

13.12.2017

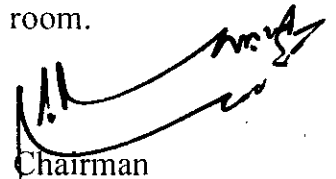
Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present.

Learned counsel for the appellant submits at the bar that similar cases have already been decided by this Tribunal on 11.10.2017. That this case may also be decided in line with those cases.

As a consequence this appeal is decided on the ground mentioned in appeal No. 984/2015, decided on 11.10.2017 entitled "Badshah Islam Vs. Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar and 4 others".

In view of the said judgment this Tribunal lacks the jurisdiction. The present appeal is dismissed. However, the appellant 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.

  
Member


  
Chairman

ANNOUNCED  
13.12.2017

24.05.2017


Counsel for the appellant and Mr. Muhammad Adeel Butt, Additional AG for the respondent present. Counsel for the appellant requested for time to file rejoinder. Request accepted. To come up for rejoinder and arguments on 07.09.2017 before D.B.

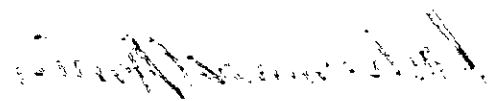
  
(Gul Zeb Khan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

07/09/2017

Due to general strike of the bar and bench is incomplete, the case is adjourned for arguments on 13/12/2017 before DB.

  
MUHAMMAD HAMID MUGHAL  
MEMBER



07.03.2017

Counsel for the appellant and Addl. AG for respondents present. Written reply by respondents No. 4 & 5 not submitted despite another last opportunity. Another last opportunity is further extended, subject to payment of cost of Rs. 1500/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments of respondents No. 4 & 5 and cost on 03.04.2017 before S.B.

(MUHAMMAD AAMIR NAZIR)  
MEMBER

03.04.2017

Counsel for the appellant and Addl. AG for respondents present. None present on behalf of respondents No. 4 and 5. Proceeded ex-parte. The appeal is assigned to D.B for rejoinder and final hearing on 24.05.2017.

Chairman

31.10.2016

Clerk to counsel for the appellant and Mr. Asif Khan, AD alongwith Addl. AG for respondents present. Written reply already submitted respondents No. 1 to 3. Notices be issued to the respondents No. 4 and 5 to submit written reply. To come up for written reply/comments on 29.12.2016 before S.B.

  
Member

29.12.2016

Counsel for the appellant and Mr. Murad Khan, Supdt. for respondents No. 1 to 3 alongwith Addl. AG for the respondents present. Learned Addl. AG requested for submission of written reply of respondents No. 4 & 5. Last opportunity granted. To come up for written reply/comments of respondents No. 4 & 5 on 01.02.2017 before S.B.

  
Chairman

01.02.2017

Counsel for the appellant and Mr. Asif Khan, AD for respondents No. 1 to 3 alongwith Addl. AG for the respondents present. Written reply by respondents No. 4 & 5 not submitted despite last opportunity. Last opportunity is further extended subject to payment of cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. To come up for written reply of respondents No. 4 & 5 and cost on 07.03.2017 before S.B.

  
Chairman

12.05.2016

Appellant Deposited  
Security & Process Fee

Counsel for the appellant present. Learned counsel for the appellant argued that identical appeal No. 1344/2015 has already been admitted for regular hearing.

In view of the above, this appeal is also admitted to regular hearing subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 21.07.2016 before S.B.

Chairman

21.07.2016

Counsel for the appellant, M/S Muqrab Khan, SO and Muhammad Ismail alongwith Additional AG for the respondents present. Representative of the department informed that reply has been prepared signature of relevant respondents which are being obtained and the same will be submitted on the next date positively. To come up for written reply/comments on 15.08.2016 before S.B.

MEMBER

15.08.2016



Clerk to counsel for the appellant and Asif Kha, AD (Litigation) alongwith Addl. AG for respondents present. Written reply submitted on behalf of respondents No. 1 to 3. None present on behalf of respondents No. 4 and 5. Notices be issued to them. To come up for written reply/comments on 31.10.2016 before S.B.

Member

Form- A  
FORM OF ORDER SHEET

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

Case No. \_\_\_\_\_ 470/2016

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge or Magistrate  |
|-------|---------------------------|---|
| 1     | 2                         | 3   |
| 1     | 03.05.2016                | <p>The appeal of Mr. Bashir Ahmad presented today by Syed Younas Jan 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;"><br/>REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>12.5.16</u></p> <p style="text-align: right;"><br/>CHAIRMAN</p> |

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

Service appeal No. 470 /2016

Bashir Ahmad Lecturer in Physical education Government post Graduate  
college Mardan. ....Appellant


VERSUS

The secretary higher education & ot hers .....Respondents

**I N D E X**

| S.No | Description of Documents  | Annex | Pages |
|------|---|-------|-------|
| 1.   | grounds of appeal   |       | 1-3   |
| 2.   | Application for Condonation of delay  |       | 4-5   |
| 3.   | Addresses of Parties  |       | 6     |
| 4.   | Departmental appeal   | "A"   | 7     |
| 5.   | Impugned order dated 01.01.2010   | "B"   | 8-9   |
| 6.   | Notification dated 21.01.2010   | "C"   | 10-11 |
| 7.   | Copy of MSc HPE Degree  | "D"   | 12    |
| 8.   | Appointment Order   | "E"   | 13    |
| 9.   | Letter dated 04.03.2009   | "F"   | 14-16 |
| 10.  | Withdrawl Order   | "G"   | 17    |
| 11.  | Judgment of this Hon'ble Tribunal in<br>appeal No. 1667/2009 and<br>1732/2011 | "H&I" |       |
| 12.  | Wakalat Nama  |       |       |

Dated: 28/4/2016

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

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

Service appeal No. 470 /2016

**K.W.P. Provincial**  
**Service Tribunal**  
Diary No. 443  
Dated 03/5/2016

Bashir Ahmad Lecturer in Physical education Government post Graduate college Mardan.  
.....Appellant

VERSUS

1. The secretary higher education department Khyber Pakhtunkhwa Peshawar
2. The chief secretary government of Khyber Pakhtunkhwa Peshawar
3. The Director of Higher education department Khyber Pakhtunkhwa Peshawar
4. The secretary Establishment department Khyber Pakhtunkhwa Peshawar
5. The secretary Finance department Khyber Pakhtunkhwa Peshawar

**Appeal under section 4 of Khyber Pakhtunkhwa service tribunal act 1974, according to the departmental appeal of the appellant dated 25.01.2016 which is still pending before the respondent No. 1 and after lapse of statutory period no order/ communication what so ever has been made on the same so far (copy of department of appeal is Annex "A")**

Prayer in appeal: That on acceptance of this appeal the impugned order date 01/01/2010 may kindly be varied/ modified to the extent that the same may kindly be May effective from the dated mentioned in the notification dated. 21.01.2008 i.e. from 09.10.2007 with all other service benefits. Any other remedy/relief available in the circumstance of the case may also kindly be granted to the appellant (copy the impugned order and of the notification are Annex "B" and "C").

Respectfully submitted, the appellant submit as under:

1. that the qualification of the appellant as Msc in health and physical education (HPE) who passed the prescribed examination held in January 1994( copy of the certificate is Annex "D").
2. That on recommendation of Khyber Pakhtunkhwa service commission the appellant was appointed as director physical education (DPE) In BPS-16 vide order dated 29.08.94 (copy of the appointment order Annex "E")
3. That the government of KPK on 21.012008 issued a notification vide which the posts of librarians and director of physical education (DPEs) were upgraded from BS- 16 to BS- 17 regular for the existing incumbents who hold Master Degree in the relevant subject (i.e. MA/Msc in health and physical education in case of the appellant) in

*Handwritten notes:*  
3/5/16



the Higher education, Archives and libraries department NWFP (KPK) with effect from 09.10.2007.

4. That being highly qualified, fit and eligible and thus was fully entitled for the award of regular Bs-17 in the light of the above mentioned letter but illegally, unconstitutionally, malafidly and intentionally was ignored for the same relief and lastly he was promoted to the same BS-17 regular vide the impugned order dated 01/01/2010 (Annex "B" above) but with immediate effect instead of 09/10/2007 and it is also pertinent to mentioned here that once the respondent No. 1 issued a letter dated 04/03/2009 to this effect which has now been withdrawn vide order dated 07/03/2009. (copy of the same are Annex "F" and "G").
5. That the appellant agitated the matter with the authority but of no use, so he filed a departmental appeal which is till pending before the respondents No. 1 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.

**GROUND.**

- a. That the act and omission of the respondents is illegal, unconstitutional against facts and material on record, therefore, is not tenable and need the interference of this Hon. able Tribunal.
- b. That the act and omissions of the respondent's not only factually incorrect and legally untenable but also is based on their malafide intention and is also against the well established principles of natural justice and is discriminatory in nature.
- c. That the act and omission of the respondents is also against the laws/ rules/ policies and notification of the provincial Government especially against the notification dated 21.01.2008.
- 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 has given a similar relief to other colleagues of the appellant and the appellant is also entitled to the same relief/treatment.(judgment passed by this Hon'ble Tribunal in appeal No. 1667/2009 and 1732/2011 are Annex "H" and "I")

- 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 BPS-17 (regular) at the time of and in light of the letter/notification dated 21.01.2008 from 09.10.2007 so the impugned notification dated 01.01.2010 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 01.01.2010 may kindly be varied/modified to the extent that the same may kindly be made effective from 09.10.2007 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 09.10.2007 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.

*[Handwritten Signature]*  
Appellant

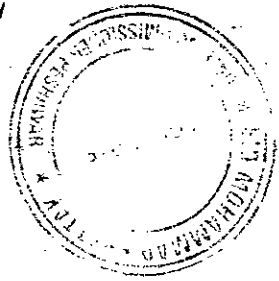
Through *[Handwritten Signature]*  
(Syed Younus Jan )  
Advocate, High Court,  
Peshawar

Dated: 28/4/2016

**AFFIDAVIT**

I, Bashir Ahmad Lecturer in Physical education Government post Graduate college Mardan do hereby solemnly affirm and declare on oath that the contents of the above appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble ~~Court~~ Tribunal.

*[Handwritten Signature]*  
28.4.2016



*[Handwritten Signature]*  
DEPONENT

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

In Service appeal No. \_\_\_\_\_/2016

Bashir Ahmad Lecturer in Physical education Government post Graduate college Mardan. ....Appellant/Applicant.

VERSUS

The secretary higher education & others .....Respondents

**APPLICATION FOR CONDONATION OF DELAY (IF ANY).**

**Respectfully submitted:**

The applicant/ appellant submits as under:

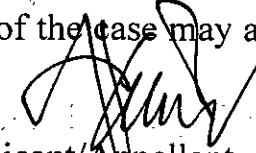

That firstly the act and omission of the respondents/ department is illegal, unconstitutional and void and secondly as financial matter is involved in the matter and the cause of action is the running cause of action, therefore, no limitation runs against the appellant/ applicant, but even if this Hon'ble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

**GROUND**

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 continuous wrong, therefore, in the matter the cause of action start on the 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.
3. That the appellant/applicant has got a very good case in his favor therefore, technicalities including the point of limitation (The delay if any) are ignorable/condonable.
4. That the appeal of the appellant before this Hon'ble Tribunal is well within time and strictly in accordance with law contained in section 4 of the NWFP now Khyber Pakhtunkhwa Service Tribunal Act 1973.
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.

