

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWA AT CAMP COURT SWAT**

BEFORE: SALAH-UD-DIN ... MEMBER (Judicial)  
FAREEHA PAUL ... MEMBER (Executive)

*Service Appeal No. 610/2022*

Muhammad Yaqoob SCT BPS-16 Government High School Keedam.  
(Appellant)

Versus

Secretary Elementary and Secondary Education Government of Khyber  
Pakhtunkhwa, Peshawar and 02 others. (Respondents)

----

Present:

Mr. Imdad Ullah, Advocate.....For the appellant  
Mr. Asad Ali Khan, Assistant Advocate General .....For respondents

.....

Date of presentation of Appeal.....22.04.2022  
Date of Hearing.....06.11.2023  
Date of Decision.....07.11.2023

-----

*Service Appeal No. 611/2022*

Shamsher Ali SCT Government Centennial Model High School  
(GCMHS) Wadudia, District Swat. (Appellant)

Versus

Secretary Elementary and Secondary Education Government of Khyber  
Pakhtunkhwa, Peshawar and 02 others. (Respondents)

----

Present:

Mr. Imdad Ullah, Advocate.....For the appellant  
Mr. Asad Ali Khan, Assistant Advocate General .....For respondents

.....

Date of presentation of Appeal.....22.04.2022  
Date of Hearing.....06.11.2023  
Date of Decision.....07.11.2023

-----

**CONSOLIDATED JUDGMENT**

**SALAH-UD-DIN, MEMBER:** Through this single judgment we intend to dispose of the above titled service appeals as common questions of law and facts are involved therein.

2. Precise facts of the appeals are that one Shoukat Ali SCT alongwith certain other teachers had raised grievance by way of filing applications against the tentative seniority list of SCT/CT by alleging that they have



not been placed at right position in the tentative seniority list. In wake of the application so submitted, an inquiry committee was constituted by the District Education Officer (Male) Swat vide order dated 03.02.2021 for probe into the matter. The applicant Shoukat Ali had alleged that the appellants were junior to him but they have been wrongly placed senior to him in the tentative seniority list. In its report dated 05.08.2021, the inquiry committee recommended that the appeal filed by Mr. Shoukat Ali SCT was genuine. The appellants being aggrieved of the said report, challenged the same by way of filing separate departmental appeals before the Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar, which were rejected on 25.10.2021, constraining the appellants to file the appeals in hand.

3. On receipt of the appeals and their admission to regular hearing, respondents were summoned, who put appearance through their representative and contested both the appeals by way of filing written replies raising therein numerous legal as well as factual objections.

4. Learned counsel for the appellants has addressed his arguments supporting the grounds agitated by the appellants in their service appeals. On the other hand, learned Assistant Advocate General for the respondents has controverted the arguments of learned counsel for the appellants and has supported the comments submitted by the respondents.

5. Arguments have already been heard and record perused.

6. A perusal of the record would show that the appellants were appointed as untrained and temporary teachers on 19.09.1995 and were terminated in the year 1997, constraining them to file Service Appeals No. 1297/2000 and 1357/2000 before this Tribunal, which alongwith

other Service Appeals were decided through a single judgment dated 02.05.2002 in the following manners:-


*“We, therefore, remand the present appeals of the appellants to the respondent department to re-consider the same in light of the previous judgment of this Tribunal as well as cited judgment of the Hon’ble Supreme Court of Pakistan and instructions of S&GAD dated 20.02.1997 in accordance with law. In the meanwhile all the appellants are reinstated in service with service benefits and the appeals are partially accepted.”*

7. It is evident from the above reproduced concluding para of the judgment dated 02.05.2002 passed by this Tribunal that it has not been mentioned therein that the appellants may be granted seniority with effect from the date of their initial appointment as un-trained teachers. It is an admitted fact that the appellants were appointed as untrained teachers on temporary basis vide order dated 19.09.1995 and they passed CT examination on 27.09.2006. The appellants had acquired the prescribed qualification on 27.09.2006, therefore, their stance of granting them seniority with effect from the date of their initial appointment i.e 21.09.1995 holds no force. Identical nature Service Appeals bearing No. 309/2013, 11/2015 and 637/2016 had already been dismissed by this Tribunal vide judgments dated 05.07.2017, 13.06.2016 and 28.08.2017 respectively.

8. In view of the above, both the appeals are having no force, hence dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
07.11.2023

  
(FAREEHA PAUL)  
MEMBER (EXECUTIVE)  
CAMP COURT SWAT

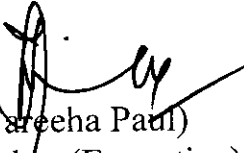
  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT SWAT


ORDER  
07.11.2023

Appellant alongwith his counsel present. Mr. Hussain Ali, ADEO alongwith Mr. Asad Ali Khan, Assistant Advocate General for the respondents present. Arguments have already been heard and record perused.

Vide our consolidated judgment of today, separately placed on file, the appeal in hand is having no force, hence dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
07.11.2023

  
(Fareeha Paul)  
Member (Executive)  
Camp Court Swat

  
(Salah-Ud-Din)  
Member (Judicial)  
Camp Court Swat