


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Appeal No. \_\_\_\_\_

2058/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/10/2023	<p>The appeal of Mr. Gul Rahim Shah resubmitted today by Mr. Khaled Rehman Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshai is given to the counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>

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

Appeal No. 2058/ 2023

Gul Raheem Shah (13)

V/S

Govt and others

**APPLICATION FOR RETAINING THE TITLED CASE  
AT PRINCIPAL SEAT PESHAWAR.**

**Respectfully Sheweth:**

1. That the above titled case are pending adjudication before this Hon'able Service Tribunal at Peshawar seat.
2. That the counsel of the appellant is perusing cases mostly at principal seat and also at Peshawar High Court, so it will be heard to peruse these cases at camp Court Swat.

It is therefore, most humbly prayed that on acceptance of this application, the appeal mentioned above may kindly be fixed at principal seat Peshawar.

Dated 17/10/2023

Applicant

Through

  
Khalid Rehman

Advocate High Court Peshawar

The appeal of Mr. Gul Rahim Shah DM GMS Sharghashay District Buner received today i.e on 09.10.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Affidavit is not attested by the Oath Commissioner.
- 3- Annexures of the appeal are unattested.
- 4- Appeal has not been flagged/marked with annexures marks.
- 5- Copy of service appeal/judgment in respect of appellant mentioned in para 7 of the memo of appeal is not attached with the appeal.
- 6- Page nos. 10, 38 to 40 of the appeal are illegible.
- 7- 40 more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 3362 /S.T.

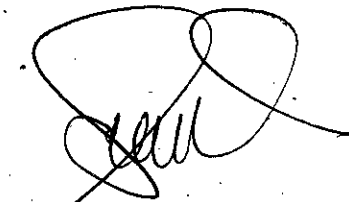
Dt. 10/10 /2023.



REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Khaled Rehamn/Adv.  
High Court at Peshawar

1. Objection of check list removed
2. Affidavit has been filed
3. Objection removed
4. Properly marked, objection removed
5. Judgment has been attached
6. Pages have been legible
7. Objection removed.



16-10-23.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 2058/2023

Gul Rahim Shah..... Appellant

Versus

The Government of Khyber Pakhtunkhwa & others ..... Respondents

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11.	Wakalat Nama			

Through

Appellant

Khaled Rahman  
Advocates, Supreme Court

&

Muhammad Ghazanfar Ali  
Advocates, High Court  
4-B, Haroon Mansion  
Khyber Bazar, Peshawar  
Off: Tel: 091-2592458  
Cell # 0345-9337312

Dated: \_\_\_/10/2023

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 2058 /2023Khyber Pakhtunkhwa  
Service TribunalDate: 8/8/23Filed: 09/10/23

**Gul Rahim Shah,**  
DM GMS Sharghashay,  
District Buner.....

**Appellant**

VERSUS

1. **The Govt. of Khyber Pakhtunkhwa**  
through Secretary, Elementary & Secondary Education  
Department Civil Secretariat, Peshawar.
2. **The Director,**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar
3. **The District Education Officer (Male)**  
District Buner.
4. **Muhammad Alam,**  
DM, GMS Jangdara, District Buner.
5. **Ahmad Syed,**  
DM, GHS Rega, District Buner.
6. **Bakht Alam,**  
DM, GMS Pangaley, District Buner.
7. **Muhammad Bahadar,**  
DM, GMS Malak Pur, District Buner.
8. **Murad Ali,**  
DM, GMS Mughdara, District Buner.
9. **Muhammad Ali,**  
DM, GMS Malka, District Buner.
10. **Niazmin Khayas,**  
DM, GCMHS Daggar, District Buner.
11. **Ayub Khan,**  
DM, GHS Nogram, District Buner.
12. **Tariq Ahmad,**  
DM, GMS Langaw, District Buner.

13. **Fazli Amin,**  
DM, GMS No.1 Rega, District Buner.
14. **Shah Hussain,**  
DM, GHS Cheena, District Buner.
15. **Aurang Shah,**  
DM, GMS Miana Kadal, District Buner.
16. **Anwar Said,**  
DM, GMS Bhai Kalay, District Buner.
17. **Akbar Ali,**  
DM, GMS Jabba Amazai, District Buner.
18. **Sardar Amin,**  
DM, GMS Kuza Jamra, District Buner.
19. **Bakht Said,**  
DM, GMS Sher Ali, District Buner.
20. **Rahman Zeb,**  
DM, GMS Dab Serai, District Buner.
21. **Muhammad Tariq,**  
DM, GMS Hall, District Buner.
22. **Muhammad Karim,**  
DM, GHSS Ghazi Kot, District Buner.
23. **Ishtiaq Ali,**  
DM, GMS Kingar Galey, District Buner.
24. **Noor-ul-Islam,**  
DM, GMS Akhun Serai, District Buner.
25. **Rahman Mahmood,**  
DM, GMS Chanal, District Buner.
26. **Quresh Khan,**  
DM, GMS Mula Yousaf, District Buner.
27. **Fazli Rahman,**  
DM, GMS Baló Khan, District Buner.
28. **Ihsan-ul-Haq,**  
DM, GHS Ghazi Khaney, District Buner.

29. Syedullah,  
DM, GMS Bazar Kot, District Buner.
30. Bakhtaj Mehmood,  
DM, GMS Kangalai, District Buner.
31. Aziz-ul-Hassan,  
DM, GMS Dandi Kot, District Buner.
32. Ijaz-ul-Haq,  
DM, GMS Shanai, District Buner.
33. Nizar Ali,  
DM, GMS Kuz Shannal, District Buner.
34. Jan Ali,  
DM, GHSS Batara, District Buner.
35. Ali Gul,  
DM, GMS Ashezo Mera, District Buner.
36. Saeed-ur-Rahman,  
DM, GHS Pander, District Buner.
37. Sher Wadood,  
DM, GMS Chalandrai, District Buner.
38. Bakht Said,  
DM, GMS Shangra,  
District Buner.....

Respondents

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SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED FINAL SENIORITY LIST OF BPS-15 OF SDM & D.M (MALE) NOTIFIED VIDE NOTIFICATION DATED 30.04.2023 COMMUNICATED TO THE APPELLANT ON 31.05.2023 WHEREIN APPELLANT HAS BEEN PLACED AT SERIAL NO.124 JUNIOR TO RESPONDENTS NO. 4 TO 38 AGAINST WHICH APPELLANT PREFERRED DEPARTMENTAL APPEAL ON 12.06.2023 BUT THE SAME WAS NOT RESPONDED TILL DATE.

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PRAYER:

On acceptance of the instant appeal, the impugned Notification/Seniority List dated 30.04.2023 communicated to appellant on 31.05.2023 may graciously be modified/Rectified by placing the appellant at his due place as per merit order in terms of Rule 17(1)(a) Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

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Respectfully Sheweth,

1. **That** through the instant appeal, the appellant humbly seeks indulgence of this Hon'ble Tribunal for modifying of impugned Seniority list (BS-15) dated 30.04.2023 whereby appellant was not placed at his due position.
2. **That** succinctly, facts giving rise to the filing of instant appeal are that respondent No.3 published an advertisement requiring certain vacancies including the posts of DM (BPS-15) (*Annex:-A*) whereby appellant being eligible in terms of advertisement applied for the Post of Drawing Master (DM BPS-15) and Competed in the selection process.
3. **That** appellant was quite hopeful regarding his appointment but he was told that an injunctive order has been issued against recruitment and thus the Respondent are unable to proceed. Later on appellant was called for interview and after qualifying the required threshold, appellant was placed in the tentative merit list among other eligible candidates. In the meanwhile Department issued appointment order to some of the candidates vide order dated 27.11.2015 (*Annex:-B*) but appellant along with other colleagues were dropped on reason that he obtained degree i-e Intergrade Drawing Examination (IGDE) from unrecognized Institute
4. **That** appellant filed Writ petition No.284-M/2015 in the Peshawar High Court Mingora Bench which was clubbed with other similar petitions and allowed vide judgment dated 30.05.2018 (*Annex:-C*). However, since the issue of antedated seniority was not incorporated in the order upon which appellant along with other colleagues filed review petition which was also allowed vide order dated 26.09.2018 (*Annex:-D*).



5. **That** in light of the decision *ibid* appellant along with other colleagues got appointed subject to the outcome of CPLA vide order of appointment dated 26.11.2018 (*Annex:-E*). It is important to aver here that, the Respondents/Department questioned the validity of the judgment *ibid* by filing CPLA which was also dismissed vide Order dated 14.06.2022 (*Annex:-F*).
6. **That** the very issue of antedated Seniority remained unresolved hence appellant proceeded with Contempt Petition No.103-M/2018 which was disposed of vide order dated 16.12.2019 (*Annex:-G*) in the following observations:-
- “The petitioners are however at liberty to filed departmental representation before the respective authorities in respect of their grievance and also to approach the Khyber Pakhtunkhwa Service Tribunal, if need be. This order shall not be a hindrance in their way in any of the proceedings either before the departmental authorities or Khyber Pakhtunkhwa Service Tribunal.”*
7. **That** consequently the appellant filled a Departmental Representation/appeal on 19.12.2019 followed by service appeal before the Tribunal which was later on decided vide judgment dated 27.02.2023 (*Annex:-H*) with direction to prepare seniority list strictly in accordance with Section 8 of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa Civil Servant (APT) Rules, 1989 and communicate it to the appellant within 10 days and if the same is not in accordance with law, the appellant is at liberty to challenge the same.
4. **That** the appellant was accordingly provided/communicated the impugned Seniority list on 31.05.2023 (*Annex:-I*) which is in stark friction to Rules 17(1)(a) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 inas much Respondents No.4 to 38 have been placed senior to the appellant hence, appellant being aggrieved of it challenged the same through Departmental Representation (*Annex:-J*) on 12.06.2023 which was not disposed of within the statutory period of 90 days, hence this appeal inter-alia on the following grounds:-

**Grounds:**

- A. **Because** Respondents have not treated appellant in accordance with law, Rules and policy on subject and acted in violation of Article 4, 10A & 27 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the

impugned seniority list which is unjust, unfair and hence not sustainable in the eye of law.

- B. **Because** though according to advertisement ibid private Respondents No. 4 to 38 were appointed on 27.11.2015 while appellant was appointed on 28.11.2018 albeit his seniority shall be determined along with batch mates appointed earlier in same selection process. Reference can be made to the case titled "Fazal Muhammad v. Government of N.W.F.P. and others (2009 SCMR 82) relevant citation whereof is reproduced below:-

*"Seniority---Both the incumbents were selected and appointed in the same batch---Mere fact that one of them assumed the duties earlier would not adversely affect the seniority position of the one who assumed the duties later."*

- C. **Because** Rule 17(1)(a) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 is reproduced herein below:-

*"The seniority inter se of civil servants appointed to a service, cadre or post) shall be determined:-*

- (a) *in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission or as the case may be, the Departmental Selection Committee provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in a later selection."*

Thus, the impugned Seniority List being illegal is liable to be set aside.

- D. **Because** it has now become settled law that appointment in the Public Sector is a trust and authorities are supposed to fill the posts in accordance with law and Rules. However, Respondent/ Department badly failed to comply with the law. Reference is made to the following Judgment.

**2022 P L C (C.S.) 894**

- (b) *Civil service---Appointment---Scope---Appointment in public sector is a trust in the hands of public functionaries and it is their moral duty to discharge their trust with zeal, efficiency and fairness as per law. [p. 898] C*
- (c) *Public functionaries-----Discretionary jurisdiction, exercise of---Scope---Discretion vested with the public authorities should be exercised with reasonableness.*


- E. **Because** as per direction of the Hon'ble Apex Court all appointments, promotion and transfers are to be made strictly in accordance with law and Rules for the sake of good governance and to run the State affairs smoothly. The appellant' seniority needs to be fixed with other batch mates according to law on the subject but he was unlawfully dropped down in the seniority list which amounts to usurping his right of career progression, which is also blatant violation of Article-3, 4 & 18 of the Constitution of the Islamic Republic of Pakistan, 1973.
- F. **Because** it is cardinal principle of law that no one is responsible for the acts of the public functionaries. The delay caused by the Respondents/Department cannot be attributed to the appellant and therefore, for the actions of the Department, the appellant should not be made to suffer, therefore, appellant is entitled for his due seniority in accordance with law w.e.f 27.11.2015 and accordingly, the seniority needs to be modified to that effect.
- G. **Because** appellant would like to offer some other additional grounds during the course of arguments when the stance of the Respondents is known to the appellant.