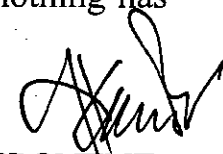
- 6. That the delay if any has been caused by the delaying tactics of respondents/department and the appellant cannot be held responsible for the same. Especially in presence of the principles of legitimate expectancy.
- 7. That in so many similar and identical cases Hon'ble Tribunal has ignored the point of limitation and in so many cases has condoned the delay, therefore, in this case also the same point is ignorable/condonable.

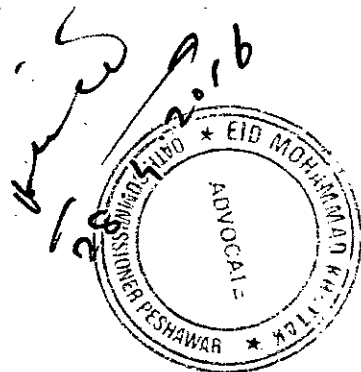
It is, therefore, respectfully prayed that on acceptance of this application in the best interest of justice the delay if any in filing departmental appeal may kindly be condoned/ignored and the appeal of the appellant/applicant may kindly be decided on merits. Any other remedy/relief available in the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

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

**AFFIDAVIT**

I, Bashir Ahmad Lecturer in Physical education Government post Graduate college Mardan do hereby solemnly affirm and declare on oath that the contents of the above appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

  
 DEPONENT



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

Services appeal No. \_\_\_\_\_/2016

Bashir Ahmad Lecturer in Physical education Government post Graduate college Mardan. ....Appellant

VERSUS

The secretary higher education & of hers .....Respondents

**ADDRESSES OF PARTIES**

**Appellant:**

Bashir Ahmad Lecturer in Physical education Government post Graduate college Mardan.


**RESPONDENT:**

6. The secretary higher education department Khyber Pakhtunkhwa Peshawar
7. The chief secretary government of Khyber Pakhtunkhwa Peshawar
8. The Director of Higher education department Khyber Pakhtunkhwa Peshawar
9. The secretary Establishment department Khyber Pakhtunkhwa Peshawar
10. The secretary Finance department Khyber Pakhtunkhwa Peshawar

Dated:

Through

Appellant



(Syed Younus Jan)  
Advocate, High Court,  
Peshawar

To

The Secretary,  
Higher Education Department  
Govt: of Khyber Pakhtunkhwa, Peshawar

Annex "A"

(7)

Through: PROPER CHANNEL

Subject: AWARD OF BPS-17 TO THE DIRECTOR PHYSICAL EDUCATION

R/ Madam:

It is submitted for your kind honour that I have been appointed through public service commission as a Director Physical Education in BPS 16 on 01.09.1994 and have passed my M.Sc in HPE in the session 1993 94. The government upgraded the post from BPS 16 to 17 vide# FD(SOSR II) 10 7/2007 dated 21.01.2008 with effect from 09.10.2007 while the Higher Education Department promoted the DPEs working in college cadre vide notification No. SO (T) HE/17 1/2008/VOL III dated 04.03.2009.

The Higher Education Department withdrew the mentioned notification vide No. SO (T) /111/17 1/ 2008/VOL- III dated 07.03.2009. The Higher Education Department issued another notification and promoted the DPEs and Librarians working in colleges on regular basis with immediate effect vide No. SO (T)/17 1/2008/VOL- III dated 01.01.2010. The service tribunal awarded BPS 17 w.e.f 2007 & suspended the mentioned notification through different decisions i.e. Ghulam Nabi DPE VS Secretary vide appeal No. 1667/2009 dated 04.03.2010 & Ghulam Muhammad DPE of the college cadre with effect from 06.03.2008 from the date of passing Master Degree vide Judgment No. 1732 dated 14.01.2013 and suspended the notification issued on 01.01.2010.

The norms of justice warrant that I should also be granted BPS 17 as has been awarded in the case of the aforementioned DPEs. The restoration of right will not only note out due justice to me but will definitely enhance my working efficiency. I do hope that my request will receive a humanitarian response.

Your kind authority is requested to grant me BPS 17 w.e.f 09.10.2007 instead of 01.01.2010. Relevant documents are attached for your kind perusal.

Bashir Ahmad  
Lecturer in Physical Education  
GPGC Mardan

Endst: No. 2214

dated. 25/01/2016

Forwarded in original to the Director Higher education Khyber Pakhtunkhwa, Peshawar for favorable consideration please

Principal  
Govt: Post graduate College  
Mardan

Attested

*Syed Younus Jan*

**SYED YOUNUS JAN**  
B.A., LL.B. & B.Ed. Certificate Sharia Law  
Advocate High Court Peshawar  
Federal Shariat Court.

D:\My Documents\Bashir sb

GOVERNMENT OF N.-W.F.P  
HIGHER EDUCATION, ARCHIVES  
AND LIBRARIES DEPARTMENT

Dated Peshawar the 01-01-2010

Annex "B"

(8)

**NOTIFICATION:**

No.SO(T)HE/17-1/2008/VOL-III. On the recommendation of Departmental Promotion Committee, the Competent Authority is pleased to promote the following DPE's and Librarians (Male/Female) of College Cadre who hold Master Degree, working in B-16/B-17(Personal) to B-17 on regular basis, against the upgraded posts with immediate effect:-

| DPE's (Male) |                         | Place of Posting   |
|--------------|-------------------------|--|
| S. #         | Name of Officer         |  |
| 1) X         | Sharifullah             | G.C. Lahore (Swabi)  |
| 2) X         | Ali Sher Khan           | G.C. Ghoriwala, Bannu  |
| 3) X         | Sultan Mohammad         | G.C. Peshawar  |
| 4.           | Malik Asif              | Directorate of H.E Deptt: NWFP Pesh:                         |
| 5.           | Muhammad Ismail 5-11-10 | G.C. Kakki Bannu   |
| 6) X         | Abidullah               | Presently working at Science & Technology University, Bannu. |
| 7.           | Muhammad Saeed. 1-1-10  | G.C. DI Khan No.01   |
| 8.           | Umar Bashir             | G.C. Oghai 1-2-51  |
| 9.           | Sanaullah Khan          | GPGC. Bannu 25-5-52  |
| 10.          | Aftab Ahmad 25-12-10    | GPGC. Kohat 2-6-12-50  |
| 11.          | Ziaur Rehman            | G.C. Dir 16-4-61   |
| 12.          | Juma Khan               | G.C. Paharpur DI Khan 28-9-55                                |
| 13.          | Hakim Khan              | GPGC. Mardan 56  |
| 14.          | Gul Razim               | G.C. Takht-e-Nasrati (Karak)                                 |
| 15.          | Fazle Rabbi             | G.C. Kotha   |
| 16.          | Said Muhammad Jan       | G.C. Thana (Malakand)  |
| 17.          | Muhammad Zaman          | G.C. Timergara Dir   |
| 18.          | Mohsin Shah             | G.C. No.02, Mardan 56  |
| 19.          | Muhammad Abid Kamal     | GSSC, Peshawar   |
| 20.          | Muhammad Abdul Latif    | G.C. Kulachi   |
| 21.          | Manzoor Hussain         | GPGC. Mandian A/Abad   |
| 22.          | Abdur Rashid            | G.C. KDA Kohat   |
| 23.          | Abdul Hamid             | G.C. Puran   |
| 24.          | Rashidullah             | GPGC. Abbottabad   |
| 25.          | Noorul Amin             | G.C. Khair Abad  |
| 26.          | Asad Jan                | G.C. No.01 DI Khan   |
| 27.          | Abdul Qayum             | G.C. Lucky Marwat  |
| 28.          | Muhammad Ayaz.          | GPGC. Charsadda  |
| 29.          | Muhammad Younas Khan    | G.C. No.02, DIK  |
| 30.          | Azizullah.              | GDC, Ahmed Abad (Karak)                                      |
| 31.          | Muhammad Shafiq         | G.C. Matta   |
| 32.          | Muhammad Ayaz Khan.     | GDC Laddah (S.W.A)   |
| 33.          | Samiullah Khan          | GPGC. Nowshera   |
| 34.          | Bashir Ahmad            | GPGC. Mardan   |
| 35.          | Muhammad Ibrahim        | G.C. Gul Abad Dir.   |

3500/2008/HE/17-1/2008/VOL-III

SVED YOUNUS JAN  
M.A.B.L.P.  
Advocate  
Federal Shariat Court

|     |                     |                              |
|-----|---------------------|------------------------------|
| 6.  | Safina Bibi         | GGC Kohat                    |
| 7.  | Shaheen Akhtar      | GGC Havelian                 |
| 8.  | Rashida Begum       | GGC Takht Bhai               |
| 9.  | Saima Noreen        | GGC Hangu                    |
| 10. | Asma Bashir         | GGC Charsada                 |
| 11. | Farhat Jabeen       | GGC Dargai                   |
| 12. | Zakia Begum         | GGC Hayatabad                |
| 13. | Kalsoom Manan       | GGC No.2 DI Khan             |
| 14. | Saima Gul           | GGC Lund Khawan              |
| 15. | Nida Aziz           | GGC Nowshera                 |
| 16. | Sadia Miraj Noor    | GGC Bannu.                   |
| 17. | Gul Bibi            | GGC Nawan shere              |
| 18. | Humera Begum        | GGC Jolagram                 |
| 19. | Naseem Ara          | GGC Timergara                |
| 20. | Bushra Khatoon      | GGC Haripur                  |
| 21. | Sabrina Nasir       | GGC Kernal Sher Khan (Swabi) |
| 22. | Hafiza Jalwa Bashir | GGC Gulshan Rehman Pesh.     |
| 23. | Shela Bashir        | GGC Jamrud Khyber Agency     |
| 24. | Shaista Malik       | GGC No.2. Mansehra.          |

(9)

SECRETARY TO GOVT. OF NWFP  
HIGHER EDUCATION, ARCHIVES  
AND LIBRARIES DEPARTMENT


Endst: NO.SO(T)HE/17-1/2007

Dated Pesh: the 01-01-2010

Copy is forwarded for information & necessary action to the:

1. The Accountant General NWFP.
2. Secretary to Government of NWFP, Finance Department
3. Secretary to Government of NWFP, Establishment Department
4. P.S to Chief Minister NWFP, Peshawar.
5. P.S to Chief Secretary NWFP, Peshawar.
6. P.S to Minister Higher Education NWFP, Peshawar.
7. P.S to Secretary Higher Education Arch: & Lib: Deptt. NWFP.
8. Director Higher Education, NWFP, Peshawar.
9. Director Information, NWFP, Peshawar.
10. Director Education, FATA.
11. All District Account Officer in NWFP.
12. All Agencies Account Officer in NWFP.
13. PA to Deputy Secretary(Admn), Higher Education Deptt. NWFP.
14. PA to Deputy Secretary-II, Higher Education Deptt. NWFP.
15. All Principals of College in NWFP.
16. Officers concerned.

  
(SAID BADSHAH)  
SECTION OFFICER (Arch:&Lib:)

*Attested*  


**SYED YUNUS JAN**  
M.A., L.B., B.E.L., Certificate Sharia Law  
Advocate High Court Peshawar  
Federal Shariat Court.



Annex "C"

10

GOVERNMENT OF N.W.F.P.  
HIGHER EDUCATION ARCHIVES &  
LIBRARIES DEPARTMENT

Dated, Peshawar the 21 /01/2008.

