

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Appeal No. 984/2015

Date of Institution .... 07.09.2015

Date of Decision ... 11.10.2017

Badshah Islam, Director Physical Education, Government Higher Secondary School, Ghandigar, Dir Upper. ... (Appellant)

VERSUS

1. The Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar and 4 others. ... (Respondents)

SYED YOUNIS JAN, ... For appellant  
Advocate

MR. KABEERULLAH KHATTAK, ... For respondents.  
Addl. Advocate General

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN  
MR. GUL ZEB KHAN, ... MEMBER

JUDGMENT

NIAZ MUIHAMMAD KHAN, CHAIRMAN.- This judgment shall dispose of the instant service appeal as well as connected service appeal No. 985/2015 Mst. Abida Parveen, No. 986/2015 Fakhar Zaman Shah, No. 987/2015 Zard Ali Khan, No. 988/2015 Shjraz Khan, No. 989/2015 Muhammad Bashir, No. 990/2015 Qazi Syed Mohib Ullah Shah, No. 991/2015 Abdul Jamil, No. 992/2015 Fazal-e-Wahid, No. 993/2015 Jehan Alam, No. 994/2015 Waliur Rahman, No. 995/2015 Amanullah, No. 1000/2015 Deedar Khan, No. 1344/2015 Abdul Ghaffar, No. 1345/2015 Qazi Ikramullah, No. 1346/2015 Saif-ur-Rahman, No. 1347/2015 Abdul Nazar, No. 1348/2015 Jamshed Ali Khan, No. 1349/2015 Mst. Safeena Babar, No. 1350/2015 Jamal Abdul Nasir, No. 1351/2015 Muhammad Iqbal, No. 1352/2015 Faizullah Khan, No. 1353/2015 Abdur Rauf, No. 245/2016 Muhammad Hashim,

No. 246/2016 Abduls Sattar, No. 247/2016 Mst. Nazima Shaheen, No. 248/2016 Syed Faizal Abbas Zaidi, as in all the appeals common questions of law and facts are involved.

2. Arguments of the learned counsel for the parties heard and record perused..

### FACTS

3. The appellants have impugned the notification issued in the year, 2009 regarding their promotion to the upgraded posts with immediate effect. The posts against which the appellants were promoted were upgraded on 13.11.2007. The claim of the appellants is that they should be promoted on upgraded post not with immediate effect but from 13.11.2007. The notification of upgradation of posts of 13.11.2007 has upgraded the posts with immediate effect subject to some conditions. The posts of appellants being D.P.Es were upgraded from BPS-16 to BPS-17 on the ground of acquiring Master Degree and further subject to laid down procedure in accordance with the service rules to be framed. However, their existing seniority was notified to be remained intact. Some of the appellants were already having master degree on 13.11.2007 while some acquired master degree after 13.11.2007. Those who acquired master degree after 13.11.2007 have prayed in their respective appeals that they be upgraded to the respective posts from the date of acquiring master degree.

### ARGUMENTS

4. The learned counsel for the appellant argued that this Tribunal has the jurisdiction as the judgment of the august Supreme Court of Pakistan reported as 2016-SCMR-859 and 2017-SCMR-890 relate to upgradation of posts and not promotion of individuals against upgraded posts. He further argued that in similar cases this Tribunal had granted relief in two different cases entitled as "*Ghulam Nabi vs. Secretary E&SE, Khyber Pakhtunkhwa Peshawar and others*" decided on 04.03.2010 and "*Ghulam Muhammad*

*Khan Vs. Secretary, Higher Education Archives and Libraries Department, Government of Khyber Pakhtunkhwa, Peshawar and others*” decided on 14.01.2013. He further argued that when in service cases any benefit is extended to an individual then all those who are not party to litigation are also entitled for the same benefit and they cannot be forced to enter into litigation for redressal. In this regard the learned counsel for the appellant relied upon three judgments of the august Supreme Court of Pakistan reported as 1996-SCMR-1185, 2005-SCMR-499 and 2009-SCMR-1. Regarding limitation, the learned counsel for the appellant referred to a judgment of this Tribunal entitled “*Dil Muhammad Vs. Government of Khyber Pakhtunkhwa through Secretary Education, Schools & Literacy Department, Peshawar and others*” bearing appeal No. 643/2009 decided on 03.12.2009 in which it has been held that when a civil servant had been granted a relief then all other civil servants having similar cases could be granted relief in view of the judgment mentioned above and no limitation would attract to all such appeals filed by the civil servants.

5. On the other hand, the learned Addl. Advocate General argued that the present appeals are time barred. He further argued that in some of appeals no departmental appeal has been preferred and in others the departmental appeals have been preferred in the year, 2015 after lapse of about 6 years. He further argued that in view of the judgments of the august Supreme Court of Pakistan referred to in the arguments by the learned counsel for the appellants; the present appeals are of upgradation and not of promotion and this Tribunal lacks the jurisdiction.

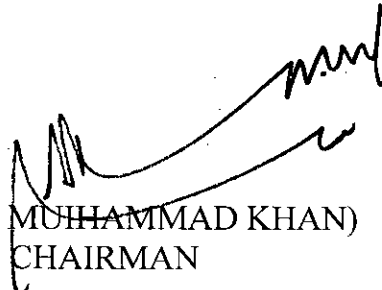
### CONCLUSION.

6. Since the issue of jurisdiction is a pivotal question for determination first and so many other appeals have been dismissed by this Tribunal on the ground of limitation in cases in which upgradation was involved. The learned counsel for the appellant tried to differentiate these appeals on the ground that both the judgments of the august Supreme

Court of Pakistan relates to the upgradation policy and upgradation of posts is quite different from the individuals who are claiming promotion against upgraded posts. In order to appreciate this argument of the learned counsel for the appellant, the judgment reported as 2017-SCMR-890 is very much relevant. This judgment in para-12 has categorically laid down that there is difference between upgradation and promotion and both are often misconceived as promotion. The easy criteria of differentiation between these has been laid down by their lordships that when a civil servant is promoted to the post then it is promotion and when he is promoted to the grade then it is upgradation. And in the said para it has been held that the Service Tribunal has no jurisdiction to entertain any appeal involving the issue of upgradation as it does not fall within the terms and conditions of civil servants. The word used in this para by the august Supreme Court of Pakistan "issue of upgradation" which means that issue of upgradation includes scheme of upgradation as well as persons seeking promotion against upgraded post.

7. As a sequel to the above discussion, this Tribunal lacks the jurisdiction. The present appeals are dismissed. However, the appellants may resort to the proper forum with all just factual and legal exceptions. Parties are left to bear their own costs. File be consigned to the record room.

  
(GUL ZEB KHAN)  
MEMBER

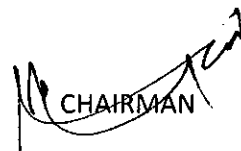
  
(NIAZ MUHAMMAD KHAN)  
CHAIRMAN

ANNOUNCED  
11.10.2017

12/9/2017

Counsel for the appellant and Muhammad Adeel Butt, AAG alongwith Hameed-ur-Rehman, AD for the respondents present. The learned counsel for the appellant argued the case at some length, but when this Tribunal referred to a recent judgment of the august Supreme of Pakistan 2017 SCMR 890 the learned counsel sought some time. Granted. To come up for further arguments before this DB on 11/10/2017.

  
MEMBER


  
CHAIRMAN

11.10.2017

Counsel for the appellant and Mr. Kabeerullah Khattak, Addl. Advocate General for the respondents present. Arguments heard and record perused.

This appeal is dismissed as per our detailed judgment of today. Parties are left to bear their own costs. File be consigned to the record room.

  
Member

  
Chairman

ANNOUNCED  
11.10.2017

01.03.2017

Counsel for appellant and Mr. Hameed-ur-Rehman, AD (litigation) alongwith Mr. Muhammad Adeel Butt, Additional AG for respondents present. Rejoinder not submitted. Learned counsel for appellant requested for time for further time for submission of rejoinder. Request accepted. To come up for rejoinder and arguments on 18.05.2017 before D.B.

  
(AHMAD HASSAN)  
MEMBER

  
(ASHFAQUE TAJ)  
MEMBER

18.05.2017

Counsel for the appellant and Mr. Muhammad Adeel Butt Additional AG for the respondents present. Learned counsel for the appellant submitted rejoinder which is placed on file. To come up for arguments on 12.09.2017 before D.B.

  
(Gul Zeb Khan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

24.05.2016

Agent of counsel for the appellant, M/S. Khursheed Khan, SO and Hameedur Rahman, AD alongwith Addl. AG for the respondents present. Requested for adjournment. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 26.07.2016 before S.B.

  
Chairman

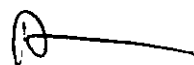
26.7.2016

Counsel for the appellant and M/S Khursheed Khan, SO and Hameedur Rahman, AD alongwith Addl. AG for the respondents resent. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 24.11.2016.

  
Chairman

24.11.2016

Counsel for the appellant and Assistant AG for respondents present. Rejoinder not submitted. Counsel for the appellant requested for time to file rejoinder. Request accepted. To come up for rejoinder and arguments on 01.03.2017.



(ABDUL LATIF)  
MEMBER

  
(MUHAMMAD KAMIR NAZIR)  
MEMBER

11.09.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant is serving as DPE in BPS-17. That being M.Sc in Health and Physical Education appellant was entitled to BPS-17 with effect from 13.11.2007 on the basis of notification of the Provincial Government of the even date i.e 13.11.2007 but appellant promoted later on with immediate effect regarding which he preferred departmental appeal which was not responded and hence the instant service appeal on 7.9.2015.

That the appellant is entitled to up-gradation and financial benefits thereof with effect from 13.11.2007.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 26.11.2015. Notice of application for condonation of delay be also issued for the date fixed.

  
Chairman

26.11.2015

Counsel for the appellant present. Security and process fee not deposited. The same be deposited within a week, where-after notices be issued to the respondents for written reply/comments for 24.3.2016 before S.B.

Appellant Deposited  
Security & Process Fee

  
Chairman

24.03.2016

Counsel for the appellant, M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Assistant AG for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments 24.5.2016 before S.B.



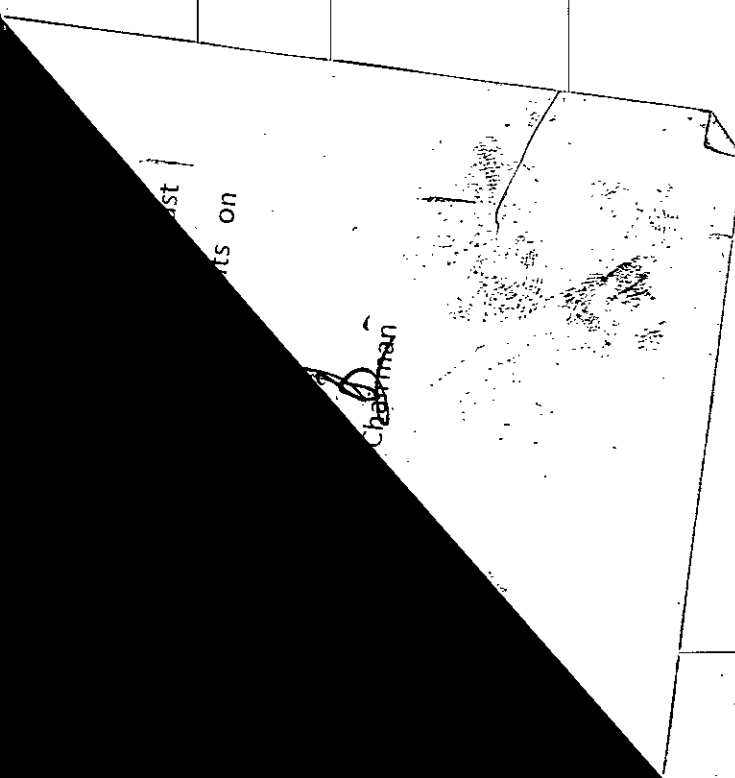
FORM-A

FORM OF ORDER SHEET

Court \_\_\_\_\_

Case No. 984

	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	07.09.2015	<p>The appeal of Mr. Badshah Islam presented to-day by Syed Younis Jan, Advocate, may be entered in the institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2.	11-9-15	<p>This case be put up before the S.Bench for preliminary hearing on <u>24-9-15</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 984, 2015

Badshah Islam .....Appellant

VERSUS


The Chief Secretary, Government of KPK and others.....RESPONDENTS.

I N D E X

S.No.	Description of documents	Annexures	Pages
1.	Grounds of appeal with affidavit		1 - 4
2.	Addresses of parties		0 - 5
3.	Application for condonation of delay with affidavit		6 - 8
4.	Copy of departmental appeal	'A'	9
5.	Copy of impugned Notification dated 27.5.09 and 19.5.09	'B' & BI	10-13
6.	Copy of Notification dated 13-11-07	'C'	14-15
7.	Copy of certificate	'D'	16
8.	Copy of appointment/promotion order	'E'	17-18
9.	Vakalat Nama		19

PESHAWAR

-09-2015

Appellant  
through   
( Syed Younus Jan )  
Advocate, High Court,  
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 984 / 2015

Badshah Islam, Director Physical Education,  
Government Higher Secondary School, Ghandigar,  
Dir Upper ..... Appellant

K.P.K. Province  
Service Tribunal  
Diary No 1042  
Dated 7-9-15

VERSUS

1. The Chief Secretary, Government of K.P.K. Peshawar.
2. The Secretary, Elementary & Secondary Education, K.P.K. Civil Secretariat, Peshawar.
3. The Director, Elementary & Secondary Education, K.P.K. Peshawar.
4. The Secretary Establishment Department, K.P.K. Civil Secretariat, Peshawar.
5. The Secretary Finance Department, K.P.K. Civil Secretariat, Peshawar.