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

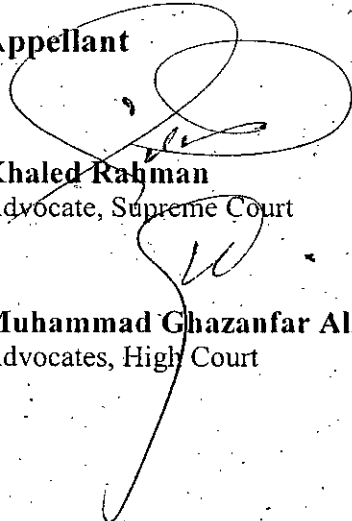
Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Through

Appellant

  
Khaled Rahman  
Advocate, Supreme Court

&

  
Muhammad Ghazanfar Ali  
Advocates, High Court

Dated: \_\_\_\_/10/2023

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. \_\_\_\_\_/2023

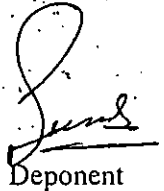
Gul Rahim Shah ..... Appellant

Versus.

The Govt. of Khyber Pakhtunkhwa and others..... Respondents

**Affidavit**

I Gul Rahim Shah, DM GMS Sharghashay, District Buner, do hereby solemnly affirm and declare on oath that the contents of this Appeal are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Tribunal.

  
Deponent





### NOTIFICATION

EMAIL: [edchuner@gmail.com](mailto:edchuner@gmail.com)

10 Annex B

Consequent upon recommendation of the District Selection Committee in its meeting held on 07/11/2015 appointment of the following candidates is hereby ordered against the vacant posts of Drawing Master (D.M) in EPS-16 (PS-10065-105-351361) @ Rs. 10885/- fixed plus usual allowances as admissible under the rules on temporary school contract basis under the aegis of policy of the Provincial Government, in Teaching Cadre School based, subject to the condition of permanent decision of August Supreme Court of Pakistan, on the terms and condition given below, with effect from the date of taking over charge in the best interest of public service.

S.#	Roll No	Name	Father's Name	Residence	Place of posting
1	1430041	MUHAMMAD ALAM	MUHAMMAD RAFIQ	BAIKATA	GMS JANGDALA (TORWARSK)
2	1430001	ZAHID KHAN	SHERIN ZADA	MAJASAR	GMS MANDAW
3	1430117	AHMAD SAYED	SAIRAM SAYED	NAWAGAI	GMS SOWAWAI
4	1430012	BAKHT ALAM	ZARIN GUL	BAGRA	GMS PANJHALAY
5	1430055	WASEM AKRAM	MALIK ZADA	SURGRAM	GMS MULABANDA
6	1430076	MUHAMMAD RAHADAR	SHAM SU TAHIR	DAGGAR	GMS MALAKPUR
7	1430110	MURAD ALI	LUTEFUR RAHMAN	NAWAGAI	GMS MDGH DARA
8	1430081	MUHAMMAD ALI	BAKHT SHAID BASOOL	AGARAI	GMS MALKA
9	1450091	HAZMIN KHAYAS	GUL KHAYAS	SHALBANDAI	GESS GHAZI KOT
10	1430078	AYUB KHAN	PAZAL MER	KADAL	GMS NOGRAM
11	1430040	TARIQ AHMAD	GUL ZADA	NAWAGAI	GMS LANGAW
12	1430039	FAZLI AMIN	SEAH SAID	MATWANAI	GMS NO.1 REGA
13	1430111	AURANO SHAH	SALEH SHAH	KAWGA	GMS MIANA KADAL
14	1430036	ANWAR SAID	BAKHT SAID	SHALBANDAI	GMS BHAIKALAY
15	1430034	AKBAR ALI	HAKIMULLAH	NAWAGAI	GMS JABA AMAZI
16	1430068	SARDAR AMIN	ABDUL AMIN	CHINGLAI	GMS KUZA JAMRA
17	1430109	MUHAMMAD TARIQ	MUHAMMAD AYAZ	CHINGLAI	GMS HALL
18	1430119	SEAH HUSSAIN	RAHIM GUL	KULYARI	GMS JANODARA (TORWARSK)
19	1430077	REHMAN ZEB	NASIB RAHMAN	GULBANDI	GMS DAB SERAI
20	1430094	BAKHT SAID	SEEB SAID	DIWANA BALIA	GMS SHEER ALI
21	1430014	ISHTIQAQ ALI	Ghaniullah	NAWAGAI	GMS KINGARGALI
22	1430108	MUHAMMAD KARIM	MUHAMMAD HILAL	KHAL	GESS GHAZI KOT
23	1430126	NOOR UL ISLAM	GUL RAHIM	NAWAGAI	GMS AKHUN SERAI
24	1430054	QURESH KHAN	AMIR UDDIN	BADEATA	GMS MOLAYOUSAR

26	1430062	FAZLREHMAN	MANI RAHMAN	PACHA KALAY	GMS BALO KHAN
27	1430005	JESANUL HAQ	ABDUL WAHID	AGARAI	GMS ELAZIRKHANAY
28	1430080	SYED NUR LAH	BAKHIT ZARDI SHAH	KHAISTA BABA	GMS BAZARKOT
29	1430095	BAKHIT MEEMOOD	FAQIR MAIMOOD	AGARAI	GMS KANGALAI
30	1430020	AZIZ UL HASSAN	AFZAL KHAN	CHINGLAI	GMS DANDIKOT
31	1430086	NIZAR ALI	OHANI MUHAMMAD *	RIGA	GMS KUZ SHAMNAL
32	1430098	IAN ALI	SALARZAY	KULYARI	GMS JABA CHOWAN
33	1430042	HAZ UL HAQ	SHAMSUL QAMAR	BAGRA	GMS SHANAI (TORWARSAN)
34	1430120	ALI GUL	JUMA GUL	CHANAR	GMS ASHEZO MAIRA (NAWAKALAY)
35	1430010	SABED UR RAHMAN	INAYATUL HAQ	DIWANA BABA	GHS PANDER
36	1430082	SHER WADOOD	ABDUL WADOOD	KHAISTA BABA	GMS CHALANDRAI
37	1430077	BAKHIT SAID	GUL ZARIN	BAZARKOT	GMS SHANGRA

**TERMS & CONDITION:**

1. NO TADA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary / short / contract basis initially for a period of one year.
4. They should not be handed over charge if their age exceeds 36 years or below 18 years.
5. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the office of DEO. If anyone found producing bogus/ forged/ fake Certificates/Degrees will be reported to the law enforcing agencies for further action.
6. Their services are liable to termination on one month's prior notice from either side. In case of resignation without notice their cost-subsidy pay/allowances will be forfeited to the Government.
7. Pay will not be drawn until and unless a certificate to this effect is issued by DEO, that their certificates/Degrees 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, their 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. Before handing over charge, they will sign an agreement with the department, otherwise this order will not be valid.
11. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
12. Their services will be terminated at any time, in case 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.
13. Their appointment is made on School based, They will have to serve at the place of posting, and their service is NON-TRANSFERABLE to any other station/school.
14. Before handing over charge Principals/Head Masters concerned will check their documents, if they have not the required qualifications, they may not be handed over charge.

(HANIFUR REHMAN)  
DISTRICT EDUCATION OFFICER (M)  
DISTRICT BUNER.

Encls: No. 8812-19 / Dated 27-11-2015.

Copy forwarded for information and necessary action to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Additional Advocate General High Court Darul Qaza Bench Mingora Swat.
3. Registrar Peshawar High Court Darul Qaza Mingora Bench Swat.
4. Deputy Commissioner Buner.
5. District Accounts Officer Buner.
6. Medical Superintendent DHQ Hospital Buner.
7. Principals / Head Masters Concerned.
8. Officials Concerned.

27/11/15  
DISTRICT EDUCATION OFFICER (M)  
DISTRICT BUNER

- 12 -

A.C.

**BEFORE THE PESHAWAR HIGH COURT,  
BENCH AT MINGORA, SWAT**

Writ petition No. 284/19 of 2015

- 1) Gul Rahim Shah S/O Hussain Shah R/O Palosa Sora Tehsil Daggar District Bunir.
  - 2) Syed Nasib Zar S/O Mian Bakh Zar R/O Sanigram Tehsil Daggar District Bunir.
  - 3) Amjad Ali S/O Said Qamar R/O Sanigram Tehsil Daggar District Bunir.
  - 4) Muhammad Zaman S/O Sher Rahman R/O Chingali Tehsil Daggar District Bunir.
  - 5) Haji Muhammad S/O Nazir R/O Shal Bandai Tehsil Daggar District Bunir.
  - 6) Faiz Muhammad Khan S/O Said Muhammad Khan R/O Shal Bandai Tehsil Daggar District Bunir.
  - 7) Sher Muhammad S/O Abdul Hanid R/O Topai Tehsil Daggar District Bunir.
  - 8) Farooq Ali S/O Miran Said R/O Daggar Kalay District Bunir.
  - 9) Khan Nawab S/O Abdul Wakil Khan R/O Mandav Post Office Nagrai Tehsil Daggar District Bunir.
  - 10) Amir Amjad S/O Amir Abdullah R/O Bashkata Tehsil Daggar District Bunir.
  - 11) Yamin S/O Said Ghani R/O China Tehsil Daggar District Bunir.
  - 12) Muhamamd Israr S/O Gul Zarin Shah R/O Kandao Patay Nawagai Tehsil Daggar District Bunir.
  - 13) Nasib Zada S/O Amir Said R/O Village Nawagai Tehsil Daggar District Bunir.
  - 14) Abdul Salam S/o Shah Karim Khan R/o Village Nagrai, Tehsil Mandand, District Bunir
  - 15) Bakht Wali Khan S/o Yaqoob Khan R/o Village Kandar, Tehsil Mandand, District Bunir
- ...Petitioners

Versus

(1) Government Through Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa

(2) Director Elementary & Secondary Education, Khyber Pakhtunkhwa

(3) District Education Officer (M) District Bunir;

05 MAY 2015

FILED TODAY

05 MAY 2015

05 MAY 2015

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Dated 25/09/2014  
Dimpledset.*



1 - 13  
JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT,  
MINGORA BENCH (DAR-UL-QAZA), SWAT  
(Judicial Department)

W.P. No. 284-M/2015

Gul Rahim Shah & others

V/S

Govt. of KPK through Secretary E  
& S Education & others

JUDGMENT

Date of hearing: 30.05.2018

Petitioners:- (Gul Rahim Shah & others) by  
Mr. Shams-ul-Hadi, Advocate.

Respondents:- (Govt. of KPK through Secretary  
E&S Education & others) by Mr. Rahim Shah,  
Asst. Advocate General alongwith EDO  
concerned in person.

MOHAMMAD IBRAHIM KHAN, J.: Vide our  
detailed judgment in connected writ petition  
bearing No. 213-M of 2014 titled as "Mst. Bibi  
Fatima & another V/S Government of KPK  
through Secretary Home & Tribal Affairs  
Peshawar & others", this writ petition is  
allowed and the Respondents are directed to  
consider the Petitioners for appointment against  
the posts of D.M being similarly placed persons  
subject to their eligibility qua merit position  
strictly within the legal parameters and in view



2 - 14

of the rules and regulations governing the  
subject-matter therein.

Announced  
Di: 30.05.2018

~~JUDGE~~  
\_\_\_\_\_  
JUDGE



14/05/2018

Noted (B.D.) Hon'ble Mr. Justice Muhammad Ghaznafar Khan  
Hon'ble Mr. Justice Mohammad Ibrahim Khan

JUDGMENT SHEET - 15

IN THE PESHAWAR HIGH COURT,  
MINGORA BENCH (DAR-UL-QAZA), SWAT  
(Judicial Department)

I. W.P. No. 213-M/2014

Met. Bibi Fatima & another

V/S

Govt: of KPK through Secretary

Home & Tribal Affairs Peshawar  
& others

II. W.P. No. 291-M/2014

Sardar Ali & others

V/S

Govt: of KPK through Secretary

Home & Tribal Affairs Peshawar  
& others

III. W.P. No. 284-M/2015

Gul Rahim Shah & others

V/S

Govt: of KPK through Secretary E  
& S Education & others

IV. W.P. No. 171-M of 2016

Sabhanullah & others

V/S

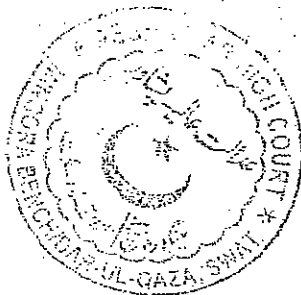
Govt: of KPK through Secretary  
Home & Tribal Affairs Peshawar  
& others

V. W.P. No. 193-M/2017

Jan Muhammad Khan

V/S

District Education Officer (Male)  
Malakand & others

VI. W.P. No. 256-M/2017 - 16Faisal NadeemV/SGovt. of KPK through Chief  
Secretary, Peshawar & othersONSOLIDATED  
JUDGMENTDate of hearing: 30.05.2018Petitioners:- (Mst. Bibi Fatima & another) by  
Mr. Akhtar Munir Khan, Advocate.Respondents:- (Govt. of KPK through Secretary  
Home & Tribal Affairs Peshawar & others) by  
Mr. Rahim Shah, Asst. Advocate General  
alongwith EDOs concerned in person.

MOHAMMAD IBRAHIM KHAN, J.- By this  
singled-out judgment, it is hereby proposed to  
dispose of W.P. No. 213-M/2014, 291-M/2014,  
284-M/2015, 171-M/2016, 193-M/2017 and  
256-M/2017, as common question of law and  
facts are involved in all these connected writ  
petitions.

2. Before delivering any findings in  
respect of the grievances of all these Petitioners,  
it would be in the fitness of things to render  
brief facts of each writ petition separately in  
order to inculcate the contention of each  
Petitioner in individual capacity. The Petitioners

of writ petition No. 213-M/2014 have mainly averred in their petition that in response to the advertisement floated by the answering Respondent No. 8 i.e. District Education Officer (Male) Elementary & Secondary Education District Dir Upper in daily "Aaj" dated 02.09.2008 in respect of different categories of posts including D.M, the Petitioners being considering themselves qualified applied against the said posts. The Petitioners have successfully qualified the initial process of recruitment in shape of tests & interviews but they have been denied the benefit of appointments simply on the pretext that their DM certificates obtained from Hyderabad Jamshoro Sindh University and Sarhad University are not equivalent to DM certificate meant for the post of DM. It has further been mentioned in their petition that similarly placed persons like present Petitioners earlier approached this Hon'ble Court and their writ petitions were allowed and the degrees obtained by them from the above-referred Universities were declared valid in field subject



- 18

to its verification from the concerned Universities. Likewise, the prayer of the Petitioners of W.P. No. 291-M/2014 is also identical to the effect that they have been denied the appointments against the posts of DM that their DM certificates received from Sindh & Sarhad Universities are not eligible for the proposed recruitments being invalid. In this writ petition too there is also a reference of previous verdicts of this Hon'ble Court wherein degrees obtained from the above-mentioned Universities have been declared valid in field subject to its verification from the concerned Universities. In the same breath, the Petitioners of W.P. No. 284-M of 2015 have come up with a similar prayer that upon appearance in the recruitment process through NTS, the top ten candidates were directed to submit the attested copies of their certificates/degrees with other relevant documents, but in spite recommendation of the NTS authorities, the Respondent No. 3 i.e. District Education Officer (M) District Buner refused to appoint the Petitioners on the ground



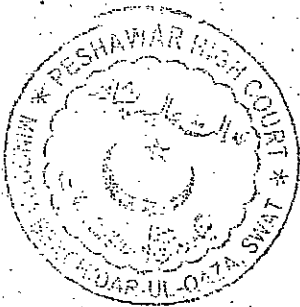
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that writ petition No. 148 of 2011 with connected writ petitions bearing No. 531-M & 409-M of 2012, which have now been decided by this Hon'ble Court wherein the then Hon'ble Divisional Bench vide order dated 21.02.2014 passed an injunctive order, due to which the official Respondents were unable to proceed further in case of present Petitioners. Thus, the Petitioners approached this Hon'ble Court by filing applications bearing No. 716,717,718 of 2014 in writ petitions No. 409, 531-M of 2012 & 402 of 2011 for their impleadment as Petitioners. The said applications were allowed vide order dated 04.12.2014 and the then applicants were impleaded as Petitioners. Thereafter, the newly impleaded Petitioners and Petitioners of above-referred connected matters were called for interview on 13.03.2015. After appearance in the interview alongwith other aspirants the Respondent No. 3 issued the impugned tentative merit list of 41 candidates but the present Petitioners were again refused the concession of appointments on the pretext



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that their certificates obtained from Inter Grade Drawing Examination Hyder Abad (IGDE) are not recognized, thereby they are not eligible for appointments against the posts of DM. Likewise, the prayer of Petitioners of W.P. No. 171-M of 2016 is also similar in nature to the effect that upon completion of initial recruitment process through NTS they have been denied the concession of appointments on the sole ground that they had obtained their DM certificates from Hyderabad Karachi. These Petitioners in their petition have also given reference of previous verdicts of the Hon'ble superior Courts wherein similarly placed persons like Petitioners have been compensated by way of their appointment against the posts of DM. The upcoming next two connected writ petitions bearing No. 193-M of 2017 preferred by Petitioner Jan Muhammad and writ petition bearing No. 256-M of 2017 presented by Petitioner Faisal Nadeem are somehow inter related with each other in a sense that if the former Petitioner Jan Muhammad Khan gets





7 - 21  
favourable decision in his favour from this Court then the Petitioner Faisal Nadeem of the latter petition will not be able to get the benefit of appointment being lower in merit as compared to Petitioner of the former petition Jan Muhammad Khan against the post of D.M.



3. In all these connected matters, the Respondents were put on notice to submit their para-wise comments, who accordingly rendered the same in each petition separately. But their replies/comments in all these identical matters are somewhat similar, wherein claims of all these Petitioners are discarded on the grounds that most of the Petitioners were lower in merit as compared to those appointed candidates through this Hon'ble Court judgment dated 20.06.2013 with further clarification that in the

*120* *ibid* judgment rendered by the Hon'ble Peshawar High Court Mingora Bench (Dar-ul-Qaza) Swat there is direction to the effect that

"if the case of Petitioners is at par with those who have already been benefited or considered by the Respondents being similarly placed

persons then the Respondents are directed to redress the grievances of the Petitioners subject to their eligibility strictly in accordance with law". It has further been clarified by the answering Respondents in their comments that the judgment rendered by this Hon'ble Court dated 28.06.2012 has been assailed before the Hon'ble Supreme Court of Pakistan which was decided in favour of the Petitioners on 19.06.2013. According to the direction of this Hon'ble Court in judgment dated 20.03.2014 a committee was constituted to consider the cases of Petitioners. The said committee scrutinized the merit position of the Petitioners of W.P. No. 352-M of 2013 and found that their merit position is less than those appointed in the light of judgment of the Hon'ble Supreme Court of Pakistan. It has further been clarified in the comments by the answering Respondents that the certificates obtained by the Petitioners are not equivalent to the DM certificates meant for DM posts, as the certificates of some of the



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certificates of elementary colleges bears 1000 marks. In some of the writ petitions the comments so furnished by the answering Respondents were duly replicated by the Petitioners through filing of rejoinders.

4. Having heard arguments of learned counsel appearing on behalf of each Petitioner, learned Asstt. Advocate General for the official Respondents and EDOs concerned, available record of each petition was delved deep into with their valuable assistance.



5. In view of the above divergent claims of the parties, the only point emerged for consideration of this Court as to whether the degrees of DM certificates obtained by the Petitioners from Hayder Abad Jamshoro Sindh University and Sarhad University are not eligible for the proposed recruitment of DM posts being invalid or this issue had already been settled by the Hon'ble superior Courts through their esteem verdicts wherein similarly placed persons like Petitioners of all these

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connected writ petitions have been compensated and their decrees obtained from the above-referred Universities were declared valid to be permissible in field subject to its verification from the concerned Universities. It would be more appropriate to give references of the esteemed verdicts delivered by this Court in respect of the issue in question. The first judgment to be referred in this regard was delivered in W.P. No. 2759/2009 decided on 20.6.2012 wherein while placing reliance on W.P. No. 2366 of 2009 decided on 01.06.2010 by describing facts the following conclusion has been drawn:-

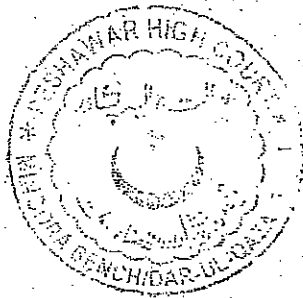
*"In wake of above facts and legal aspect of the case, we allow this writ petition in terms of prayer contained therein."*

Similarly there is another judgment rendered in W.P. No. 2093 of 2007 titled as "Khalsta Rehman & others V/S EDO. & others" wherein on 28.06.2012 alongwith other identical matters the following view has been formulated:-

Nowah (D.B.) Hon'ble Mr. Justice Muhammad Ghazafar Khan  
Hon'ble Mr. Justice Mohammad Ibrahim Khan



6. The main grievances of all the Petitioners in the present case that all the Petitioners had submitted their requisite qualification alongwith certificate of Drawing Master before the Respondent for their appointment. After test and interview, the merit list was prepared by the Respondent concerned wherein the Petitioners were declared higher in merit but later on instead of appointment of Petitioners, the other candidates were appointed on the ground that the Drawing Master Certificate obtained by the Petitioners from institutions situated in Jamshoru and Karachi are not equivalent to the certificate which was prerequisite for the post of Drawing Master. Counsel for the Petitioners referred to the recruitment policy. He also referred to the advertisement published on 11.02.2007 in which the required qualification was F.A/F.Sc with certificate of Drawing Master from any recognized institution. According to the recruitment policy as well as said publication Petitioners on the patch- Petitioners have been deprived on lame excuse on the ground of delaying tactics regarding verification of D.M.



certificates obtained by the Petitioners. It was also pointed out that respondent in subsequent appointment had also appointed other candidates who had obtained DM certificates from the same Institutions whereas, Petitioners have been deprived though they have also qualified from the same Institutions, hence act of Respondents is discriminatory and is utter violation of Article 15 of the Constitution. Instead of Petitioners who were at better pedestal in the merit list, the other candidates who were below at the merit list as compared to the Petitioners have been appointed which apparently shows the malafide on the part of Respondents. After thrashing the entire record, we have come to the conclusion that Petitioners have wrongly been deprived for appointment against the post of D.M which requires interference by this Court.

In the light of above discussion, facts and circumstances of the case, all the writ petitions are allowed and Respondents are directed to appoint the Petitioners against the said post positively.

The above referred judgment of this Court alongwith other identical matters were

Noted (D.D.) Hon'ble Mr. Justice Muhammad Ghazeeul Khan  
Hon'ble Mr. Justice Mohammad Ibrahim Khan



assailed before the Hon'ble Supreme Court of Pakistan through Civil Petitions No. 456-P/12 to 11-P/2013 and 19-P & 20-P of 2013 wherein on 21.06.2013 in view of consent of the then learned Law officer to the effect that the said Respondent shall also be appointed in due course after his papers were found in order. All the petitions were found meritless and thereby dismissed.



There are more verdicts of this Court with regard to the issue in question, as delivered in W.P. No. 352-M of 2013 on 20.03.2014 wherein in view of the dictum of august Supreme Court of Pakistan, if the case of Petitioners is at par with those who have already been benefited or considered by the Respondents being similarly placed persons then the Respondents were directed to redress the grievances of the Petitioners subject to their eligibility strictly in accordance with law. Likewise, in more recent past there is esteem verdict authored by His Lordship Mr. Justice Rookh-ul-Amin delivered in W.P. No. 2004-P of

2016 decided on 19.01.2017 wherein after giving references of previous verdicts in this behalf the following opinion has been formed with caution of warning to the Respondents:-

*"In light of the judgments of the august Supreme Court and this Court, referred above, we allow this petition and issue a writ to the Respondents to consider the Petitioner against the post of D.M."*



6. In the light of above-referred glimpses of the esteemed verdicts of the Hon'ble Supreme Court of Pakistan as well as this Hon'ble Court there is no denial of the fact that the Petitioners of all these connected writ petitions with the exception of writ petition bearing No. 256-M of 2017 are similarly placed persons as like Petitioners of *ibid* verdicts of the Hon'ble superior Courts who have been compensated in respect of their appointment against the posts of D.M. as their degrees obtained from the Universities concerned were declared valid subject to their verification.



7. Even otherwise, the learned Astt. Advocate General appearing on behalf of the official Respondents and EDOs concerned are conciliatory to the effect that if the Petitioners are found eligible in merit position amongst all other aspirants then he will have no objection if they are appointed against the requisite posts of D.M irrespective of the degrees being obtained by them from the Universities of Jamshoro Sindh and Sarhad.



8. In view of what has been discussed above coupled with consensus arrived at in between learned A.A.G appearing on behalf of the official Respondents and EDOs concerned, all these connected writ petitions bearing No. 213-M, 291-M of 2014, 284-M of 2015, 171-M of 2016 and 193-M of 2017 are allowed and the Respondents are directed to consider the Petitioners of all the above-referred petitions for appointment against the posts of D.M being similarly placed persons subject to their eligibility qua merit position strictly within the legal parameters and in view of the rules and

regulations governing the subject-matter therein. Needless to mention that the connected writ petition bearing No. 256-M of 2017 is hereby dismissed having become infructuous, as the fate of Petitioner of the said writ petition by the name of Faisal Nadeem was dependant upon the outcome of W.P. No. 193-M of 2017 being lower in merit, which has already been allowed alongwith other connected matters.

9. Before parting with this judgment, it would not be out of place to mention here that the Respondents are directed to redress the grievances of all these Petitioners with regard to their appointments against the posts of DM immediately without further waste of time as they have been languishing before different Courts of law for their lawful entitlement since long.

*Announced*  
Di: 30.05.2018  
 Certified to be true copy

JUDGE  
 JUDGE

EXAMINER

Peshawar High Court, Dingera/Dar-ul-Qaza/Swat  
 Organized Under Article 21 of Constitution of Pakistan, 1973

Nazim (D.B) Hon'ble Mr. Justice Muhammad Ghazanfar Khan  
 Hon'ble Mr. Justice Muhammad Ibrahim Khan



S.No. ....  
 Name of Applicant .....  
 Date of Filing .....  
 Date of Case .....  
 No. of Case .....  
 Original .....  
 Fee Charged .....  
 Date of Issuance of Copies .....  
 14.6.18

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Annex D<sup>2</sup>

BEFORE THE PESHWAR HIGH COURT, MINGORA BENCH.

Review Petition No. 34-m of 2018

In

W.P No.284-M/2015 clubbed with W.P 213-M/2014

1. Gul Rahim Shah S/O Hussain Shah R/O Palosa Tehsil Daggar District Bunir.
2. Syed Nasib Zar S/O Mian Bakht Zar R/O Sanigram Tehsil Daggar District Bunir.
3. Amjad Ali S/O Said Qamar R/O Sanigram Tehsil Daggar District Bunir.
4. Muhammad Zaman S/O Sher Rahman R/O Chingali Tehsil Daggar District Bunir.
5. Haji Muhammad S/O Nasir R/O Shal Bandai Tehsil Daggar District Bunir.
6. Faiz Muhammad Khan S/O Said Muhammad Khan R/O Shalbandai Tehsil Daggar District Bunir.
7. Sher Muhammad S/O Abdul Hamid R/O Topai Tehsil Daggar District Bunir.
8. Farooq Ali S/O Miran Said R/O Daggar Kalay District Bunir.
9. Khan Nawab S/O Abdul Wakil Khan R/O Mandav Post Office Nagrai, Tehsil Daggar, District Bunir.
10. Amir Amjad S/O Amir Abdullah R/O Bashkata Tehsil Daggar, District Bunir.
11. Yamin S/O Said Ghani R/O China Tehsil Daggar, District Bunir.
12. Muhammad Israr S/O Gul Zarin Shah R/O Kandao Patay Nawagay Tehsil Daggar, District Bunir.
13. Nasib Zada S/O Amir Said R/O village Nawagai Tehsil Daggar, District Bunir.
14. Abdul Salam S/O Shah Karim Khan R/O Village Nagrai Tehsil Mandand, District Bunir.
15. Bakht Wali Khan S/O Yaqoob Khan R/O Village Kandari, Tehsil Mandand, District Bunir.
16. Yasmin Bibi D/O Abdul Matin R/O Village Topdara, Tehsil Daggar, District Bunir.

FILED TODAY

28 JUN/2018

Additional Registrar

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17. Said Bahar s/o Saied (Chushal) <sup>RI/O</sup> village sheelbandi District Bunir  
18. Abdul Sattar s/o Abdul Manan - R/O Chanar District Bunir  
(Petitioners No.16 to 18. had been impleaded as petitioners vide order dated 25.09.2017 ) ..... Petitioners

Versus

1. Government through Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa. *Peshawar*
2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa.
3. District Education Officer (M) District Bunir ..... Respondents.

Review Petition UNDER SECTION 114 READ WITH ORDER XLVII OF CODE OF CIVIL PROCEDURE 1908 for correction/revisiting of consolidated judgments dated: 30 /05./2018 passed in W.P Nos.284-M/2015 &213-M/2014

Respectfully Sheweth:

FACTS:

1. That initially the petitioners filed Writ petition No.284 -M/2015 before this august court, which was clubbed with other writ petitions, as the identical issue was involved in all the cases.
2. That on the date fixed for final hearing, the cases were decided by this august court through consolidated judgment dated:30.05.2018 on the analogy of another Writ petition No.148-P/2011 and such like other cases as an identical matter was decided by this august court.(Copies of judgments are annexure A)

FILED TODAY  
28 JUN 2018  
Additional Registrar

PESHAWAR HIGH COURT, MINGORA BENCH (DAR-UL-QAZA), SWAT

FORM OF ORDER SHEET

33

Court of .....

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

Date of Order or Proceedings	Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary.
26-09-2018	<p><u>Rev. Pet: No. 34-M/2018</u>  <u>In W.P. No. 284-M/2015.</u>                      Present: <i>Mr. Shams-ul-Hadi, Advocate for the petitioners.</i></p> <p><i>Malik Akhtar Hussain Awan, A.A.G for the official respondents.</i></p> <p>*****</p> <p><u>MUHAMMAD GHAZANFAR KHAN, J.-</u> Through this Review Petition, learned counsel for the Petitioners seeks insertion of <u>"issuance of direction to the respondents to prepare a joint seniority list in this regard according to law, rules and procedure"</u> in the order of this Court dated 30.05.2018 passed in Writ Petition No. 284-M of 2015.</p> <p>The learned A.A.G present in the Court has got no objection. So, this Review Petition is allowed and the respondents are directed to prepare a joint seniority list in this regard according to law, rules and procedure. This amendment may be read part &amp; parcel of the order of this Court dated 30.05.2018 passed in W.P No. 284-M of 2015.</p> <p><u>C.M No. 1172-M/2018</u></p> <p>Through this C.M, learned counsel for the petitioners seeks impleadment to array the applicant</p>



namely Sardar Ali s/o. Ambali Jan i/o Village Baidamai  
Tehsil Wari District Dir Upper as petitioner and DEO  
(M) Dir Upper as respondent in the titled Review  
Petition.

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As the reasons advanced in the application  
seem to be genuine, therefore this application is allowed  
and the office is directed to implead the above names in  
their respective panels with red ink.

Announced  
Di: 26.09.2018

  
JUDGE  
  
JUDGE

**Certified to be true copy**

**EXAMINER**

*Asst. Registrar*  
Peshawar High Court, Bungalow, Bar-at-Gaza, S.W. 4  
Peshawar, District, Faisalabad, Government of Punjab, Pakistan

S.No. 16  
Name of Applicant Asst. Registrar  
Date of Presentation of Application 26/9/18  
Date of Completion of Copies 26/9/18  
No of Copies 10  
Urgent Fee 0  
Fee Charged 0  
Date of Delivery of Copies 26/9/18

*26/9/18*



- 35      Anokh

OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) DISTRICT BUNER  
PHONE & FAX NO. 0939-510468  
EMAIL: edobuner@gmail.com

**OFFICE ORDER.**

In the light of the judgement passed by Peshawar High Court Mingora Bench Darul Qaza Swat in writ petition No. 284-M/2015 of Gul Rahim Shah & others dated 30-05-2018 vs Secretary Elementary & Secondary Education & Others. The following candidates are hereby appointed against the vacant post of Drawing Masters BPS-15 Rs, (16120-1330-56020) plus usual allowances as admissible under the rules on regular 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 in the best interest of public service.

S.#	Name	Father Name	D.O.B	Score	School where Posted	Remarks
✓ 1	Khan Nawab	Abdul Wakil Khan	01/02/1982	132.09	GMS Karorai	A.V.P
2	Said Naseeb Zar	Mian Bakht Zar	22/03/1979	121.23	GHS Elai	A.V.P
✓ 3	Gul Rahim Shah	Hussain Shah	10/07/1983	110.86	GMS Shargashay	A.V.P
4	Farooq Ali	Miran Said	03/04/1985	106.23	GHSS Batara	A.V.P
5	Amjad Ali	Said Qamar	13/04/1985	102.85	GHS Nawakalay	A.V.P
6	Haji Muhammad	Nazir	28/08/1982	97.2	GMS Wakil Abad	A.V.P
7	Faiz Muhammad	Said Muhammad Khan	04/04/1979	96.97	GMS Bangiray	<del>A.V.P</del>
8	Muhammad Israr	Gul Zarin Shah	10/05/1982	93.91	GMS Wach Khuwar Kawga	A.V.P
9	Abdus Salam	Shah Karim Khan	03/04/1982	92.54	GMS Damnair	A.V.P
10	Abdus Satar	Abdul Manan	04/02/1979	87.85	GHS Batai	A.V.P
11	Said Bahar	Said Khushal	22/04/1991	86.63	GMS Baimpur	A.V.P
12	Nasib Zada	Amir Said	16/04/1988	86.08	GHSS Bagh	A.V.P
13	Bakht Wali Khan	Yaqoob Khan	04/03/1980	81.63	GHS Jaba Amazi.	A.V.P
14	Muhammad Zaman	Sher Aman	05/04/1984	80.68	GMS Batkanai.	A.V.P

## TERMS & CONDITIONS.

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1. NO TA/DA etc is allowed.
  2. Charge reports should be submitted to all concerned in duplicate.
  3. Their services will be considered on regular basis but they will be on probation for a period of one year extendable to another year.
  4. They should not be handed over charge if their age exceeds 35 years with 3 years automatic relaxation from Malakand Division or below 18 years of age.
  5. Appointment is subject to the condition that the certificates, Degree /documents must be verified from the concerned authorities by the office of DEO, if any one found producing bogus/ forge/fake Certificates/Degrees will be reported to the law enforcing agencies for further action.
  6. Their services are liable to termination on one month's prior notice from either side. In case of resignation without notice their one-month pay/allowances will be forfeited to the Government.
  7. Pay will not be drawn until and unless a certificate to this effect is issued by DEO, that their certificates/Degrees are verified.
  8. They should join their post within 30 days of the issuance of this notification. In case of failure to join their post within 30 days of the issuance of this notification, their 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. Before handing over charge, they will sign an agreement with the department, otherwise this order will not be valid.
  11. Their appointment is subject to the condition of final judgement of the Supreme Court of Pakistan where CPLA has already been lodged.
  12. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
  13. Their services will be terminated at any time, in case 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.
  14. Before handing over charge Principals/Head Masters concerned will check their documents, if they have not acquired the required qualifications, they may not be handed over charge.

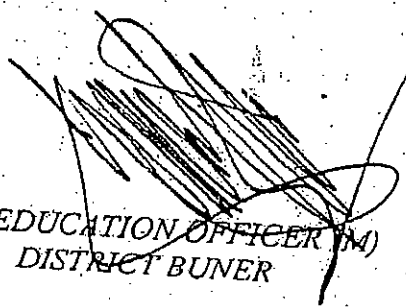


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15. Medical Certificate should be signed positively by District Education Officer (M) Buner.
  16. Errors and omissions will be acceptable with in the specified period.

(BAKHT ZADA)  
DISTRICT EDUCATION OFFICER (M)  
DISTRICT BUNER.

Enclst: No. 5369-78 / Dated 26/11 /2018.

- Copy forwarded for information and necessary action to the: -
1. Registrar Peshawar High Court Mingora Bench Darul Qaza Swat.
  2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
  3. Deputy Commissioner Buner.
  4. District Nazim Buner.
  5. District Monitoring officer Buner.
  6. District Accounts Officer Buner.
  7. Medical Superintendent DHQ Hospital Buner.
  8. Deputy District Education officer Male Buner.
  9. Principals / Head Masters Concerned.
  10. Officials Concerned.

  
(DISTRICT EDUCATION OFFICER (M))  
DISTRICT BUNER

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

- 36 Ans F 2

**PRESENT:**  
MR. JUSTICE UMAR ATA BANDIAL, CJ  
MR. JUSTICE MUHAMMAD ALI MAZHAR  
MRS. JUSTICE AYESHA A. MALIK

**C.A.69-P TO 73-P/2020 AND C.A.180-P/2020**

(Against the judgment/order dated 30.05.2018, 19.06.2018 and 26.09.2018 of the Peshawar High Court, Mingora Bench (Dar ul Qaza) Swat passed in WP No 193-M/2017, 284-M/2015, 171-M/2016, 102-M/2018 and Review Petition No.34-M/2018, 17.09.2014 in Review Petition No.9 M/2014 in WP No.641/2010)

- 1 C.A.69-P/2020 District Education Officer (Male) Malakand & others v. Jan Muhammad Khan
- 2 C.A.70-P/2020 Govt of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar & others v. Gul Rahim Shah & others
- 3 C.A.71-P/2020 Govt of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Peshawar & others v. Subhanullah & others
- 4 C.A.72-P/2020 Govt of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Peshawar & others v. Mushtaq Ahmad and others
- 5 C.A.73-P/2020 Govt of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar & others v. Gul Rahim Shah & others
- 6 C.A.180-P/2020 Kalim Ullah and another v. Executive District Officer Elementary Education, Dir Upper and others

For the Appellant(s) : Mr. Shumail Aziz Addl. AG KPK in CA No.69-P to 73-P of 2020 alongwith Mr. Ifukhar ur Ehsan DEO Male Bunir Mr. Naveed Akhtar ASC in CA No.180-P of 2020

For the Respondent(s) : Mr. Zin-ur-Rahman Tajik, ASC in CA No.69-P and 71-P of 2020 Muhammad Isa Khan, ASC in CA No.70-P and 73-P of 2020

Date of Hearing : 14.06.2022

*Handwritten signature/initials*

**ATTESTED**  
16/06/22  
Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

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**ORDER**

**UMAR ATA BANDIAL, CJ:**

**C.A.69-P TO 73-P/2020:** We are informed by the learned Addl. AG KPK that during pendency of these appeals, certain developments have taken place. Some of the respondents in these connected petitions have qualified for appointment and have been issued letters in this behalf. With respect to the remaining respondents, we note from the Paragraph-8 of the judgment dated 30.05.2018 passed in Writ Petition No.213-M/2014 titled as "Mst. Bibi Fatima versus Government of KPK" and in other connected matters, that a consensus was arrived between the learned AAG appearing on behalf of the official respondents and DEO concerned and the private parties. Pursuant to the said consensus, the petitioner authorities were directed as under:

*"To consider the respondents for appointment against the post of Drawing Master being similarly placed person subject to their eligibility qua merit position strictly within the legal parameters and in view of the rules and regulations governing the subject matter therein".*

2. In view of the above said observations, it is clear that the order has been passed by consent. In any event, the matter lies with the petitioner authorities to apply the relevant rules and regulations in order to assess the qualification of the respondents to be appointed as Drawing Master.

3. **C.A.180-P/2020:** The learned Addl. AG KPK submits that the petitioner authorities shall be willing to consider the appellants on the same terms as the respondents in the afore-

*ms*

**ATTESTED**  
*Ejaz*  
Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

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noted appeals filed by the Provincial Government on merit strictly in accordance with law.

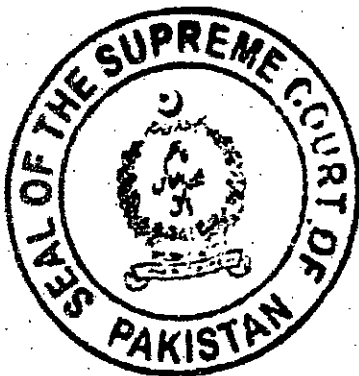
4. In the above circumstances, we find no reason to interfere with the impugned judgments, therefore, these appeals are disposed of in the above terms.

Sd/- CJ  
Sd/- J  
Sd/- J

**Certified to be True Copy**

**Senior Court Associate  
Supreme Court of Pakistan  
Islamabad**

Islamabad  
14.06.2022  
Rashid  
Not approved for reporting



16436/2022

GR No: \_\_\_\_\_ Civil/Criminal

Date of Presentation: 15.9.2022

No of Words: 900

No of Pages: 9

Registrar: Sd/-

Copy Fee: 550

Court: 10th

Date of: 10/9/22

Date of Delivery: 16-9-22

Compared and Prepared by: \_\_\_\_\_

Received by: Syed Rafiqat Hussain Shah

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**JUDGMENT SHEET**

**PESHAWAR HIGH COURT, MINGORA  
BENCH (DAR-UL-QAZA), SWAT  
(Judicial Department)**

**COC No. 103-M/2018  
In W.P. No. 171-M/2016**

**JUDGMENT**

Date of hearing: **16.12.2019**

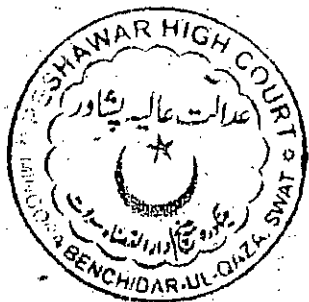
**Petitioners: - (Gul Rahim Shah & others) by  
Mr. Shams-ul-Hadi, Advocate.**

**Respondent: - (Bakht Zada & others) by Mr.  
Wilayat Ali Khan A.A.G.**

**WIOAR AHMAD, J.-** This order is directed to dispose of COC petition No. 103-M of 2018 filed by the petitioners under Article 204 of the Constitution of Islamic Republic of Pakistan 1973 for initiation of contempt of Court proceedings against respondent in view of non-compliance of this Court order dated 30.05.2018 passed in W.P. No. 284-M of 2015.

2. We have heard arguments of learned counsel for the petitioner and learned Adli: A.G. for the official respondent and perused the record.

3. Perusal of record reveals that the petitioners have brought the instant petition for initiation of proceedings of contempt of Court against respondent. The judgment violation of which was

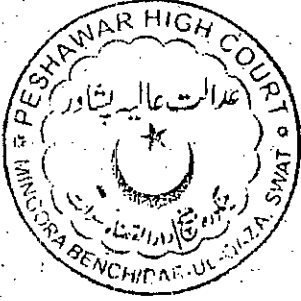


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Examiner  
Peshawar High Court Bench  
Mingora Dar-ul-Qaza, Swat.

being alleged in the petition was disposed with the following concluding Para;

*"Before parting with this judgment, it would not be out of place to mention here that the respondents are directed to redress the grievances of all these petitioners with regard to their appointments against the posts of DM immediately without further waste of time as they have been languishing before different Courts of law for their lawful entitlement since long."*



A review of the said judgment was filed which was disposed with the following observations;

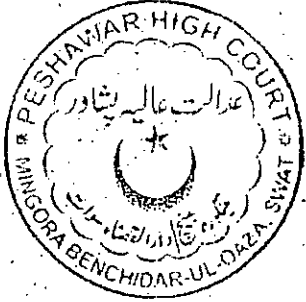
*"The learned A.A.G present in the Court has no objection. So, this Review Petition is allowed and the respondents are directed to prepare joint seniority list in this regard according to law, rules and procedure. This amendment may be read as part & parcel of the order of this Court dated 30.05.2018 passed in W.P. No. 284-M of 2015."*

The petitioners have admittedly been appointed. Learned counsel for petitioners felt aggrieved of wrong fixation of seniority of the petitioners. He seeks antedated seniority from the date wherein similar other employees, according to the learned counsel for the petitioners, had been appointed. Perusal of order passed by this Court nowhere shows that this Court had directed the respondents to appoint the petitioners with effect from any particular date. The orders of this Court had duly been complied with. The instant COC petition is found to be non-maintainable, same is accordingly dismissed. The learned counsel for the petitioners at conclusion of his arguments requested that the instant

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Peshawar High Court Bench  
Mingora Dar-ul-Qaza, Swat.

petition may be sent to the departmental authorities to be treated as a representation. The instant petition has been filed for initiation of contempt of Court and is not a proper petition, to be treated as a departmental representation. The petitioners are however at liberty to file departmental representation before the respective authorities in respect of their grievance and also to approach the Khyber Pakhtunkhwa Service Tribunal, if need be. This order shall not be a hindrance in their way in any of the proceedings either before the departmental authorities or Khyber Pakhtunkhwa Service Tribunal.



Announced  
Dr: 16.12.2019

  
JUDGE

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EXAMINER

Peshawar High Court, Mingora/Dar-ul-Qaza, Swat  
Authorized Under Article 87 of Qanoon-e-Shahadat Order 1979

  
JUDGE

S.No. 10  
Name of Applicant Kabir Sid Khan  
Date of Presentation of Applicant 17-02-2020  
Date of Completion of Copies 10  
No of Copies 10  
Urgent Fee 5  
Fee Charged 20/-  
Date of Delivery of Copies 17-02-2020

Office  
13/01/2020

Officer, (Male) Buner at Daggar and other".



Kalim Arshad Khan, Chairman:

27<sup>th</sup> Feb, 2023

1. Learned counsel for the appellant Mr. Riaz Khan Paindakhel, learned Assistant Advocate General for respondents present.
2. The appellant was appointed in pursuance of the judgment dated 30.05.2018 passed in Writ Petition No.284-M/2015 of Hon'ble Peshawar High Court, Mingora Bench (Dar-ul-Qaza), Swat. The learned counsel submits that after passage of the judgment of the august Peshawar High Court, the appellant filed Review Petition No.34-M/2018 regarding seniority. The review petition was decided on 28.09.2018 with the direction to the respondents to prepare a joint seniority list according to law, rules and procedure and this direction was considered as part & parcel of the judgment dated 30.05.2018 passed in Writ Petition No.284-M of 2015. The appellant then filed a C.O.C No.103-M of 2018 which was decided on 16.12.2019, wherein, the learned counsel had requested the Hon'ble Peshawar High Court Mingora Bench (Dar-ul-Qaza), Swat to treat the C.O.C as departmental representation but instead, the Hon'ble Peshawar High Court allowed the appellant to file departmental appeal before the authorities. It was then the departmental appeal was filed by the appellant with the prayer that the appointment order of the appellant might be modified and considered to have been made on 17.05.2014 giving him antedated seniority. This is the prayer in this appeal also. Although, the


RECEIVED  
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CHAIRMAN  
PESHAWAR HIGH COURT  
MINGORA BENCH  
DAR-UL-QAZA  
SWAT




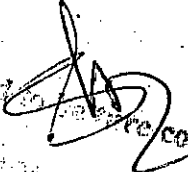
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modification of the appointment order is not the domain of this Tribunal yet the seniority issue could be seen and resolved by the Tribunal. When asked about the seniority list, learned counsel submitted that seniority list has not been provided to the appellant despite his requests. There is nobody present on behalf of the respondents. The learned Assistant Advocate General is present in the Court. It is thus directed through the learned AAG that respondents shall prepare seniority list strictly in accordance with Section-8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-17 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, if not already prepared and a copy of the same be handed over to the appellant within 10 days. The appellant is at liberty to challenge the list if that is not in accordance with the above provisions of Act and Rules. The appeal is disposed of accordingly. Consign

3. *Pronounced in open Court Peshawar under our hands and seal of the Tribunal on this 27<sup>th</sup> day of February, 2023.*

  
(Rozina Rehman)  
Member (J)

  
(Kalim Arshad Khan)  
Chairman

  
Certified true copy  
CLERK  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 03-10-23  
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OFFICE OF THE DISTRICT EDUCATION OFFICER MALE  
 FINAL SENIORITY LIST OF SDM & D.M (MALE) TEACHERS STOOD ON 30-04-2023

Seni ority No	TEACHER NAME	FATHER NAME	NAME OF SCHOOL	Damlcile	Design	BPS	ACAD EMIC QUALIF:	PROFESSIONAL QUALIF:	B.A DIV	D.O.B	DATE OF 1ST APPT: IN EDUCATION	DATE OF APPT: AGAINST THE PRESENT POST as DM	DATE OF REGULAR APPT: AGAINST THE PRESENT POST	Score	Remarks
1	TAJ MOHAMMAD	YASEEN	GMS GUMBAT	Buner	DM	15	SSC	DM	NIL	01-01-1965	28-02-1983	28-02-1983	05-03-1983		
2	SHER MUHAMMAD	MOHAMMAD RASHAD	GHS MARADU	Buner	DM	15	SSC	DM	NIL	20-05-1964	14-01-1982	14-01-1982	27-03-1983		
3	AFSAR ALI KHAN	SHAWAR KHAN	GHS DHERAI	Buner	SDM	16	BA	DM	3RD	12-01-1965	23-05-1990	25-12-1993	28-12-1993		
4	AMIN KHAN	AKBAR KHAN	GHSS GADEZI	Buner	SDM	16	BA	DM	2ND	01-04-1969	10-05-1992	25-05-1996	25-05-1996		
5	SHAMOON	HAKHEEM KHAN	GHS INZAR MAIRA	Buner	SDM	15	BA	DM	2ND	14-08-1967	13-02-1997	13-02-1997	25-02-1997		
6	WAJID ZAMAN	GHARIB KHAN	GMS TOTALAI	Buner	DM	15	FA	DM	NIL	10-01-1975	26-02-1997	26-02-1997	27-02-1997	Less Quali+Terminate	
7	Shad Mohd Khan	Muhammad Khan	GHS BAZARGAY	Buner	SDM	16	BA	DM	2ND	03-09-1968	13-02-1997	12-03-1997	12-03-1997		
8	DAULAT MAND	KARIMULLAH	GHS GIRARAI	Buner	SDM	16	MA	MED	2ND	20-05-1972	08-03-1996	13-02-1997	22-08-1997		
9	MUKHTAR AHMAD	SAID HAKAM SHAH	GHS NAWAGAI	Buner	SDM	16	BA BED	DM	2ND	15-01-1967	13-03-1995	15/11/1997	15-11-1997	Bed from Alkhair	Not Eligible
10	MOHAMMAD JAVED	SAIDA GUL	GHSS NOGRAM	Buner	SDM	16	BA	DM	2ND	15-03-1974	01-01-1998	01-01-1998	01-03-1998		
11	BAKHT RAHMAN	SAIFUR RAHMAN	GHS BAGRA	Buner	SDM	16	BA	DM	2ND	14-04-1974	28-04-1999	28-04-1999	29-04-1999		
12	MUHAMMAD KARIM	ABDUL KHALIQ	GHS ANGHAPUR	Buner	SDM	16	MA	MED	2ND	18-10-1976	28-04-1999	28-04-1999	01-05-1999		
13	HAZRAT KAMAL	SYED AKBAR	GHS MANGAL THANA	Buner	SDM	16	BA	DM	2ND	01-01-1969	06-11-1994	11-05-1999	11-05-1999		
14	MUHAMMAD NAWAB	Ghulam Muhmad	GHS KATKALA	Buner	SDM	16	MA	BED	2ND	15-09-1970	06-11-1994	11-05-1999	11-05-1999		
15	BAKHT ZAMAN KHAN	SAID GHANI	GHS DAGGAR NO.2	Buner	SDM	16	MA	BED	2ND	19-04-1971	06-11-1994	11-05-1999	11-05-1999		
16	SHAH HASSAN KHAN	Amir Mohd Khan	GHS NANSER	Buner	SDM	16	BA	DM	2ND	01-04-1964	30-08-1995	25-04-2000	25-04-2000		
17	SHARIFUDDIN	SHAMSHI KHAN	GHS MARADU	Buner	SDM	16	FA	DM	NIL	02-03-1968	16-04-1995	25-04-2000	25-04-2000		
18	BAKHT KARAM	AFARIN	GHS GULBANDI	Buner	SDM	16	BA	DM	2ND	13-04-1968	01-10-1995	25-04-2000	25-04-2000		
19	HUSSAIN KHAN	CHRI KHAN	GHS KALA KHELA	Buner	SDM	16	MA	DM	2ND	02-05-1972	01-10-1995	24-04-2000	25-04-2000		
20	ASHTAR KHAN	KHURASAN	GHS TANGORA	Buner	SDM	16	BA	DM	2ND	01-01-1973	20-12-1994	25-04-2000	25-04-2000		
21	HAYAT MUHAMMAD	Khurshid Muhmad	GHSS CHINGLAI	Buner	SDM	16	BA	BED	2ND	01-03-1973	08-06-1998	25-04-2000	25-04-2000		
22	ZAHOORUL HAQ	SAHIB RASOOL	GMS NAWAGAI	Buner	DM	15	FA	DM	NIL	05-02-1974	09-02-1995	25-04-2000	25-04-2000	Less Qualificatio	Less Qualificati
23	FAZLI AHAD	TOTIA NOSH	GHS CHANAR	Buner	SDM	16	MA	MED	2ND	05-03-1977	17-09-1995	25-04-2000	25-04-2000		
24	SHEREEN ZADA	SANDI PAN	GHS SOWARAI	Buner	SDM	16	BA	DM	2ND	01-01-1968	08-06-1998	31-03-2002	31-03-2002		
25	AMIR BAHADAR	ALI SAFDAR	GHS KAWGA	Buner	SDM	16	BA	DM	3RD	01-03-1968	08-06-1998	31-03-2002	31-03-2002		

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Seniority No	TEACHER NAME	FATHER NAME	NAME OF SCHOOL	Domicile	Design	BPS	ACADEMIC QUALIF.	PROFESSIONAL QUALIF.	B.A DIV	D.O.B	DATE OF 1ST APPT. IN EDUCATION	DATE OF APPT. AGAINST THE PRESENT POST as DM	DATE OF REGULAR APPT. AGAINST THE PRESENT POST	Score	Remarks
26	JEHAN ZEB	MIR DAD KHAN	GHS DEWANA BABA	Buner	SDM	16	BA	DM	3RD	01-03-1969	08-06-1998	31-03-2002	31-03-2002		
27	KHAISTA GUL	BACHA GUL	GHS ASHARAY	Buner	SDM	16	BA	DM	NIL	03-05-1974	20-04-1999	10-07-2002	11-07-2002		
28	KAMAL HUSSAIN	MUHAMMAD HASSAN	GHS DAGAI	Buner	SDM	16	MA	BED	2ND	29-01-1975	20-04-1999	11-05-2002	11-07-2002		
29	GHULAM AKBAR	DURRANAI	GHSS GHURGSHTO	Buner	SDM	16	MA	BED	2ND	19-03-1975	01-08-1996	10-07-2002	11-07-2002		
30	FAZLUR RAHMAN	FAZLI RABBI	GHSS CHINGLAI	Buner	SDM	16	MA	BED	2ND	06-11-1976	28-08-1997	10-07-2002	11-07-2002		
31	WALI MUHAMMAD	ZARIN	GHSS NAGRAI	Buner	SDM	16	BA	DM	2ND	01-09-1972	01-03-2004	01-03-2004	01-03-2004		
32	HAKHEEM ZADA	SHER ZADA	GHSS GAGRA	Buner	SDM	16	MA	BED	2ND	07-04-1973	28-02-2004	28-02-2004	01-03-2004		
33	MUHAMMAD AKRAM KHAN	AMIR ZADA	GHS BAMPOKHA	Buner	SDM	16	MA	BED	2ND	15-08-1974	01-03-2004	01-03-2004	01-03-2004		
34	JEHANGIR KHAN	MOHAMMAD SHERIN	GHS DOKADA	Buner	SDM	16	MA	MED	2ND	15-02-1975	31-07-2003	31-07-2003	01-03-2004		
35	RASHID IQBAL MUHSIN	ABDUR RAHMAN	GHS JOWAR	Buner	SDM	16	BA	DM	2ND	10-03-1975	28-02-2004	28-02-2004	01-03-2004		
36	RAHAM AKBAR	TAJ MALOOK KHAN	GHS NAWAGAI	Buner	SDM	16	MA	DM	2ND	15-03-1975	28-02-2004	28-02-2004	01-03-2004		
37	FAZLI MUNIR	FAZLI HADI	GHS AMBELA	Buner	SDM	16	MA	BED	2ND	05-04-1975	31-07-2003	31-07-2003	01-03-2004		
38	KAMIL KHAN	AWAL KHAN	GMS MATWANI	Buner	SDM	16	BA	DM	2ND	06-05-1975	28-02-2004	28-02-2004	01-03-2004		
39	AKBAR ALI	SHARIFULLAH	GMS KALAIL	Buner	SDM	16	MA	BED	2ND	10-06-1975	21-12-1999	21-12-1999	01-03-2004		
40	TAJRALI KHAN	UMAT KHAN	GMS KULYARAI	Buner	SDM	16	BA	DM	2ND	01-04-1976	28-02-2004	28-02-2004	01-03-2004		
41	GUL ROSH KHAN	AMIR AKBAR KHAN	GHSS AMNAWAR	Buner	SDM	16	MA	BED	2ND	13-04-1976	01-03-2004	01-03-2004	01-03-2004		
42	MUJEEBUR RAHMAN	JAMI'ULLAH	GMS MIRZAKAY	Buner	SDM	16	MA	DM	2ND	01-06-1976	28-02-2004	28-02-2004	01-03-2004		
43	SAID WAHAB	MUHAMMAD SAID	GMS Sherghasay	Buner	SDM	16	BA	BED	2ND	21-01-1977	28-02-2004	28-02-2004	01-03-2004		
44	SAID NAWAB	AKBAR HUSSAIN	GHSS Khararai	Buner	SDM	16	MA	MED	1ST	29-01-1977	31-07-2003	31-07-2003	01-03-2004		
45	BAHADAR SAID	HUNAR SAID	GHS MATWANI	Buner	SDM	16	MA	MED	2ND	01-04-1977	28-02-2004	28-02-2004	01-03-2004		
46	ISRAR	ALI ZAR	GHSS JANGAI	Buner	SDM	16	BA	BED	2ND	19-04-1978	28-02-2004	28-02-2004	01-03-2004		
47	WAZIR SHAH	DAWOOD SHAH	GHS KULYARAI	Buner	SDM	16	MA	BED	2ND	03-06-1978	31-07-2003	31-07-2003	01-03-2004		
48	MIRAJ KHAN	WALI JAN	GHSS NAGRAI	Buner	SDM	16	MA	NIL	2ND	02-02-1977	28-02-2004	28-02-2004	05-03-2004		
49	MIAN KHAN	PATTAN KHAN	GHS BAZARKOT	Buner	SDM	16	BA	DM	2ND	01-11-1969	20-11-2006	20-11-2006	20-11-2006		
50	SUBHANULLAH	SHAH RAWAN	GMS ALAMI BANDA	Buner	SDM	16	BA	DM	2ND	01-04-1967	20-11-2006	20-11-2006	21-11-2006		

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Seni ority No	TEACHER NAME	FATHER NAME	NAME OF SCHOOL	Domicile	Design	BPS	ACAD EMIC QUALIF:	PROFESSIONAL QUALIF:	B:A DIV	D.O.B	DATE OF 1ST APPT: IN EDUCATION	DATE OF APPT: AGAINST THE PRESENT POST as DM	DATE OF REGULAR APPT: AGAINST THE PRESENT POST	Score	Remarks
51	AMIR ZEB	ALAM ZEB	GHS Elai	Buner	SDM	16	MA	M.Ed /DM	2ND	01-03-1975	21-11-2006	21-11-2006	21-11-2006		
52	SAID WAHID	ABDUL JALIL	GMS Gokand	Buner	DM	15	BA	DM	2ND	11-03-1976	20-10-2006	20-10-2006	21-11-2006		B.A from Al Khlar
53	FAQIR MUHAMMAD	PIR MUHAMMAD	GHS KHARARAI	Buner	SDM	16	MA	BED / BSC	3RD	02-04-1978	21-11-2006	21-11-2006	21-11-2006		
54	SHAHI-ROKHAN	KHULA KHAN	GHS KULYARAI	Buner	SDM	16	MA	BED	2ND	25-04-1982	20-11-2006	21-11-2006	21-11-2006		
55	ALI GHANI	SULTAN GHANI	GHS BAGRA	Buner	SDM	16	MA	BED	2ND	02-02-1980	20-11-2006	22-11-2006	22-11-2006		
56	GHAFOOR-GUL	AMIR AHMAD GUL	GMS KOWGA	Buner	SDM	16	MA	DM	1ST	04-04-1975	20-11-2006	20-11-2006	23-11-2006		
57	Muhammad Javid	Shamsul Zuha	GMS Dab Serai	Buner	SDM	15	B.A	DM	2nd	12-02-1974	20-11-2006	20-11-2006	23-11-2006		
58	AMIR NAWAZ KHAN	SHERABAZ KHAN	GHS CHINGLAI	Buner	SDM	16	BA	DM	2ND	01-05-1973	29-12-2004	20-11-2006	01-12-2007		
59	ZIANUL AKBAR	ABDUL AKBAR	GHSS Khanano Derai	Buner	SDM	16	MA	BED	2ND	20-03-1975	27-10-1998	30-06-2009	01-08-2009		
60	NASIM SHAH	SAID KALAM SHAH	GHS DHERAI	Buner	SDM	16	FA	DM	NIL	10-03-1976	30-06-2009	30-06-2009	30-06-2009		
61	HAZRAT HAMAD	ALI HAMAD	GMS MULAYOUSAF	Buner	SDM	16	M.A B.Ed	DM	NIL	04-01-1976	30-06-2009	30-06-2009	30-06-2009		
62	SHER AKBAR KHAN	MUKARAM KHAN	GHS KARAPA	Buner	SDM	16	BA	DM	2ND	27-07-1976	30-06-2009	01-08-2009	01-08-2009		
63	MUKAMIL SHAH	DAWOOD SHAH	GMS ELAI	Buner	SDM	16	MA	BED	2ND	31-07-1977	01-08-1996	30-06-2009	01-08-2009		
64	QAMAR ALI KHAN	ZARR JAMIL KHAN	GMS SHER ALI	Buner	DM	15	FA	DM	NIL	11-02-1978	30-06-2009	30-06-2009	01-08-2009		Less Qual
65	KHALID REHMAN	AZIZUR REHMAN	GHS SWARI	Buner	SDM	16	BA	DM	3RD	11-03-1979	30-06-2009	01-08-2009	01-08-2009		
66	SYED NAZIRUL MULK	SYED SAYAF	GMS JICA AGARAI	Buner	SDM	16	BA	DM	2ND	16-03-1979	30-06-2009	30-06-2009	01-08-2009		
67	SHAH JAHAN	ABDUR RAHMAN	GHSS AGARAI	Buner	SDM	16	MA	MED	2ND	10-04-1982	30-06-2009	30-06-2009	01-08-2009		
68	BAHAR ALI	Saiful Malok Shah	GMS SURA	Buner	SDM	16	BA	DM	2ND	20-04-1982	30-06-2009	30-06-2009	01-08-2009		
69	ZAMIN KHAN	ROZI	GMS LEGANAI	Buner	SDM	16	BA	DM	2ND	04-03-1986	01-08-2009	30-06-2009	01-08-2009		
70	NAIK ZADA	ABDUL HAMID	GMS KINGER GALI	Buner	DM	15	FA	DM	NIL	08-04-1978	30-06-2009	30-06-2009	26-08-2009		Aikhair BA
71	ARSHAD ALI	SARDAR ALI	GMS Jangdara K.K	Buner	DM	15	BA	DM	2ND	10-01-1982	30-06-2009	30-06-2009	01-09-2009		
72	MATIUR RAHMAN	TOORABAZ KHAN	GMS REGA	Buner	DM	15	BA	DM	NIL	11-05-1982	20-12-2010	20-12-2010	24-12-2010		
73	Sherin Zada	Bahram Said	GMS Miana Kawga	Buner	DM	15	B.A	Bed/DM	2nd	10-03-76	20-6-2013	20-06-2013	24-02-2011		as per court judgment
74	Gul Rasool Khan	Abdul Tawab Khan	GMS Kalakhela	Buner	DM	15	MA	Bed	2nd	08-01-84	20-06-2013	20-06-2013	30-06-2011		court judgment requird??
75	ASHBAR ALI	FARAS SHAH	GHS Matwanai	Buner	DM	15	MA	DM	2ND	01-01-1985	24-02-2011	24-02-2011	24-02-2011		

Ser No	TEACHER NAME	FATHER NAME	NAME OF SCHOOL	Domicile	Design	BPS	ACAD EMIC QUALIF.	PROFESSIO NAL QUALIF.	B.A DIV	D.O.B	DATE OF 1ST APPT: IN EDUCATION	DATE OF APPT: AGAINST THE PRESENT POST as DM	DATE OF REGULAR APPT: AGAINST THE PRESENT POST	Score	Remarks
76	IRSHAD ALI	MIR SALAM KHAN	GMS Makhranai	Buner	DM	15	MA	DM	1st	10-01-1986	20-12-2010	24-02-2011	24-02-2011		
77	NOOR RAHIM	SAID RAHIM	GHSS GADEZI	Buner	DM	15	BA	DM	2ND	01-03-1986	24-02-2011	24-02-2011	24-02-2011		
78	TAJ AKBAR	Taj Malook Khan	GMS Kankowal	Buner	DM	15	BA	DM	2ND	10-03-1989	24-02-2011	24-02-2011	24-02-2011		
79	Said farin Khan	Nat Khan	GMS Alami Banda	Buner	DM	15	FA	DM	Nil	27-06-1973	02-12-15	27-02-2016	26/02/2011	Court Judgment	CJ requi??
80	Alam Khan	Dilawar Shah	GMS Bakht Maira	Buner	DM	15	FA	DM	Nil	08-01-73	02-12-15	27-02-2016	26/02/2011		
81	Muhammad Tahir	SHER ZADA	GHS Pander	Buner	DM	15	MA	DM	2nd	04-04-81	02-12-15	27-02-2016	26/02/2011	Entry Made	
82	Haider Ali	Shaiber Khan	GMS Banda	Buner	DM	15	BA	DM	Nil	02-10-86	02-12-15	27-02-2016	26/02/2011		
83	Muhammad Ghafoor	Abdul Haq	GMS Hisar Tangay	Buner	DM	15	BA	DM	Nil	29-01-1976	02-12-15	27-02-2016	26/02/2011		
84	Javid shah	Mohabat Shah	GMS Bambalai	Buner	DM	15	BA	DM	3rd	20-05-1977	02-12-15	27-02-2016	26/02/2011		
85	Sher Zamin khan	Dunya Khan	GMS Ramzai	Buner	DM	15	BA	DM	2nd	12-12-79	02-12-15	27-02-2016	26/02/2011		
86	Muhammad Ayaz	Karim Bakhsh	GMS Palwari	Charsada	DM	15	MA	MED	2nd	03-09-79	05-12-05	05-12-05	11-01-12		Transfer from other dist
87	Muhammad Alam	Muhammad Rafiq	GMS Jangdara TSK	Buner	DM	15	MA	MED	2nd	01-03-85	16 May, 2014	27/11/2015	7-Mar-2018	106.85	
88	Ahmad Sayed	Bahram Sayed	GHS Rega	Buner	DM	15				11-09-87	27/11/2015	27/11/2015	7-Mar-2018	105.68	
89	Bakht Alam	Zarin Gul	GMS Panghalay	Buner	DM	15				16/01/1986	27/11/2015	27/11/2015	7-Mar-2018	102.35	
90	Muhammad Bahadar	Sham Su Tahir	GMS Malakpur	Buner	DM	15				02-10-82	27/11/2015	27/11/2015	7-Mar-2018	100.18	
91	Murad Ali	Lutfur Rahman	GMS Mugh Dara	Buner	DM	15				15/03/1990	27/11/2015	27/11/2015	7-Mar-2018	98	
92	Muhammad Ali	Bakht Shaid Rasool	GMS Malka	Buner	DM	15				20/01/1989	27/11/2015	27/11/2015	7-Mar-2018	95.46	
93	Niazmin Khayas	Gul Khayas	GCMHS Daggar	Buner	DM	15				03-06-88	27/11/2015	27/11/2015	7-Mar-2018	94.8	
94	Ayub Khan	Fazal Mir	GHS Nogram	Buner	DM	15				05-01-83	27/11/2015	27/11/2015	7-Mar-2018	94.17	
95	Tariq Ahmad	Gul Zada	GMS Langaw	Buner	DM	15				04-10-83	27/11/2015	27/11/2015	7-Mar-2018	93.21	
96	Fazli Amin	Shah Said	GMS No.1 Rega	Buner	DM	15				01-12-85	27/11/2015	27/11/2015	7-Mar-2018	92.25	
97	Shah Hussain	Rahim Gul	GHS Cheena	Buner	DM	15				04-01-81	27/11/2015	27/11/2015	7-Mar-2018	91.88	
98	Aurang Shah	Saleh Shah	GMS Miana Kadal	Buner	DM	15				01-01-87	27/11/2015	27/11/2015	7-Mar-2018	91.87	
99	Anwar Said	Bakht Said	GMS Bhaikalay	Buner	DM	15				04-03-81	27/11/2015	27/11/2015	7-Mar-2018	90.58	
100	Akbar Ali	Hakimullah	GMS Jaba Amazi	Buner	DM	15				02-10-88	27/11/2015	27/11/2015	7-Mar-2018	87.79	

Seniority No	TEACHER NAME	FATHER NAME	NAME OF SCHOOL	Domicile	Design	BPS	ACAD EMIC QUALIF.	PROFESSIONAL QUALIF.	B.A DIV	D.O.B	DATE OF 1ST APPT. IN EDUCATION	DATE OF APPT. AGAINST THE PRESENT POST as DM	DATE OF REGULAR APPT. AGAINST THE PRESENT POST	Score	Remarks
101	Sardar Amin	Abdul Amin	GMS Kuzajamra	Buner	DM	15				15/04/1989	27/11/2015	27/11/2015	7-Mar-2018	87.67	
102	Bakht Said	Sher Said	GMS Sher Ali	Buner	DM	15				02-04-88	27/11/2015	27/11/2015	7-Mar-2018	87.2	
103	Rehman Zeb	Nasib Rahman	GMS Dabserai	Buner	DM	15				03-10-86	27/11/2015	27/11/2015	7-Mar-2018	85.92	
104	Muhammad Tariq	Muhammad Ayaz	GMS Hall	Buner	DM	15				26/06/1988	27/11/2015	27/11/2015	7-Mar-2018	83.73	
105	Muhammad Karim	Muhammad Hilal	GHSS Ghazi Kot	Buner	DM	15				05-02-92	27/11/2015	27/11/2015	7-Mar-2018	78.1	
106	Ishtiaq Ali	Ghaniullah	GMS Kingargali	Buner	DM	15				14/03/1988	27/11/2015	27/11/2015	7-Mar-2018	78	
107	Noor Ul Islam	Gul Rahim	GMS Akhun Serai	Buner	DM	15				01-05-85	27/11/2015	27/11/2015	7-Mar-2018	77.67	
108	Rahman Mahmood	Faqir Mahmood	GMS Chanai	Buner	DM	15				27/04/1986	27/11/2015	27/11/2015	7-Mar-2018	76.97	
109	Quresh Khan	Amir,Uddin	GMS Mulayousaf	Buner	DM	15				14/03/1988	27/11/2015	27/11/2015	7-Mar-2018	76.94	
110	Fazli Rehman	Mani Rahman	GMS Balo Khan	Buner	DM	15				11-01-74	27/11/2015	27/11/2015	7-Mar-2018	76.27	
111	Ihsanul Haq	Abdul Wahid	GHS Ghazikhanay	Buner	DM	15				18/03/1986	27/11/2015	27/11/2015	7-Mar-2018	76	
112	Syed Ullah	Bakht Zarin Shah	GMS Bazarkot	Buner	DM	15				15/01/1990	27/11/2015	27/11/2015	7-Mar-2018	73.08	
113	Bakhtaj Mehmood	Faqir Mahmood	GMS Kangalai	Buner	DM	15				18/03/1975	27/11/2015	27/11/2015	7-Mar-2018	72.6	
114	Aziz Ul Hassan	Afzai Khan	GMS Dandikot	Buner	DM	15				02-02-86	27/11/2015	27/11/2015	7-Mar-2018	71.17	
115	Ijaz Ul Haq	Shamsul Qamar	GMS Shanai	Buner	DM	15				27/01/1990	27/11/2015	27/11/2015	7-Mar-2018	70.55	
116	Nizar Ali	Ghani Muhammad	GMS Kuz Sharnal	Buner	DM	15				03-01-91	27/11/2015	27/11/2015	7-Mar-2018	69	
117	Jan Ali	Salarzay	GHSS Batara	Buner	DM	15				02-02-83	27/11/2015	27/11/2015	7-Mar-2018	68.95	
118	Ali Gul	Juma Gul	GMS Ashezo Maira	Buner	DM	15	MA	B.Ed	2ND	01-05-79	27/11/2015	27/11/2015	7-Mar-2018	68.3	
119	Saeed Ur Rahman	Inayatul Haq	GHS Pander	Buner	DM	15				04-07-89	27/11/2015	27/11/2015	7-Mar-2018	68.3	
120	Sher Wadood	Abdul Wadood	GMS Chaiandrai	Buner	DM	15				03-10-89	27/11/2015	27/11/2015	7-Mar-2018	67.71	
121	Bakht Said	Gul Zarin	GMS Shangra	Buner	DM	15				18/03/1980	27/11/2015	27/11/2015	7-Mar-2018	65.47	
122	Khan Nawab	Abdul Wakil Khan	GMS Karorai	Buner	DM	15				02-01-82	27-11-2018	27-11-2018		132.09	
123	Said Nasib Zar	Mian Bakht Zar	GHS Elai	Buner	DM	15				22/03/1979	27-11-2018	27-11-2018		121.23	
124	Gul Rahim Shah	Hussain Shah	GMS Shargashay	Buner	DM	15				07-10-83	27-11-2018	27-11-2018		110.86	
125	Farooq Ali	Miran Said	GHSS Batara	Buner	DM	15				04-03-86	27-11-2018	27-11-2018		106.23	

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126	Amjad Ali	Said Qamar	GHS Nawakalay	Buner	DM	15				13/04/1985	27-11-2018	27-11-2018		102.85	
127	Haji Muhammad	Nazir Muhammad	GMS Wakil Abad	Buner	DM	15				28/08/1982	27-11-2018	27-11-2018		97.2	
128	Faiz Muhammad Khan	Said Muhd Khan	GMS Bangiray	Buner	DM	15				04-04-79	27-11-2018	27-11-2018		96.97	
129	Muhammad Israr	Gul Zarin Shah	GMS Wach Khuwar Kawga	Buner	DM	15				05-10-82	27-11-2018	27-11-2018		93.91	
130	Abdus Salam	Shah Karim Khan	GMS Damnair	Buner	DM	15				04-03-82	27-11-2018	27-11-2018		92.54	
131	Abdul Satar	Abdul Manan	GHS Batai	Buner	DM	15				02-04-79	27-11-2018	27-11-2018		87.85	
132	Syed Bahar	Syed Khushal	GMS Baimpur	Buner	DM	15				22/04/1991	27-11-2018	27-11-2018		86.63	
133	Nasib Zada	Amir Said	GHSS Bagh	Buner	DM	15				16/04/1988	27-11-2018	27-11-2018		86.08	
134	Nasib Zada	Yaqoob Khan	GHS Jaba Amazi.	Buner	DM	15				03-04-80	27-11-2018	27-11-2018		81.63	
135	Muhammad Zaman	Sher Aman	GMS Batkanai.	Buner	DM	15				04-05-84	27-11-2018	27-11-2018		80.68	
136	SAID SHAH	MALOOK	GMS SHALIZARA	Buner	DM	15				12-Apr-1990	14-01-2019	14-01-2019	14-Jan-2019	145.66	
137	AMJAD ALI	FAIZ RASAN	GHS TANGORA	Buner	DM	15				15-Feb-1989	14-01-2019	14-01-2019	14-Jan-2019	144.43	
138	NOOR ZAMIN KHAN	MIR DAWAR KHAN	GMS BADAIR	Buner	DM	15				1-Dec-1992	14-01-2019	14-01-2019	14-Jan-2019	139.30	
139	MAAZ	BAKHTI GUL	GMS BARKALAY	Buner	DM	15				3-Apr-1990	28-02-2019	28-02-2019	28-Feb-2019	138.96	
140	SAMIULLAH	HAJI USMAN GUL	GMS MULA BANDA	Buner	DM	15				1-Feb-1990	14-01-2019	14-01-2019	14-Jan-2019	134.97	
141	HAIDER ZAMAN	WAHID ZAMAN	GMS DURMAI	Buner	DM	15				1-Jan-1986	28-02-2019	28-02-2019	28-Feb-2019	130.86	
142	TAYYAB AMIN	MOHAMMAD AMIN	GMS KUZ KALAY	Buner	DM	15				1-Jan-1993	28-02-2019	28-02-2019	28-Feb-2019	129.66	
143	ADIL ZADA	SHERIN ZADA	GMS GUJAR ABAD	Buner	DM	15				17-Apr-1989	14-01-2019	14-01-2019	14-Jan-2019	128.32	
144	IFTIKHAR ALI	AFZAL KHAN	GMS QUDRAJULLAH GHARI	Buner	DM	15				8-Feb-1987	14-01-2019	14-01-2019	14-Jan-2019	127.98	
145	KHALID IQBAL	GHULAM HABIB	GMS HISAR BABA	Buner	DM	15				20-May-1992	14-01-2019	14-01-2019	14-Jan-2019	127.36	
146	MUHAMMAD JUNAID	FAZLI RASHID	GMS DANDAR	Buner	DM	15				10-Mar-1992	28-02-2019	28-02-2019	28-Feb-2019	127.25	
147	MUHAMMAD ZUBAIR	MIR AKBAR	GMS LALCO	Buner	DM	15				1-Apr-1993	15-05-2019	15-05-2019	15-May-2019	125.29	
148	ABDUL HAKIM	HAMID ULLAH	GMS KAS CHAGHARZI	Buner	DM	15				12-Mar-1992	10-05-2019	10-05-2019	10-May-2019	125.18	
149	MUHAMMAD ARIF	SHAMSUL HADI	GHS MANDOW	Buner	DM	15				27-Mar-1991	10-05-2019	10-05-2019	10-May-2019	125.12	
150	MUHAMMAD YOUNIS	ZARSHAD KHAN	GMS TOTALAI	Buner	DM	15				10-Mar-1991	01-03-2019	01-03-2019	1-Mar-2019	123.78	

Seni ority No	TEACHER NAME	FATHER NAME	NAME OF SCHOOL	Domicile	Design	BPS	ACAD EMIC QUALIF:	PROFESSIONAL QUALIF:	B.A DIV	D.O.B	DATE OF 1ST APPT: IN EDUCATION	DATE OF APPT: AGAINST THE PRESENT POST as DM	DATE OF REGULAR APPT: AGAINST THE PRESENT POST	Score	Remarks
151	HAIDER ALI KHAN	BAKHT SHAD	GHSS DAKARA	Buner	DM	15				24-Mar-1992	10-05-2019	10-05-2019	10-May-2019	121.46	
152	NOOR NABI SHAH	GUL SHAH	GMS THEGARAY	Buner	DM	15				3-Jan-1987	28-02-2019	28-02-2019	28-Feb-2019	119.07	
153	AJAY SINGH	HANS RAJ	GMS CHALANDRAI	Buner	DM	15				24-Feb-1996	28-02-2019	28-02-2019	28-Feb-2019	101.11	
154	MUHAMMAD AKHTAR	HASSAN KHAN	GHS LEGANAI	Buner	DM	15				5-May-1990	22-06-2020	22-06-2020	22-Jun-2020	116.24	
155	NOOR UL AMIN	MUHAMMAD AMIN	GMS JICA AGARAI	Buner	DM	15				2-Mar-1989	04-09-2020	04-09-2020	4-Sep-2020	98.30	
156	Niaz Hussain	Bakht Zamin	GMS Dab Serai	Buner	DM	15	B.A			20-Apr-1977	17-10-2007	23-Dec-2022	23-Dec-2022	Promote	
157	Abdul Azim	Abdul Karim	GHSS Nogram	Buner	DM	15	B.A			1-Feb-1985	17-10-2007	23-Dec-2022	23-Dec-2022	Promote	
158	Muhammad Akbar	Rahmat Gul	GHSS Torwarsak	Buner	DM	15	M.A	B.Ed /DM		2-Feb-1985	17-10-2007	23-Dec-2022	23-Dec-2022	Promote	
159	Miftah ud Din	Faza! Subhan	GHSS Dokada	Buner	DM	15	M.Sc	M.Ed /DM		10-Feb-1987	30-06-2009	23-Dec-2022	23-Dec-2022	Promote	

**CERTIFICATE**

Certified that this seniority list is final, undisputed and non Judicious.  
All the DM/SDM (M) Teachers working in District Buner are included in this seniority list.

**ASSTT: DISTRICT EDUCATION OFFICER**  
**MALE BUNER**

**DISTRICT EDUCATION OFFICER**  
**MALE BUNER**



To,

The Director, E&SE,  
Khyber Pakhtunkhwa, Peshawar.

(Through Proper Channel)

Subject: **Departmental Appeal / Representation against the Final Seniority List issued on 30.04.2023 received on 31.05.2023 and for giving antedated seniority to the appellant w.e.f 27.05.2014.**

Respected Sir,

With due respect and reverence, it is submitted:

1. That in response to the advertisement floated by District Education Officer (M) Buner dated 05.01.2014 in Daily AAJ in respect of different categories of post including DM; the applicant being qualified on all fours applied against the post of drawing master; successfully qualified the initial process of recruitment i.e. - NTS. **(Copy of advertisement is attached as Annexure "A")**.
2. That as per direction of District Education officer (male) Buner, the applicant amongst other was directed to submit attested copies of his certificates / degrees, which was

complied with and the NTS authorities recommended the appellant for appointment as Drawing master.

- 3. That the DEO (Male) Buner refused appointment order on the pretext that the Hon'ble Peshawar high Court has passed injunctive order vide order dated 21.02.2014 in W.P. No. 148 of 2011 with W. P. No. 531-M and 509-M/2011 due to which the official respondents were unable to proceed further in the case.
- 4. That on the application of the appellant, he was impleaded as petitioner and, thereafter the appellant and other aspirants were called on for interview. on 13.03.2014. After qualifying the same the DEO (M) issued the tentative merit list of 41 candidates including the appellant but to the dismay of the appellant he was again refused the appointment on the ground that he obtained Intergrade Drawing Examination (IGDE) from Haider Abad and the same is not recognized and he was declared ineligible for appointment against the post of DM.
- 5. That the appellant was constrained to put a challenge to the stated action on the part of DEO (M) in W. P. No. 284-M/2015. The Hon'ble High Court was gracious enough to allow the writ petition on 30.05.2018. **(Copy of order is annexed "B")**.

- 55 (3)
6. That as the issue of antedated seniority was not part and parcel of the stated Writ Petition, the appellant filed Review Petition No. 34-M/2018 in Writ Petition no. 284-M/2015. The same was allowed vide order dated 26.09.2018. **(Copy of order is attached as Annexure "C")**.
  7. That pursuant to the clear cut and unambiguous directions of the Hon'ble High Court, the appellant along with others were appointed as Drawing masters (DMs) vide order dated 26.11.2018. ~~**(Copy of order is attached as Annexure "D")**~~.
  8. That as there was no fault on the part of the appellant and he was qualified on all fours on the date of advertisement i.e. **05.01.2014**. The non appointment at that juncture was on the part of education officials i.e. District Education Officer and under the law, the DEO (M) was under legal obligation to give effect to the appointment of the appellant from the date when other similarly placed candidates were appointed under the one and the same advertisement.
  9. That the appellant along with other filed contempt of court petition for the full implementation of the order dated 30.05.2018. The Hon'ble high Court was gracious enough to dispose off the contempt petition No. 103-M/2018 vide order dated 16.12.2019. **(Copy of the Order dated**

56 (4)

**16.12.2019 is attached as Annexure "E")**, whereby the appellant was directed to file department appeal and then approach to the Service Tribunal.

10. That appellant filed Departmental Appeal on 19.12.2019 **(copy attached)** but the same remained unresponded.

11. That the appellant filed Service Appeal before the Hon'ble Service Tribunal, which was disposed off with the direction to the respondents to prepare seniority list strictly in accordance with Section 8 of KP Civil Servants Act, 1973 R/W Rule-17 of KP Civil Servant (APT Rules), 1989, if not already prepared and a copy of the same be handed over to the appellant within 10 days. **(Copy of Order dated 27.02.2023 is attached as "F")**.

12. That on 31.05.2023, the worthy DEO has handed over the copy of seniority list which has been prepared in utter disregard of Section 8 of KP Civil Servant Act, 1973 R/W Rule 17 of the APT Rules, 1989, thus untenable and is liable to correction.

13. That the DEO has ignored the direction of the Hon'ble Peshawar High Court Peshawar in Review Petition, hence untenable.

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14. That the DEO has also ignored the direction of Hon'ble KP Service Tribunal, hence needs rectification by the Appellate Authority.
15. That the seniority of appellant will be reckoned from the date when other similar employees of the same batch have been given seniority but the worthy DEO has ignored this fact and placed the appellant at wrong place, the same needs rectification.
16. That it is settled by now that alike should be treated alike but the DEO (M) Buner has used two yardsticks for one and the same batch.
17. That the DEO has not prepared the seniority as per law, the proper fixation of the seniority is need of the hour, hence needs interference by the Appellate Authority.
18. That as per law and policy on the subject, the appellant was entitled to be given antedated seniority w.e.f 27.05.2014 but the appellant was appointed with immediate effect i.e. 26.11.2018 which is a sheer discrimination on the part of DEO (M) Buner, which goes contrary to Articles 25 and 27 of the Constitution of Pakistan, 1973, hence are liable to be struck down.

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Prayer:

It is, therefore, most humbly prayed that antedated seniority w.e.f 27.05.2014 may be given to the appellant and he may be placed at due & right place in the seniority list.

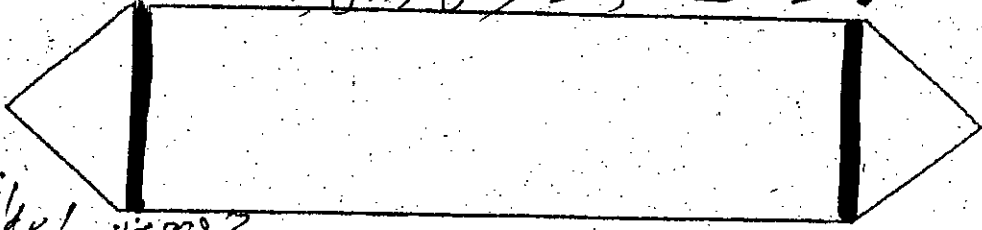
Appellant



Gul Rahim Shah (DM),  
15/01-0341846-1

Dated: 12/6/2023

## بعد التماثل سے سرویس سنبھالنے کا حوالہ



2023ء میں جناب ایس ایم ایف  
کی طرف سے تمام سنبھالت

موزعہ  
مقدمہ  
دعویٰ  
جرم

### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی وکل کاروائی متعلقہ  
آن مقام کے لئے کیا گیا کیلئے کارروائیوں اور عملوں کے  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالتہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف 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 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو کبھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر چاند التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا اذکالت نامہ لکھ دیا کہ سند ہے۔

المقام ۵۹  
المرقوم ۲۰

واہ العیہ  
کے لئے منظور ہے۔