NOTIFICATION.

No. SO(T)/HE/17-1/2003: 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 Higher Education, Archives & Libraries Department NWFP with effect from 09-10-2007 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 Higher Education, Archives & Libraries 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".

SECRETARY TO GOVERNMENT OF NWFP  
HIGHER EDUCATION ARCHIVES &  
LIBRARIES DEPARTMENT.

Endst: No. FD (SOSR-11) 10-7 / 2007 Dated, Peshawar the, 21 /01/2008

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.

*Attested*  
*[Signature]*


**SYED YOUNUS JAN**  
B.A., LL.B., B.E.S. Certificate Sharia Law  
Advocate High Court Peshawar  
Federal Shariat Court.

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

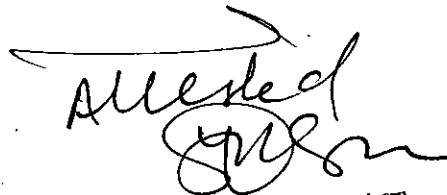
Enclst:No. & Date Even.

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 Higher Education, NWFP, Peshawar.
- 6) Director, Archives & Libraries NWFP, Peshawar.
- 7) P.S to Minister of Education, NWFP, Peshawar.
- 8) P.S to Secretary Higher Education Archives & Libraries NWFP Peshawar.
- 9) P.A to Deputy Secretary Higher Education Archives & Libraries Department
- 10) Office File of the officers concerned.



S/c (SAID BAD SHAH)  
SECTION OFFICER (TRG)  
HIGHER EDUCATION DEPARTMENT



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

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Serial No. GU 01990

Annex "D"

(12)

# GOMAL UNIVERSITY

DERA ISMAIL KHAN

( N.W.F.P ) PAKISTAN



(Session 1991-92)

BASHIR AHMAD

SON

of

ISLAM-UD-DIN

and

a student of the DEPARTMENT OF HEALTH & PHYSICAL EDUCATION, GOMAL UNIVERSITY

having passed the prescribed examination in JANUARY 19 94

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

## MASTER OF SCIENCE

in the FIRST Class

The subject of examination being HEALTH & PHYSICAL EDUCATION

The Examination was taken as a whole / ~~in parts~~

Registered No. 320-PEDU-83

Roll No. 3752

23RD OCTOBER, 19 94.

Countersigned

Controller of Examinations

*Attested*  
*[Signature]*  
SYED YOUNUS JAM  
B.A., B.L.S., B.E.S., Certificate Sharia Law  
Advocate High Court Peshawar  
Federal Shariat Court.

*[Signature]*

Annex "E"  
13

Consequent upon the recommendation of N.W.F.P Public Service Commission, Peshawar, the Director of Education (Colleges) NWFP, Peshawar is pleased to appoint four Selectees as Director Physical Educations, (3 Male and 1 Female) as officiating in BFS-16 at the Colleges mentioned against each from the date of their taking over charge subject to the condition as given below and transfer/adjustment of one Female DPE are hereby ordered in the interest of public service with immediate effect:-

| SNo. | Name & Designation.   | Posted at.                                | Remarks.                |
|------|---|---|-------------------------|
| 1.   | Mr. Samiullah S/o Hakemullah<br>H.No. 2683/204 Meh: Mina Khel<br>P.O & Distt: Lakki Marwat.<br>(SELECTEE) | Govt: College<br>Sherwan.<br>(Abbottabad) | Against Vacant<br>Post. |
| 2.   | Mr. Hazrat Ali S/o Gul Nawaz,<br>Vill: Dandi Killa P.O. Alam<br>Teh: & Distt: Bannu<br>(SELECTEE)         | Govt: College<br>Booni (Chitral)          | Against Vacant<br>Post. |
| 3.   | Mr. Bashir Ahmad S/o Islamud-<br>Vill: & P.O. Gujrat Teh: &<br>Distt: Mardan. (SELECTEE)                  | Govt: College<br>Chakesar<br>(Swat)       | Against Vacant<br>Post. |
| 4.   | Mrs: Shamsa Parveen D.P.E.<br>Govt: Girls College Nowshera.   | Govt: Girls<br>College, A. Abad.          | Against Vacant<br>Post. |
| 5.   | Miss. Farhad Begum D/o<br>Shah Jehan H.No. 352/B Inside<br>Hinjel Gate, Bannu City.<br>(SELECTEE)         | Govt: Girls<br>College Nowshera.          | Vice S.No. 4            |

NOTE:- Charge report in duplicate should be submitted to all concerned.

2. No TA/DA/TG is allowed to S.Nos. 1, 2, 3, & 5.

#### TERMS & CONDITIONS FOR SELECTEES CANDIDATES.

- The inter seniority of the candidates recommended by the Commission will be determined by the NWFP Public Service Commission in accordance with the order of merit.
  - Their services will be liable to termination on one month's notice from either side. In case of resignation without notice their one month pay and allowances if any, will be forfeited to the Govt.
  - They will get no TA/DA/TG on account of their first appointment.
  - The principals concerned should check the original certificates/Degree of the candidates before handing over charge.
  - Their appointment is also subject to the condition that they are domicile of N.W.F.P.
- They will be governed by such Rules and Regulations as may be issued by the Govt: from time to time for the category of Govt: servant to which they belong.

(PROF: MOHAMMAD SUAIB)  
DIRECTOR OF EDUCATION  
(COLLEGES) N.W.F.P. PESHAWAR.

SYED YOUSUF JAM

M.A.B.L.S. 833, Consultant, Shahnasir

Advocate, Peshawar, 40838/40869

Under dt: No. /A-1/Rquisition, 93-94 Dated Pesh: 29/8/94

Copy forwarded for information and n/action to the:-

- Section Officer (Colleges) NWFP, Edu: Deptt: Peshawar.
- Accountant General, N.W.F.P. Peshawar.
- Project Director MUST Marsak Road, Peshawar.
- Manager Govt: Printing Press, NWFP, Peshawar.
6. Registrar University of Pesh: / Gomal University D.I. Khan.
- 7-10. Secretary B.I.S.E. Pesh: / Bannu/Abbottabad/Swat.
- 11-15. Principals of the Govt: Colleges concerned.
- 16-20. Distt: Accounts Officers concerned.
21. Director of Education (PATA) N.W.F.P. Peshawar.
26. Candidates concerned.
31. P/Files.

Secretary Public Service Commission, NWFP, Peshawar w/r to his  
No. 12889 dt: 12.5.95 and No. 13349 dt: 29.5.94.

FOR/DIRECTOR OF  
COLLEGES (NWFP)

Annex "F"  
(18)

1

①

**GOVERNMENT OF N.W.F.P.,  
HIGHER EDUCATION, ARCHIVES  
AND LIBRARIES DEPARTMENT**

Dated: Peshawar the 04/03/09

**NOTIFICATION:**

No.SO (T) HE/17-1/2008/VOL-III. The Competent authority is pleased to order the up-gradation of the posts of the following DPEs and Librarians (Possessing Master degrees) from BPS-16 to BPS-17 in Higher Education, Archives and Libraries Department w.e.f 09-10-2007 in the interest of public.

**DIRECTORATE OF HIGHER EDUCATION NWFP**

**DPEs (Male)**

| S.# | Name of Officer      | Place of Posting           | Qualification |
|-----|----------------------|----------------------------|---------------|
| ①   | Sharif Ullah Khan    | GC Lahore Swabi            | M.Sc H.P.E    |
| ②   | Abdur Rehman         | GC Ghazni Khel             | Do            |
| ③   | Ali Sheer Khan       | GC Ghoriwala Bannu         | Do            |
| ④   | Sultan Muhammad      | GC Peshawar                | Do            |
| 5   | Malik Asif           | Directorate of Higher Edu: | Do            |
| 6   | Muhammad Ismail      | GC Kakki Bannu             | Do            |
| 7   | Abid Ullah           | Deputation Bannu Univ:     | Do            |
| 8   | Muhammad Saeed       | GC D.I.Khan No. 1          | Do            |
| 9   | Umer Bashir          | GC Oghi                    | Do            |
| 10  | Sanaullah Khan       | GPGC Bannu                 | Do            |
| 11  | Aftab Ahmad          | GPGC Kohat                 | Do            |
| 12  | Ziaur Rehman         | GC Dir                     | Do            |
| 13  | Juma Khan            | GC Pahar Pur DIK           | Do            |
| 14  | Hakim Khan           | GPGC Mardan                | Do            |
| 15  | Gul Razim            | GC Takht-e-Nasrati Karak   | Do            |
| 16  | Fazal-e- Rabbi       | GC Kotha (Swabi)           | Do            |
| 17  | Said Muhammad Jan    | GC Timergara               | Do            |
| 18  | Muhammad Zaman       | GC Thana                   | Do            |
| 19  | Mohsin Shah          | GC Mardan No.2             | Do            |
| 20  | Abid Kamal           | GSSC Peshawar              | Do            |
| 21  | Muhammad Abdul Latif | GC Kulachi                 | Do            |
| 22  | Manzoor Hussain      | GPGC Mandian A/Abad        | Do            |
| 23  | Abdur Rashid         | GC KDA Kohat               | Do            |
| 24  | Abdul Hamid          | GC Puran                   | Do            |
| 25  | Rashid Ullah         | GPGC Abbottabad            | Do            |
| 26  | Noorul Amin          | GC Khair Abad              | Do            |
| 27  | Asad Jan             | GC No. D.I.Khan            | Do            |
| 28  | Abdul Qayyum         | GC Lakki Marwat            | Do            |
| 29  | Muhammad Ayaz        | GPGC Chrsudda              | Do            |
| 30  | Muhammad Ayaz        | GC Ladha (S.W.A)           | Do            |
| 31  | Muhammad Younas      | GC No.2 D.I.Khan           | Do            |
| 32  | Muhammad Shafiq      | GC Maffa                   | Do            |
| 33  | Azizullah            | GC Ahmad Abad Karak        | Do            |
| 34  | Samiullah Khan       | GPGC Nowshera              | Do            |
| 35  | Bashir Ahmad         | GPGC Mardan                | Do            |
| 36  | Muhammad Ibrahim     | GC Gul Abad Dir Lower      | Do            |
| 37  | Shahid Hussain       | GC Bannu No 2              | Do            |
| 38  | Sabahat Ali Khan     | GC Badaber Peshawar        | Do            |

31

*Attested*

**SYED YOUNUS JAN**  
B.A.B.L.S. B.E.L. Certificate Sharia Law  
Advocate High Court Peshawar  
Federal Shariat Court.

15

|    |                      |                         |            |
|----|----------------------|-------------------------|------------|
| 39 | Khalid Mehmood       | GC Haripur              | M.Sc H.P.E |
| 40 | Muhammad Anwar       | GC Lakki Marwat         | Do         |
| 41 | Sartaj Khan          | GC Lund Khawar          | Do         |
| 42 | Farooq Hussain       | GC Peshawar             | Do         |
| 43 | Abdul Nahid          | GC Sarai Nourang        | Do         |
| 44 | Muhammad Arif        | GC Mingora (Swat)       | Do         |
| 45 | Faridur Rehman       | GC Landi Kotal          | Do         |
| 46 | Hayat Shah           | GC Takht Bahi           | Do         |
| 47 | Anwar Khan           | GC Battagram            | Do         |
| 48 | Masawar Khan         | GC Toru Mardan          | Do         |
| 49 | Khalid Zaman         | GPGC Swabi              | Do         |
| 50 | Syed Muhammad Khalid | GC Wana                 | Do         |
| 51 | Ghous Muhammad       | GC Miran Shah           | Do         |
| 52 | Safdar Khan          | GC Mathra               | Do         |
| 53 | Akhtar Ali           | GJC Saidu Sharif Swat   | Do         |
| 54 | Dil Baz Khan         | GC Sikandar Khel Bannu  | Do         |
| 55 | Bakhtair Uddin       | GC Akora Khattak        | Do         |
| 56 | Muhammad Qasim       | GC Katlang Mardan       | Do         |
| 57 | Muhammad Hafeez      | GC KTS Haripur          | Do         |
| 58 | Fasil Islam          | GC Panyala D.I.Khan     | Do         |
| 59 | Tariq Iqbal          | GC Nizam Pur            | Do         |
| 60 | Haider Zaman         | GC Latamber Karak       | Do         |
| 61 | Jehanzeb             | GC Daggar (Buner)       | Do         |
| 62 | Khalid Rehman        | GC B.D.Shah Karak       | Do         |
| 63 | Arif Ali Shah        | GPGC No.1 Abbottabad    | Do         |
| 64 | Tajmali Khan         | GC Kotka Habibullah NWA | Do         |
| 65 | TahirUllah           | GJC Saidu Sharif        | Do         |
| 66 | Yousaf Ali           | GC Yar Hussain Swabi    | Do         |
| 67 | Ghulam Muhammad      | GPGC Manshra            | Do         |
| 68 | Irfanullah           | GC Latamber Karak       | Do         |
| 69 | Ghulam Muhammad      | GC Parova D.I.Khan      | Do         |
| 70 | Arshad Hussain       | GC Pabbi                | Do         |
| 71 | Noor Sher            | GC Kohi Sher Haider     | Do         |
| 72 | Abdul Hadi           | GC Dargai               | Do         |
| 73 | Muhammad Naecm       | GC Sammar Bagh          | Do         |
| 74 | Muhammad Ali         | GC Hayat Abad Peshawar  | Do         |
| 75 | Abdul Saboor         | GC Khan Pur Haripur     | Do         |
| 76 | Javed Noor           | GC Saam (S.W.A)         | Do         |
| 77 | Ishrat Ali           | GC Bakhshali Mardan     | Do         |
| 78 | Adalat Khan          | GC Kabal Swat           | Do         |
| 79 | Attaullah            | GC Babuzai Mardan       | Do         |
| 80 | Hafeezullah          | GC Jandola Bannu        | Do         |
| 81 | Tahir Mehmood        | GC Havelian             | Do         |
|    |                      |                         | Do         |

DPEs (Female)

| S.# | Name of Officer        | Place of Posting | Qualification |
|-----|------------------------|------------------|---------------|
| 1   | Raham Bibi             | GFC (W) Peshawar | M.Sc H.P.E    |
| 2   | Gulshan Ara            | GGC Kohat        | Do            |
| 3   | Gulnar Begum           | GGC Mardan       | Do            |
| 4   | Shakila Khanum         | GGC Bannu        | Do            |
| 5   | Sarwat Jabeen          | GGC Tank         | Do            |
| 6   | Farhad Begum           | GGC Nowshera     | Do            |
| 7   | Andalceb Firdus        | GGC Thana        | Do            |
| 8   | S.Nargis Abbas Bukhari | GGC Lakki Marwat | Do            |

*Respected  
Gulshan*

**SYED YOUNUS JAN**

**B.A.L.L.B. B.Ed. Certificate Sharia Law  
Advocate High Court Peshawar  
Federal Shariat Court.**

|    |                  |                        |          |
|----|------------------|------------------------|----------|
| 9  | Asma Bashir      | GGC Charsadda          | M.L.I.Sc |
| 10 | Sabahat Kanwal   | GGC Pabbi              | Do       |
| 11 | Zakia Begum      | GGC Hayat Abad         | Do       |
| 12 | Kalsoom Manan    | GGC No.2 D. I.Khan     | Do       |
| 13 | Saima Gul        | GGC Lund Khawar Mardan | Do       |
| 14 | Nida Aziz        | GGC Nowshera           | Do       |
| 15 | Sadia Miraj Noor | GGC Bannu              | Do       |
| 16 | Gul Bibi         | GGC Nawan Shere        | Do       |
| 17 | Humera Begum     | GGC Bari Kot Swat      | Do       |
| 18 | Nascom Ara       | GGC Timergra           | Do       |
| 19 | Bushra Khatoon   | GGC Haripur            | Do       |
| 20 | Haseeba Shafi    | GFC (W) Peshawar       | Do       |
| 21 | Shaista Malik    | GGC No.2 Mansehra      | Do       |
| 22 | Saima Noreen     | GGC Hangu              | Do       |
| 23 | Farhat Jabcen    | GGC Dargai             | Do       |

**Directorate of Archives & Libraries NWFP, Peshawar.**

| S.# | Name of Officers                      | Place of Posting                                      | Qualification |
|-----|---------------------------------------|---|---------------|
| 1   | Muhammad Ashfaq,<br>Ahmad, Librarian. | Directorate of Archives &<br>Libraries NWFP, Peshawar | M.L.I.Sc      |
| 2   | Anwar Jalal<br>Librarian.             | Mardan Public Library Mardan                          | Do            |
| 3   | Muhammad Nadeem<br>Iqbal, Librarian.  | Directorate of Archives &<br>Libraries NWFP, Peshawar | Do            |
| 4   | Muhammad Rafi<br>Librarian.           | Mufti Mehmood Public<br>Library D.I.Khan.             | Do            |
| 5   | Zairullah, Librarian.                 | Swabi Public Library Swabi                            | Do            |
| 6   | Miss Shahla Tahir,<br>Librarian.      | Directorate of Archives &<br>Libraries NWFP, Peshawar | Do            |

**SECRETARY TO GOVERNMENT OF NWFP  
HIGHER EDUCATION ARCHIVES &  
LIBRARIES DEPARTMENT**

**Endst:No & Date Even**

Copy is forwarded for information and necessary action to:-

- 1 Secretary to Government of NWFP, Establishment Department
- 2 Secretary to Government of NWFP, Finance Department
- 3 The Accountant General NWFP.
- 4 P.S. to Chief Minister NWFP, Peshawar
- 5 P.S. to Chief Secretary NWFP, Peshawar
- 6 P.S. to Minister Higher Education, NWFP, Peshawar
- 7 P.S. to Secretary Higher Education, Archives and Libraries NWFP.
- 8 Director Higher Education, NWFP, Peshawar
- 9 Director Archives and Libraries, NWFP, Peshawar.
- 10 Director Education, FATA
- 11 All District Account Officers in NWFP
- 12 All Agency Account Officers in NWFP
- 13 PA to Deputy Secretary-II, Higher Education Deptt: NWFP.
- 14 PA to Deputy Secretary (Admn) Higher Education Department
- 15 All college principals
- 16 Office file of the Officer concerned

*Attested*  
*Syed Younus Jan*

**SYED YOUNUS JAN**

**B.A.B.L.E. & F.I. Certificate Sharia Law  
Advocate High Court Peshawar  
Federal Shariat Court.**

*Said Badshah*  
**(SAID BADSHAH)**  
SECTION OFFICER (TRAINING)

Legible  
copy of Annex "A"  
at page (17)

GOVERNMENT OF N.W.F.P  
HIGHER EDUCATION ARCHIVES  
AND LIBRARIES DEPARTMENT  
Dated: Peshawar the 07.03.2009

**NOTIFICATION:**

No.So(1)III/17-1-2008-V0I-III. The Competent Authority has been pleased to withdraw the Department Notification of even No. dated 07.03.2009 regarding up gradation of Librarian and DPEs with immediate effect.

SECRETARY TO GOVERNMENT OF N.W.F.P  
HIGHER EDUCATION ARCHIVES &  
LIBRARIES DEPARTMENT

**Endst: No & Date Even**

Copy forwarded for information and necessary action to:

1. Secretary to Government of NWFP Establishment Department
2. Secretary to Government of NWFP Finance Department
3. The Accountant General NWFP
4. P.S to Chief Minister NWFP Peshawar
5. P.S to Chief Secretary NWFP Peshawar
6. P.S to Minister Higher Education NWFP Peshawar
7. P.S to Secretary Higher Education, Archive and Libraries NWFP
8. All District Account Officers In NWFP
9. All Agency Account Officers in NWFP
10. P.A to Addl Secretary Higher Education NWFP
11. P.A to Deputy Secretary- II Higher Education Dept NWFP
12. P.A to Deputy Secretary (Admin) Higher Education Department
13. Office file of the Officer Concerned
14. The Manager Govt: Printing Press Peshawar
15. Director Higher Edu: NWFP Peshawar with the request...
16. Director Archive & Lib NWFP Peshawar

(SAID BADSHAH)  
SECTION OFFICER (TRAINING)

*Attested*  
*Strom*

ATTESTED  
BY  
SECTION OFFICER (TRAINING)  
Peshawar High Court Peshawar  
Federal Shariat Court



"G"

Annex ~~1~~  
17 ~~18~~

GOVERNMENT OF N.W.F.P.  
HIGHER EDUCATION, ARCHIVES  
& LIBRARIES DEPARTMENT  
Dated: Peshawar the 07.03.2009

4.3.2009

NOTIFICATION:

No. SO (D) 11/17-1/2008/VO-11. The Competent Authority has been pleased to withdraw this Department Notification of even No. dated 04.11.2009 regarding the graduation of Librarians and LPPs, with immediate effect.

SECRETARY TO GOVERNMENT OF N.W.F.P.  
HIGHER EDUCATION ARCHIVES &  
LIBRARIES DEPARTMENT

Sl. No. & Date Recd.

- 1. Secretary to Government of NWFP, Establishment Department
- 2. The Accountant General NWFP
- 3. P.S. to Chief Minister NWFP, Peshawar
- 4. P.S. to Chief Secretary NWFP, Peshawar
- 5. P.S. to Minister Higher Education, NWFP, Peshawar
- 6. P.S. to Secretary Higher Education, Archives and Libraries NWFP
- 7. All District Account Officers in NWFP
- 8. P.A. to Addl. Secretary Higher Education NWFP
- 9. P.A. to Deputy Secretary-II, Higher Education Dept. NWFP
- 10. P.A. to Deputy Secretary (Admin) Higher Education Department
- 11. Office file of the Officer concerned
- 12. The Manager, Govt. Printing Press Peshawar
- 13. Director Higher Edu. NWFP, Peshawar
- 14. Director Archives & Lib NWFP, Peshawar
- 15. [with the request to please prepare the working papers regarding amendments addition in the Service Rules of Librarians/LPP for SSRC meeting to be held shortly and sent to the department immediately.]

(SAID BADSHAH)  
SECTION OFFICER (LIBRARIES)

*Attested*  
*[Signature]*

**SYED YOUSUF JAW**  
B.A.B.L.B. B.E.J. Certificate Sharia Law  
Advocate High Court Peshawar  
Federal Shariat Court.

| S.No.of Order or proceedings | Date of Order or proceeding | Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.   |       |            |                   |    |           |             |    |           |                |    |           |             |    |           |           |    |           |                |    |           |            |    |           |            |    |           |                |    |           |               |     |           |                  |     |           |                |     |           |              |     |           |             |
|------------------------------|-----------------------------|--|-------|------------|-------------------|----|-----------|-------------|----|-----------|----------------|----|-----------|-------------|----|-----------|-----------|----|-----------|----------------|----|-----------|------------|----|-----------|------------|----|-----------|----------------|----|-----------|---------------|-----|-----------|------------------|-----|-----------|----------------|-----|-----------|--------------|-----|-----------|-------------|
| 1                            | 2                           | 3  |       |            |                   |    |           |             |    |           |                |    |           |             |    |           |           |    |           |                |    |           |            |    |           |            |    |           |                |    |           |               |     |           |                  |     |           |                |     |           |              |     |           |             |
|                              | 04.03.2010                  | <p style="text-align: center;">Appeal No. 1667/2009<br/>(Ghulam Nabi-vs-Secretary E&amp;S Education Deptt.)</p> <p>Appellant with counsel and Mr.Zahid Karim, AGP<br/>alongwith Khurshid Khan, S.O for respondent present.<br/>Arguments heard and record perused.</p> <p>Since this appeal and the below listed appeals pertain<br/>to the same question of upgradation from B-16 to B-17 of the<br/>Directors Physical Education (D.P.Es) with effect from<br/>13.11.2007, instead of 19.5.2009 vide impugned Notification<br/>dated 19.5.2009, this single order is also directed to dispose<br/>of the following appeals:-</p> <table border="1"> <thead> <tr> <th data-bbox="678 1044 885 1082">S.No.</th> <th data-bbox="885 1044 1045 1082">Appeal No.</th> <th data-bbox="1045 1044 1133 1082">Name of appellant</th> </tr> </thead> <tbody> <tr><td>1.</td><td>1668/2009</td><td>Sarwar Shah</td></tr> <tr><td>2.</td><td>1669/2009</td><td>Muhammad Naeem</td></tr> <tr><td>3.</td><td>1670/2009</td><td>Sardar Khan</td></tr> <tr><td>4.</td><td>1671/2009</td><td>Sabir Ali</td></tr> <tr><td>5.</td><td>1672/2009</td><td>Muhammad Israr</td></tr> <tr><td>6.</td><td>1673/2009</td><td>Sher Kamal</td></tr> <tr><td>7.</td><td>1674/2009</td><td>Salar Khan</td></tr> <tr><td>8.</td><td>1675/2009</td><td>Muhammad Nawaz</td></tr> <tr><td>9.</td><td>1676/2009</td><td>Mst. Azra Naz</td></tr> <tr><td>10.</td><td>1677/2009</td><td>Mst.Danish Begum</td></tr> <tr><td>11.</td><td>1678/2009</td><td>Mst.Sheraz Taj</td></tr> <tr><td>12.</td><td>1679/2009</td><td>Muhammad Ali</td></tr> <tr><td>13.</td><td>1680/2009</td><td>Chamni Khan</td></tr> </tbody> </table> <p>The appellants, who are serving in the Education<br/>Department as Directors Physical Education (DPEs) in BPs-<br/>16 and are holding Master Degrees; and have, therefore, on</p> | S.No. | Appeal No. | Name of appellant | 1. | 1668/2009 | Sarwar Shah | 2. | 1669/2009 | Muhammad Naeem | 3. | 1670/2009 | Sardar Khan | 4. | 1671/2009 | Sabir Ali | 5. | 1672/2009 | Muhammad Israr | 6. | 1673/2009 | Sher Kamal | 7. | 1674/2009 | Salar Khan | 8. | 1675/2009 | Muhammad Nawaz | 9. | 1676/2009 | Mst. Azra Naz | 10. | 1677/2009 | Mst.Danish Begum | 11. | 1678/2009 | Mst.Sheraz Taj | 12. | 1679/2009 | Muhammad Ali | 13. | 1680/2009 | Chamni Khan |
| S.No.                        | Appeal No.                  | Name of appellant  |       |            |                   |    |           |             |    |           |                |    |           |             |    |           |           |    |           |                |    |           |            |    |           |            |    |           |                |    |           |               |     |           |                  |     |           |                |     |           |              |     |           |             |
| 1.                           | 1668/2009                   | Sarwar Shah  |       |            |                   |    |           |             |    |           |                |    |           |             |    |           |           |    |           |                |    |           |            |    |           |            |    |           |                |    |           |               |     |           |                  |     |           |                |     |           |              |     |           |             |
| 2.                           | 1669/2009                   | Muhammad Naeem   |       |            |                   |    |           |             |    |           |                |    |           |             |    |           |           |    |           |                |    |           |            |    |           |            |    |           |                |    |           |               |     |           |                  |     |           |                |     |           |              |     |           |             |
| 3.                           | 1670/2009                   | Sardar Khan  |       |            |                   |    |           |             |    |           |                |    |           |             |    |           |           |    |           |                |    |           |            |    |           |            |    |           |                |    |           |               |     |           |                  |     |           |                |     |           |              |     |           |             |
| 4.                           | 1671/2009                   | Sabir Ali  |       |            |                   |    |           |             |    |           |                |    |           |             |    |           |           |    |           |                |    |           |            |    |           |            |    |           |                |    |           |               |     |           |                  |     |           |                |     |           |              |     |           |             |
| 5.                           | 1672/2009                   | Muhammad Israr   |       |            |                   |    |           |             |    |           |                |    |           |             |    |           |           |    |           |                |    |           |            |    |           |            |    |           |                |    |           |               |     |           |                  |     |           |                |     |           |              |     |           |             |
| 6.                           | 1673/2009                   | Sher Kamal   |       |            |                   |    |           |             |    |           |                |    |           |             |    |           |           |    |           |                |    |           |            |    |           |            |    |           |                |    |           |               |     |           |                  |     |           |                |     |           |              |     |           |             |
| 7.                           | 1674/2009                   | Salar Khan   |       |            |                   |    |           |             |    |           |                |    |           |             |    |           |           |    |           |                |    |           |            |    |           |            |    |           |                |    |           |               |     |           |                  |     |           |                |     |           |              |     |           |             |
| 8.                           | 1675/2009                   | Muhammad Nawaz   |       |            |                   |    |           |             |    |           |                |    |           |             |    |           |           |    |           |                |    |           |            |    |           |            |    |           |                |    |           |               |     |           |                  |     |           |                |     |           |              |     |           |             |
| 9.                           | 1676/2009                   | Mst. Azra Naz  |       |            |                   |    |           |             |    |           |                |    |           |             |    |           |           |    |           |                |    |           |            |    |           |            |    |           |                |    |           |               |     |           |                  |     |           |                |     |           |              |     |           |             |
| 10.                          | 1677/2009                   | Mst.Danish Begum   |       |            |                   |    |           |             |    |           |                |    |           |             |    |           |           |    |           |                |    |           |            |    |           |            |    |           |                |    |           |               |     |           |                  |     |           |                |     |           |              |     |           |             |
| 11.                          | 1678/2009                   | Mst.Sheraz Taj   |       |            |                   |    |           |             |    |           |                |    |           |             |    |           |           |    |           |                |    |           |            |    |           |            |    |           |                |    |           |               |     |           |                  |     |           |                |     |           |              |     |           |             |
| 12.                          | 1679/2009                   | Muhammad Ali   |       |            |                   |    |           |             |    |           |                |    |           |             |    |           |           |    |           |                |    |           |            |    |           |            |    |           |                |    |           |               |     |           |                  |     |           |                |     |           |              |     |           |             |
| 13.                          | 1680/2009                   | Chamni Khan  |       |            |                   |    |           |             |    |           |                |    |           |             |    |           |           |    |           |                |    |           |            |    |           |            |    |           |                |    |           |               |     |           |                  |     |           |                |     |           |              |     |           |             |

Annex  
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ATTES  
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the basis of higher qualification, claimed eligibility to the grant of upgradation from BPS-16 to BPS-17 on the basis of Notification of the Provincial Government dated 13.11.2007; but they have been allowed upgradation w.e.f 19.5.2009 vide Notification of the even date; hence this appeal, inter-alia, on the grounds that the impugned order is in violation of the original Notification; and that the appellants fulfilled all the requisite terms and conditions for the grant of the benefit prayed for from 13.11.2007.

The respondents resisted the appeal; but admitted in their written reply/comments that the posts of DPEs and Librarians were upgraded from B-16 to B-17 vide Notification dated 13.11.2007. The respondents, however, contested the plea of the appellants with regard to upgradation from the date of Notification on the ground that extending the benefit to the appellants required framing of rules and recommendation of their upgradation by the Departmental Promotion Committee. As such, the appellants were allowed the benefit after fulfillment of all the codal formalities w.e.f. 19.5.2009.

Notwithstanding the plea of the respondents with regard to fulfillment of the codal formalities, the Notification with regard to upgradation of the post of DPE dated 13/11/2007 is clear to the effect that the upgradation will be effective from that date i.e. 13.11.2007. On the basis of this legal position, this Tribunal dealt with the issue and decided in principle, in the case of Senior English Teachers (Appeal No.266/09 titled "Haroon-ur-Rashid-vs-Secretary(E&S) Education Department and another") that the upgradation of

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the respective posts and appointment of the appellants to the posts shall be declared effective from the date from which it was intended to be effective in the original Notification of the Authority. The Tribunal, however, held, vide its above referred decision dated 3.7.2009, that as the upgradation and posting shall be one time only and shall be personal to the appellants and their similarly placed colleagues, as per the contents of the Notification quoted above.

In the light of the above explained legal position and decision of this Tribunal, referred to above, this appeal and all the afore-mentioned connected appeals are accepted to the extent that upgradation of the posts of DPEs be made effective from 13.11.2007 in accordance with the Notification of the even date as well as in accordance with the subsequent Notifications, if any, applicable to the case of the appellants. No order as to costs.

