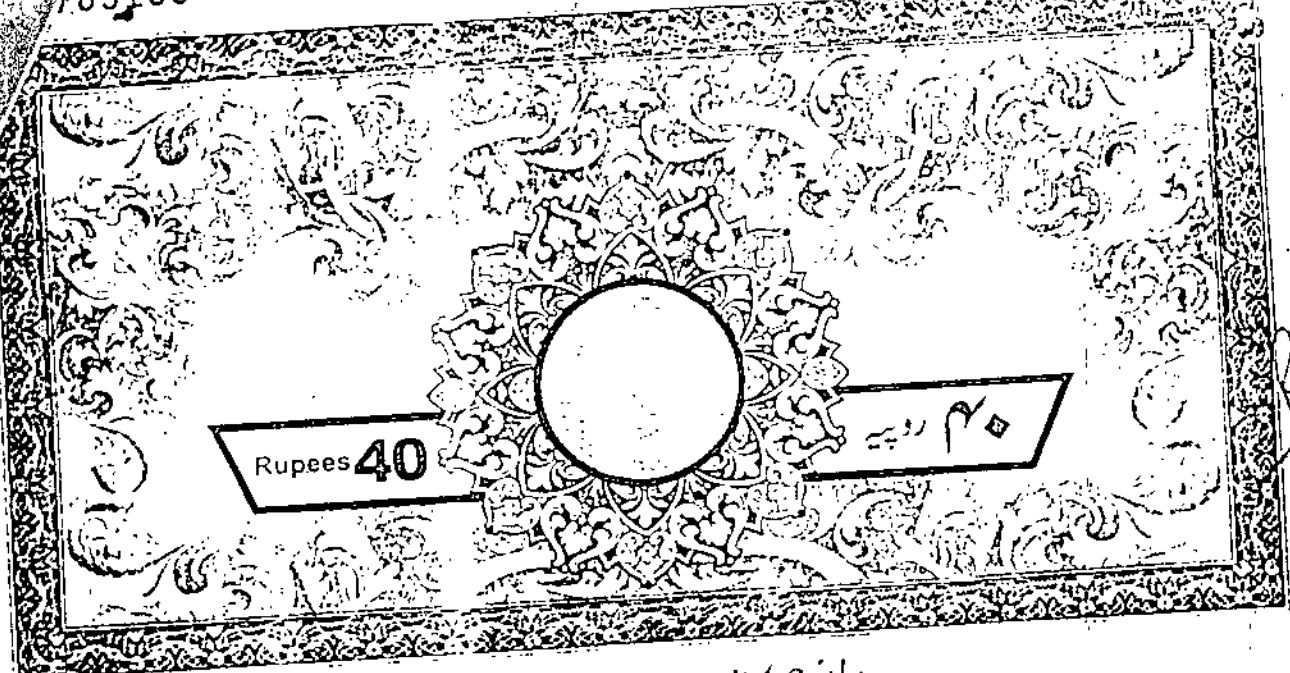
30-03-2017ء مورخہ

شیراز خان
 سکندری بیگم دیر بالا

15701-3919023-9

15701-3919023-9

15701-3919023-9



Refused
PST
New
Post.

بیان حلف

میں نے مسیٹر رحمان ولد مسیٹر حکیم خان سے بیگار
 دس ماہہ پر ہوش و حواس دے کر اجازت لی ہے۔
 کہ ان عہدے پر 2016 میں مسیٹر شہزادہ
 PST دوسٹوں کے ساتھ ساتھ بیگار کے
 درخواست دی تھی۔ اگر یہ نہ کورہ لوگ چھوڑنے
 کیوں کہ مسیٹر عہدے اللہ خان کی لہجہ
 ہو سکتی ہے۔ تو ان عہدے پر اپنے لقبیات سے
 دستبردار ہونا ہوتا ہے۔
 صندھروف لہجہ اجازت نامہ حلف بیان
 لکھ کر ہوتا ہے۔

20-03
 07
 سنہ ۲۰۱۷

اللہ

سید مسیٹر رحمان

Attested
 Oath Commissioner
 District Courts Dir Upper

CNIC 15701-3919023-9

قلمرو پاکستان
قلمرو سندھ
15701-39100200
قلمرو سندھ
15-00/1999



۴۵ روپیہ

Dr. urba

اقرار نامہ / بیان حلفی:

میں نے مسمنی شفیق الرحمن ولد عباد الرحمن اقرار کر کے لکھ دیا ہے کہ میں
مخالف کا PST پوسٹ پر تقرری: درجی ہے لیکن میں اس وقت پتہ نامہ مزید
جو جوہت کی بنا پر اسے مذکورہ سے دستبردار اختیار کرتا ہوں کہ یہ فی جگہ
کسی دوسرا اہل نفس کو تعینات کرے تو مجھے کوئی اعتراض نہیں ہے۔ یہی میرا
بیان ہے۔


شفیق الرحمن

شفیق الرحمن ولد عباد الرحمن سکینہ ریجن ٹکٹ پتہ
شناختی کارڈ نمبر 9-4121019-15701

ATTESTED
Akhtar Munir Advoca
Notary Public
District Courts Dir Upper

AN
ACT

to provide for the appointment and regularization of the services of certain employees appointed on adhoc or contract basis or appointed in certain projects in the Elementary and Secondary Education Department in the Province of the Khyber Pakhtunkhwa.

WHEREAS it is expedient to provide for the appointment and regularization of the services of certain employees appointed on adhoc or contract basis or appointed in certain projects in the Elementary and Secondary Education Department in the Province of the Khyber Pakhtunkhwa, in the public interest;

It is hereby enacted as follows:

1. **Short title, application and commencement.**—(1) This Act may be called the Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education Department (Appointment and Regularization of Services) Act, 2017.

(2) It shall apply to all the employees in the Elementary and Secondary Education Department, as defined in clause (c) of sub-section (1) of section 2 of this Act.

(3) It shall come into force at once and it shall be deemed to have taken effect from the date of the initial appointment of the employees as referred to in clause (c) of sub-section (1) of section 2 of this Act.

2. **Definitions.**—(1) In this Act, unless the context otherwise requires,—

- (a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;
- (b) "contract appointment" means appointment of a duly qualified person for a specific period made otherwise than in accordance with the prescribed method of recruitment;
- (c) "employees" mean duly qualified persons,—
 - (i) who are appointed as teachers on adhoc or contract basis by the Government after 2013 through National Testing Service but does not include the teachers engaged on work charge basis or who are paid out of contingencies;
 - (ii) who are appointed in the projects on contract basis in accordance with the project policy; and
 - (iii) who are appointed as Junior Clerk in the Elementary and Secondary Education Department by Government after 2013 through National Testing Service;
- (d) "Government" means the Government of the Khyber Pakhtunkhwa;

Provided that if the date of continuous service in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

5. **Overriding effect.**--- Notwithstanding anything to the contrary contained in any other law or rules for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rules to the extent of inconsistency to this Act shall cease to have effect.

**BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA**

(INAMULLAH KHAN)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa