

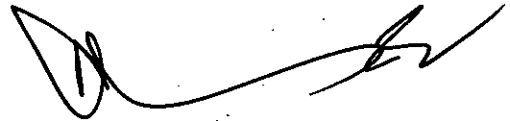
ORDER

13th July, 2022

1. Mr. Akhtar Ilyas, Advocate, learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Muhammad Tufail, Assistant office of the Directorate, Elementary & Secondary Education (E&SE), Peshawar and Mr. Iftikhar Ul Ghani, DEO(M) Buner in person present.

2. *Handwritten: Head of the Commission 12-6-22*
Vide our detailed order of today placed in Service Appeal No. 82/2018 titled "Abdur Rashid-vs- the Government of Khyber Pakhtunkhwa through Secretary, Elementary & Secondary Education (E&SE), Department Peshawar and others" (copy placed in this file), this appeal is also disposed of on the same terms. Costs shall follow the events. Consign.

3. *Handwritten: Pronounced*
Handwritten: 12-6-22
Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 13th day of July, 2022.



(KALIM ARSHAD KHAN)
CHAIRMAN



(FAREEHA PAUL)
MEMBER(E)

25.11.2021

Proper DB is not available, therefore, the case is
adjourned to 28/2/22 for the same before ~~D.B.~~^{as}



Reader

28-6-22

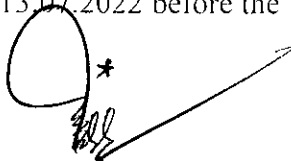
Due to Retirement of the Hon.ble Chairman
The case is adjourned on 15-6-22

of date
Reader

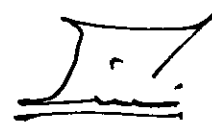
15.06.2022

Learned counsel for the appellant present. Mr. Yakmin Khan, ADEO
alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the
respondents present.

Learned counsel for the appellant requested for adjournment on the ground
that he has not made preparation for arguments. Adjourned. To come up for
arguments on 13.07.2022 before the D.B.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



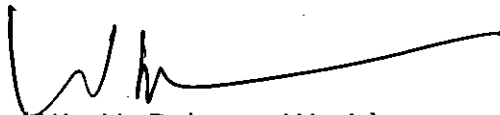
(SALAH-UD-DIN)
MEMBER (JUDICIAL)

05.08.2021

Learned counsel for the appellant present.

Mr. Kabirullah Khattak, Additional Advocate General alongwith Ubaid-Ur-Rehman ADO (Litigation) for respondents present.

Former made a request for adjournment being not in possession of the file today. This being an old case be fixed in last week of September, 2021 for arguments. Adjourned. To come up for arguments on 23.09.2021 before D.B.


(Atiq Ur Rehman Wazir)
Member (E)


Chairman

23.09.2021

Counsel for the appellant and Mr. Asif Masood Ali, DDA for the respondents present.

Counsel for the appellant seeks time for preparation and assistance. To come up for arguments on ~~25.01.2021~~ 25.09.2021 for arguments before the D.B.


(Rozina Rehman)
Member(Judicial)


Chairman

30-12-2020

Due to summer vacation, case is adjourned to
17-3-2021 for the same as before.

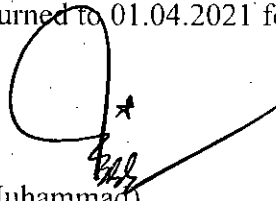

Reader

17.03.2021

Mr. Changaiz Khan, Advocate junior to counsel for the appellant and Mr. Muhammad Rashid, DDA for the respondents present.

Former requests for adjournment as learned senior counsel for the appellant is engaged before the Dar-ul-Qaza Swat today.

Adjourned to 01.04.2021 for hearing before the D.B.


(Mian Muhammad)
Member (E)


Chairman

01.04.2021

Due to non availability of the concerned D.B, the case is adjourned to 20.05.2021 for the same.

20.5.21

Due to COVID 19, the case is adjourned to 5-8-2021 for the same.


Reader



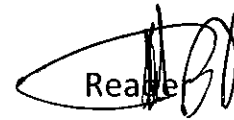
8-4-2020

Due to COVID19, the case is adjourned to
6/7/2020 for the same as before.


Reader

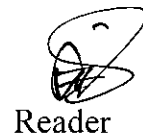
06.07.2020

Due to COVID19, the case is adjourned to 19.08.2020 for
the same as before.


Reader

19.08.2020

Due to summer vacations, the case is adjourned to
29.10.2020 for the same.


Reader

29.10.2020

Proper D.B is on Tour, therefore, the case is
adjourned for the same on 30.12.2020 before D.B.


Reader

09.01.2020

Due to general strike of the Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for arguments on 03.03.2020 before D.B.


Member


Member

03.03.2020

None for the appellant present. Mr. Ziaullah, DDA for respondents present. Notice be issued to the appellant and his counsel for appearance. Adjourned. To come up for arguments on 08.04.2020 before D.B.


Member


Member

20.12.2019 Appellant absent. Learned counsel for the appellant absent. Mr. Riaz Paindakheil learned Assistant Advocate General present. Adjourn. To come up for arguments on 26.12.2019 before D.B. Appellant be put to notice for the date fixed.


Member


Member

26.12.2019 None for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Adjourn. To come up for arguments on tomorrow i.e 27.12.2019 before D.B.


Member


Member

27.12.2019 Counsel for the appellant present Mr. Muhammad Jan, DDA for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 09.01.2020 before D.B.


Member


Member

30.04.2019

Appellant absent. Learned counsel for the appellant absent. Mr. Zia Ullah learned Deputy District Attorney present. Adjourn. To come up for arguments on 15.05.2019 before D.B.


Member


Member

15.05.2019

Counsel for the appellant and Mr. Ziaullah, DDA for the respondents present.

Due to demise of his father, learned Member of the Bench (Mr. Hussain Shah) is on leave. Adjourned to 24.07.2019 for arguments before the D.B.


Chairman

25.07.2019

Appellant in person and Mr. Ziaullah, Deputy District Attorney for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned to 09.10.2019 for arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

9-10-2019 Due to tour of Double Member to camp court sent the case is adjourned to 26-12-2019


Reader

07.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 26.12.2018.

Reader

26.12.2018

Clerk of Mr. Shamsul Hadi, Advocate for appellant and Mr. Muhammad Jan, DDA alongwith Ubaidur Rahman, ADO for the respondents present.

Requests for adjournment as learned senior counsel for the appellant is busy before Darul Qazi, Swat.

Adjourned to 28.02.2019 for arguments before the D.B.

Member

Chairman

28.02.2019

Clerk to counsel for the appellant and Addl. AG alongwith Hayat Khan, AD for the respondents present.

Due to general strike on the call of Bar Association instant matter is adjourned to 30.04.2019 before the D.B.


Member

Chairman

05.07.2018

Mr. Shamsul Hadi Advocate counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment Adjourned. To come up for arguments on 06.09.2018 before the D.B at camp court, Swat.


Member


Chairman
Camp court, Swat.

06.09.2018

Mr. Shams-Ul-Hadi, Advocate counsel for the appellant present. Mr. Obaid Ur Rehman, ADO (Lit) alongwith Mr. Usman Ghani, District Attorney for respondents present. The Tribunal was informed that the similar nature of appeals are pending at principal seat Peshawar, therefore the same may also be clubbed with the said appeal. Case to come up for arguments on 24.09.2018 before D.B at Peshawar alongwith with the connected appeals.

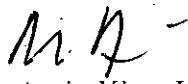

Member

Chairman
Camp Court Swat

24.09.2018

Neither appellant nor his counsel present. Mr. Obaid Ur Rehman, ADO alongwith Mr. Ziaullah, DDA for respondents present. Case to come up for arguments on 07.11.2018 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

07.11.2017

Appellant in person and Mr. Kabir Ullah Khattak, Additional AG alongwith Ubaidur Rahman, ADO (Litigation) for the respondents present. Counsel for the appellant is not in attendance. Seeks adjournment. To come up for arguments on 04.01.2018 at Camp Court Swat.


Member


Chairman
Camp Court, Swat

04.01.2018

Clerk of counsel for the appellant and Addl. AG alongwith Ubaidur Rahman, ADO for respondents present. Counsel for the appellant is not available. Requested for adjournment. To come up for arguments on 08.03.2018 before D.B at camp court, Swat.


Member


Chairman
Camp Court, Swat

08.03.2018

Counsel for the appellant and Addl. AG alongwith Ubaidur Rahman, ADO for the respondents present. Counsel for the appellant seeks adjournment. Granted. To come up for arguments on 10.05.2018 before the D.B at camp court, Swat.


Member


Chairman
Camp court, Swat


09.05.2018

The Tribunal is non-functional due to retirement of the Worthy Chairman. To come up for the same on 05.07.2018 before the D.B at camp court, Swat.


Reader

10.11.2016

Agent of counsel for the appellant and Mr. Ubaidur Rahman, ADO alongwith Mian Amir Qadar, GP for the respondents present. Written reply submitted. The appeal assigned to D.B for rejoinder and final hearing for 06.03.2017 at camp court, Swat


Chairman
Camp court, Swat

7. 06.03.2017

Clerk of counsel for the appellant and Mr. Muhammad Zubair, Senior Government Pleader alongwith Ubaidur Rahman, ADO for the respondents present. Due to strike of the bar counsel for the appellant is not in attendance. To come up for final hearing on 04.07.2017 before the D.B at camp court, Swat. ^{rejoinder}

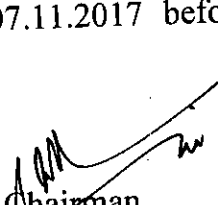

Member


Chairman
Camp court, Swat

8. 04.07.2017

Clerk of counsel for the appellant and Mr. Muhammad Zubair, District Attorney alongwith Ubaidur Rahman, ADO for the respondents present. Clerk of counsel for the appellant requested for adjournment due to ailment of counsel for the appellant. Adjourned. To come up for rejoinder and final hearing on 07.11.2017 before the D.B. at camp court, Swat.


Member


Chairman
Camp court, Swat

04.05.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as CT when promoted as SST by committee BPS-16 vide impugned order dated 28.10.2014 with immediate effect though the appellant was entitled to promotion with retrospective effect from the year, 2009 where-against the appellant preferred departmental appeal dated 07.12.2015 which was not responded and hence the instant service appeal on 04.04.2016.

That the appellant is entitled to promotion w.e.f. the date when vacancies became available on the basis of reserved quota in the year, 2009.

21.4.16 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 03.08.2016 before S.B at camp court, Swat.

Appellant Deposited
Security & Process Fee

Chairman
Camp Court, Swat

03.08.2016




Clerk of counsel for the appellant and Mr. Muhammad Zubair, SGP for the respondents present. Seeks adjournment. To come up for written reply/comments on 10.11.2016 before S.B at camp court, Swat...

Chairman
Camp court, Swat,

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 362/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	04.04.2016	<p>The appeal of Mr. Wakil Zada presented today by Mr. Shamsul Hadi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	11-04-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>14.4.16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	14.4.2016	<p>Agent of counsel for the appellant present. Requested for preliminary hearing at Camp court, Swat. Adjourned for preliminary hearing to 04.05.2016 at Camp court, Swat.</p> <p style="text-align: right;"> Chairman</p>

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. 362 /2016.

Wakil Zada (SST-Science)Appellant

V E R S U S

District Education Officer (M) and others.....Respondents

INDEX

S.N	Description of Documents	Annex	Pages
1.	Memo of Appeal along with Affidavit.		1--56
2.	Addresses of the Parties		6
3.	Copy of the judgment dated:26.01.2015.	A	7-34
4.	Copy of impugned office order dated:28.10.2014.	B	35-40
5.	Copies of Departmental appeal.	C	43-41
6.	Wakalat Nama		42

Appellant

Through

Dated: 28/03/2016.

Shams ul Hadi

Advocate, Peshawar.

Office: St/3 Abshar Colony

Warsak Road Peshawar.

Cell No. 0313-9772262

1

**BEFORE THE KHYBER PAKHTOON KHWA SERVICES
TRIBUNAL, PESHAWAR**

Service Appeal No. 362 /2016.

**M.W.P. Peshawar
Service Tribunal**

Diary No. 326

Dated 04-04-2016

Wakil Zada (SST, Science)

Presently posted at Govt High School Budal

District Bunir.....Appellant

V E R S U S

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

.....Respondents

**APPEAL UNDER SECTION 4 OF KHYBER
PUKHTUNKHWA SERVICES TRIBUNAL ACT
1974 AGAINST THE IMPUGNED OFFICE
ORDER DATED:28/10/2014.**

~~Filed to-day~~
~~Wakil Zada~~
~~Signature~~
7/4/2016

PRAYER IN APPEAL:

On acceptance of this appeal the impugned Office Order Dated:
28.10.2014 may kindly be modified and backlog/back benefits w-e-f
2009 may kindly be awarded to appellant according to the
Judgment dated:26/01/2015 passed in Writ petition No.2905/2009

in favour of the appellant and others and the appellant may also kindly be placed at his due place/position in seniority list.

Respectfully Sheweth:

1. That initially the appellant challenged the appointment of SST through writ petition No.2905/2009 before the august Peshawar High court and as such the same was disposed of vide judgment dated:26/01/2015 in the following terms :-(relevant para is as under)

“Official respondents are directed to workout the backlog of the promotion quota as per above mention example, within 30 days and consider the in service employees, till the backlog is washed out, till then there will be complete ban on fresh recruitments”

(Copy of the judgment dated:26.01.2015 is annexure-A)

2. That during pendency of the above mention writ petition and without waiting for final decision of the title writ petition, the respondent No.2 issued impugned office order dated:28.10.2014 through which the appellant along with others were promoted to the post of SST(Bio-chemistry) with immediate effect but when the judgment dated:26.01.2015 came in filed in which clear directions were given to the Respondents to give back log /back benefits w-e-f 2009 to the appellant and such like others but the respondents have not acted

upon and to implement the judgment of the august high court in letter in spirit.(Copy of impugned office order dated:28.10.2014 is annexure-B)

3. That later on the appellant filed departmental appeal /representation before the respondents but no heed was paid to his appeal and the same was not decided within statutory period.(Copy of departmental appeal is annexure-C)

That being aggrieved from the impugned orders, the appellant approached this Hon'ble Tribunal on the following grounds amongst other inter alia:

GROUNDS:

- A. That the impugned office order dated:28.10.2014 is against the law and judgment of the august High court, hence, untenable being unjust and unfair.
- B. That the appellant was not treated in accordance with law and rules, thus acted in violation of the relevant laws laid down for the purpose .
- C. That after pronouncement of the judgment in favour of the appellant and others, the appellant time and again requested the respondents to extend back benefits in light of the judgment of the august high court to the

appellant but they are reluctant and have not acted upon, which clearly showing the ill intention of the respondents towards the appellant.

D. That any other ground may be adduced during the course of argument, with the kind permission of this Hon'ble Tribunal.

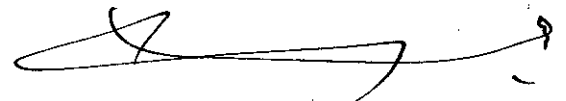
It is, therefore, most humbly prayed that On acceptance of this appeal the impugned Office Order Dated: 28.10.2014 may kindly be modified and backlog/back benefits w-e-f 2009 may kindly be awarded to appellant according to the Judgment dated:26/01/2015 passed in Writ petition No.2905/2009 in favour of the appellant and others and the appellant may also kindly be place at his due place/position in seniority list.

Appellant



Wakil Zada (SST-Science)

Through



Shams ul Hadi
Advocate, Peshawar.

Dated: 28/03/2016

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2016.

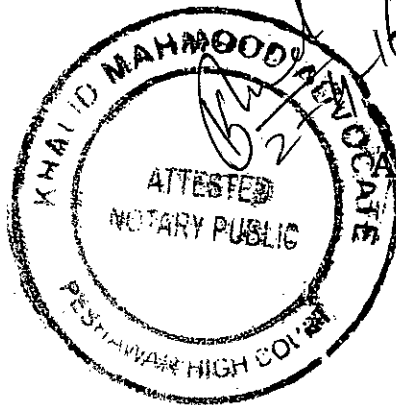
Wakil Zada (SST-Science)Appellant

V E R S U S

District Education Officer (M) and others.....Respondents

AFFIDAVIT

I, **Shams ul Hadi**, Advocate, Peshawar do hereby as per information conveyed to me by my client solemnly affirm and declare that the contents of the **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



ADVOCATE

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Amended Writ Petition No. _____ / of 2010

IN RE:

Writ Petition No. _____ 2905 / of 2009

1. Atta Ullah PST
GPS Kanjabori Tehsil
and District Batagram.
2. Gul Zarin CT, GHS Chapper Gram
Tehsil and District Batagram.
3. Shams-ul-Hadi CT, GHS Chapper Gram
Tehsil and District Batagram.
4. Muhammad Bashir CT GCMS Batagram
Tehsil and District Batagram.
5. Muhammad Amir Khan CT GCMS
Batagram Tehsil & District Batagram.
6. Fazal Mabood CT GMS Batagram
Tehsil & District Batagram.
7. Banaras Khan CT, GCMS Batagram
Tehsil and District Batagram.
8. Niaz Muhammad CT, GMS Dashwal
District Batagram.
9. Haq Nawaz CT, GCMS Batagram
Tehsil & District Batagram.
10. Hafeez-ur-Rehman CT,
GCMS District Batagram.
11. Abdul Qadoos CT,
GCMS Batagram District Batagram.
12. Faqir Muhammad CT, GMS Bana
Tehsil & District Batagram.
13. Muhammad Israel CT, GHS Chapper Gram
District Batagram.



ATTESTED

EXAMINER
Peshawar High Court.

23 FEB 2015

14. Shahab Ullah CT, ✓
GHS Budal District Buner.
15. Nasim Khan CT, ✓
GHS Budal District Buner.
16. Miss Basmeen PST ✓
GGPS Barjoo Biam Dara
District Buner.
17. Rehman Ullah PST ✓
JPS Gagra Buner.
18. Muhammad Rahim DM
GHS Gagra District Buner. ✓
19. Gul Rosh Khan DM ✓
GMS Wakil Abad, District Buner.
20. Hameed Ullah CT ✓
GHS Gagra District Buner.
21. Mehboobi Jillani CT ✓
GHS Gagra District Buner.
22. Aman-ul-Mulk Shah CT ✓
ADO (EDO), District Buner.
23. Wasil Din PET ✓
GHS Budal District Buner.
24. Wakeel Zada CT ✓
GHS Gagra Buner.
25. Sartaj Khan CT ✓
GHS Wakeel Abad District Buner.
26. Sherin Zada CT
GHS Gadazai District Buner.
27. Haider Ali CT
GHS Gadazai District Buner.
28. Liaqat Ali CT
GHS Gadazai District Buner.
29. Sheen Gul CT
GHS Gadazai District Buner.

ATTESTED

EXAMINER
Peshawar High Court

(9)

Abdul Salam CT
GHS Gadazai District Buner.

Hameed Ullah CT
GHS Gadazai District Buner.

Ali Muhammad CT
GHS Annawar District Buner.

33. Mst. Saadia Begum PST
GGPS Shalbandi District Buner.

34. Said Farooq PST
GPS Shalbandi Dara District Buner.

35. Sardar Shah CT
GCMHS Daggar District Buner.

36. Habib-ur-Rehman AT
GCMS Daggar District Buner.

37. Sher Akbar CT
GCMHS Daggar District Buner.

38. Wali Zada CT
GCMHS Daggar District Buner.

39. Fida Mand CT
GCMHS Daggar District Buner.

40. Sahib Zada CT
GHS No.2 Daggar District Buner.

41. Sher Yaz Dan CT
GHS No.2 Daggar District Buner.

42. Muhammad Riaz CT
GHS No.2 Daggar District Buner.

43. Said Zahid CT
GHS Bagra District Buner.

44. Qayyum Khan PET
GMS Laram Dir Lower.

45. Syed Ikram PST
GPS Chan Chano Khat
Takht Bhai District Mardan.

ATTESTED
EXAMINER
Peshawar High Court

(10)

Arif Ullah PST.GPS No.2
Adamzai Lakki Marwat.

47. Sher Bahadar CT, GHSS Ziarat Talash
District Dir Lower.
48. Hazrat Nabi CT
GHS Bajuro Talash
District Dir Lower.
49. Janat Gul CT
GHS Haya Serai Dir Lower.
50. Abdur Raziq CT
GHS Bajouro Talash Dir Lower.
51. Abdul Hanan CT
GMS Misrak Dir Lower.
52. Younas Khan CT
GCMHS Turangzai Charsadda.
53. Javed Iqbal CT
GCMHS Turangzai Charsadda.
54. Nasir Khan CT
GCMHS Turangzai Charsadda.
55. Shaukat Husain CT
GCMHS Turangzai Charsadda.
56. Kifayat Ullah CT
GCMHS Turangzai Charsadda.
57. Muhammad Tahir Khan CT
GCMHS Turangzai Charsadda.
58. Mst. Haseena Naz CT
GGMHS Turangzai Charsadda.
59. Rehmat Sher CT
GCMHS Turangzai Charsadda.

ATTESTED

EXAMINER
Peshawar High Court

①

- Waid Ali CT
GHS Zarbab Garhi Charsadda.
61. Muhammad Safdar Khan DM
GHS Zarbab Garhi Charsadda.
62. Riasat Ali CT
GHS Zarbab Garhi Charsadda.
63. Shabbir Ahmad Qari
GHS Zarbab Garhi Charsadda.
64. Maazullah CT
GHS Zarbab Garhi Charsadda.
65. Saif-ur-Rehman SV
GHS Subhan Khawar
Mohmand Agency.
66. Abdul Qayyum CT
GHS Soor Kamar Tangi Charsadda.
67. Mrs. Shaista Ajmal PST
GGPS Muslim Abad Shakoor
Tangi, Charsadda.
68. Fazli Wahab CT
GHS Soor Kamar Tangi Charsadda.
69. Mehboob Ali PTC
GPS Julagano Killi Mera Umerzai
Charsadda.
70. Muzaffar Shah CT
GMS Jamroz Khan Killi
District Charsadda... .. Petitioners

recd

As TESTED
District Charsadda

Versus

- 6
- (12)
- R.No ①
Govt. of KPK
through its
Chief Secretary,
Civil Secretariat,
Peshawar
1. The Chief Secretary K.P.K., Peshawar.
 2. Secretary to Govt. of K.P.,K(Elementary & Secondary Education) Peshawar.
 3. Director Elementary & Secondary Education, K.P.K., Peshawar.
 4. Secretary to Govt. of K.P.K., Finance Department, Peshawar.
 5. Secretary S&GAD (Services) K.P.K., Peshawar.
 6. Secretary to Govt. of K.P.,K Law & Parliamentary Affairs Department, Peshawar.
 7. Speaker, Provincial Assembly K.P.K., Peshawar.
 8. K.P.,K Public Service Commission through its Chairman 2-A Fort Road, Peshawar Cantt.
 9. Inayat ur Rahman S/O Fazal Rahman, GHS Charpariza
 10. Feroz Khan S/O Abdur Rashid, GHS Charpariza
 11. Shahid Zaman S/O Badi uz Zaman GHS Charpariza
 12. Wisal Khan S/O Farhad Khan GHS Badaber
 13. Inayatullah S/O Suleman Shah GHS Sheikh Mohammadi
 14. Momin Khan S/O Zamin Khan GHS Haji Mohammad Noor Kallay
 15. Wajid Noor S/o Khad Noor GHS Haji Mohammad Noor Kalay

227

L



(13)

JUDGMENT SHEET

PESHAWAR HIGH COURT, PESHAWAR
(JUDICIAL DEPARTMENT)

Writ Petition No.2905 of 2009.

ATTA ULLAH AND OTHERS.....PETITIONERS.

VERSUS.

THE CHIEF SECRETARY KPK ETC....RESPONDENTS..

JUDGMENT.

Date of hearing 26.01.2015

Appellant/Petitioner by Ghulam Nabi Khan Advocate.

Respondent by Sardar Ali Raza Advocate & Waqar Ahmad Khan AAG.

WAQAR AHMAD SETH, J:- Through this single

judgment we propose to dispose of the instant Writ Petition

No.2905 OF 2009 as well as the connected Writ Petition

Nos.2941, 2967,2968,3016. 3025,3053,3189,3251,3292 of

2009,496,556,664,1256,1662,1685,1696,2176,2230,2501,2696,

2728 of 2010 & 206, 355,435 & 877 of 2011 as common

question of law and fact is involved in all these petitions.

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2- The petitioners in all the writ petitions have approached this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 with the following relief:-

"It is, therefore, prayed that on acceptance of the Amended Writ Petition the above noted Act No.XVI 2009 namely 'The North West Province Employees (Regularization of Services) Act, 2009 dated 24th October, 2009' being illegal unlawful, without authority and jurisdiction, based on malafide intentions and being unconstitutional as well as ultra vires to the basic rights as mentioned in the constitution be set-aside and the respondents be directed to fill up the above noted posts after going through the legal and lawful and the normal procedure as prescribed under the prevailing laws instead of using the short cuts for obliging their own person.

It is further prayed that the notification No.A-14/SET(M) dated 11.12.2009 and Notification No.A-17/SET(5) Contract-Appnt:2009 dated 11.12.2009, as well as Notification No.SO(G)ES/1/85/2009/SS(Contract) dated

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31.05.2010 issued as a result of above noted impugned Act whereby all the private respondents have been regularized may also be set-aside in the light of the above submissions, being illegal, unlawful, unconstitutional and against the fundamental rights of the petitioners.

Any other relief deemed fit and proper in the circumstances and has not been particular asked for in the noted Writ Petition may also be very graciously granted to the petitioners".

3- It is averred in the petition that the petitioners are serving in the Education Department of KPK working posted as PST,CT,DM,PET,AT,TT, Qari and SET in different Schools; that respondents No.9 to 1359 were appointed on adhoc/contract basis on different times and later on their service were regularised through the North West Frontier Province Employees (Regularization of Services) Act, 2009; that almost all the petitioners have got the required qualifications and also got at their credit the length of service; that as per notification No.SO(S)6-2/97 dated-03/06/1998

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the qualification for appointment/promotion of the SET Teachers BPS-16 was prescribed that 75% SETs shall be selected through Departmental Selection Committee on the basis of batchwise/yearwise open merit from amongst the candidates having the prescribed qualification and remaining 25% by initial recruitment through Public Service Commission whereas through the same notification the qualification for the appointment/promotion of the Subject Specialist Teachers BPS-17 was prescribed that 50% shall be selected by promotion on the basis of seniority cum fitness amongst the SETs possessing the qualification prescribed for initial recruitment having five years service and remaining 50 by initial recruitment through the Public Service Commission and the above procedure was adopted by the Education Department till 22/09/2002 and the appointments on the above noted posts were made in the light of the above notification. It was further averred that the Ordinance No.XXVII of 2002 notified on 09/08/2002 was promulgated under the shadow of which some 1681 posts of different cadres were advertised by the Public Service Commission.

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That before the promulgation of Act No.XVI of 2009, it was practice of the Education Department that instead of promoting the eligible and competent persons amongst the teachers community, they have been advertising the above noted posts of SET (BPS-16) and Subject Specialist (BPS-17) on the basis of open merit/adhoc/contract wherein it was clearly mentioned that the said posts will be temporary and will continue only for a tenure of six months or till the appointment by the Public Serviced Commission or Departmental Selection Committee That after passing the KPK Act No.XVI of 2009 by the Provincial Assembly the fresh appointees of six months and one year on the adhoc and contract basis including respondents no.9 to 1351 with a clear affidavit for not adopting any legal course to make their services regularized, have been made permanent and regular employees whereas the employees and teaching staff of the Education Department having at their credit a service of minimum 15 to maximum 30 years have been ignored. That as per contract Policy issued on 26/10/2002 the Education Department was not authorised/entitled to

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make appointments in BPS-16 and above on the contract basis as the only appointing authority under the rules was Public Service Commission. That after the publication made by the Public Service Commission thousands of teachers eligible for the above said posts have already applied but they are still waiting for their calls and that through the above Act thousands of the adhoc teachers have been regularized which has been adversely effected the rights of the petitioners, thus having no efficacious and adequate remedy available to the petitioners, the have knocked the door of this Court through the aforesaid constitutional petitions.

4- The concerned official respondents have furnished parawise comments wherein they raised certain legal and factual objections including the question of maintainability of the writ petitions. It was further stated that Rule 3(2) of the N.W.F.P. Civil Servants (Appointment, Promotion & Transfer) Rules 1989, authorised a department to lay down method of appointment, qualification and other conditions applicable to post in consultation with Establishment & Administration Department and the Finance Department.

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That to improve/uplist the standard of education, the Government replaced/amended the old procedure i.e. 100% including SETs through Public Service Commission KPK for recruitment of SETs B-16 vide Notification No.SO(PE)4-5/SS-RC/Vol-III dated 18/01/2011 wherein 50% SSTs (SET) shall be selected by promotion on the basis of seniority cum fitness in the following manner:-

"(i) Forty percent from CT (Gen), CT(Agr), CT(Indust: Art) with at least 5 years service as such and having the qualification mentioned in column 3.

(ii) Four percent from amongst the DM with at least 5 years service as such and having qualification in column 3.

(iii) Four percent from amongst the PET with at least 5 years service as such and having qualification mentioned in column 3.

(iv) One percent amongst Instructional Material Specialists with at least 5 years

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service and having qualification mentioned
in column 3."

It is further stated in the comments that due to the degradation/fall of quality education the Government abandoned the previous recruitment policy of promotion/appointment/recruitment and in order to improve the standard of teaching cadre in Elementary & Secondary Education Department of KPK, vide Notification dated 09/04/2004 wherein at serial No. 1.5 in column 5 the appointment of SS prescribed as by the initial recruitment and that the (North West Frontier Provincial) Khyber Pakhtunkhwa Employees(Regularization of Services)Act, 2009 (ACT No.XVI of 2009 dated 24th October, 2009 is legal, lawful and in accordance with the Constitution of Pakistan which was issued by the competent authority and jurisdiction, therefore, all the writ petitions are liable to be dismissed.

5- We have heard the learned counsel for the parties and have gone through the record as well as the law on the subject.

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6- The grievance of the petitioners is two fold in respect of Khyber Pakhtunkhwa, Employees (Regularization of Services) Act, 2009 firstly, they are alleging that regular post in different cadres were advertised through Public Service Commission in which petitioners were competing with high profile carrier but due to promulgation of Act *ibid*, they could not made through it as no further proceedings were conducted against the advertised post and secondly, they are agitating the legitimate expectancy regarding their promotion, which has been blocked due to the in block induction / regularization in a huge number, courtesy Act, No. XVI of 2009.

7- As for as, the first contention of advertisement and in block regularization of employees is concerned in this respect it is an admitted fact that the Government has the right and prerogative to withdraw some posts, already advertised, at any stage from Public Service Commission and secondly no one knows that who could be selected in open merit case, however, the right of competition is reserved. In the instant case KPK, employees

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(Regularization of Services) Act, 2009, was promulgated, which in-fact was not the first in the line rather N.W.F.P (now Khyber Pakhtunkhwa) Civil Servants (Regularization of Services) Act, 1988, NWFP (now Khyber Pakhtunkhwa) (Regulation of Services) Act, 1989 & NWFP (now Khyber Pakhtunkhwa) Adhoc Civil Servants (Regularization of Services) Act, 1987 were also promulgated and were never challenged by anyone.

8- In order to comment upon the Act, *ibid*, it is important to go through the relevant provision which reads as under:-

S.2 Definitions. (1)---

a)----

aa) "contract appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment.

b) "employee" means an adhoc or a contract employee appointed by Government on adhoc or contract basis or second shift/night shift but does not include the employees for project post or appointed on work charge

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basis or who are paid out of contingencies;

----- whereas,

S. 3 reads:-

Regularization of services of certain employees.---- All employees including recommendee of the High Court appointed on contract or adhoc basis and holding that post on 31st December, 2008 or till the commencement of this Act shall be deemed to have been validly appointed on regular basis having the same qualification and experience for a regular post;

9- The plain reading of above sections of the Act, *ibid*, would show that the Provincial Government, has regularized the "duly qualified persons", who were appointed on contract basis under the Contract Policy, and the said Contract Policy was never ever challenged by any one and the same remained in practice till the commencement of the said Act. Petitioners in their writ petitions have not quoted any single incident / precedent showing that the regularized employees under the said Act, were not qualified for the post against

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which they are regularized, nor had placed on record any documents showing that at the time of their appointment on contract they had made any objection. Even otherwise, the superior courts have time and again reinstated employees whose appointments were declared irregular by the Government Authorities, because authorities being responsible for making irregular appointments on purely temporary and contract basis, could not subsequently turned round and terminate services because of no lack of qualification but on manner of selection and the benefit of the lapses committed on part of authorities could not be given to the employees. In the instant case, as well, at the time of appointment no one objected to, rather the authorities committed lapses, while appointing the private respondent's and others, hence at this belated stage in view of number of judgments, Act, No. XVI of 2009 was promulgated. Interestingly this Act, is not applicable to the education department only, rather all the employees of the Provincial Government, recruited on contract basis till 31st December 2008 or till the commencement of this Act have been

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regularized and those employees of to other departments who have been regularized are not party to this writ petition.

10- All the employees have been regularized under the Act, *ibid* are duly qualified, eligible and competent for the post against which they were appointed on contract basis and this practice remained in operation for years. Majority of those employees getting the benefit of Act, *ibid* may have become overage, by now for the purpose of recruitment against the fresh post.

11- The law has defined such type of legislation as **"beneficial and remedial"**. A beneficial legislation is a statute which purports to confer a benefit on individuals or a class of persons. The nature of such benefit is to be extended relief to said persons of onerous obligations under contracts. A law enacted for the purpose of correcting a defect in a prior law, or in order to provide a remedy where non previously existed. According to the definition of *Corpus Juris Secundum*, a remedial statute is designed to correct an existence law, redress an existence grievance, or introduced regularization conducive to the public goods. The challenged

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Act, 2009, seems to be a curative statute as for years the then Provincial Governments, appointed employees on contract basis but admittedly all those contract appointments were made after proper advertisement and on the recommendations of Departmental Selection Committees.

12- In order to appreciate the arguments regarding beneficial legislation it is important to understand the scope and meaning of beneficial, remedial and curative legislation.

Previously these words have been explained by N.S Bindra in interpretation of statute, tenth edition in the following manners:-

"A statute which purports to confer a benefit on individuals or a class of persons, by relieving them of onerous obligations under contracts entered into by them or which tend to protect persons against oppressive act from individuals with whom they stand in certain relations, is called a beneficial legislation....In interpreting such a statute, the principle established is that there is no room for taking a narrow view but that the court is entitled to be generous towards the persons on whom the benefit has

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been conferred. It is the duty of the court to interpret a provision, especially a beneficial provision, liberally so as to give it a wider meaning rather than a restrictive meaning which would negate the very object of the rule. It is a well settled canon of construction that in constructing the provision of beneficent enactments, the court should adopt that construction which advances, fulfils, and furthers the object of the Act, rather than the one which would defeat the same and render the protection illusory..... Beneficial provisions call for liberal and broad interpretation so that the real purpose, underlying such enactments, is achieved and full effect is given to the principles underlying such legislation."

Remedial or curative statutes on the other hand have been explained as:-

"A remedial statute is one which remedies defect in the pre existing law, statutory or otherwise. Their purpose is to keep pace with the views of society. They serve to keep our system of jurisprudence up to date and in

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harmony with new ideas or conceptions of what constitute just and proper human conduct. Their legitimate purpose is to advance human rights and relationships. Unless they do this, they are not entitled to be known as remedial legislation nor to be liberally construed. Manifestly a construction that promotes improvements in the administration of justice and the eradication of defect in the system of jurisprudence should be favoured over one that perpetuates a wrong".

Justice Antonin Scalia of the U.S. Supreme Court in his book on Interpretation of Statute states that:

"Remedial statutes are those which are made to supply such defects, and abridge such superfluities, in the common law, as arise from either the general imperfection of all human law, from change of time and circumstances, from the mistakes and unadvised determinations of unlearned (or even learned) judges, or from any other cause whatsoever."

13- The legal proposition that emerges is that generally beneficial legislation is to be given liberal interpretation, the beneficial legislation must carry curative or remedial content.

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Such legislation must therefore, either clarify an ambiguity or an omission in the existence and must therefore, the explanatory or clarificatory in nature. Since the petitioners does not have the vested rights to be appointed to any particular post, even advertised one and private respondents who have being regularized are having the requisite qualification for the post against which the were appointed, vide challenged Act, 2009, which is not effecting the vested right of anyone, hence, the same is deemed to be a beneficial, remedial and curative legislation of the Parliament.

14- This court in its earlier judgment dated 26th November 2009 in WP No. 2905 of 2009, wherein the same Khyber Pakhtunkhwa (Regularization of Servers) Act, 2009, vires were challenged has held that this court has got no jurisdiction to entertain the writ petition in view of Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, as an Act, Rule or Notification effecting the terms and conditions of service, would not be an exception to that, if seen in the light of the spirit of the ratio rendered in the case of

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I.A.Sherwani & others Versus Government of Pakistan,

reported in 1991 SCMR 1041. Even otherwise, under Rule 3 (2) of the Khyber Pakhtunkhwa (Civil Servants) (appointment), promotion and transfer) Rules 1989, authorize a department to lay down method of appointment, qualification and other conditions applicable to the post in consultation with Establishment & Administrative Department and the Finance Department. In the instant case the duly elected Provincial Assembly has passed the Bill/Act, which was presented through proper channel i.e Law and Establishment Department, which cannot be quashed or declared illegal at this stage.

15- Now coming to the second aspect of the case, that petitioners legitimate expectancy in the shape of promotion has suffered due to the promulgation of Act, *ibid*, in this respect, it is a long standing principle that promotion is not a vested right but it is also an established principle that whenever any law, rules or instructions regarding promotion are violated then it become vested right. No doubt petitioners in the first instance cannot claim promotion as a vested right

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but those who fall within the promotion zone do have the right to be considered for promotion.

16- Since the Act, XVI of 2009 has been declared a beneficial and remedial Act, for the purpose of all those employees who were appointed on contract and may have become overage and the promulgation of the Act, was necessary to given them the protection therefore, the other side of the picture could not be brushed a side simply. It is the vested right of in service employees to be considered for promotion at their own turn. Where a valid and proper rules for promotion have been framed which are not given effect, such omission on the part of Government agency amounts to failure to perform a duty by law and in such cases, High Court always has the jurisdiction to interfere. In service employees / civil servants could not claim promotion to a higher position as a matter of legal right, at the same time, it had to be kept in mind that all public powers were in the nature of a sacred trust and its functionary are required to exercise same in a fair, reasonable and transparent manner strictly in accordance with-law. Any transgression from such

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principles was liable to be restrained by the superior courts in their jurisdiction under Article 199 of the Constitution. One could not overlook that even in the absence of strict legal right there was always legitimate expectancy on the part of a senior, competent and honest carrier civil servant to be promoted to a higher position or to be considered for promotion and which could only be denied for good, proper and valid reasons.

17- Indeed the petitioners can not claim their initial appointments on a higher post but they have every right to be considered for promotion in accordance with the promotion rules, in field. It is the object of the establishment of the courts and the continue existence of courts of law is to dispense and foster justice and to right the wrong ones. Purpose can never be completely achieved unless the in justice done was undone and unless the courts stepped in and refused to perpetuate what was patently unjust, unfair and unlawful. Moreover, it is the duty of public authorities as appointment is a trust in the hands of public authorities and it is their legal and moral-duty to discharge their functions as

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trustee with complete transparency as per requirement of law, so that no person who is eligible and entitle to hold such post is excluded from the purpose of selection and is not deprived of his any right.

18- Considering the above settled principles we are of the firm opinion that Act, XVI of 2009 is, although beneficial and remedial legislation but its enactment has effected the in service employees who were in the promotion zone, therefore, we are convinced that to the extent of in service employees / petitioners, who fall within the promotion zone have suffered, and in order to rectify the inadvertent mistake of the respondents/Department, it is recommended that the promotion rules in field be implemented and those employees in a particular cadre to which certain quota for promotion is reserved for in service employees, the same be filled in on promotion basis. In order to remove the ambiguity and confusion in this respect an example is quoted, " If in any cadre as per existence rules, appointment is to be made on 50/50 % basis i.e 50 % initial recruitment and 50 % promotion quota then all the employees have been

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regularized under the Act in question be calculated in that cadre and equal number i.e remaining 50 % are to promoted from amongst the eligible in service employees, other wise, eligible for promotion on the basis of sonority cum fitness."

19- In view of the above, this writ petition is disposed of in the following terms:-

(i) "The Act, XVI of 2009, commonly known as (Regularization Of Services) Act, 2009 is held as beneficial and remedial legislation, to which no interference is advisable hence, upheld.

(ii) Official respondents are directed to workout the backlog of the promotion quota as per above mentioned example, within 30 days and consider the in service employees, till the backlog is washed out, till then there would be complete ban on fresh recruitments.

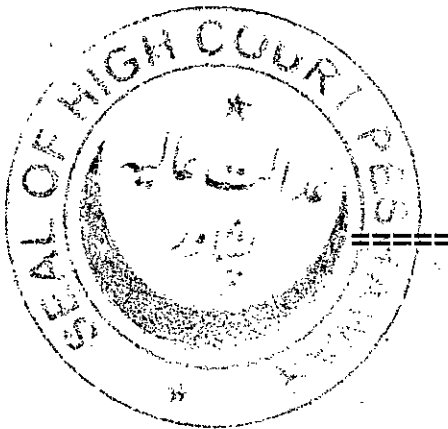
Order accordingly.

Announced.
26th January 2015

sd/- Waqar Ahmad Sohrani
sd/- Musabbat Hiderli

JUDGE

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CERTIFIED TO BE TRUE COPY
Peshawar High Court Peshawar
Authorized Authority
The Secretary
25 FEB 2015



**Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar**

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Notification

Consequent upon the recommendations of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification NoSO(PE)/4-5/SSRC/Meeting/2013/Teaching Cadre dated 24th July 2014, the following SCTs/CTs, SDMs/DMs, SATs/ATs, STTs/TTs, Senior Qaris/Qaris PSHTs/SPSTs/PSTs are hereby promoted to the post of SST (Bio-Chem), SST (Phy-Mat), SST (General) noted against each BPS-16 (Rs.10000-800-34000) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and condition given below with immediate effect and further they will be posted by the District Education Officer concerned on "School based".

A. SST (Bio-Chem)

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

Total No. of SST Bio-Chem (M) Posts vacant Posts	19
25% share initial recruitment	05
75% share for Promotion.	14
40 % Share of promotion of SCT/CT	08
Posts available for promotion	08
Promoted through this order	07

S.No	S.L.No	Name of Official	Present Place of Posting	Date of Birth	Remarks
1	41	Wakeel Zada	GHSS Gajra	4/13/1969	Services placed at the disposal of DEO (M) Bunner for further posting against SST (Bio-Chem) post on school based.
2	54	Bakht Akbar	GHS Ghughushita	3/5/1968	-----do-----
3	98	Shamsur Rahman	GHS Ganshal	2/20/1967	-----do-----
4	103	Shah Bhroz Khan	GHS Rajoon Khan	1/7/1966	-----do-----
5	104	Abdul Ghafoor	GHS Torwarsak	1/2/1968	-----do-----
6	114	Bakht Rasool Khan	GHS Dewana Baba	3/3/1970	-----do-----
7	139	Rahim Zada	GHS Jowar	10/6/1972	-----do-----

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

Total No. of SST Bio-Chem (M) Posts vacant Posts	19
25% share initial recruitment	05
75% share for Promotion.	14
20 % Share of promotion of PSHT/SPST/PST	04
Posts available for promotion	04
Promoted through this order	04

S.No	S.L.No	Name of Official	Present Place of Posting	Date of Birth	Remarks
1	341	Rahmanullah	GPS Kalpani	15/10/1969	Services placed at the disposal of DEO (M) Bunner for further posting against SST (Bio-Chem) post on school based.

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2	635	Fazli wadood	GPS Girarai	15/4/1968	-----do-----
3	672	Khan said	GPS Bampokha	02/04/1972	-----do-----
4	840	Safi ur Rahman	GPS Rahim Abad	01/01/1975	-----do-----

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B. SST (Phy-Maths)**1. PROMOTION OF SCT/CT TO THE POST OF SST (Phy-Maths) BPS-16**

Total No. of SST Phy-Maths (M) Posts vacant Posts	58
25% share initial recruitment	15
75% share for Promotion.	43
40 % Share of promotion of SCT/CT	22
Posts available for promotion	22
Promoted through this order	11

S. No	S.L.N o	Name of Official	Present Place of Posting	Date of Birth	Remarks
1	64	Liaqat Hussain	GCMHS Duggar	2/10/1970	Services placed at the disposal of DEO (M) Bunner for further posting against SST (Phy-Maths) post on school based.
2	80	Ahmad Ali	GHS Totalai	4/25/1963	-----do-----
3	83	Muhammad Salim	GHSS Nawagai	4/14/1970	-----do-----
4	97	Khan Wali Khan	GHS Totalai	2/5/1967	-----do-----
5	127	Israrullah	GHS Kawga	1/4/1969	-----do-----
6	129	Mihrab Gul	GHS Khanano Dheri	4/4/1977	-----do-----
7	130	Zartaj Khan	GHSS Charorai	5/6/1970	-----do-----
8	138	Sher Nawab Khan	GHS Jowar	4/1/1970	-----do-----
9	140	Inmaullah	Ghs Divanababa	4/8/1973	-----do-----
10	187	Muhamamd Iqbal	GHS Nogram	4/19/1974	-----do-----
11	200	Said Kunal Shah	GHS Nogram	3, 17/1970	-----do-----

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

Total No. of SST Phy-Maths (M) Posts vacant Posts	58
25% share initial recruitment	15
75% share for Promotion.	43
20 % Share of promotion of PSHT/SPST/PST	12
Posts available for promotion	12
Promoted through this order	08

S. No	S.L. No	Name of Official	Present Place of Posting	Date of Birth	Remarks
1	381	Sabir Rahman	GPS Bando Thangay	05/06/1968	Services placed at disposal of DEO (M) Bunner for further posting against SST (Phy-Maths) post on school based.
2	447	Hamdullah	GPS Manizai kowga	20/05/1972	-----do-----
3	582	Sher Ahmad	GPS Balo Khan	05/02/1970	-----do-----



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4	616	Hamid ur rahman	GPS Daggur No 1	25/4/1974	-----do-----
5	662	Rasool Shah	GPS Kingergalai	30/1/1970	-----do-----
6	663	Akmal khan	GPS Rega NO3	15/03/1970	-----do-----
7	812	Aziz ahmad	GPS Bampkoha	01/04/1977	-----do-----
8	1141	Rahim dad khan	GPS Jawar NO 3	10/10/1978	-----do-----

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

Total No. of SST General (M) Posts vacant Posts	80
25% share initial recruitment	20
75% share for Promotion.	60
40 % Share of promotion of SCT/CT	34
Posts available for promotion	34
Promoted through this order	34

S.N	S.L.N	Name of Official	Present Place of Posting	Date of Birth	Remarks
1	8	Hakim Khan	GHSS Nawagai	01/03/1974	Services placed at the disposal of DEO (M) Bunner for further posting against SST (General) post on school based.
2	10	Abdul Halim	GHS Jowar	04/01/1975	-----do-----
3	14	Ali Jan	GHSS Agarai	16/04/1957	-----do-----
4	16	Hazrat Rahman	GHS Batai	20/03/1971	-----do-----
5	24	Abdur Rashid	GHSS Totalai	27/08/1971	-----do-----
6	25	Nawar Khan	GHS Dheri	01/04/1969	-----do-----
7	26	Ghulam Rahman	GHS Batai	01/04/1970	-----do-----
8	27	Sher Wali Khan	GHS Jowar	06/10/1972	-----do-----
9	28	Shamsul Eshan	GHS Jowar	08/04/1973	-----do-----
10	30	Bashir Ahmad	GHS Totalai	09/03/1963	-----do-----
11	31	Saifur Rehman	GHSS Gagra	16/03/1972	-----do-----
12	32	Bakhtinand	GHS Ganshal	10/01/1954	-----do-----
13	33	Wakil Zada	GHS Naukalay	20/02/1954	-----do-----
14	35	Ataullah	GHS Shalbandi	25/04/1957	-----do-----
15	36	Abuzar	GHS Cheena	01/01/1959	-----do-----
16	37	Fazli Haseeb	GHS Totalai	01/01/1959	-----do-----
17	42	Faida Mand	GCMHS Daggur	10/05/1964	-----do-----
18	43	Muhammad Zahid	GHS Nawagai	02/02/1965	-----do-----
19	46	Abdur Rashid	CGMHS Daggur	01/04/1965	-----do-----
20	47	Gohar Ali	GHS Gokand	17/08/1965	-----do-----
21	48	Mushtaq Hussain	GHS Khararai	01/01/1966	-----do-----
22	50	Sartaj	GHS Anghapur	10/04/1968	-----do-----
23	51	Muhammad Sadiq	GHSS Nawagai	20/04/1968	-----do-----
24	53	Muqarab Khan	GHS Jawar	01/01/1965	-----do-----
25	55	Zamin Khan	GHS Diwan Baba	02/02/1962	-----do-----
26	57	Asim Khan	GHS Nanser	30/11/1964	-----do-----

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27	58	Sardar Shah	GCMHS Daggur	04/01/1965	-----do-----
28	59	Sherin Zada	GHISS Nawagai	03/01/1966	-----do-----
29	60	Salat Khan	GHS Ganshal	14/01/1966	-----do-----
30	61	Aminullah	GHS Swari	04/01/1969	-----do-----
31	62	Gul Said	GHS Karapa	02/03/1973	-----do-----
32	63	Fazal Subhan	GHS Chinglai	07/04/1974	-----do-----

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

Total No. of SST General (M) Posts vacant Posts	80
25% share initial recruitment	20
75% share for Promotion.	60
20 % Share of promotion of PSHT/SPST/PST	16
Posts available for promotion	16
Promoted through this order	16

S.N o	S. L. No	Name of Official	Present Place of Posting	Date of Birth	Remarks
1	29	Barakat Shah	GPS Ambela Dara	05/05/1964	Services placed at the disposal of DEO (M) Bunner for further posting against SST (General) post on school based.
2	58	Mohd Yousef	GPS Shunai N/Kalay	21/05/1959	-----do-----
3	96	Nasrullah Khan	GPS Ambela	03/04/1960	-----do-----
4	112	Bakht Sultan	GPS Haji Abdul Agarai	15/08/1964	-----do-----
5	125	Duri Muknoon	GPS Kiraramal	02/01/1961	-----do-----
6	130	Ihsanullah	GPS Jowar No 1	11/02/1962	-----do-----
7	139	Bakht Zaman Khan	GPS Ladwan	11/03/1967	-----do-----
8	142	Rahmat Gul	GPS Daggur No 1	16/4/1969	-----do-----
9	157	Jamil Ur Rehman	GPS D. Baba No 1	02/06/1964	do
10	161	Said Alim Shah	GPS Rahim Abad Amazai	01/03/1968	-----do-----
11	162	Sher Zaman	GPS Baba Jee Baba	02/04/1968	do
12	178	Mohd Hussain	GPS Manjar Bajkata	01/02/1961	-----do-----
13	179	Mutabar Khan	GPS Balokhan	01/01/1962	-----do-----
14	181	Wahid Jalal	GPS Merviz Abad	20/4/1967	-----do-----
15	182	Fazal Karim	GPS Shalbandi Dara	10/04/1968	-----do-----
16	197	Mohd Salih	GPS Ashrozomaira	12/02/1964	-----do-----

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

Total No. of SST General (M) Posts vacant Posts	80
25% share initial recruitment	20
75% share for Promotion.	60
4 % Share of promotion of SDM/DM	03
Posts available for promotion	03
Promoted through this order	03

S.N o	S.L N o	Name of Official	Present Place of Posting	Date of Birth	Remarks
1	6	Abdullah	GHS Annawar	4/22/1960	Services placed at the disposal of DEO (M) Bunner for further posting against SST (General) post on school based.

ATTEST

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2	8	Mohammad Rahim	GHSS Gagra	3/1/1971	-----do-----
3	9	Bahadar	GHS Topai	4/30/1967	-----do-----

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

Total No. of SST General (M) Posts vacant Posts	80
25% share initial recruitment	20
75% share for Promotion.	60
4 % Share of promotion of SAT/AT	03
Posts available for promotion	03
Promoted through this order	03

S.No	S.L. No	Name of Official	Present Place of Posting	Date of Birth	Remarks
1	9	Said Nawshad	GHS Annauar	8/14/1960	Services placed at the disposal of DEO (M) Bunner for further posting against SST (General) post on school based.
2	18	Habibur Rahman	GHS Cheena	2/1/1967	-----do-----
3	21	Shaibar	GHS Dherai	9/6/1962	-----do-----

5. PROMOTION OF STI/TT TO THE POST OF SST (General) BPS-16.

Total No. of SST General (M) Posts vacant Posts	80
25% share initial recruitment	20
75% share for Promotion.	60
4 % Share of promotion of STI/TT	03
Posts available for promotion	03
Promoted through this order	03

S. No	S.L. No	Name of Official	Present Place of Posting	Date of Birth	Remarks
1	35	Fazal Rahim	GMS Malka	2/5/1970	Services placed at the disposal of DEO (M) Bunner for further posting against SST (General) post on school based.
2	52	Mustaqim Shah	GMS Jaba Amazi	1/1/1977	-----do-----
3	59	Fazal Subhan	GHSS Jangai	3/16/1976	-----do-----

6. PROMOTION OF S Qari/Qari TO THE POST OF SST (General) BPS-16

Total No. of SST General (M) Posts vacant Posts	80
25% share initial recruitment	20
75% share for Promotion.	60
3 % Share of promotion of S Qari/Qari	02
Posts available for promotion	02
Promoted through this order	02

S.No	S.L.No	Name of Official	Present Place of Posting	Date of Birth	Remarks
1	22	Bakht Zada	GHS Kula Khela	1/24/1967	Services placed at the disposal of DEO (M) Bunner for further posting against SST (General) post on school based.
2	27	Iindad Ullah	GHS Batai	4/25/1970	-----do-----

Terms and conditions:-

- 1 They would be on probation for a period of one year extendable for another one year.
- 2 They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 3 Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the rules framed from time to time.

ATTESTED

(40)

- 4 Charge report should be submitted to all concerned.
- 5 Their Inter-Sc- seniority on lower post will remain intact.
- 6 No TA/DA is allowed for joining his duty.
- 7 They will give an under taking to be recorded in their service book to the effect that if any over payment is made to him in light this order will be recovered and if he/she is wrongly promoted he/She will be reversed.
- 8 They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 9 Their posting will be made on School based, They will have to serve at the place of posting and their service is not transferable to any other station.
- 10 Before handing over charge once again their document may be checked if they have not the required relevant qualifications as per rules, they may not be handed over charge of the post.

(Muhammad Rafiq Khattak)

Director

Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.3436-110
Endst: No. / File No.2/Promotion SST B-16: Dated Peshawar the 28/10/2014.

Copy forwarded for information and necessary action to the: -

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

28/10/14
Dy: Director (Estab)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

ATTEST

Dairy No: 349/DBO/Buner
dated: 8/12/2015

(41)
Annexure
EC²

To

The Director
E&Se Education
KPK

Through: District Education Officer (M) Buner

Subject: Appeal for the Grant of Seniority on SST w.e.f 2009 in the light of the judgment of honorable Peshawar High Court under Writ Petition No. 2905 of 2009, Serial No.24, Announced on January 26, 2015 and COC Petition No. 157-P/ of 2015

Respected Sir

It is stated that I had challenged the appointment of SST (without merit/online appointed in 2009) in the honorable Peshawar High Court in 2009 under Writ Petition No. 2905 of 2009. The judgment of the above Writ Petition is announced on Dated January 26, 2015 and my appeal was accepted. Hence I have been appointed as SST under the promotion policy on Dated 28/10/2014 but according to the judgment of the honorable court, the backlog/back benefit w.e.f 2009 is not given yet.

Therefore, kindly please the backlog/ seniority from 2009 may be given under the judgment of the January 26, 2015 and COC Petition No. 157-P/ of 2015 to Serial No. 24. Thanking in anticipation.

Yours sincerely



Wakeel Zada (Ex-CT GHS Gagra)

SST(Science)

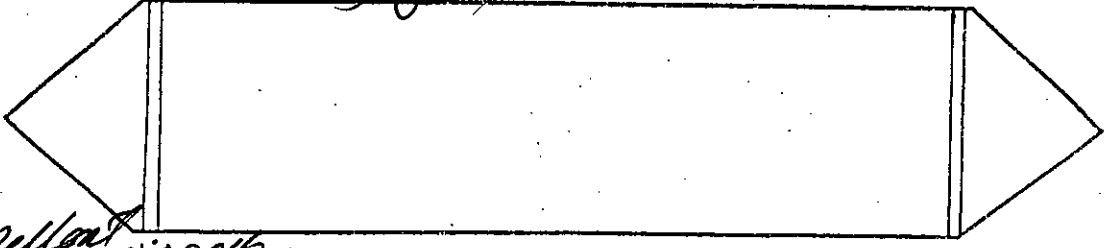
GHS Budal

Distt: Buner KPK

Dated: December 07, 2015


ATTESTED

بعد الت سروسز ٹریڈنگ کمپنی



2016ء، پنجاب، پاکستان

وکیل زادہ بنام ڈی. ای. اے. اے. اے.

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
آن مقام کسٹمر کیلئے سروسز ٹریڈنگ کمپنی
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب 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 وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم _____ 20 _____

کے لئے منظور ہے۔

مقام کسٹمر
Attest by
Shams ul Haq
Admission

BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

SERVICE APPEAL No. 362/2016.

WAKIL ZADA SST(Sci:) GHS BUDAL DISTRICT BUNER-----APPELLANT.

VERSUS

SECRETARY E&SE KHYBER PUKHTUNKHWA PESHAWAR & Others

RESPONDENTS.

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DEFONENT
CNIC No.15101-0882586-3

①

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No: 362/2016

Wakeel Zada SST(Sc:) GHS Budal District Bunir

.....Appellant.

VERSUS

Secretary E&SE Department, Khyber Pakhtunkhwa & others.

.....Respondents

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

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 in the instant service appeal.
- 4 That the instant service appeal is based on mala fide intentions.
- 5 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 6 That the Appellant is not entitled for grant of back benefits wef 2009.
- 7 That the instant Service Appeal is against the prevailing law & rules.
- 8 That the instant appeal is based on mala fide intentions just to put extra pressure on the Respondents for gaining illegal service benefits against the post of SST(Sc:).
- 9 That the Appellant has been treated as per law, rules & policy.
- 10 That the appeal is not maintainable in its present form.
- 11 That the appeal is bad for mis joinder & non joinder of the necessary parties.
- 12 That the instant Service Appeal is barred by law .
- 13 That the Appellant is not competent to file the instant appeal against the respondents.
- 14 That the Notification dated 28/10/2014 is legally competent & is liable to be maintained.

FACTS


- 1 That Para-1, is correct to the extent the appellant has filed a Writ Petition No: 2905/2009, before the Peshawar High Court Peshawar, which was decided on 26/01/2015, with the directions to consider the appellant for promotion against the SST post & consequent upon the said directions, the Respondent Department has promoted the appellant vide the impugned Notification dated 28/10/2014, against the SST(Sc:) post BPS-16 & on the basis of the same promotion, he has been adjusted at GHS Budal District Bunir (Copy of the same as Annexure-A).


- 2 That Para-2 is correct to the extent that the Respondent Department has promoted the appellant vide the impugned Notification dated 28/10/2014 against the SST(Sc:) BPS-16 post in the light of the above made submissions with immediate effect alongwith his other colleagues. Hence he is not entitled for the grant of back log & back benefits against the said posts he did not serve since 2009 as the appellant has been promoted with immediate effect & prior to his promotion, the appellant has working against the CT/SCT post & is now seeking for the grant of back benefits against the post he did not serve is illegal & without any justification.
- 3 That Para-3 is incorrect & denied. No departmental appeal has been filed by the appellant against the impugned promotion Notification dated 28/10/2014. Hence the instant appeal is liable to be dismissed on the following grounds inter alia :-


GROUND

- A Incorrect & not admitted. The impugned Notification dated 28/10/2014, is in accordance with law, rules & policy, as well as with immediate effect in terms of the Appointment Promotion & Transfer Rules 1989, hence is liable to be maintained in favour of the Respondents. .
- B Incorrect & not admitted .The statement of the appellant is baseless & is liable to be dismissed on the grounds that the appellant has been treated as per law, rules policy vide Notification dated 28/10/2014, is not only within legal sphere but is also liable to be maintained in favour of the Respondents.
- C Incorrect & misleading. The appellant is not entitled for the grant of back benefits against the SST (Sc:) post since 2009 under the relevant provisions of law, recruitment / promotion policy.
- D Legal, however, the Respondents seek leave of this Honorable Tribunal to submit additional grounds & record at the time of arguments.

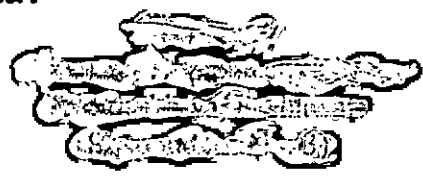
In view of the above made submissions, it is requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favour of the Respondent Department.


Secretary
 E&SE Department Khyber
 Pakhtunkhwa, Peshawar
 (Respondent No:3)


Joint Education Officer (M)
 Peshawar.


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

19/7/2016



BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

SERVICE APPEAL No. 362/2016.

WAKIL ZADA SST (Sci:) GHS BUDAL DISTRICT BUNER APPELLANT

VERSUS

SECRETARY E&SE KHYBER PUKHTUNKHWA PESHAWAR &Others RESPONDENTS

AFFIDAVIT

I Ubaid Ur Rahman Office of the District Education Officer Male Buner do hereby solemnly affirm & state on oath that the whole contents of these comments are true & correct to the best of my knowledge & belief & nothing has been concealed from this August Court.



DEFONENT

15101-0882586-3



Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

PH No. 091-9210389, 9210938,
9210437, 9210957, 9210468
Fax 091-9210936, 0800-33857
E-mail rafiq_kk851@yahoo.com

Notification

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

A. SST (Bio-Chem)

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

Total No. of SST Bio-Chem (M) Posts vacant Posts	19
25% share initial recruitment	05
75% share for Promotion.	14
40 % Share of promotion of SCT/CT	08
Posts available for promotion	08
Promoted through this order	07

S.N o	S.L.No	Name of Official	Present Place of Posting	Date of Birth	Remarks
1	41	Waqeel Zaheer	GHS Gogri	4/18/1966	Services placed at the disposal of DEO (M) Bunner for further posting against SST (Bio-Chem) post on school based.
2	54	Bakht Akbar	GHS Chrylushti	1/5/1968	-----do-----
3	98	Shamsur Rahman	GHS Ganshal	2/20/1967	-----do-----
4	103	Shah Bhroz Khan	GHS Rajoon Khan	1/7/1966	-----do-----
5	104	Abdul Ghafoor	GHS Torwarsak	1/2/1968	-----do-----
6	114	Bakht Rasool Khan	GHS Dewana Baba	3/3/1970	-----do-----
7	139	Rahim Zada	GHS Jowar	10/6/1972	-----do-----

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

Total No. of SST Bio-Chem (M) Posts vacant Posts	19
25% share initial recruitment	05
75% share for Promotion.	14
20 % Share of promotion of PSHT/SPST/PST	04
Posts available for promotion	04
Promoted through this order	04

S.N o	S.L.No	Name of Official	Present Place of Posting	Date of Birth	Remarks
1	344	Rahmanullah	GPS Kalpani	15/10/1969	Services placed at the disposal of DEO (M) Bunner for further posting against SST (Bio-Chem) post on school based.

2	635	Fazli wadood	GPS Girarai	15/4/1968	-----do-----
3	672	Khan said	GPS Bampakha	02/04/1972	-----do-----
4	840	Safi ur Rahman	GPS Rahim Abad	01/01/1975	-----do-----

B . SST (Phy-Maths)

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

Total No. of SST Phy-Maths (M) Posts vacant Posts	58
25% share initial recruitment	15
75% share for Promotion.	43
40 % Share of promotion of SCT/CT	22
Posts available for promotion	22
Promoted through this order	11

S. No	S.L. No	Name of Official	Present Place of Posting	Date of Birth	Remarks
1	64	Liaquat Hussain	GCMHS Dugyar	2/10/1970	Services placed at the disposal of DEO (M) Bunner for further posting against SST (Phy-Maths) post on school based.
2	80	Ahmad Ali	GHS Totalai	4/25/1963	-----do-----
3	83	Muhammad Solim	GHSS Nawagai	4/14/1970	-----do-----
4	97	Khan Wali Khan	GHS Totalai	2/5/1967	-----do-----
5	127	Israrullah	GHS Kawga	1/4/1969	-----do-----
6	129	Mihrab Gul	GHS Khanano Dheri	4/4/1977	-----do-----
7	130	Zartaj Khan	GHSS Charorai	5/6/1970	-----do-----
8	138	Sher Nawab Khan	GHS Jowar	4/1/1970	-----do-----
9	170	Imamullah	Ghs Diwanababa	4/8/1971	-----do-----
10	187	Muhammad Iqbal	GHS Nogram	4/19/1974	-----do-----
11	200	Said Kamal Shah	GHS Nogram	3/17/1970	-----do-----

2. PROMOTION OF PSIT/SPST/PST TO THE POST OF SST (Phy-Maths) BPS-16

Total No. of SST Phy-Maths (M) Posts vacant Posts	58
25% share initial recruitment	15
75% share for Promotion.	43
20 % Share of promotion of PSIT/SPST/PST	12
Posts available for promotion	12
Promoted through this order	08

S. No	S.L. No	Name of Official	Present Place of Posting	Date of Birth	Remarks
1	381	Sabir Rahman	GPS Bando Thangay	05/06/1968	Services placed at disposal of DEO (M) Bunner for further posting against SST (Phy-Maths) post on school based.
2	447	Hamaullah	GPS Manizai kowga	20/05/1972	-----do-----
3	582	Sher Ahmad	GPS Balo Khan	05/02/1970	-----do-----

4	616	Hamid ur rahman	GPS Daggur No 1	25/4/1974	-----do-----
5	662	Rasool Shah	GPS Kinyergalai	30/1/1970	-----do-----
6	663	Akmal Khan.	GPS Rega NO3	15/03/1970	-----do-----
7	812	Aziz ahmad	GPS Bampkoha	01/04/1977	-----do-----
8	1141	Rahim dad khan	GPS Jawar NO 3	10/10/1978	-----do-----

C. SST (General)

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

Total No. of SST General (M) Posts vacant Posts	80
25% share initial recruitment	20
75% share for Promotion.	60
40 % Share of promotion of SCT/CT	32
Posts available for promotion	32
Promoted through this order	32

S.N	S.L.N	Name of Official	Present Place of Posting	Date of Birth	Remarks
1	8	Hakim Khan	GHSS Nawagai	01/03/1974	Services placed at the disposal of DEO (M) Bunner for posting against SST (General) post on school based.
2	10	Abdul Halim	GHS Jowar	04/01/1975	-----do-----
3	14	Ali Jan	GHSS Agarai	16/04/1957	-----do-----
4	16	Hazrat Rahman	GHS Batai	20/03/1971	-----do-----
5	21	Abdur Rashid	GHSS Totalai	22/08/1971	-----do-----
6	25	Nawar Khan	GHS Dheri	01/04/1969	-----do-----
7	26	Chaham Rahman	GHS Bata	01/04/1970	-----do-----
8	27	Sher Wali Khan	GHS Jowar	06/10/1972	-----do-----
9	28	Shamsul Islam	GHSS Jannai	08/04/1973	-----do-----
10	30	Bashir Ahmad	GHS Totalai	09/03/1963	-----do-----
11	31	Sajfar Rehman	GHSS Gagra	16/03/1972	-----do-----
12	32	Bakhtimand	GHS Ganshal	10/01/1954	-----do-----
13	33	Wakil Zada	GHS Nawakalay	20/02/1954	-----do-----
14	35	Atallah	GHS Shelbandi	25/04/1957	-----do-----
15	36	Abuzar	GHS Cheena	01/01/1959	-----do-----
16	37	Fazli Haseeb	GHS Totalai	01/01/1959	-----do-----
17	42	Faida Mand	GCMHS Daggur	10/05/1964	-----do-----
18	43	Muhammad Zahid	GHS Nawagai	02/02/1965	-----do-----
19	46	Abdur Rashid	CGMHS Daggur	01/04/1965	-----do-----
20	47	Gohar Ali	GHS Gokand	17/08/1965	-----do-----
21	48	Mushtaq Hussain	GHS Khararai	01/01/1966	-----do-----
22	50	Sartaj	GHS Anghapur	10/04/1968	-----do-----
23	51	Muhammad Sadiq	GHSS Nawagai	20/04/1968	-----do-----
24	53	Muqarrab Khan	GHS Jawar	01/01/1965	-----do-----
25	55	Zamin Khan	GHS Diwan Baba	02/02/1962	-----do-----
26	57	Asim Khan	GHS Nanser	30/11/1964	-----do-----

27	58	Sardar Shah	GCMHS Daggur	04/01/1965	-----do-----
28	59	Sherin Zada	GHISS Nawangai	03/01/1966	-----do-----
29	60	Salat Khan	GHS Ganshal	14/01/1966	-----do-----
30	61	Aminullah	GHS Swari	04/01/1969	-----do-----
31	62	Gul Said	GHS Karapa	02/03/1973	-----do-----
32	63	Fazal Subhan	GHS Chinglai	07/04/1974	-----do-----

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

Total No. of SST General (M) Posts vacant Posts		80
25% share initial recruitment		20
75% share for Promotion.		60
20 % Share of promotion of PSHT/SPST/PST		16
Posts available for promotion		16
Promoted through this order		16

S.No	S.L. No	Name of Official	Present Place of Posting	Date of Birth	Remarks
1	29	Barakat Shah	GPS Ambela Dara	05/05/1964	Services placed at the disposal of DEO (M) Bunn for further posting against SST (General) post on school based.
2	58	Mohd Yousaf	GPS Shnai N/Kaluy	21/05/1959	-----do-----
3	96	Nasrullah Khan	GPS Ambela	03/04/1960	-----do-----
4	112	Bakht Sultan	GPS Hoji Abad Agarai	15/08/1964	-----do-----
5	125	Durr Maknoon	GPS Kirsamal	02/01/1961	-----do-----
6	130	Ihsanullah	GPS Jowar No 1	11/02/1962	-----do-----
7	139	Bakht Zamin Khan	GPS Ladhwan	11/03/1960	-----do-----
8	142	Rahmat Gul	GPS Daggur No 1	16/4/1969	-----do-----
9	150	Jamil Dr Rehman	GPS D. Baba No 1	02/06/1964	do
10	161	Said Ahim Shah	GPS Rahim Abad Amazai	01/03/1968	-----do-----
11	162	Shor Zaman	GPS Baba Jee Baba	02/04/1968	do
12	178	Mohd Hussain	GPS Manjar Bajkata	01/02/1961	-----do-----
13	179	Mutabar Khan	GPS Bulokhan	01/01/1962	-----do-----
14	181	Wahid Jalal	GPS Merviz Abad	20/4/1967	-----do-----
15	182	Fazal Karim	GPS Shalbandi Dara	10/04/1968	-----do-----
16	197	Mohd Salih	GPS Ashrozaini	12/02/1964	-----do-----

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

Total No. of SST General (M) Posts vacant Posts		80
25% share initial recruitment		20
75% share for Promotion.		60
4 % Share of promotion of SDM/DM		03
Posts available for promotion		03
Promoted through this order		03

S.No	S.L. No	Name of Official	Present Place of Posting	Date of Birth	Remarks
1	6	Abdullah	GHS Annauar	1/22/1960	Services placed at the disposal of DEO (M) Bunn for further posting against SST (General) post on school based.

2	8	Mohammad Rahim	GHSS Gagra	3/1/1971	-----do-----
3	9	Bahadar	GHS Topai	4/30/1967	-----do-----

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

Total No. of SST General (M) Posts vacant Posts	80
25% share initial recruitment	20
75% share for Promotion.	60
4 % Share of promotion of SAT/AT	03
Posts available for promotion	03
Promoted through this order	03

S.No	S.L. No	Name of Official	Present Place of Posting	Date of Birth	Remarks
1	9	Said Nawshad	GHS, Annadar	8/14/1960	Services placed at the disposal of DEO (M) Bunner for further posting against SST (General) post on school based.
2	18	Habibur Rahman	GHS Cheena	2/1/1967	-----do-----
3	21	Shaibar	GHS Dherai	9/6/1962	-----do-----

5. PROMOTION OF STT/TT TO THE POST OF SST (General) BPS-16.

Total No. of SST General (M) Posts vacant Posts	80
25% share initial recruitment	20
75% share for Promotion.	60
4 % Share of promotion of STT/TT	03
Posts available for promotion	03
Promoted through this order	03

S. No	S.L. No	Name of Official	Present Place of Posting	Date of Birth	Remarks
1	35	Fazal Rahim	GMS Malka	2/5/1970	Services placed at the disposal of DEO (M) Bunner for further posting against SST (General) post on school based.
2	52	Mustaqim Shah	GMS Jaba Amazi	1/1/1977	-----do-----
3	59	Fazal Subhan	GHSS Jangai	3/16/1976	-----do-----

6. PROMOTION OF S Qari/Qari TO THE POST OF SST (General) BPS-16

Total No. of SST General (M) Posts vacant Posts	80
25% share initial recruitment	20
75% share for Promotion.	60
3 % Share of promotion of S Qari/Qari	02
Posts available for promotion	02
Promoted through this order	02

S.No	S.L.No	Name of Official	Present Place of Posting	Date of Birth	Remarks
1	22	Bakht Zada	GHS Kala Khela	1/24/1967	Services placed at the disposal of DEO (M) Bunner for further posting against SST (General) post on school based.
2	27	Imdad Ullah	GHS Batai	4/25/1970	-----do-----

Terms and conditions:-

- 1 They would be on probation for a period of one year extendable for another one year.
- 2 They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 3 Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the rules framed from time to time.

- 4 Charge report should be submitted to all concerned.
- 5 Their Inter-Se- seniority on lower post will remain intact.
- 6 No TA/DA is allowed for joining his duty.
- 7 They will give an under taking to be recorded in their service book to the effect that if payment is made to him in light this order will be recovered and if he/she is wrongly he/She will be reversed.
- 8 They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 9 Their posting will be made on School based, They will have to serve at the plate of post if their service is not transferable to any other station.
- 10 Before handing over charge once again their document may be checked if they have the required relevant qualifications as per rules, they may not be handed over charge of the post.

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

3436-110
 Endst: No. / File No.2/Promotion SST B-16: Dated Peshawar the 28/10/2014.

Copy forwarded for information and necessary action to the:-

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

28/10/14
 Dy: Director (Estab)
 Elementary and Secondary Education
 Khyber Pakhtunkhwa Peshawar