.....RESPONDENTS.

APPEAL UNDER SECTION 4 OF K.P.K. SERVICE TRIBUNAL ACT, 1974.

TO THE EFFECT THAT THE ORDER/NOTIFICATION DATED 27-05-09, 19-05-09  
MAY KINDLY BE VARIES/MODIFIED AND AS SUCH THE SAME MAY  
KINDLY BE MADE EFFECTIVE FROM 13-11-2007 INSTEAD OF  
IMMEDIATE EFFECT. (COPY OF DEPARTMENTAL APPEAL IS ANNEX: 'A')

*Handwritten:*  
7/9/15

Prayer-in-appeal

That on acceptance of this appeal, the order/Notification  
dated 27-05-09/<sup>19-05-09</sup> may kindly be varied/modified/<sup>to</sup>the extent  
that the same may kindly be made effective from 13-11-2007  
instead of immediate effect and as such the Department may  
kindly be directed to consider the promotion of the  
appellant to BS-17 (regular) from 13-11-2007 instead of  
immediate effect with all other service benefits.

(Copy of the impugned order/Notification dated 27-05-09, 19-05-09  
is attached as Annexure 'B' and dated 13-11-07 is Annex: 'C').

Respectfully submitted:

Brief facts of the appeal are as under :-

1. That the qualification of the appellant is M.A/M.Sc. in Health and Physical Education whose ~~result~~ <sup>passed</sup> was declared on 1999 exam. (Copy of certificate is attached as Annex: 'D') on the recommendation of PSC K.P.K.
2. That ~~the~~ appellant was regularly appointed/~~promoted~~ to the post of Director Physical Education (DPE) vide order dated 13-12-2006. (Copy of the same is Annexure 'E').
3. That the Government of K.P.K. on 13-11-2007 issued a letter/ Notification vide which the posts of D.P.Es. and Librarians were upgraded from BS-16 to BS-17 (regular) for the existing incumbents who hold the Master Degrees in the relevant subjects i.e. M.A/M.Sc. in Health and Physical Education in case of the appellant. (Copy of the said Notification is Annexure 'C' above).
4. That the appellant is/was highly qualified, fit and thus was fully eligible for award of EPS-17 regular in light of the above referred Notification of the Government of K.P.K. but he was illegally/un-constitutionally, mala fide and intentionally was ignored for the same relief so he agitated the matter with the authority but of no use so he filed a departmental appeal before respondent No.1 which is still pending before him and after lapse of statutory period no order/communication has been made on the same so far, hence this appeal on the following amongst other grounds :-

G R O U N D S

- A) That the act and omissions of the respondents is illegal, un-constitutional against facts and material on record, therefore, is not tenable and need the interference of this Hon'ble Tribunal.

- B) That the act and omissions of the respondents is not only factually incorrect and legally untenable but also is based on their mala fide intention and is also against the well established principles of natural justice and is discriminatory in nature.
- C) That the act and omissions of the respondents is also against the laws/rules/policies and Notifications of the Provincial Government especially against the Notification dated 13-11-07.
- D) That the case of the appellant is very much similar and identical with those numerous cases in which the higher/superior courts and Tribunals as well as this Hon'ble Tribunal is given a similar relief to other colleagues of the appellant and the appellant is also entitled to the same relief/treatment.
- E) That the Department has also given a similar relief to other colleagues of the appellant including his junior so on this score also the appellant is entitled to the same relief.
- F) That the appellant was highly qualified, fit and thus was quite eligible for the award of EPS-17 (regular) at the time of and in light of the letter/Notification dated 13-11-07 so the impugned Notification dated 27-05-09, <sup>19-05-09</sup> vide which the promotion of the appellant to BS-17(regular) has been made with immediate effect is neither legal nor justified.
- G) That the appellant is/was a Government/Civil Servant and legal and constitutional guarantee is/was available to him to be treated equally and in accordance with law. He however, has not been treated as such.

It is, therefore, humbly prayed that on acceptance of this appeal, the impugned order/Notification dated 27-05-09 & 19-05-09



may kindly be varied/modified to the extent that the same may kindly be made effective from 13-11-2007 instead of immediate effect and as such the Department may kindly be directed to consider the promotion of the appellant to BS-17 (regular) from 13-11-07 instead of immediate effect with all other service benefits. Any other remedy/relief available in the circumstances of the case may also kindly be granted to the appellant.

*[Signature]*  
Appellant  
through *[Signature]*  
( Syed Younus Jan )  
Advocate, High Court,  
Peshawar

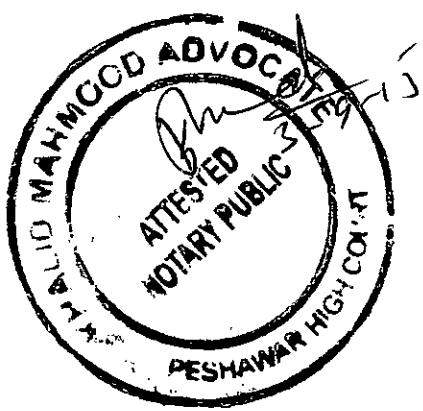
PESHAWAR

-09-2015

AFFIDAVIT

I, Badshah Islam, (the appellant) 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 belief and nothing has been concealed from this Hon'ble Tribunal.

*[Signature]*  
Deponent



5

BEFORE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR.

Appeal No. \_\_\_\_\_ / 2015

Badshah Islam .....Appellant

Versus

The Chief Secretary, Govt. of K.P.K.  
and others .....Respondents.

ADDRESSES OF THE PARTIES

Appellant

Badshah Islam, Director Physical Education,  
Government Higher Secondary School, Ghandigar,  
Dir Upper.

Respondents

1. The Chief Secretary,  
Government of K.P.K. Civil Secretariat,  
Peshawar.

Education

- 2. Secretary Elementary and Secondary Khyber Pakhtoonkhwa  
Civil Secretariate Peshawar.
- 3. The Director Elementary and Secondary Education Khyber  
Pakhtoonkhwa near Govt: Higher Secondary School Peshawar  
City GT Road Peshawar.
- 4. The Secretary Establishment Department Khyber Pakhtoonkhwa  
Civil Secretariate Peshawar.
- 5. The Secretary Finance Department Khyber Pakhtoonkhwa  
Civil Secretariate Peshawar.

Dated: \_\_\_\_\_ /2015

Appellant \_\_\_\_\_

Through:



(SYED YOUNUS JAN )  
Advocate Peshawar High Court  
Peshawar.

PHYSICS DEPARTMENT

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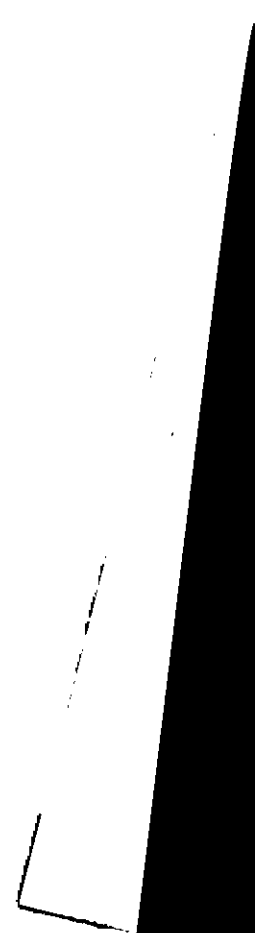
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(6)

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

Appeal No. \_\_\_\_\_/ 2015

Badshah Islam ..... Appellant

**Versus**

The Chief Secretary,  
Government of K.P.K. Civil Secretariat  
and others ..... Respondents.

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APPLICATION FOR CONDONATION OF DELAY (IF ANY).

Respectfully submitted:

The applicant/appellant submits as under:-

That firstly the act and omission of the respondents /department is illegal, unconstititutional and void and secondly as financial matter is involved in the matter and the cause of action is the running cause of action, therefore, no limitation runs against the appellant/applicant, but even if this Honourable Tribunal considers the departmental appeal time barred then this application for dondonation of delay if any on the following amongst other grounds:-

GROUNDS:

1. That in the matter in hand the cause of action is continuous cause of action and the impugned act and omission of the respondents come in the purview of the definition of continous wrong, therefore, in the matter the cause of action starts on first date and ends on the last date of every months/every year, therefore, no question of delay arises in the matter.
2. That the law requires that the matters should/must be decided on merits rather than on technical grounds including the limitation.



7

...2...

3. That the appellant/applicant has got a very good case in his favour therefore, technicalities including the point of limitation(The delay if any) are ignorable.
4. That the appeal of the appellant before this Honourable Tribunal is well within time and strictly in accordance with law contained in Section 4 of the NWFP now Khyber Pakhtunkhwa Service Tribunal Act 1974,
5. That if the delay if any is not condoned the applicant/appellant will suffer an irreparable loss to his seniority, promotion and all other service benefits.
6. That the delay if any has been caused by the delaying tactics of respondents/department and the appellant cannot be held responsible for the same.
7. That in so many similar and identical cases this Honourable Tribunal has ignored the point of limitation and in so many cases has condoned the delay, therefore, in this case also the same point is ignorable/condonable.

It is, therefore, respectfully prayed that on acceptance of this application in the best interest of justice the delay if any in filing departmental appeal may kindly be condoned/ignored and the appeal of the appellant/applicant may kindly be decided on merits. Any other remedy/relief available in the circumstances of the case may also kindly be granted to the applicant/appellant.

Dated 19/2015

Applicant/Appellant   
Through   
( Syed Yunus Jan )  
Advocate Peshawar High Court  
Peshawar.

8

BEFORE THE KHYBER PAKHUNKHWA, SERVICE TRIBUNAL, PESHAWAR.

Appeal No. \_\_\_\_\_ / 2015

Badshah Islam ..... Applicant/Appellant.

Versus

The Chief Secretary, Govt. of KPK

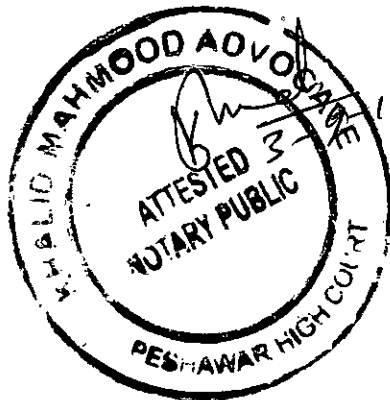
and others ..... Respondents.

AFFIDAVIT.

I, Bad shah Islam, (appellant) to hereby solemnly affirm and declare on Oath that the contents of the attach application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal

Dated 19/2015

Deponent Sl



Annex "A"  
9

The Worthy Chief Secretary,  
Government of K.P.K. Peshawar

Subject:- DEPARTMENTAL APPEAL/REPRESENTATION

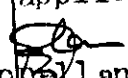
Through: PROPER CHANNEL

Sir,

The applicant/appellant submits as under :-

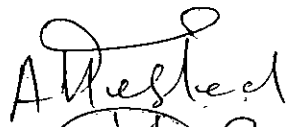
1. That the qualification of the applicant/appellant is M.Sc. in Health & Physical Education who passed the said exam in January/February, 1999.
2. That on the recommendation of K.P.K. Public Service Commission the applicant/appellant was appointed as Director, Physical Education (D.P.E) in BPS-16 vide order dated 13-12-2006.
3. That the Government of K.P.K. issued a letter/Notification on 13-11-2007 vide which the posts of D.P.Es. and Librarians were upgraded from BS-16 to BS-17 (regular) for the existing incumbents who hold the Master Degrees in the relevant subjects i.e. M.A/M.Sc. in Health & Physical Education in case of the applicant/appellant.
4. That the appellant/applicant was highly qualified, fit and thus was fully eligible for the award of BS-17 (regular) in light of the above mentioned Notification/letter.
5. That the appellant/applicant has been promoted to BS-17 (regular) vide order dated 27-05-09 in continuation of the order dated 19-05-09 but with immediate effect instead of 13-11-07 i.e. the date of the above referred letter.
6. That the appellant/applicant being entitled well-qualified fit for the award of BS-17 (regular) from 13-11-07 but was illegally and un-constitutionally and malafidely ignored for the same relief so he agitated the matter with the authority but of no use, hence this appeal.

Your goodself is therefore, requested sir, that the letter/Notification dated 27-05-09 and 19-05-09 may kindly be made effective from 13-11-07 instead of immediate effect and as such the promotion of the applicant may kindly be considered from 13-11-07.

  
Appellant/Applicant

PESHAWAR

21-05-2015

  
SYED YOUSUF JAN  
M.A.L.L.B. & B.L. Advocate  
Advocate High Court Peshawar  
Federal Shariat Court.

( Badshah Islam )  
D.P.E. GHSS Ghandigar,  
Dir Upper

SECRETARY (ARTS)

**GOVERNMENT OF NWFP  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT**

Dated Peshawar the 27-5-2009.

Annex "B"

(10)

**NOTIFICATION.**

**NO. SO(PE)2-6/DPEs(BS-16 TO BS-17)09.** In continuation to this Department Notification No. SO (PE)2-6/E&SE/DPC/LIB/DPE(BS-16 to BS-17)/09 dated 19-5-2009 and consequent upon the recommendation of the Departmental Promotion Committee the competent authority is pleased to promote the following DPEs from BS-16 to BS-17 with immediate effect and are hereby adjusted in the Schools noted against each name on the vacant post of DPE according to their seniority on regular basis. They will however retain their inter se seniority in BS-17 viz-a-viz their batch mates as in BS-16.

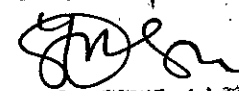
S.No.	Name & Designation	Place of posting	Remarks
1	Ms. Shaheen Ali DPE GGHSS Shewa Swabi.	GGHSS Shewa Swabi	Already occupied by her.
2.	Mr. Sheraz Khan DPE ADO (Sports) O/O EDO E&SE Dir Lower.	GHSS Talash Dir Lower	Against vacant post.
3	Mr. Badshah Islam DPE O/O EDO E&SE Dir Upper.	GHSS Gandhigar Dir Upper	Against vacant post.

SECRETARY TO GOVT. OF NWFP  
ELEMENTARY AND SECONDARY  
EDUCATION DEPARTMENT.

Endst. No. & Date as above.  
Copy forwarded to:-

- 1- Secretary to Govt. of NWFP Establishment & Admn. Department.
- 2- Special Secretary (Regulation) Establishment Department.
- 3- Secretary to Govt. of NWFP Finance Department.
- 4- Accountant General NWFP, Peshawar.
- 5- Director Elementary & Secondary Education NWFP.
- 6- Director Education (FATA) NWFP Peshawar.
- 7- Executive District Officer Elementary & Secondary Education concerned.
- 8- District Accounts Officer concerned.
- 9- DPE concerned.

  
(ARIF JAMIL)  
SECTION OFFICER (PRIMARY)

*Attested*  
  
**SYED YOUNUS JAN**  
B.A.B.S. & Ed. Certificate Shara Law  
Advocate High Court Peshawar  
Federal Shariat Court.



S.No	Name & Designation of Officers	Place of Posting	Remarks
12.	Mst. Shahnaz Begum DPE	GGHSS Shah Said Munawar D.I.Khan	Already occupied by her.
13.	Mst. Rafia Khattak DPE	GGHSS Shabqadar Fort Charsadda	-do-
14.	Mst. Hamida Bagem DPE	GGHSS Kulachi D.I.Khan	-do-
15.	Mst. Nabila Tabasum DPE working as Librarian GGHSS Chamkani Pesh.	GGHSS Rashakai, Nowshera.	Against vacant post.
16.	Mst. Saceda Begum DPE	GGHSS Chamkani Peshawar.	Already occupied by her.
17.	Mst. Danish Begum DPE	GGHSS Shah Dhand Mardan.	-do-
18.	Mst: Shabnam Raza DPE	GGHSS Shakardara Kohat	-do-
19.	Mst: Nigar Akhtar DPE	GGHSS Shabazghari Mardan	-do-
20.	Mst: Rehana Khatoon DPE	GGHSS Chokara Karak	-do-
21.	Mst Nahced Gohar DPE	GGHSS Babri Banda Kohat	-do-
22.	Mst: Asma Quarshi DPE	GGHSS Belitang Kohat	-do-
23.	Mst: Munaza Jabeen DPE	GGHSS Sherpao Charsadda	-do-
24.	Mst: Azra Naz DPE	GGHSS Toru Mardan	-do-
25.	Mst: Adeeba Nahced DPE	GEC (F) Jamrud Khyber Agency	-do-
26.	Mst: Sajida Sofi DPE,	GGHSS Com:Peshawar	-do-
27.	Mst: Rahila Gul DPE	GGHSS Gumbat Kohat	-do-
28.	Mst: Shahana DPE	GGHSS Kaki Bannu	-do-
29.	Mst: Maryam Mustafa DPE	GGHSS Havelian A.Abad	-do-
30.	Mst: Saima Andaleeb DPE	GGHSS Pannian Haripur.	-do-
31.	Mst: Imtiaz Tabassum DPE	GGHSS Pirpai Nowshera	-do-
32.	Mst: Fakhar-E-Angum DPE	GGHSS Hatian Mardan	-do-
33.	Mst: Nighat Seema DPE GGHSS Sherwan A/Abad	AD (PE & S) Director Curri & Teacher Edu: NWFP at A/Abad	-do-
34.	Mst. Sheraz Taj DPE	GGHSS Sawal Dher Mardan	-do-
35.	Mst. Afsheen Mumtaz DPE	GGHSS Kalabat Swabi	-do-
36.	Mst. Rehana Yasmeen	GGHSS Kabal Swat	-do-
37.	Mst. Hassan Basri DPE	GGHSS Topi Swabi	-do-
38.	Mst. Sajida Nousheen DPE	GGHSS Lady Griffith Peshawar	-do-

SECRETARY TO GOVT OF NORTH-WEST FRONTIER PROVINCE  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Endst; of even no. & date:

Copy is forwarded to:-

- 1) Secretary to Govt of NWFP, Establishment Department, Peshawar.
- 2) Special Secretary (Regulation), Establishment Department, Govt of NWFP Peshawar.
- 3) Secretary to Govt. of NWFP, Finance Department, Peshawar.
- 4) Secretary to Chief Minister NWFP.
- 5) PS to Chief Secretary NWFP.
- 6) All Directors in Elementary & Secondary Education Department NWFP.
- 7) All District Coordination Officers in NWFP.
- 8) All Executive District Officers Elementary & Secondary Education in NWFP. Dir (E)
- 9) All Executive District Officers (Finance & Planning) in NWFP.
- 10) The Accountant General NWFP.
- 11) All District / Agency Accounts Officers in NWFP.
- 12) Director Information NWFP Peshawar with the request to give wide publicity through media.
- 13) Secretary, NWFP Public Service Commission Peshawar.

M. Fajal Muhammad/ Kaleem Khan Mahsood / Istikhhar Shamoza / Final Notification / 2009

(PTO)

*Attested*  
*[Signature]*  
**BYED YOUSUF JAN**  
B.A.B.S. B Ed, Certificate Exam Lab  
Advocate High Court Peshawar  
Federal Shariat Court.

- 14) All Section Officer/ Planning Officers / Statistical Officers, E&S Edu: Deptt: Govt of NWFP.
- 15) Deputy Database Administrator (EMIS) Elementary & Secondary Education Peshawar.
- 16) PS to Minister for Education (Elementary & Secondary) NWFP.
- 17) PS to Secretary / Special Secretary / Additional Secretary E&S Edu: Deptt Govt of NWFP.
- 18) PA to Deputy Secretary (Admn) Elementary & Secondary Edu: Department Govt of NWFP.
- 19) PA to Chief Planning Officer Elementary & Secondary Education Department Govt of NWFP.
- 20) Officers concerned
- 21) Master file

(ARIF JAMIL)  
SECTION OFFICER (PRIMARY)

**AYUB YOUSOF JAN**  
B.A.B.L.S. & Ed. Certificate Shari'ah Law  
Advocate High Court Peshawar  
Federal Shariat Court.



Annex "C"  
13/11/07

GOVERNMENT OF N.W.F.P.  
SCHOOLS & LITERACY DEPARTMENT  
Dated, Peshawar the 13/11/2007.

NOTIFICATION.

No. SOG/S&L/1-69/06/Vol-1/DPE/LIB: Sanction of the competent authority is hereby accorded to the upgradation of the posts of Librarians and Directors Physical Education (D.P.Es) from BS-16 to BS-17 (Regular) for the existing incumbents who hold Master Degree in the relevant subject in the Schools & Literacy Department NWFP with immediate effect as per following details:-

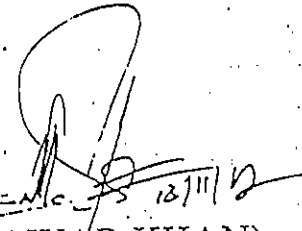
- 1) Promotion against the upgraded posts (from BS-16 to BS-17) shall be made in the prescribed manner and in accordance with the service rules to be framed as per relevant provisions of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989 read with the NWFP Civil Servants Act, 1973.
- 2) The Librarians and D.P.Es who hold the diploma in the relevant subject will stay in BS-16 till such time, they acquire Master degree in the respective subject. On acquiring Master Degree in the relevant subject, their posts will be upgraded on case to case basis from BS-16 to BS-17 (Regular) and promotion (from BS-16 to BS-17) would be given as per laid down procedure and in accordance with the service rules to be framed. However their existing seniority will remain intact.
- 3) All the vacant posts of Librarians and D.P.Es in Schools & literacy department in BS-16 are hereby upgraded to BS-17, appointments against which would be made from amongst the persons who hold Master degree in the relevant subject, in the prescribed manner.
- 4) In future Librarians and D.P.Es will initially be recruited on the basis of Master degree in the relevant subject in BS-17 (Regular).
- 5) Henceforth no appointment of Librarians and D.P.Es in BS-16 shall be made on the basis of diploma, being declared as "Dying Cadre".

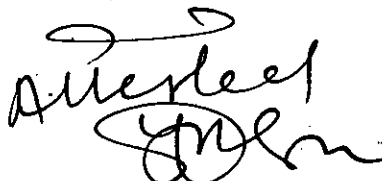
Sd/-  
SECRETARY TO GOVERNMENT OF NWFP  
SCHOOLS & LITERACY DEPARTMENT.

Endst: No. FD (SOSR-II) 10-7 / 03 / VOL. - III Dated, Peshawar the, 13/11/2007.

Copy is forwarded for information and necessary action to :-

- 1) The Accountant General, NWFP, Peshawar.
- 2) All District Accounts Officers in NWFP.
- 3) All Agency Accounts Officers in NWFP.

  
(MUNAWAR KHAN)  
SECTION OFFICER (SR-11)  
FINANCE DEPARTMENT  
GOVERNMENT OF NWFP.

  
SYED YOUSAF JAN  
B.A., B.L.S., B.Ed., Certificate in Shari'ah Law  
Advocate High Court Peshawar  
Federal Shariat Court.

(P.T.O.)

15

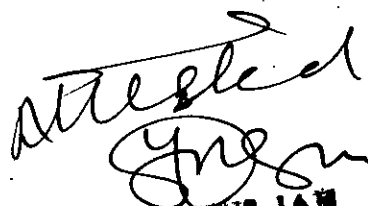
Endst.No. & Date Even.

Copy is forwarded to:-

- 1) Secretary to Government of NWFP, Establishment Department.
- 2) Secretary to Government of NWFP, Finance Department.
- 3) P.S to Chief Minister NWFP, Peshawar.
- 4) P.S to Chief Secretary NWFP, Peshawar.
- 5) Director Schools & Literacy, NWFP, Peshawar.
- 6) Director, Curr; & Teachers Edu; NWFP, Mandian Abbottabad.
- 7) Director of Education FATA NWFP, Peshawar.
- 8) P.S to Minister of Education, NWFP, Peshawar.
- 9) P.S to Secretary Schools & Literacy NWFP, Peshawar.
- 10) Office File.



(FARID AHMAD KHATTAK)  
SECTION OFFICER (GENERAL)  
SCHOOLS & LITERACY DEPARTMENT  
GOVERNMENT OF NWFP.



**OVED YOUNUS JAN**  
B.A.L.S. & B.A. Certificate Shari Law  
Advocate High Court Peshawar  
Federal Shariat Court.

Ammer "D" 15

Serial No. GU 01138  
2

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

# GOMAL UNIVERSITY

## DERA ISMAIL KHAN

(N.W.F.F) PAKISTAN



**SYED YOUNUS JAW**  
B.A., B.L.S., B.Ed. Certificate holder & an  
Advocate High Court Peshawar &  
Federal Shariat Court.

(Session 1995-96)

BAD SHAH ISLAM SON of KABAL KHAN and

a student of the DEPARTMENT OF PHYSICAL EDUCATION,

having Passed the prescribed examination in JAN/FEBRUARY 1999.

is this day admitted by the Gomal University to the DEGREE of

## MASTER OF SCIENCE

in the FIRST Class

The subject of examination being PHYSICAL EDUCATION,

The Examination was taken as a whole/in parts.

Registered No 619-PEDU-94

Roll No 3929

July 17 1999

*Attested*  
[Signature]  
M. Iqbal  
B.S. in Statistics BPS-17  
G.H.S. Gandigar Dir (U)

Countersigned

[Signature]

Vice-Chancellor

[Signature]  
Examinations

Ammez "E"

(17)

**OFFICE OF THE DIRECTOR SCHOOLS & LITERACY NWFP, PESHAWAR**

**NOTIFICATION**

Consequent upon the recommendation of the NWFP Public Service Commission (PSC), the competent authority is pleased to appoint the following DPE (Male) in BPS-16 plus usual allowances is admissible under the rules with immediate effect and post them in the schools noted against each name subject to the condition given below

S #.	Name of Candidate	Fathers Name	Domicile	Postal Address	Place of posting / remarks
1	Muhammad Kaleem	Janat Khan	S.W.A	C/O Jilani Electronics Bazar Toopanwala DIK Vill:Patwelai (SWA)	GHSS S No.1- Haripur.
2	Kaleem Ullah Khan	Shera Jan	Hangu	C/O Kalim House of Sports Karbogha Road Dohaba Distt:Hangu	GHSS Charbagh Swat.
3	Wajid Ali	Abdul Hamid	Dir/3	Vii:Subhan Shah Baba PO Lund Khawar Tehsil:Tehkht Bai Mardan	GHSS Palai Malakand
4	Fida Muhammad	Said Qamar	Swabi/2	GHS.Lahore Swabi	ADO (Sports) Malakand.
5	Fariq Gul	Umar Muhammad	Dir/4	Vill:Sadbar Killi Tehsil:&PO Samarbagh Dir Lower	GHSS Samar Bagh Dir Lower <i>Sirikat</i>
6	Muhammad Ayaz	Sarfraz	DIK/4	Hasmi Town Shiekh, Yousaf Road Near Baranabad DIK	GHSS Khanas Pur Ayubia, Abbottabad <i>Heerai Pur</i>
7	Taimur Riaz	Muhammad Riaz	Abbottabad/5	Mohallah Batngi Vill:&PO Bandia Pagwania Tehsil:&Distt Abbottabad.	GHSS Rich Behn Abbottabad
8	Naik Zada	Umar Zada	Swat/3	Vill:Charbagh Mohallah Cham-Distt:Swat	GHSS Shamoza, Swat
9	Taj Wali Shah	Fazli Rabbi	Swabi/2	Vill:PO Tano Tehsil:Lahore Distt:Swabi	GHSS Khanas Pur Ayubia A.Abad
10	Yousaf Khan	Hasim Khan	Lakki Marwat/4	Jadeed Aabadi Near Railway Station Lakki	GHSS Madyan Swat
11	Arshad Hussain	Noor ul Haq	Nowshera/2	Vill:PO Taru Jaba Distt:Nowshera	GHSS Langrial, Abbottabad
12	Muhammad Ashfaq	Jan Bahadur	F.R. Kohat/1	Vill Sherin Mila Bosti Khel PO Dara Adam Khel FR Kohat	GHSS Barid A.Abad
13	Muhammad Arif	Abdul Hakeem	Swabi/2	MOH'LADA KHEL VILL.&P/O KALU KHAN SWABI	GHSS Nisata Charsadda
14	Muhammad Sabir	Muhammad Yousaf	Abbottabad/5	GCHS ABBOTTABAD	GHSS Nathia Gali Abbottabad
15	Badshah Islam	Kabal Khan.	Dir/3	Mohallah Shah Vill:Dir Upper	GHSS Warai, Dir Upper
16	Shaifullah	Muhammad Azim Khan	Lakki Mawrat/4	Vilg & PO Pahar Khel Thal, Distt: & The: Lakki Marwat.	GHSS Kishwara Swat
17	Mahboob Ali	Fazal Mabood	Swat/3	GMS Kota Swat	GHSS Bilogram Swat

Deputy Director  
Schools and Literacy  
NWFP, Peshawar

Attested  
J. J. J.

BYED YOUSUF JAW  
B.A.L.L.B. B.Ed. Certificate holder  
Advocate High Court Peshawar  
Federal Shariat Court.

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TERMS AND CONDITIONS OF THEIR APPOINTMENTS.

1. They will be governed by such rules and regulations as may be prescribed from time to time by the Govt: for the category of the Govt: Servants to whom they belong.
2. Their services will be liable to be terminated on one month's notice from either side. In case of resignation without notice one month pay will be forfeited in lieu thereof.
3. The Service of newly appointee should checked whether they had been working on Contract or Regular basis before their appointment as DPE in case the in service teachers working on contract basis and appointed on regular basis against DPE post by virtue of this appointment, their order will be revised and they will appointed on contract basis. The EDO (S&L) concerned should immediately inform the Director Schools & Literacy in this respect.
4. The appointees should join their post within 15 days of the issuance of this order. The EDO's (S&L) should furnish a certificate to the effect that the appointees have join the posts or otherwise, after one month of the issue of this order.
5. Their services can be terminated at any time in case their performance is found unsatisfactory and they will be proceeded against under Removal from service: (Special Power) Ordinance 2000 and E&D Rules 1973.
6. They shall be required to furnish copies of all their certificates/degrees along with the original receipts and photo copies thereof pertaining to the verification fee of the concerned examining body (Board/University) to the EDO (S&L) concerned.
7. The EDO (S&L) concerned should check their original Certificates/Degrees.
8. No TA/DA etc. will be allowed to the Appointees.
9. Charge reports should be submitted to all concerned.

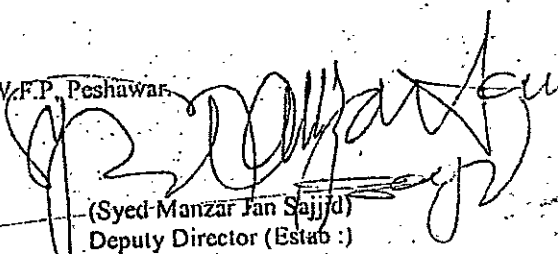
Director Schools & Literacy,  
NWFP, Peshawar

Endst: No. 1400-1426 /F.No. DPE (F) Appointment (PSC/2006)


Dated Peshawar 13/12 /2006.

Copy forwarded for information and necessary action to the:-

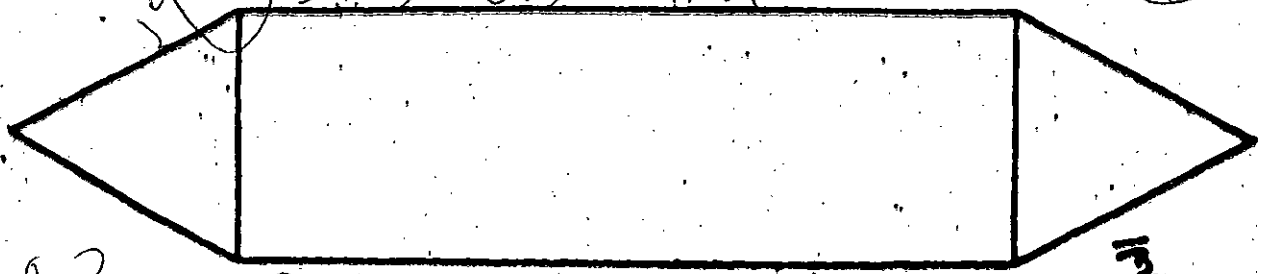
1. Minister for Education N.W.F.P, Peshawar.
2. Secretary to Govt: of N.W.F.P, Schools & Literacy Department Peshawar.
3. Director Education FATA N.W.F.P.
4. Director Curriculum and Teachers Education N.W.F.P, Abbottabad.
5. Executive District Officers concerned.
6. District Accounts Officers concerned.
7. Principal concerned.
8. Candidates concerned.
9. PA to Director Schools & Literacy N.W.F.P, Peshawar.

  
(Syed Manzoor Jan Sajjid)  
Deputy Director (Estab : )  
Directorate of Schools & Literacy  
N.W.F.P, Peshawar.

Munir Khan(DA)

Attested  
  
SYED YOUSUF JAN  
B.A., B.L.S. & Ed. Certificate  
Advocate High Court Peshawar  
Federal District Court.

بعدالت KPK سروس کٹر سروس



مقدمہ  
مقدمہ  
دعویٰ  
جزم

603 15 ستمبر 2015ء  
بادشاہ اسلام آباد  
باعت تحریر انکم

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دیکل  
کارروائی متعلقہ آن مقام کے لئے سندوں کے ساتھ ساتھ  
مقررہ کر کے اقرار کیا جاتا ہے کہ صاحب موصوت کو مقدمہ کی کارروائی کا مکمل اختیار ہوگا نیز  
دیکل صاحب کو کرنے راضی نامہ و تقررات فیصلہ برحمت دیے جواب دہی اور اقبال دعویٰ اور  
بصورت دگری کرنے اجراء اور وصولی چیک و روپیہ اور مرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
ذرا بس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا دگری کیفر یا اپیل کی برآمدگی اور سزا  
نیز دادر کرنے اپیل نگرانی و نگرانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور دیکل یا اختیار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جلد مذکورہ بالا اختیارات حاصل ہو جائے گے اور اس کا ساتھ  
پیداہ منظور و قبول ہوگا۔ در دوران مقدمہ میں جو خرچہ دہر جائز اتوائے مقدمہ کے سبب سے ہوگا۔  
اک کے مستحق دیکل صاحب موصوت ہوں گے۔ نیز تقیاد خرچہ کی دہلی کرنے کا بھی اختیار ہوگا۔ اگر  
کوئی تاریخ پیش مقام دورہ پر ہو یا حد سے باہر ہو تو دیکل صاحب پابند نہ ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا نکات نامہ کھدیا کہ سند رہے۔

2015  
ماہ ستمبر

بادشاہ اسلام آباد

[Handwritten signature]

بمقام KPK سروس کٹر سروس کے لئے منظور ہے۔

Attested & Accepted.

SYED YOUSUF JAM  
B.A.B.L.S. & B.L. (Punjab) & F.A. (A.C.S.)  
Advocate High Court Peshawar -  
Federal Magistrate Court.

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

Service Appeal No: 984/2015

**Badshah Islam, DPE GHSS Ghandigar, Dir (Lower)**

.....Appellant.

**VERSUS**

Secretary E&SE Department, Khyber Pakhtunkhwa & others.

.....Respondents

**JOINT PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS No: 1-5.**

Respectfully Sheweth:-

The Respondents submit as under:-

**PRELIMINARY OBJECTIONS.**

- 1 That the Appellant has got no cause of action / locus standi.
- 2 That the instant Service Appeal is badly time barred.
- 3 That the Appellant has concealed material facts from this Honorable Tribunal, hence liable to be dismissed on this score.
- 4 That the Appellant has filed the instant appeal on malafide motives.
- 5 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 6 That the Appellant is not entitled for the relief he has sought from this Honorable Tribunal.
- 7 That the instant Service Appeal is against the prevailing law & rules.
- 8 That the instant Appeal is based on malafide intentions just to put extra pressure on the Respondents for gaining illegal service benefits.
- 9 That this Honorable Tribunal has got no jurisdiction to adjudicate upon the present service appeal.
- 10 That the appeal is not maintainable in its present form & circumstances of the case.
- 11 That the appeal is bad for mis-joinder & non-joinder of the necessary parties.
- 12 That the instant Appeal is barred by law.
- 13 That the Notifications dated 27/5/2009 & 19/5/2009 are legally competent.
- 14 That the instant Service Appeal is barred by law.
- 15 That the Appellant is not entitled for the grant of promotion wef 13/11/2007.

**ON FACTS**

- 1 That Para-I, needs no comments being pertains to the academic & professional qualification of the appellatant.
- 2 That Para-2, also needs no comments, being pertains to the service record of the appellatant.
- 3 That Para-3 is correct to the extent that the Govt: of Khyber Pakhtunkhwa, vide Notification dated 13/11/2007 has upgraded the DPEs & Librarians from BPS-16 to 17 (Personal) with the conditions of MA/M. Sc in Health & Physical Education from the recognized University at least in 2<sup>nd</sup> Division with the additional conditions that in future all DPEs will be recruited in BPS-17 regular on the basis above said qualification by declaring the DPE post in BPS-16 as a dying cadre post in the Respondent Department (Copy of the said Notification is attached as Annexure-A).
- 4 That Para-4 is incorrect & misleading on the grounds that the case of appellatant for the grant of promotion from BPS-16 to 17 vide the impugned Notification dated 27/5/2009 with reference to S/No: 3 of the said Notification is the result of the Notification No: SO (PE)/2-6/E&SED/ DPC/L IV/DPE(BPS-16 to 17) 09 dated 19/5/2009, vide which the appellatant has been promoted against the BPS-17 (Regular) post by the Respondent Department in the interest of public service & immediate effect with the conditions that the appellatant will retain his inter- se-seniority in BPS-17 alongwith his batch mates as in BPS-16 in the Respondent Department, hence the plea of the appellatant regarding making the impugned Notification dated 27/5/2009 effective from 13/11/2007 is illegal & without any merits. Hence the instant appeal is liable to be dismissed in favour of the Respondents in the interest of justice on the following grounds inter alia (Copies of the said Notifications are Ann: B&C) :-


**GROUND**

- A Incorrect & denied, the act of the Respondents vide Notification dated 27/5/2009 in favour of the appellatant is within legal parameter & is legally competent & is liable to be maintained in favour of Respondents in the interest of justice.
- B Incorrect & denied. Detailed reply has already been given in the foregoing paras.
- C Incorrect & denied. The appellatant has been treated as per law & upgradation policy by the Respondents vide Notification dated 27/5/2009 by promoting him in BPS-17 with immediate effect is in the interest of justice.
- D Incorrect & denied. The statement of the appellatant is baseless and without any merit & is liable to be struck down in favour of the Respondents.
- E Incorrect & denied. Detailed reply of this ground has already been given in Para-4 of the instant reply, hence needs no further comments.
- F Incorrect & denied. The appellatant has been treated as per law, rules & criteria vide the impugned Notification dated 27/5/2009 by the Respondents.
- G Incorrect & misleading. The appellatant has been treated as per law, rules & criteria vide the impugned Notification dated 27/5/2009 by the Respondents. However, the Respondent seek leave of this Honorable Tribunal to submit additional case law & record at the time of arguments.



**Prayer**

In view of the above made submissions, it is humbly requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant appeal with cost in favour of the respondent Department.

  
Secretary 21/6/2016

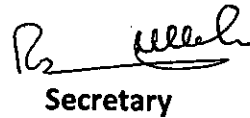
E&SE Department Khyber  
Pakhtunkhwa, Peshawar  
(Respondents No: 1&2)


  
Secretary

(Etab: ) Department Khyber  
Pakhtunkhwa, Peshawar  
(Respondent No: 4)

  
Director

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

  
Secretary

Finance Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondent No: 5). 

**AFFIDAVIT**

I, Khaista Rehman Asstt: Director (Lit: II) E&SE Department Khyber Pakhtunkhwa, Peshawar do hereby solemnly affirm and declare on oath that the contents of the instant Parawise Comments in the titled Service appeal are true & correct to the best of my knowledge & belief & that nothing has been concealed from the ambit of this Honorable Tribunal.

  
Deponent