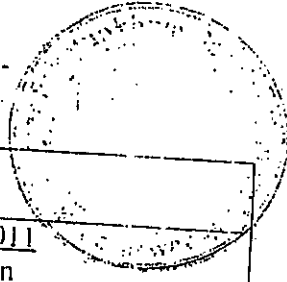
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04.03.2010

MEMBER

CHAIRMAN

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| No. of Order Sheet | Date       | Proceedings  |
|--------------------|------------|--|
|                    | 14/01/2013 | <p style="text-align: center;"><u>Service Appeal No 1732/2011</u><br/><u>(Ghulam Mohammad Khan</u><br/><u>V/s</u><br/><u>Secretary Higher Education Archives &amp; Libraries Department,</u><br/><u>Government of KPK, Peshawar).</u></p> <p>Appellant in person present and heard ex-parte. Record also perused.</p> <p>The appellant has lodged this appeal against order/ notification dated 03/01/2010 of the respondent i.e. Secretary to Government of KPK, Higher Education Archives &amp; Libraries Department, whereby he was promoted as DPE from B-16 to B-17, on regular basis, with immediate effect. The Appellant has assailed the impugned order/notification on the grounds that the posts of Director Physical Educations (DPEs) were upgraded from B-16 to B-17 (regular) vide notification dated 13/11/2007; and that this Tribunal has already decided appeals of other DPEs vide order/Judgment dated 04/03/2010 in appeal NO. 1667/2009 (Ghulam Nabi-V/s-Secretary, E&amp;SE Department), whereby upgradation of the posts of DPEs have been made effective from 13/11/2007, in accordance with the notification of the even date as well as in accordance with the subsequent notifications, if any, applicable to the case of appellants. In his appeal, the appellant further alleged that he was appointed as DPE in BS-16 on 01/03/2008 and he assumed charge of the post on 06/03/2008. (forenoon). He also preferred departmental appeal on 07/07/2011 for his upgradation from the date of taking over charge, i.e. 06/03/2008, which remained un-responded, hence he lodged this appeal after expiry of statutory period, on 10/10/2011.</p> <p>The respondent was summoned, but no one appeared on behalf of the respondent on the date fixed despite service of the respondent through the concerned official. The learned AGP was also unable to submit written reply on behalf of the respondent despite repeated adjournments given for the purpose on his request, therefore, the respondent was proceeded against ex-parte and ex-parte arguments heard.</p> <p>Since nothing is forthcoming on behalf of the respondent in rebuttal to the claim of the appellant, set-forth in the appeal, the appeal is allowed ex-parte in the light of above</p> |

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Secy. Govt. College Balakot

1732/11

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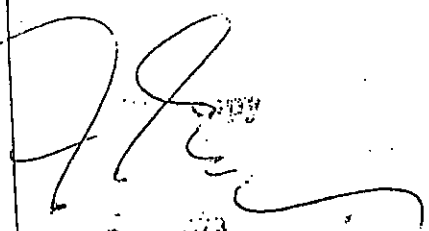
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stated un-rebutted facts and judgment/order of this Tribunal in similar nature cases; and the order/notification dated 01/01/2010 be modified accordingly by giving effect to the promotion/upgradation of the appellant from BS-16 to BS-17 from the date of his taking over charge of the post i.e. 06/03/2008, with consequential benefits. There shall, however, be no order as to costs

Sd/- Chairman  
Camp Court, A/Anc


ANNOUNCED  
14/01/2013

Sd/- Member

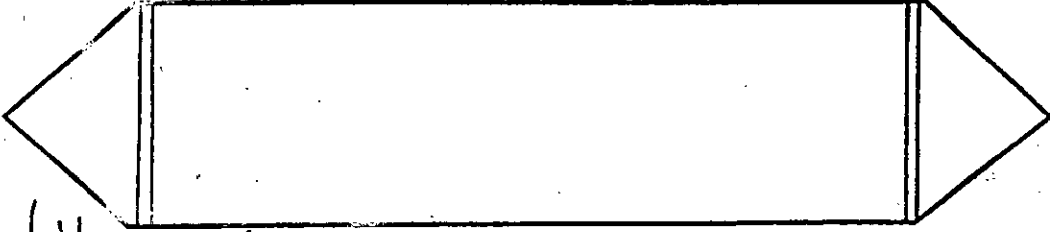
Certified  
  
Secretary  
Peshawar

Date

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Secretary  
Govt. College Balochistan

بعد الت حیدر خٹو خواہ سروس ٹریبیونل اپیل اور



22 اپریل 2016ء پنجاب لٹریچر ایبلمنٹ  
 بنام سیکریٹری لٹریچر ایبلمنٹ  
 ریسائڈنٹ

موزعہ RR/4/2016  
 مقدمہ  
 دعویٰ Service Appeal  
 No. 52/2016

باعث تحریر آئینکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
 آن مقام کے اتر کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
 بصورت ڈگری کرنے اجراء اور صولی چیک دروپہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
 کے کل یا جزوی کاروائی 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 دہر جانہ 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 لکھدیا کہ سند رہے۔

الرقوم 22 ماہ اپریل 2016ء

بمقام حیدر خٹو خواہ سروس ٹریبیونل کے لئے منظور ہے۔  
 Attested & Accepted

SYED YOUNUS JAM  
 B.A.B.L.R. S.E.I. Certificate Sharia Law  
 Advocate High Court Peshawar  
 Federal Shariat Court.

لٹریچر ایبلمنٹ  
 حیدر خٹو

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 470/2016

**Mr. Bashir Ahmad.....Appellant**

**VS**

**Govt of Khyber Pakhtunkhwa through Chief Secretary &  
Others.....Respondents**

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| 2.           | Affidavit   |                 | 3            |
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| 5.           | Judgment copy of the honorable Service Tribunal on the other same nature cases. | Annexure-C      | 10-11        |

**Section Officer (Litigation)  
Higher Education Department Khyber  
Pakhtunkhwa Peshawar.**



①

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

**Service Appeal No. 470/2016.**

Mr. Bashir Ahmad..... Appellant.

VERSUS

Govt of Khyber Pakhtunkhwa through Secretary and Director Higher Education,  
Peshawar..... Respondents.

**SUBJECT:- PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO 1, 2 AND 3.**

**Preliminary Objections:**

Respectfully Sheweth:

1. That the petitioner has no locus standi/cause of action to file the instant service appeal.
2. That the appellant is trying to conceal material facts from the honourable service Tribunal.
3. That the appellant has not come to the tribunal with clean hands.
4. That the instant service appeal is time barred.
5. That this honourable service tribunal lacks jurisdiction to entertain the appeal because matter of upgradation is involved.
6. That instant appeal is based on misconception/misstatement and therefore, liable to be dismissed.
7. That the appellant is estopped by his own conduct to file the instant appeal.
8. That upgradation does not come within the terms and conditions of civil servant act, so the appeal is not maintainable under section 4 of Service Tribunal Act 1974.

**Facts.**

1. Pertains to record.
2. Pertains to record.
3. Correct to the extent that the Govt; of Khyber Pakhtunkhwa issued notification vide which the posts of Librarians and Director physical education (DPEs) were upgraded from BPS-16 to BPS-17.
4. Correct to the extent of withdrawal that the Govt; of Khyber Pakhtunkhwa has withdrawn its notification because it is the prerogative of the Govt: to issue notification and withdraw the same. Moreover it is for the Govt; to place a particular post in any grade or prescribe certain terms and conditions as per its policy and incumbents of particular post could not claim right for settlement of prescription or provision of certain terms and conditions according to their own choice. Hence, after fulfilling all the formalities the DPEs and Librarians (M/F) were upgraded to BPS-17 with immediate effect 01/01/2010 (copy of notification dated 1/10/2010 attached as Annex A).
5. Correct to the extent that appellant submitted departmental appeal to the respondent department, which is not maintainable on the ground that the departmental appeals in the same nature of the cases were regretted in the light of the minutes of the meeting held on 8/1/2014 in finance department, wherein it was decided that there is no provision in the upgradation policy allowing upgradation from retrospective date. (Annex B)

**Grounds.**

- a. The order has been issued within four corner of law as it is the prerogative of the Government to make policy notification.
- b. Incorrect. That the impugned order is based on bonafide and principles of natural justice.
- c. Incorrect. That notification dated 21/1/2008 was withdrawn by the Provincial Government on the basis of not fulfilling codal formalities and When all the codal

formalities were fulfilled, another notification was issued dated 01/10/2010 which is genuine/original order and has been implemented.

- d. Each case has its own facts and to be decided on its own merits. Moreover, it is pertinent to mention here that Service appeals No.1406, 1407, 1408, 1409, of the same nature were dismissed by this Honourable Tribunal. (Annex C).
- e. Incorrect as per paras above.
- f. Already explained in para 4 on facts.
- g. Incorrect. The appellant has been treated equally and in accordance with law.

**Prayers;**

From the above facts and grounds, it is, therefore, most humbly prayed that the appeal may graciously be dismissed with costs.

Chief Secretary, Khyber Pakhtunkhwa,  
Respondent NO.2

Secretary, Higher Education,  
Respondent NO.1

Director, Higher Education.  
Respondent No.3

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 470/2016

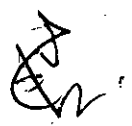
**Mr. Bashir Ahmad.....Appellant**

**VS**

**Govt of Khyber Pakhtunkhwa through Chief Secretary & Others.....Respondents**

**AFFIDAVIT**

I, Asif Khan, Assistant Director (Litigation), Higher Education Department Government of Khyber Pakhtunkhwa, do hereby declare and affirm on oath, that the contents of the Para-wise Comments are correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.



Deponent  
CNIC No. 17301-6043213-9

**BETTER COPY**

*Annex-A*

~~Annexure B~~

(4)

GOVERNMENT OF NWFP  
HIGHER EDUCATION ARCHIVES  
AND LIBRARIES DEPARTMENT

Dated Peshawar 01-01-2010

**NOTIFICATION:**

No.SO(T)HE/17-1/2008/Vol-III on the recommendation of departmental promotion committee the competent authority as pleased to promote the following DPEs and Librarians (Male/Female) of college cadre who hold Master Degree, working in B-16/B-17(Personal) to B-17 on regular basis, against the upgraded posts with immediate effect.

| DPE's (Male) | Name of officer      | Place of Posting                                |
|--------------|----------------------|---|
| 1.           | Sharifullah          | G.C. Lahore (Sawabi)                            |
| 2.           | Ali Sher Khan        | G.C. Ghoriwala Bannu                            |
| 3.           | Sultan Muhammad      | G.C. Peshawar                                   |
| 4.           | Malik Asif           | Directorate of H.E. Department NWFP Pesh        |
| 5.           | Muhammad Ismail      | G.C. Kakki Bannu                                |
| 6.           | Abid Ullah           | Presently working at Science & Tech: Uni: Bannu |
| 7.           | Muhammad Saeed       | G.C. DI Khan No.01                              |
| 8.           | Umar Bashir          | G.C. Oghi                                       |
| 9.           | Sana Ullah Khan      | G.P.G.C. Bannu                                  |
| 10.          | Aftab Ahmad          | G.P.G.C. Kohat                                  |
| 11.          | Zia ur Rehman        | G.C. Dir  |
| 12.          | Juma Khan            | G.C. Paharpur DI Khan                           |
| 13.          | Hakim Khan           | G.P.G.C. Mardan                                 |
| 14.          | Gul Razim            | G.C. Takht-e-Nusratti                           |
| 15.          | Fazle Rabbi          | G.C. Kotha                                      |
| 16.          | Said Muhammad Jan    | G.C. Thana (Malakand)                           |
| 17.          | Muhammad Zaman       | G.C. Timeragara Dir                             |
| 18.          | Mohsin Shah          | G.C. No.2 Mardan                                |
| 19.          | Muhammad Abid Kamal  | G.S.S.C. Peshawar                               |
| 20.          | Muhammad Abdul Latif | G.C. Kulachi                                    |
| 21.          | Manzoor Hussain      | G.P.G.C. Mandian A/Abad                         |
| 22.          | Abdur Rashid         | G.C.K.D.A Kohat                                 |
| 23.          | Abdul Hamid          | G.C. Parau                                      |
| 24.          | Rashid Ullah         | G.P.G.C. Abbottabad                             |
| 25.          | Noor ul Amin         | G.C. Khair Abad                                 |
| 26.          | Asad Jan             | G.C. No.1 DI Khan                               |
| 27.          | Abdul Qayum          | G.C. Lakki Marwat                               |
| 28.          | Muhammad Ayaz        | G.P. G.C. Charsadda                             |
| 29.          | Muhammad Younas Khan | G.C No.2 DI Khan                                |
| 30.          | Aziz Ullah           | G.D.C Ahmad Abad Karak                          |
| 31.          | Muhammad Shafiq      | G.C. Matta                                      |
| 32.          | Muhammad Ayaz Khan   | G.D.C. Laddah (SWA)                             |
| 33.          | Sami Ullah Khan      | G.P.G.C. Nowshera                               |
| 34.          | Bashir Ahmad         | G.P. G.C. Mardan                                |
| 35.          | Muhammad Ibrahim     | G.C. Gul Abad Dir                               |

GOVERNMENT OF N.-W.F.P.  
HIGHER EDUCATION, ARCHIVES  
AND LIBRARIES DEPARTMENT

Dated Peshawar the 01-01-2010.

**NOTIFICATION:**

No. SO (THE)/17-1/2008/VOL-III. On the recommendation of Departmental Promotion Committee, the Competent Authority is pleased to promote the following DPE's and Librarians (Male/Female) of College Cadre who hold Master Degree, working in B-16/B-17(Personal) to B-17 on regular basis, against the upgraded posts with immediate effect.

| DPE's (Male) |                      |  |
|--------------|----------------------|--|
| S. #         | Name of Officer      | Place of Posting   |
| 1.           | Sharifullah          | G.C. Lahore (Swabi)  |
| 2.           | Ali Sher Khan        | G.C. Choriwala, Bannu  |
| 3.           | Sultan Mohammad      | G.C. Peshawar  |
| 4.           | Malik Asif           | Directorate of H.E. Deptt. NWFP Pesh.                        |
| 5.           | Muhammad Ismail      | G.C. Kakki Bannu   |
| 6.           | Abidullah            | Presently working at Science & Technology University, Bannu. |
| 7.           | Muhammad Saeed       | G.C. DI Khan No.01   |
| 8.           | Umar Bashir          | G.C. Qghai   |
| 9.           | Sanaullah Khan       | GPGC, Bannu  |
| 10.          | Aftab Ahmad          | GPGC, Kohat  |
| 11.          | Ziaur Rehman         | G.C. Dir   |
| 12.          | Junna Khan           | G.C. Paharipur DI Khan                                       |
| 13.          | Hakim Khan           | GPGC, Mardan   |
| 14.          | Giul Razim           | G.C. Fakht-e-Nasrati (Karak)                                 |
| 15.          | Fazle Rabbi          | G.C. Kotha   |
| 16.          | Said Muhammad Jan    | G.C. Thana (Malakand)  |
| 17.          | Muhammad Zaman       | G.C. Timergara Dir   |
| 18.          | Mohsin Shah          | G.C. No.02, Mardan   |
| 19.          | Muhammad Abid Kamal  | GSSC, Peshawar   |
| 20.          | Muhammad Abdul Latif | G.C. Kulachi   |
| 21.          | Manzoor Hussain      | GPGC, Mandian A/Abad   |
| 22.          | Abelur Rashid        | G.C. KDA Kohat   |
| 23.          | Abdul Haraid         | G.C. Pagan   |
| 24.          | Rashidullah          | GPGC, Abbottabad   |
| 25.          | Noorul Amin          | G.C. Khairabad   |
| 26.          | Asad Jan             | G.C. No.01 DI Khan   |
| 27.          | Abdul Qayum          | G.C. Lucky Murwat  |
| 28.          | Muhammad Ayaz        | GPGC, Charsadda  |
| 29.          | Muhammad Younas Khan | G.C. No.02, DIK  |
| 30.          | Azizullahi           | GDC, Ahmed Abad (Karak)                                      |
| 31.          | Muhammad Shafiq      | G.C. Matta   |
| 32.          | Muhammad Ayaz Khan   | GDC Laddah (S.W.A)   |
| 33.          | Samiullah Khan       | GPGC, Nowshera   |
| 34.          | Bashir Ahmad         | GPGC, Mardan   |
| 35.          | Muhammad Ibrahim     | G.C. Gul Abad Dir  |

|     |                      |                              |
|-----|----------------------|------------------------------|
| 36. | Shahid Hussain       | GDC, Bannu                   |
| 37. | Sabahat Ali Khan     | G.C Badaber Peshawar         |
| 38. | Khalid Mahmood       | G.C. Haripur                 |
| 39. | Muhammad Anwar       | G.C. Lakkhi Narwat           |
| 40. | Sartaj Khan          | G.C. Lund Khawar (Mardan)    |
| 41. | Farooq Hussain       | G.C. Peshawar                |
| 42. | Abdul Nahid Khan     | G.C. Sarai Naurang           |
| 43. | Muhammad Arif        | G.C. Mingora (Swat)          |
| 44. | Faridur Rehman       | G.C. Hayatabad               |
| 45. | Anwar Khan           | G.C. Batagram                |
| 46. | Musawar Khan         | G.C. Toru Mardan             |
| 47. | Hayat Shah           | GDC Fakhri Bhai              |
| 48. | Khalid Zaman         | G.P.C. Sawabi                |
| 49. | Ghous Muhammad       | G.C. Miranshah               |
| 50. | Saidar Khan          | G.C. Mathra                  |
| 51. | Akhtar Ali           | G.C. Saidu Sharif Swat       |
| 52. | Dilabaz Khan         | G.C. Sikandarkhel Bannu      |
| 53. | Bakhtairud Din       | G.C. Akora Khattak           |
| 54. | Abidullah DPE        | G.C. Sabirabad               |
| 55. | Muhammad Qasim       | G.C. Kathang                 |
| 56. | Muhammad Hafeez      | G.C. KTS, Haripur            |
| 57. | Faisal Islam         | G.C. Panyala DI Khan         |
| 58. | Tariq Iqbal          | G.C. Darra Adam Khel         |
| 59. | Haider Zaman         | G.P.G.C. Bannu               |
| 60. | Jehanzeb             | G.C. Daggai, Buner           |
| 61. | Khalid Rehman        | G.C. Banda Daud Shah (Karak) |
| 62. | Arif Ali Shah        | G.C. No.1 Abbottabad         |
| 63. | Tajmali Khan         | G.C. Mir Ali (Miranshah)     |
| 64. | Tahirullah           | G.J.C. Saidu Sharif Swat     |
| 65. | Yousaf Ali           | G.C. Yar Hussain             |
| 66. | Ghulam Mohammad      | G.C. Mansehra                |
| 67. | Irfanullah           | G.C. Latamber                |
| 68. | Ghulam Mohammad      | G.C. Paroval                 |
| 69. | Arshad Hussain       | G.C. Pabbi                   |
| 70. | Noor Sher            | G.C. Kohi Sher Haider        |
| 71. | Abdul Hadi           | G.C. Daggai                  |
| 72. | Mohammad Naeem       | G.C. Samail Bagh             |
| 73. | Abdul Saboor         | G.C. Khanpur                 |
| 74. | Javed Nboor          | G.C. Saam (SWA)              |
| 75. | Ishrat Ali           | G.C. Bakhsali (Mardan)       |
| 76. | Adalat Khan          | G.C. Kabal (Swat)            |
| 77. | Attaullah, DPE       | G.C. Babuzai (Mardan)        |
| 78. | Hafeezullah          | G.C. Jandola                 |
| 79. | Bahar Hussain        | G.C. Shawa (Swabi)           |
| 80. | Shahid Ali           | GDC Zarabi, Swabi            |
| 81. | Ata-ur-Rehman        | GDC Gandaf (Swabi)           |
| 82. | Niaz Hussain         | GDC Dera Town Ship DI Khan   |
| 83. | Raja Gul Faraz       | GDC Pattan (Kohistan)        |
| 84. | Akhtar Nawaz         | GDC Ghazi (Haripur)          |
| 85. | Muhammad Imran       | GDC Nawagai (Bajure Agency)  |
| 86. | Hamid Shakeel        | GDC Isak Khel                |
| 87. | Gohar Ali            | GDC Jawar (Buner)            |
| 88. | Raham Niaz           | GDC Demail (Bannu)           |
| 89. | Muhammad Nazir       | GDC Balakot                  |
| 90. | Shakeel Abdul Jabbar | GDC Ghazni Khel              |
| 91. | Muhammad Rahim Khan  | GDC Thall (Hangu)            |

| DPE's (Female) |                         |                              |
|----------------|-------------------------|------------------------------|
| 1.             | Raham Bibi              | G.F.C. (W) Peshawar          |
| 2.             | Gulshan Ara             | G.G.C. Kohat                 |
| 3.             | Gulnar Begum            | G.G.C. Mardan                |
| 4.             | Shakila Khanum          | G.G.C. Bannu                 |
| 5.             | Sarwat Jabeen           | G.G.C. D.I. Khan No. 2.      |
| 6.             | Farhad Begum            | G.G.C. Nowshera              |
| 7.             | Andaleeb Firdous        | G.G.C. Thana MCD Agency      |
| 8.             | S. Nargis Abbas Bukhari | G.G.C. Lakki                 |
| 9.             | Sadia Anwar             | G.G.C. No. 1 A/Abad          |
| 10.            | Rubina Khurshid         | G.G.C. D.I. Khan No. 1.      |
| 11.            | Shumaila Saeed          | G.G.C. Tank                  |
| 12.            | Sabrina Kousar          | G.G.C. Manki (Swabi)         |
| 13.            | Samina Khalil           | G.G.C. Nawansheri Abbottabad |
| 14.            | Salma Naz               | G.G.C. Kohat Road Pesh       |
| 15.            | Avsha Batool            | G.G.C. Haripur               |
| 16.            | Hijab Maryam            | G.G.C. Mandan (Bannu)        |
| 17.            | Naima Gul               | G.G.C. Mandian               |
| 18.            | Shaista Safdar          | G.G.C. Hangu                 |
| 19.            | Saima Syed              | G.G.C. Havelian              |
| 20.            | Saima                   | G.G.C. Timergara             |
| 21.            | Noor-ul-Ain Khan        | G.G.C. Serai Safai Haripur   |
| 22.            | Afshan Nisar            | G.G.C. Manshra No. 2.        |
| 23.            | Atliha Mehmood          | G.G.C. Manshra No. 1.        |
| 24.            | Najma Naz Qazi          | G.F.C. (W) Peshawar          |
| 25.            | Unsia Zeb               | G.G.C. City Gulbahar Pesh.   |
| 26.            | Nair Sultana            | G.G.C. Suriani (Bannu)       |
| 27.            | Aliya Khatoon           | G.G.C. Ghazi Haripur         |
| 28.            | Sadaf Masud             | G.G.C. KTS, Haripur          |
| 29.            | Shagufta Mehreen        | G.G.C. Karak                 |
| 30.            | Shakeela Jehan          | G.G.C. Kohi Sh. Khan         |
| 31.            | Javairia Gul            | G.G.C. Ekka Ghund            |
| 32.            | Amina Bibi              | G.G.C. Takht Bhai            |
| 33.            | Kokab Tabbani           | G.G.C. Saidu Sh. (Swat)      |
| 34.            | Sumera Gul, DPE         | G.G.C. Marguz (Swabi)        |
| 35.            | Surria Mumtaz           | G.G.C. Pabbi                 |

### Librarian (Male)

|     |                   |                               |
|-----|-------------------|-------------------------------|
| 1.  | Faridullah Khan   | GC. No. 1, DI Khan            |
| 2.  | Muhammad Gul      | GPGC, Charsadda               |
| 3.  | Amjad Ali         | GC, Thana                     |
| 4.  | Yousaf Shah       | GC, Pabbi                     |
| 5.  | Fazal Wahab       | GC, Gulabad Dir lower         |
| 6.  | Muhammad Khalid   | GC, Shabqadar                 |
| 7.  | Hidayatullah Khan | AD Libraries, DHE Office Pesh |
| 8.  | Safer Ullah       | GC, Essak Khel                |
| 9.  | Nihar Muhammad    | GC, Takht Bhai                |
| 10. | Wajid Shabir      | GC, Kahor (Swabi)             |
| 11. | Abdul Khalig      | GDC, Wadpaggal Peshawar       |
| 12. | Muhammad Hayat    | GDC, Pahar Puri               |
| 13. | Hidayat-ur-Rehman | GC, Dir                       |
| 14. | Muhammad Rasool   | GC No. 2, Mangora             |
| 15. | Imtiaz Khan       | GC, Badaber (Peshawar)        |
| 16. | Ihsan Ullah       | GC, Bakhshali                 |
| 17. | Muhammad Rashid   | GC, Kabal (Swat)              |

|                           |                     |                                |
|---------------------------|---------------------|--------------------------------|
| 19                        | Muhammad Sharif     | GC, Serai Naurang              |
| 20                        | Zia Muhammad Rehman | GC, Sabirabad.                 |
| 21                        | Rukhsar Ali         | GC, Lund Khwar                 |
| 22                        | Ikram Ullah Khan    | GC, Bat Khela                  |
| 23                        | Abdul Latif         | GC, Mathra                     |
| 24                        | Rafiq-ur Rehman     | GC, Tall (Hangu)               |
| 25                        | Zahir Ullah         | GC, Khan Kohi (NSR)            |
| 26                        | Iskhar              | GC, Khairabad                  |
| 27                        | Faiz Muhammad Khan  | GC No.2 Mardan                 |
| 28                        | Muhammad Tahir Jan  | GC, Ekka Gund                  |
| 29                        | Haroon Rashid       | GC, Matta (Swat)               |
| 30                        | Muhammad Irfan      | GPGC, Karak                    |
| 31                        | Abdul Ghaffar       | GC, Agra (Malakand)            |
| 32                        | Ilkhar Ali          | GC, Dargai                     |
| 33                        | Asghar Khan         | GC, Dara Adam Khel             |
| 34                        | Muhammad Asif       | GC, Hayelian                   |
| 35                        | Hidayat Ullah       | GC, Akora Khatak               |
| 36                        | Naseer Razaq        | GC, Hayatabad                  |
| 37                        | Ahmed Ali           | GDC, Katlang                   |
| 38                        | Fazal Hussain Bacha | GC, Timergu                    |
| 39                        | Abul Kalam Ahmed    | GC, Lachi                      |
| 40                        | Zulfiqar Ali        | GC, Manshra                    |
| 41                        | Muhammad Ali        | GPGC, Bannu                    |
| 42                        | Muhammad Shuaib Jan | GDC, Tangi                     |
| 43                        | Dawood Shah         | GPGC NO-1, Mardan              |
| 44                        | Muhammad Nawaz      | GPGC No.1, Abbottabad          |
| 45                        | Muhammad Quraish    | GC, Jawar (Buner)              |
| 46                        | Hidayat Ullah       | GDC, Fajori                    |
| 47                        | Syed Zabiullah Shah | GDC, Zarooobi (Swabi)          |
| 48                        | Rizwan Ullah        | GDC, Toru (Mardan)             |
| 49                        | Karim Khan          | GDC, Babu Zai, Mardan          |
| 50                        | Shah Khalid         | GDC, Yar Hussain Swabi.        |
| 51                        | Sher Bahadur        | GPGC, Bannu                    |
| 52                        | Atta-ur-Rehman      | GDC, Ghoriwala                 |
| 53                        | Irfan Ullah         | GDC, Peshawar.                 |
| 54                        | Hamidullah          | GSSC, Peshawar.                |
| 55                        | Muhammad Ayaz       | GPGC, Swabi                    |
| 56                        | Shahin Masoodi      | GPGC No.1, Abbottabad          |
| 57                        | Irfan Ullah Jan     | GPGC No.2 Abbottabad (Mandian) |
| 58                        | Shahid Ali          | GDC, Hangu                     |
| 59                        | Khan Badshah        | GDC, Nawagai (Bajawar)         |
| 60                        | Ziaullah Khan       | GDC, Totakan (Malakand)        |
| 61                        | Mafiz Jehanzeb Khan | GDC, Bakki Marwat              |
| 62                        | Thishamullah Khan   | GDC, Pirova (D.L. Khan)        |
| 63                        | Imtiaz Akon         | GDC, Chakesser                 |
| 64                        | Sajjad Ali          | GDC, Lakaro, Mohimud Agency    |
| 65                        | Muhammad Qaisar     | GDC, Totalai.                  |
| 66                        | Manzullah Khan      | GDC, Gandaf                    |
| 67                        | Abdul Razaq         | GDC, Khanpur                   |
| <b>Librarian (Female)</b> |                     |                                |
| 1.                        | Naz Parwar          | GC, Mardan                     |
| 2.                        | Israt Jehan         | GC, Thana                      |
| 3.                        | Rifat Naz           | GC, Sheikh Maltoon Mardan      |
| 4.                        | Mah Noor            | GC, Pirpai NSR                 |
| 5.                        | Shandana Mirza      | GC (W) Pesh.                   |



Reg. No.

24 ~~AM~~ B ~~Amouie~~ 40 9

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION ARCHIVES AND  
LIBRARIES DEPARTMENT

No. SO(A&L)HE/17-2/2010  
Dated Peshawar the August 28<sup>th</sup> 2014

To.

1. Nasib Bacha  
Lecturer in HPE  
GDC, Gulabad; (Dir Lower)
2. Ms. Ishrat Ali,  
Lecturer in HPE,  
GGDC, Dargai
3. Taj Mali Khan  
Lecturer in HPE  
GPGC Bannu
4. Haider Zaman  
Lecturer in HPE  
GPGC Bannu
5. Shahid Hussain  
Lecturer in HPE  
GDC No.2 Bannu
6. Abdul Nahid  
Lecturer in HPE  
GDC S. Nourang Lakki Marwat

SUBJECT: APPEAL FOR PROMOTION /UPGRADATION FROM BPS-16 TO BPS- 17 AND MERGER FROM DPE TO LECTURER IN W.E.F. 10-05-2001.

I am directed to refer to the subject noted above and to state that your appeal was examined in this department in light of the minutes of the meeting held on 08-01-2014 in Finance department (Copy enclosed) wherein it was decided that there is no provision in the Up-gradation policy allowing Up-gradation from retrospective date and is not covered under the standing provisions of Up-gradation policy and therefore all such like cases have been unanimously regretted.

*[Signature]*  
SECTION OFFICER (C-IV)  
Higher Education

Enclst: of even number and date.

Copy of the above is forwarded to Director Higher Education Peshawar with the request to please process the merger cases/seniority of recently promoted HPEs into general cadre of the colleges.

SECTION OFFICER (C-IV)

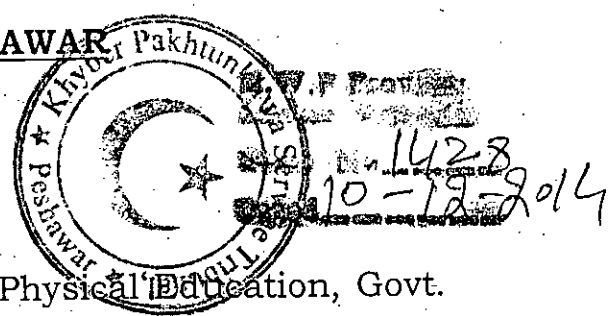
1' Anex - c

(10)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE**

**TRIBUNAL, PESHAWAR**

Appeal No. 1406 / 2014



Taj Mali Khan Lecturer in Health & Physical Education, Govt.  
Post Graduate College, Bannu.....**Appellant**

**VERSUS**

1. Govt of Khyber Pakhtunkhwa through Chief Secretary,  
Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt of Khyber Pakhtunkhwa Higher  
Education, Archives & Libraries Department, Khyber  
Pakhtunkhwa, Peshawar.
3. Director, Director of Higher Education, Khyber  
Pakhtunkhwa, Peshawar.
4. Director Archives & Libraries Department, Khyber  
Pakhtunkhwa, Peshawar .....**Respondents**

**APPEAL UNDER SECTION-4 NWFP SERVICE TRIBUNAL  
ACT, 1974 TO THE EFFECT THAT NOTIFICATION NO. SO  
(T)/HE/17-1/2008/VOL-III DATED 1/1/2010 TO THE  
EXTENT OF ALLOWING UP-GRADATION FROM BS-16 TO  
BS-17 TO THE DPES OF COLLEGE CADRE INCLUDING  
APPELLANT WITH IMMEDIATE EFFECT I.E. 1/1/2010  
INSTEAD OF 9/10/2007 IS ILLEGAL, WITHOUT ANY  
LAWFUL EXCUSE OR JUSTIFICATION/AUTHORITY AND  
AGAINST THE PRINCIPLES OF NATURAL JUSTICE,  
AGAINST WHICH THE DEPARTMENTAL APPEAL OF THE  
APPELLANT HAS ALSO BEEN REGRETTEED VIDE ORDER**

**ATTESTED**

**EXAMINED**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

*[Signature]*  
10/12/14

Co-submitted to-sar  
and filed;

*[Signature]*  
5/12/14

11



| S.No | Date of order proceedings | Order or other proceedings with signature of judge or Magistrate  |
|------|---------------------------|---|
| 1    | 02.06.2016                | <p style="text-align: center;">3</p> <p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u><br/><u>PESHAWAR.</u></p> <p style="text-align: center;">APPEAL NO.1406/2014</p> <p style="text-align: center;">(Taj Mali Khan-vs- Govt: of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar and others).</p> <p><u>JUDGMENT</u></p> <p><u>MUHAMMAD AAMIR NAZIR, MEMBER:</u></p> <p>Counsel for the appellatant and Mr. Ziaullah, GP for respondents present.</p> <p>2. In the instant appeal issue of up-gradation is involved and according to the judgment of august Supreme Court of Pakistan dated 17.02.2016 delivered in Civil Appeal No. 101 &amp; 102-P of 2011 the service Tribunals have no jurisdiction to entertain any appeal involving the issue of up-gradation as it <sup>is</sup> does not part of terms and conditions of service of the Civil servants.</p> <p>3. In view of the above the appeal was not found maintainable by this Tribunal for want of jurisdiction. The same is therefore dismissed. The appellatant may seek his remedy before any other appropriate forum if so advised. File be consigned to the record room.</p> <p>4. Our this judgment will also dispose of in the same manner appeals No. 1407/2014 titled Abdul Nahid, 1408/2014 titled Shahid Hussain, 1409/2014 titled Haider Zaman where common question of law and facts have been raised.</p> |

Announced  
02.06.2016

*Sd/- M. Aamir Nazir,*  
Member  
*Sd/- Ahmad Hassan,*  
Member

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar