

31.05.2016

Counsel for the appellant, M/S Khurshid Khan, SO, Hameed-ur-Rehman, AD (lit.) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present. Re-arguments heard and record perused.

Vide our detailed judgment of today in connected service appeal No. 1343/2012 titled "Javed Iqbal-vs-Government of Khyber Pakhtunkhwa, through Secretary Elementary and Secondary Education Department, Peshawar and others", this appeal is also disposed of as per detailed judgment. Parties are, however, left to bear their own costs. File be consigned to the record room.

ANNOUNCED
31.05.2016



MEMBER



MEMBER

13.4.2015

Vide order sheet dated 04.4.2013 in connected appeal No. 1323/12, this appeal is adjourned to 18.08.2015.

READER

Vide order sheet dated 04.4.2013 in connected appeal No. 1323/2012, this appeal is adjourned to _____.

READER

Vide order sheet dated 04.4.2013 in connected appeal No. 1323/2012, this appeal is adjourned to _____.

READER

Vide order sheet dated 04.4.2013 in connected appeal No. 1323/2012, this appeal is adjourned to _____.

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READER

Vide order sheet dated 04.4.2013 in connected appeal No. 1323/2012, this appeal is adjourned to _____.

READER

20.6.2013

Counsel for the appellant and Mr. Muhammad Jan, GP for the respondents present. In pursuance of promulgation of Khyber Pakhtunkhwa Service Tribunal (Amendment) Ordinance 2013, the Tribunal is incomplete. To come up for the same on 28.8.2013.



READER

28.8.2013

Vide order sheet dated 28.8.2013 in connected Service Appeal No. 423/12, this appeal is adjourned to 29.10.2013.



READER

29-10-13

Vide order sheet dated 28.8.2013 in connected Service Appeal No. 423/12, this appeal is adjourned to 26-12-13.



READER

26-12-13

Vide order sheet dated 28.8.2013 in connected Service Appeal No. 423/12, this appeal is adjourned to 25-2-14.



READER

25-2-14

Vide order sheet dated 28.8.2013 in connected Service Appeal No. 423/12, this appeal is adjourned to 15-5-14.



READER

15-5-14

Vide order sheet dated 28.8.2013 in connected Service Appeal No. 423/12, this appeal is adjourned to 2-10-14.



READER

17.4.2013

Counsel for the appellant present and heard. Counsel for the appellant, at the outset of his arguments, contended that appeals of similar nature have been admitted for regular hearing vide order dated 17.12.2012 in appeal titled 'Ikramullah-vs-Govt. of KPK etc.' (No. 1322/2012), and also furnished a photo copy of the said order, which is placed on file of appeal No. 1381/12. The learned counsel further argued that the appellant was appointed when qualification prescribed for the post of PST was Matric, but the qualification has recently been enhanced to F.A and the same qualification has been laid down for promotion, thus adversely affecting the right of promotion of the appellant, without affording opportunity of hearing or defending his right before introduction of impugned changes/amendments in the promotion/service rules. The points raised at the Bar need consideration. The appeal is admitted to regular hearing. Process fee and security be deposited within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments as well as reply to application for interim relief before Final Bench-II on 20.6.2013.

Member 

6 17.4.2013

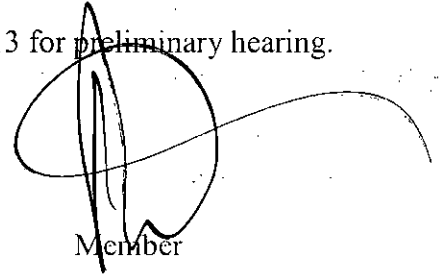
This case be put up Before the Final Bench II for further proceedings.


Chairman

3. 21.3.2013.

Clerk to Counsel for the appellant present.

Due to general strike of lawyers, the case is
adjournment to 11.4.2013 for preliminary hearing.



Member

11.4.2013

Counsel for the appellant present and requested for
adjournment. Case adjourned to 17.4.2013 for preliminary
hearing.





Member.

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 451/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	18/02/2013	<p>The appeal of Mr. Abdul Hakeem presented today by Mr. Khan Akbar Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;">  REGISTRAR </p>
2	19-2-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>21-3-2013</u>.</p> <p style="text-align: right;">  CHAIRMAN </p>

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTOON

KHWA, PESHAWAR.

Service Appeal No 457 /2013

Abdul Hakeem.....Appellant

VERSUS


Govt of K P K through Secretary & others.....Respondents

I N D E X

S.No.	Description of Documents	Annex	Pages
1.	Service appeal		1-7
2.	Application for Interim relief.		8-9
3.	Affidavit		10
4.	Copy of Notification issued by the Government.	"A" A1	14-15
5.	Copy of impugned Notification dated 13.11.2012	"B"	16-31
6.	Copy of representation	"C"	32
7.	Copies of Two Notifications	"D & D/1"	33-36
8.	Wakalat Nama		37


Appellant

Through


(KHAN AKBAR KHAN)

Advocate, Peshawar.

Office: - 107-B, Town Tower, Jahangir
Abad, University Road,
Peshawar.

Cell No: - 0344-9111911

Dated:-15-02-2013

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTOON

KHWA, PESHAWAR.

Service Appeal No 451 /2013

SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA
PESHAWAR
18/2/13

Abdul Hakeem PST, Government Primary School, Karim Abad (G),

Tehsil and District Mardan.....Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa, Elementary and Secondary Education Department, Peshawar through its Secretary.
2. Secretary to Government of Khyber Pakhtunkhwa, Finance Department, Civil Secretariat, Peshawar.
3. Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Civil Secretariat, Peshawar.
4. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.....Respondents

=====

**APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTON KHWA, SERVICE TRIBUNAL ACT, 1974 TO
THE EFFECT THAT THE NEWLY INDUCTED CONDITION
OF F.A/FSc FOR THE PROMOTION TO BPS-14/15 OF
THE PST TEACHERS, MAY PLEASE BE SET ASIDE AND
THE PROMOTION MAY PLEASE BE GRANTED ON
SENIORITY-CUM-FITNESS BASIS PURELY.**

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PRAYER IN APPEAL.

On acceptance of this appeal the condition of
F.A/FSc from the above noted notification for the

SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA
PESHAWAR
18/2/13

promotion of the PST Teachers may please be removed and the promotion may please be granted on seniority-cum-fitness basis.

=====

Respectfully Sheweth:-

1. That the appellant belongs to the Education Department, and is serving on the post as mentioned against his name in the heading of appeal.
2. That the appellant has got at his credit on the above said post a long tenure of service extending over 28 years.
3. That previously the basic qualification for the appointment at the post of PST was fixed as Metric Certificate alongwith PST Certificate from a recognized institution and the appellant was appointed on the above said post having the said qualifications as was the requirement at the time of appointment of the appellant.
4. That the basic qualification for the post of PST was duly enhanced with basic qualification from Matric to F.A/F.Sc in the year 2011 and many other colleagues of the appellant were then appointed on the same posts of PST having their qualification as F.A/F.Sc alongwith PST Certificate.
5. That in the year 2007 a policy of upgradation was promulgated by the then Provincial Government, whereby the PTC Teachers were upgraded from BPS-07 to BPS-12 on the basis of length of the service. (Copy of Notification issued by the Provincial Government is attached herewith as **Annexure "A"**) A/1
6. That again a similar summary was formulated at the initial stage by the Education Department that the PST Teachers will be upgraded

to BPS-15 having 22 years service, whereas the teachers having 15 years service will be upgraded to BPS-14.

- 7. That the above said policy was just as according to the justice and demand of the teachers' community, however, later on the said policy was converted from the time scale to the education scale, whereas the promotion policy for the PST Teachers was formulated as under.

**Primary School Head Teacher
(PSHT) (BPS-15)**

By promotion on seniority-cum-fitness from amongst senior primary school teachers with at least 10 years service and having qualification prescribed for initial recruitment of primary school teacher.

**Primary School Teacher
BPS-14**

By promotion on the basis of seniority-cum-fitness from amongst school teachers with at least 05 years service as such and having qualification prescribed for initial recruitment of primary school teachers.

- 8. That thereby all the fresh appointed F.A/PST been given the BPS-12, whereas the holders of F.A Certificate with 10 years length of service may be upgraded/promoted to BPS-15 and the PSTs with the F.A qualification having 05 years service

may be upgraded to BPS-14. (Copy of the Notification dated 13-11-2012 is attached herewith as **Annexure "B"**)

- 9. That the appellant alongwith his other hundreds of the colleagues having their services extending from 20 to 40 years have been totally ignored and have not been given any chance of upgradation/promotion throughout their professional career, inspite of having such a long spotless tenure of service.
- 10. That this attitude of the respondent department to give benefit to the PST Teachers with the F:AF.Sc qualification over the teachers with Matric qualification has been formulated without any cogent/legal grounds but just to give benefit to the blue eyed teachers of the respondent department, whom have been appointed in their tenure.
- 11. That the appellant is equally entitled to be upgraded on the basis of his tenure of service and be given the same benefit as it has been given to the other PSTs teachers having F.A Certificate, as the higher qualification of F.A can not by any means made the basis for giving sort of above said benefit to the teachers.
- 12. That in this respect the appellant has also moved his representation to the concerned authorities, thereby explaining his grievances; however no response was given by the respondent over the same. (Copy of representation is attached herewith as **Annexure "C"**).
- 13. That the appellant has got no other efficacious remedy available to him but to approach this Honourable Tribunal on the following ground inter-alia.

GROUNDS.

- A. That act of the respondent department, thereby depriving the appellant from the above said benefit of upgradation is illegal, unlawful without authority/ jurisdiction, as well as being based on malafide intentions of the respondent department is liable to be set aside.
- B. That since hundred and hundreds of the teachers have been treated in a discriminatory manner and have been deprived of the above said benefit mere on the ground that they are not having qualification of F.A/F.Sc is an act unjust and without any reasonable ground, as the basic qualification at the time of appointment of appellant was Matric with PST and the basic qualification at the time of appointment of benefited teachers were F.A/F.Sc with PST, hence no privilege can be granted to the persons, whom have been appointed on the prescribed qualification.
- C. That the appellant has been serving on the above said post since long, whereas the minimum tenure of service amongst the appellant and his colleagues is 17 years and the maximum tenure amongst them is extended to 40 years and since long all of them have been waiting for their turn to be promoted/upgraded to some higher scale, however after having a tenure of such a long legitimate expectations the appellant and his colleagues have been treated unlawfully without any cogent/solid grounds.
- D. That it is very respectfully submitted that it has never happened that in the cases of upgradation/promotion the factor of seniority should be abolished/ignored totally and the grounds of upgradation/promotion should be made mere

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educational qualification, whereas the upgradation/promotion has always been made on the basis of seniority-cum-fitness and have never been on the basis of higher qualification whatsoever it may be. Furthermore still it is not the higher qualification for the teachers who have been giving thorough benefit for the above said notification, but with the passage of time has the basic qualification have been raised, hence they have been appointed on the basis of F.A/F.Sc Certificate, which said factor can not be made a ground for their upgradation to BPS-14/15.

- E. That the said act of the respondent department is not merely illegal as well as unlawful, but is also against the very clear Article of Constitution of Islamic Republic of Pakistan as engraved in the basic rights of said constitution.
- F. That the appellant has got every right to be treated equally with his other colleagues and closing all the ways of upgradation/promotion for the appellant is against all the norms of justice as it has been done in the above mentioned notification dated 13-11-2012.
- G. That it will be pertinent to bring into notice of this Honourable Tribunal that the above said benefit have been extended to the Clerk's community, whereby the Clerks even with Matric Certificate have been upgraded from BPS-09 to BPS-16 and similarly according to other notification dated 24th April 2012 the Federal Government has been pleased to upgrade the PST Teacher from BPS-09 to BPS-14 including the Matric Teachers. (Copies of the above said both the Notifications are attached herewith as **Annexure "C" & "D"**).

It is, therefore, prayed that on acceptance of this Service Appeal, the respondent may please be directed to set aside the terms of

"Having qualification prescribed for initial recruitment of primary school teachers"


and the appellant may please be considered equally for the above said promotion/upgradation with the other colleagues, whom have been appointed on F.A/F.Sc basis and the above said condition being illegal, unlawful, unconstitutional and discriminatory may please be deleted from the conditions of promotion of the PST teachers to the BPS-14/15.

Any other remedy to which appellant is found entitled, in the peculiar circumstances of the case may also be granted.

Appellant



Through



Dated: -15-02-2013

(KHAN AKBAR KHAN)
Advocate, High Court,
Peshawar.

CERTIFICATE:

Certified that as per information furnished by my client no such like service appeal on the subject has earlier been filed in this Hon'ble Tribunal.


ADVOCATE

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTOON
KHWA, PESHAWAR.

C.M No. _____ 2013

In

Service Appeal No _____/2013

Abdul Hakeem.....Appellant

VERSUS

Govt of K P K through Secretary & others.....Respondents

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**APPLICATION FOR TEMPORARY INJUNCTION TO THE
EFFECT THAT RESPONDENT MAY KINDLY BE RESTRAINED
FROM TAKING ANY ACTION FOR THE PROMOTION OF PSTs
TO BPS-14/15 AS ACCORDING TO PROCEDURE MENTIONED
IN THE IMPUGNED RULES/ NOTIFICATION DATED 13.11.2012.**

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Respectfully Sheweth:

1. That the appellant has filed the above titled service appeal before this Honourable Tribunal, in which no date of hearing has yet been fixed.
2. That respondent vide Notification dated 13.11.2012 with regard to fresh education policy has promulgated a new method of promotion, which has violated the promotion rights of thousand of teachers including the appellant.
3. That the applicant/appellant has very prima facie cause of action and is very hopeful of its ultimate success of his appeal.

4. That all the three ingredients i.e. prima facie case, balance of convenience and irreparable loss as per spirit of the rules for granting injunction is of the applicant/appellant are present in the said appeal.
5. That in case the injunction as prayed for above is denied, the applicant/appellant will suffer irreparable loss as the impugned vacancies will be filled up and there would be no chance for appellant accommodation. Hence, it is in the interest of justice to stay further proceedings on the impugned notification, till the final decision of this Honourable Tribunal.
6. That there is no legal bar in granting the injunction as prayed for above.
7. That the facts and grounds taken in the memo of appeal may kindly be considered as part and parcel of the instant application.

It is, therefore, humbly prayed that in the light of above said submissions this Honourable Tribunal may please be kind enough to restrain the concerned respondents from taking any action in promoting the PSTs teachers on the basis of above noted notification, thereby depriving the appellants from the right of promotion.

Applicant

Through

(KHAN AKBAR KHAN)
Advocate,
High Court, Peshawar.

Dated: -15-02-2013

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTOON
KHWA, PESHAWAR.

Service Appeal No _____/2013

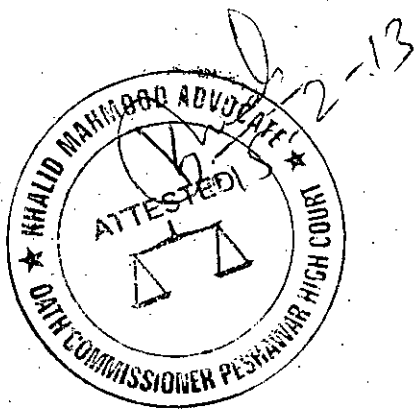
Abdul Hakeem.....Appellant

VERSUS

Govt of K P K through Secretary & others.....Respondents

AFFIDAVIT

I, Khan Akbar Khan Advocate, as per instruction of my client, do hereby solemnly affirm and declare on Oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.



[Signature]
Deponent

(A¹¹)

11



GOVERNMENT OF NWFP
FINANCE DEPARTMENT,
(REGULATION WING)

Islamabad, the 26th January, 2008.

NOTIFICATION

IN PURSUANCE OF the Department's letter No. SO(FIN) 0-27(04)2005 dated 01-10-2007 and in pursuance of the minutes of the meeting held under the Chairmanship of Secretary, Finance Department, NWFP, 2008, the Competent Authority is pleased to allow regularization of the employees of the posts as per details given below w.e.f. 1-10-2007.

S.NO	Existing Designation and Pay Scale	Qualification	Upgraded Scale
1	Primary School Teacher (PST) (BPS-07)	SSC and 5 years experience	BPS-09 (one time only)
2	Primary School Teacher (PST) with requisite experience recruited as Head Teacher/Head Mistress of Primary Schools (BPS-07)	SSC and 10 years service	BPS-12 (one time only)
3	CT (BPS-09)	SSC and 5 years experience	BPS-13 (one time only)
4	SET (BPS-15)	SSC and at least 10 years service. Upgradation to the post shall be made through the normal process.	UPS-17
5	Headmaster (BPS-15)	SSC and 10 years service	BPS-17

SECRETARY TO GOVT. OF NWFP
FINANCE DEPARTMENT

Encl: No. & Date: etc.

Copy of the above is for record for information and necessary action to the:-

- 1) All the Secretaries, NWFP.
- 2) All the DCOs (SROs), Districts of NWFP.
- 3) Government General Officer, NWFP.
- 4) Director Schools of Elementary NWFP, Islamabad.
- 5) Director of Education, FATA, NWFP, Peshawar.
- 6) PSC to Chief Minister, NWFP.
- 7) SRO to Chief Secretary, NWFP.
- 8) PSC to Secretary, Finance Department, NWFP.
- 9) All District Agency Accounts Officers of NWFP.
- 10) President All Pakistan Teachers Association NWFP.

(NAIB QIAAN)
SECTION OFFICER (SR)

کیسٹنڈ لکھنا
شہزادی شہزادہ
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0300-927743

**GOVERNMENT OF NWFP
FINANCE DEPARTMENT.
(REGULATION WING)**

Dated Peshawar the 26th January 2008.

NOTIFICATION

NO. FD/SO (FR) 10-22/2007. In supervision of this Department letter No. SO(FR)10-23(B)/2005 and in pursuance of the decision of the meeting held under the Chairmanship of the Secretary of Finance on 2.1.2008, the competent Authority is pleased to allow upgradation of the institution of the posts as per details given below w.e.f 1-10-2007.

IN

S.No	Existing Designation and pay scale	Qualification	Upgraded Scale
1.	Primary School Teacher (PST) (BPS-07)	FA/FSc and PTC trained Teacher	BPS-09 (one time only)
2.	Primary School Teacher (PST) with requisite experience remained as Head Teacher/Head Master of Primary School (BPS-07)	Having 10 years service	BPS-12 (one time only)
3.	CT (BPS-09)	B.A/B.Sc and are trained teachers	BPS-15
4.	SETs/BPS-16	Having at least 10 years service. Upgradation to the post shall be made through OEC as per laid down procedure.	BPS-17
5.	Qari/Qaria (BPS-07)	Hafiz Quran with SSC	BPS-12

Sd

SECRETARY TO GOVT
OF NWFP, FINANCE DEPARTMENT

Endst No & Date even

Copy of the above is forwarded for information and necessary action to the:-

1. All Secretaries in NWFP, Peshawar.
2. All the DCOs, EDOs, Schools & Literacy Department, NWFP
3. -----Sinc-----NWFP, Peshawar.
4. Director Schools & Literacy, NWFP, Peshawar.
5. Director of Education FATA, NWFP, Peshawar.
6. PSO to Chief Minister, NWFP.
7. PSO to Chief Secretary NWFP.
8. PS to Secretary Finance Department, NWFP.
9. All District/Agency Account Officers in NWFP.
10. President All Primary Teachers Association NWFP.

(NAIB KHAN)
SECTION OFFICER

12

Better Copy

A/1

Government of NWFP
Finance Department
No. SO (FR) 10-22(B)/2005
Dated: 01.10.2007

To

The Secretary to Govt. of NWFP,
Schools & Literacy Department

Subject: UPGRDATION OF VARIOUS POSTS OF TEACHING/
CAREER STRUCTURE IN SCHOOLS AND LITERACY
DEPARTMENT GOVERNMENT OF NWFP.

Sir,

I am directed to refer to your letter No. SO(G)104/2007 dated 01.10.2007 on the subject noted above and to inform that the Chief Minister NWFP has been pleased to upgrade various posts of teachers in Schools and Literacy Department NWFP as per details given below in respect of those incumbents mentioned against each with immediate effect.

S.No	Designation/ existing Pay Scale	Qualification	Revised Pay Scale
1	Primary School Teacher PST BPS-09	F.A / FSc at least 2 nd Division with PTC/ Diploma in Education	09
2	PST with requisite experience renamed as Head Teacher/ head Mistress of Rprimary School BPS-07	On the basis of 10 years service experience as Primary School Teacher in BPS-09	12
3	C.T BPS-09	B.A. BSc at least 2 nd Division with Diploma in Education/CT	15
4	AWICT Technical Industrial Arts/ Home Economics BPS-09	B.A/ BSc at least 2 nd Division with Diploma in Education/ Certificate from Directorate of Curriculum and Teachers Education NWFP Abbottabad in Agro Tech/ Industrial Arts Home Economics	15
5	D.M BPS-09	B.A/ B Sc at least 2 nd Division with Drawing Master Course.	15
6.	PET BPS-09	B.A/ BSC at least 2 nd Division with JOPPI	15

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	Qari/Qaria BPS-07	Hafiz-e-quran with SSC at least 2 nd Division and Sand in Qirat.	12
8.	SST/SST Teacher/Agri with requisite experience rename Sr. SST/Sr. SST Teacher/Sr. SST Agri BPS-16	M.A/M.Sc at least 2 nd Division with B.Ed. M.Ed/M.A. Education equivalent qualification	17
9.	DPE BPS-16	M.Sc. at least 2 nd division in (HPE)	17

14
1

2. The promotion/direct Promotion against the upgraded posts shall be made as per laid down procedure and in accordance with the Service Rules to be framed pursuant to the relevant provisions of NWFP Civil Servants (appointments, Promotion and Transfer) 1989 read with the NWFP Civil Servants Act, 1973 in the light of the meeting held on 26.09.2007 of the committee constituted vide Schools & Literacy Department Notification No. SO(G)S&L/1-4/2007 dated 01.08.2007.

Audit copy may please be prepared and sent to the Department for authentication/signature.

Section Officer (FIR)

End of even No. & date.

Copy for information & necessary action to:-

1. Accountant General NWFP.
2. Director Schools & Literacy NWFP, Peshawar.
3. Director of Education FATA NWFP, Peshawar.
4. PSO to Chief Minister NWFP.
5. PSO to Chief Secretary NWFP.
6. PS to Secretary Finance Department NWFP.
7. All District/Agency Accounts Officers in NWFP.

Attest
SHEIK
AUG: copy
AMMAD
Peshawar Court Paki

14

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar

No. 685-1709 /File No. PST teachers


Dated Peshawar the 27/8/2012

All the Executive District Officers
Elementary & Secondary Education
Khyber Pakhtunkhwa

UPGRADATION OF POSTS AND FIXATION OF PAY

I am directed to inform you that the Govt. of Khyber Pakhtunkhwa has upgraded the scale of the posts of PST/Qui/CT/DM/PET/AT/ET with effect from 1-7-2012 vide Government Order No. SO(D.EA)/1-18/HRSE/2012 dated 1-7-2012 and to ask you to fix the pay of all the PST teachers/Qui teachers (M & F) in BPS-12 and the pay of CT/DM/PET/AT teachers in BPS-15 as per the upgradation notification cited above. Please complete their Service Books & submit the changes to the office of the Distt. Accounts Officers.

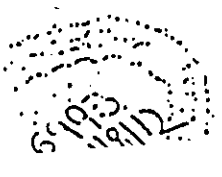
I am further directed to ask you to attach/affix their seniority lists on the file in your office within 15 days in connection with their promotion in next scale i.e. to BPS-15 & BPS-16 respectively.


27/8/2012
Deputy Director (Establishment)
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar

File No. _____
Copy forwarded for information to:-

1. PS to the Secretary to Govt. Khyber Pakhtunkhwa E&SE Department
2. PA to the Director E&SE Khyber Pakhtunkhwa Peshawar

S.I/2
Deputy Director (Establishment)
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar



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OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&S) EDUCATION MARDAN.

12/4/12

Dated Mardan the 4-9-2012.

Copy of the above is forwarded to the :-

- 1. Director of Elementary & Secy: Education Khyber Pakhtunkhwa. Reference to his office No. 185-1709/File No. PST Teachers dated 27.7.2012 for information please.
- 2. The principals/ama. GMS/GMS/GMS. in Mardan District.
- 3. Deputy Distt. Officers (Female) Mardan/ Takht Bhai with the remarks to fix the pay of all the PST teachers in BPS No.12 w.e.f. 1.7.2012 as per upgradation notification No. SO(B&A)1-18/2012 dated, 11.7.2012. Please complete their service books and submit the changes to the office of the District Accounts Officer Mardan at once.
- 4. Accountant Girls Middle schools local office.

EXECUTIVE DISTRICT OFFICER
ELE: & SECY: EDU: MARDAN.

[Handwritten signature]

"B" (16)



GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

NOTIFICATION

Peshawar, dated the 10/05/2012

No. SO/PE/4-5/SSRC/Meeting/2012/Teaching Cadre: In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1969 and in supersession of all Notifications issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby lays down the method of recruitment qualification and other conditions specified in the Appendix to this Notification which shall be applicable to all the posts specified in Column No. 2 of said Appendix and the schedule therewith.

SECRETARY TO GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

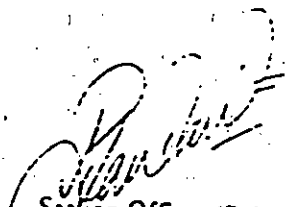
Encl. No. & Date as above.

Copy forwarded to:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Law Department.
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General, Khyber Pakhtunkhwa Peshawar.
6. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
7. The Director Education (FATA), Peshawar.

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- Director Curriculum & Teachers Education Abbottabad.
- Director (PITE) Khyber Pakhtunkhwa Peshawar.
- Director ESRU, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar
- Deputy Director Database(EMIS) E&SE Department.
- District Coordination Officers in Khyber Pakhtunkhwa
- Executive District Officers Elementary & Secondary Education in Khyber Pakhtunkhwa
- District Accounts Officers in Khyber Pakhtunkhwa / Agency Accounts Officers FATA
- Primary Education Officers FATA
- Governor, Khyber Pakhtunkhwa
- Chief Minister, Khyber Pakhtunkhwa
- Chief Secretary, Khyber Pakhtunkhwa
- Deputy Secretary E&SE Khyber Pakhtunkhwa Peshawar
- Secretary E&SE Department


Section Officer (Primary)

(18)

APPENDIX

enclature of the post.	Minimum qualification and experience for initial appointment or by transfer.	Age limit.	Method of recruitment.
2.	3.	4.	5.
Secondary School Teacher BPS 10.	(i) Second class Bachelor's Degree with two subjects, as Chemistry, Botany, Zoology, Physics, Mathematics, Statistics Humanities and other equivalent groups from a recognized University; or (ii) M.A in Education or Bachelor's Degree in Education, from a recognized University	18 to 35 years.	(a) Fifty percent by promotion on the basis of seniority-cum-fitness, in the following manner: (i) forty per cent from amongst the Certified Teachers (General), Certified Teachers (Agriculture), Certified Teachers (Industrial Arts) and Certified Teachers (Home Economics) with at least five years service as such and having qualification mentioned in column No.3; (ii) four per cent from amongst the Drawing Masters with at least five years service as such and having qualification mentioned in column No.3; (iii) four per cent from amongst the Physical Education Teachers with at least five years service as such and having qualification mentioned in column No. 3;

			<p>(iv) one per cent from amongst the Instructional Material Specialists, with atleast five years service as such and having qualification mentioned in column No. 3; and</p> <p>(v) one per cent from amongst the Arabic Teachers with or least five years service as such and having qualification mentioned in Column No. 3; and</p> <p>(b) fifty per cent by initial recruitment.</p>
Senior Arabic Teacher (SAT) (BPS-16)			By promotion on the basis of seniority-cum-fitness, from amongst Arabic Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Arabic Teacher.
Senior Theology Teacher (STT) (B-16)			By promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Theology Teacher.
Senior Or Certified Teacher (SCT) (General) -16.			By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (General), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (General).

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<p>Certified Teacher (Industrial Arts) 16)</p>		<p>By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Industrial Arts), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Industrial Arts).</p>
<p>Semi-Certified Teacher (Agriculture) BPS 16)</p>		<p>By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Agriculture), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Agriculture).</p>
<p>Senior Drawing Master BPS 15)</p>		<p>By promotion on the basis of seniority-cum-fitness from amongst Drawing Masters, with at least five years service as such and having qualification as prescribed for initial recruitment of Drawing Master.</p>
<p>Semi-Certified Teacher (Home Economics) SCT BPS 16)</p>		<p>By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Home Economics), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Home Economics).</p>
<p>Semi-Certified Physical Education Teacher (BPS-16)</p>		<p>By promotion, on the basis of seniority-cum-fitness, from amongst Physical Education Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Physical Education Teacher.</p>

Public Teacher (AT) (BPS-15)	(i) Second Class Secondary School Certificate, from a recognized Board with Shahdatul Alamin Fil Uloomul Arabia wal Islamia from a recognized Tanzimatul Wafaqul Madaris; or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by the Government from time to time; or (ii) Second Class Master's Degree in Arabic from a recognized University.	20 to 35 years.	By initial recruitment
Public Teacher (AT) (BPS-15)	(i) Second Class Secondary School Certificate, from a recognized Board with Shahdatul Alamin from a recognized Tanzimatul Wafaqul Madaris or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by the Government from time to time; or (ii) Second Class Master's Degree in Islamiyat from a recognized University.	20 to 35 years	(a) Seventy-five per cent by initial recruitment and (b) twenty-five per cent by promotion, on the basis of seniority cum-fitness, from amongst the Senior Qaris, with at least five years service and having qualification prescribed for initial recruitment of Theology Teacher. <u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.
Senior Qari (BPS-15)			By promotion, on the basis of seniority cum-fitness, from amongst Qaris, with at least five years service as such and having qualification prescribed for initial recruitment.
Certified Teacher (al) (BPS-15)	Bachelor's Degree or equivalent qualification from a recognized University with Certified Teacher	18 to 35 years.	(a) Forty per cent by initial recruitment; and



Certificate or two years Associate Degree in Education from a recognized University or eighteen months Diploma in Education.

(b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (General);

Provided that if no suitable candidate is available amongst the Primary School Head Teachers for transfer, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (General).

Note: In case of non availability of suitable person for promotion, then by initial recruitment.

Certified Teacher
Industrial Arts
RPS 15)

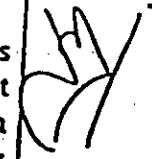
(i) Bachelor's Degree from a recognized University with two years training in the relevant technical subjects from any Government Industrial or Govt. Technical Vocational Institute or Center, or

18 to 35 years.

(a) Forty per cent by initial recruitment; and

(b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher

(b) Bachelor's Degree from a recognized



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	<p>University with nine months training from any Government Agro Technical Teacher Training Center of the Level of Certified Teacher, Agro technical (Industrial Arts).</p>		<p>(Industrial Arts):</p> <p>Provided that if no suitable candidate is available amongst the Primary School Head Teachers for Promotion, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (Industrial Arts).</p> <p>Note: In case of non availability of suitable person for promotion, then by initial recruitment.</p>
<p>Certified Teacher (Agriculture) -15.</p>	<p>(i) Bachelor's Degree from a recognized University with one year training in Agriculture from any Government institute or center with nine months training from Government Agro Technical Teacher Training Center of the level of Certified Teacher Agro Technical (Agriculture); or</p> <p>(ii) Bachelor's Degree with Agriculture as one of the subject, from a recognized University; or</p> <p>(iii) Bachelor's Degree from a recognized</p>	<p>18 to 35 years.</p>	<p>(a) Forty per cent by Initial recruitment; and</p> <p>(b) sixty per cent by promotion, on the basis of seniority-cum-fitness from amongst the Primary School Head Teachers, with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (Agriculture):</p> <p>Provided that if no suitable candidate is available amongst the</p>



	<p>any Government Agro Technical Teacher Training Center of the Level of Certified Teacher, Agro technical (Agriculture).</p>		<p>* promotion, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (Agriculture).</p> <p>Note: In case of non availability of suitable person for promotion, then by initial recruitment.</p>
<p>CEX (Home Teacher) Home Economics BPS</p>	<p>(i) Bachelor's Degree with Home Economics, as one of the subject, from a recognized University with in service training from Government Agro Technical Teacher Training Center; or</p>	<p>18 to 35 years.</p>	<p>(a) Forty per cent by Initial recruitment, and</p>
	<p>(ii) Certified Teacher Certificate with Home Economics, as one of the subjects, from any Government Training school or college with Bachelor's Degree; or</p> <p>(iii) Bachelor's Degree from a recognized University with nine months training from Government Agro Technical Teacher Training Center of the level of the Certified Teacher Agro Technical (Home Economics); or</p> <p>(iv) Bachelor's Degree, from a recognized</p>		<p>(b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service as such and having qualification prescribed for initial recruitment of Certified Teacher (Home Economics):</p> <p>Provided that if no suitable candidate is available amongst the Primary School Head Teachers for promotion, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of</p>

<p>University with one year vocational training from any Government training center or institute with nine months training from Government Agro Technical Teacher Training center of the level of certified Teacher Agro Technical (Home Economics).</p>		<p>Certified Teacher (Home Economics). <u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.</p>
<p>Bachelor's Degree from a recognized University in one year Drawing Master (DM) course.</p>	<p>18 to 35 years.</p>	<p>(a) Eighty per cent by initial recruitment; and (b) twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Drawing Master. Provided that if no suitable candidate is available for promotion then on the basis of seniority-cum-fitness, from Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Drawing Master. <u>Note:</u> In case of non-availability of suitable candidate for promotion, then by initial recruitment.</p>

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<p>Physical Education (BPS-15).</p>	<p>Bachelor's Degree from a recognized University with one year junior Diploma in Physical Education course or Army equivalency or other equivalent qualification.</p>	<p>15 to 35 years.</p>	<p>(a) Eighty per cent by initial recruitment; and (b) twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Physical Education Teacher.</p> <p>Provided that if no suitable candidate is available for promotion then on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Physical Education Teacher.</p> <p>Note: In case of non-availability of suitable candidate for promotion, then by initial recruitment.</p>
<p>PSHT School Head (PSHT)</p>			<p>By promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least ten years service and having qualification prescribed for initial recruitment of Primary School Teacher.</p>
<p>Senior Primary School (BPS-14).</p>			<p>By promotion, on the basis of seniority-cum-fitness, from amongst Primary School Teachers</p>

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				with at least five years service as such a having qualification prescribed for initial recruitment of Primary School Teacher.
21.	Primary School Teacher (BPS-12).	(i) Intermediate or equivalent qualification, from a recognized Board with Primary School Teacher Certificate/ Diploma in Education from a recognized institute; or (ii) Secondary School Certificate, from a recognized Board in second Division with two years Associate Degree in Education from a recognized University.	18 to 35 years.	By initial recruitment on merit at Union Council level: provided that if no suitable candidate within the Union Council is available, then from the adjacent Union Councils on merit.
22.	Qari (BPS-12).	Intermediate with Hifz-e-Quran and Qirat Sanad from a recognized institution.	18 to 35 years.	By initial recruitment.

SCHEDULE

Selection criterion and other conditions for direct recruitment against the below mentioned posts shall be as under:-

Arabic Teacher

Educational Qualification	Total Marks: 100
SSC	Marks obtained X 20 / total marks = _____
HSSC	Marks obtained X 20 / total marks = _____
B.A/BSc	Marks obtained X 20 / total marks = _____
M.A Arabic / Shahadatul Alomia Fil Uloomul Arabia wal Islamia from a recognized Terain wal Wafoq Madaris	Marks obtained X 20 / total marks = _____
Other MU/MS/M.Ed / MA Edu	Marks obtained X 15 / total marks = _____
MPhil/PhD	Marks = 05

Theology Teacher

Category of Qualification	Total Marks 100
SSC	Marks obtained X 20 / total marks = _____
HSSC	Marks obtained X 20 / total marks = _____
BA/BSc	Marks obtained X 20 / total marks = _____
MU/MS/M.Ed / MA Edu	Marks obtained X 20 / total marks = _____
M.A Islamia / Shahdatul Alomia Fil Uloomul Arabia wal Islamia from a recognized Terain wal Wafoq Madaris	Marks obtained X 15 / total marks = _____
MPhil/PhD	Marks = 05

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Criteria

Category of Qualification	Total Marks 100
SSC	Marks obtained X 75 / total marks = ____
Dist. Seced from a recognized institution	Marks obtained X 25 / total marks = ____
HSSC	Marks obtained X 70 / total marks = ____
B.A. B.Sc.	Marks obtained X 100 / total marks = ____
M.A. M.Sc. / M. Ed / M.A. Edu	Marks obtained X 75 / total marks = ____
M.Phil / Ph.D.	Marks = 05

Certified Teacher
(General, Industrial Arts, Agriculture, Home Economics)

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Category of Qualification	Total Marks 100 For Humanities group at Intermediate/Graduation Level --	For Candidate of Science group
SSC	Marks obtained X 70 / total marks = ____	5 Extra marks for F.Sc. 5 Extra marks for B.Sc and 5 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection
HSSC	Marks obtained X 70 / total marks = ____	
BA/BSc	Marks obtained X 70 / total marks = ____	
CT Certificate/ Diploma in Education / ADE	Marks obtained X 20 / total marks = ____	
M.A. / M.Sc. / M. Ed / M.A. Edu	Marks obtained X 15 / total marks = ____	
M.Phil / Ph.D.	Marks = 05	

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Oral Test

Category of Qualification	Total Marks 100	For Candidate of Science group
SSC	Marks obtained X 20 / total marks = ____	5 Extra marks for F.Sc, 5 Extra marks for B.Sc and 5 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection
F.Sc	Marks obtained X 20 / total marks = ____	
B.Sc	Marks obtained X 20 / total marks = ____	
Def. Certificate	Marks obtained X 20 / total marks = ____	
Matric. Ex. for En.	Marks obtained X 15 / total marks = ____	
M.P.P.D	Marks = 05	

Category of Qualification	Total Marks 100	For Candidate of Science group
SSC	Marks obtained X 20 / total marks = ____	5 Extra marks for F.Sc, 5 Extra marks for B.Sc and 5 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection
F.Sc	Marks obtained X 20 / total marks = ____	
B.Sc	Marks obtained X 20 / total marks = ____	
D.P.E. or Equivalent Certificate	Marks obtained X 20 / total marks = ____	
Matric. Ex. for En.	Marks obtained X 15 / total marks = ____	
M.P.P.D	Marks = 05	

(31)
 11
 4 V

Primary School Teacher

Category of Qualification	Total Marks 100 For Humanities group of Intermediate Level	For Candidate of Science group
SSC	Marks obtained X 20 / total marks = _____	5 Extra marks for FSc, 5 Extra marks for S Sc and 5 Extra marks for M Sc will be added to the total score obtained by a candidate during his selection.
FSc	Marks obtained X 10 / total marks = _____	
BSc	Marks obtained X 25 / total marks = _____	
For Candidate of Education	Marks obtained X 20 / total marks = _____	
Marks = 55	Marks = 55	

Other conditions:-

- The concerned Appointing Authority will scrutinize and verify the documents and make the appointments as per prescribed rule and the will get the documents verified after the issuance of appointment orders within shortest possible time, not exceeding ninety (90) days.
- The merit list prepared by the concerned appointing authority shall be displayed for ten days to receive the objections/appeals, if any, and shall issue the final merit list after making necessary corrections while addressing the observations/objections/appeals, followed by requisite appointment orders.
- In case a document(s) is/are found false/forged/bogus upon scrutiny/verification, the service of the teacher concerned shall be terminated and the amount paid to him as salary shall be recovered from him and an FIR shall be lodged against him on account of forgery/fraud under the relevant law.
- Darb Anad from recognized Tameer-ul-Wafaq Madaris, Darul Uloom Saifu Sharif Swat, Darul Uloom Chitragh Swat, Darul Uloom Chitral, Darul Uloom Dirah Chitral and any other Government run Darul Uloom, as notified by the Government from time to time will be acceptable for the purpose of appointment against the posts of Arabic Teachers or Theology Teachers, as the case may be.

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To

The Director, Elementary & Secondary
Education, KPK,
Peshawar.

Subject: **DEPARTMENTAL APPEAL AGAINST THE NOTIFICATION
DATED 13-11-2012.**

Respected Sir,

1. That on dated 13-11-2012 a Notification was issued from the office of Secretary Education for upgradation of teachers.
2. That in the said Notification the PST teachers were altogether ignored and were deprived from upgradation, which is unjustifiable.
3. That it is pertinent to mention here that at the time of appointment of the appellant Metric and PTC were the basic qualification for PST teacher.

It is, therefore, requested the case of appellant may kindly be considered sympathetically, without any discrimination.

Yours Obedient,

Dated:- 11-12-2012

عبدالحکیم گورمنٹ
پیرا مٹری سکول، کریم آباد
تھیل ضلع مردان

	KASHIR	24.2.1974	IMS (I-V), G-5/1
	NA KANSAR	6.6.1975	IMSG (I-X), NOORPUR SHAH.
	A BIBI	14.5.1985	IMS (I-V) G-6/2
	AIRA CHOHAN	18.4.1984	IMS (I-V), G-11/1
	SADIA HAYAT	28.12.1983	IMSG (I-X), Pungan
589	AMTIAZ AKDA	3.7.1979	IMSG (I-X), P.H. G-5
590	GHULAM SUGHRA	03-07.1975	IMSG (I-X), PIND MALKAN
591	RASHIDA PARVEEN	2.5.1986	IMSG (I-X), CHAKSHEHZAD
592	QUDSIA RAJAB-TUNIO	1.1.1981	IMSG (I-V), DHOK JERANI
592	TAHIRA JABEEN	14.01.1984	IMSG (I-V) PIND BEGWAL.
593	NAZIA NARGIS		IMSG (I-X), BADAT QADIR
593	FAZANA NASRULLAH KHAN	13.11.1971	BAHISH
595	GHULAM FATIMA	01.04.1974	IMSG (I-X) JAGIOT (FA)
596	UZMA KHAN	17.04.1974	IMSG (I-V) Severa
597	MUSSAKAT SHAHBEEN	14.10.1976	IMS (I-V) G-7/4
598	ZAHID UN NISA	06.06.1985	IMS (I-X) GABRI
599	TASLEEM AKHTAR	05.04.1982	IMSG (I-V) Kot Hatyal
600	ASMA ASHAQ	06.04.1959	IMSG (I-V), MCHRIAN (FA)
601	BUSHRA AZIZ	18.03.1981	IMS (I-V) E-7/4
602	SHAISTA BIBI	12.07.1974	IMSG, Pind Pracha (FA)
603	SHEEDA NAZ	10.11.1975	IMSG (I-X) D.cke Gangal
604	FOZIA SIDDIQUE	02.03.1984	IMSG (I-X) Humak
605	MUKHTIAR BEGUM	01.01.1973	IMSG (I-X) Humak
606	SAMINA SALEEM AWAN	01.04.1976	IMSG (I-V) Peija
			IMSG (I-V) Peija

2. The teachers working on deputation to other departments from FDE will be considered for promotion on joining; their parent department i.e. FDE.

3. The seniority of EST (BS-14) will be determined as per Civil Servants (Seniority) Rules, 1995.

4. This issues with the approval of Director General, FDE.

(Signature)
 (Dr. Ayesha Tajammul-Mussain Shah)
 Director Schools (Female)

Distribution:

- i. AGPR, Islamabad
- ii. PS to Secretary, CA&DD
- iii. PA to Joint Educational Advisor, CA&DD
- iv. PS to DG, FDE
- v. Director (A&C), FDE
- vi. All AEO's
- vii. All Heads of Institution
- viii. Teachers concerned
- ix. Personal Files

(Signature)
 (Rasat Ali)
 Administrative Officer (Female)

(Signature)
 Principal
 S for Girls (I-X)
 Sardan (FA) Islamabad

36 (35) (D/1)

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUN KHWA, PESHAWAR**

Notification

Consequent upon the approval of the departmental promotion committee (DPC) meeting held on 07/08/2012, the following assistants/stenographers of Elementary & Secondary Education Department are hereby promoted/adjusted as regular superintendents/budget & Accounts Officers (B-16) in the interest of Public Service with immediate effect.

S/No	Name & Designation	From	Promoted as	Remarks
1	Almas Khan Stenographer	Directorate E&SE, Khyber Pakhtun Khwa	Supdt: Estt: Directorate E&SE, K/Pakhtun Kha	Already Occupied
2	Sher Malik Assistant	AEO Mohammad	Services Placed at the disposal of DE (FATA) Peshawar for further..	
3	Mohammad Ashiq Assistant	EDO (E&SE) Abbotta Abad	EDO (E&SE) Batagram	Against Vacant Supdt post B-16
4	Amanullah Assistant	EDO (E&SE) Tank	EDO (E&SE) Hangu	Against Vacant Supdt post B-16
5	Mohammad Ilyas Assistant	EDO (E&SE) Haripur	EDO (E&SE) Kohistan	Against Vacant Supdt post B-16
6	Nauman Ud Din Assistant	RITE (F) Bannu	EDO (E&SE) Hangu	Against Vacant Supdt post B-16
7	Altaf Hussain Assistant	EDO (E&SE) Abbotta Abad	EDO (E&SE) Batagram	Against Vacant Supdt post B-16
8	Muhammad Ismail Assistant	RITE (F) D.I. Khan	EDO (E&SE) Karak	Against Vacant Supdt post B-16
9	Ibrahim Assistant	EDO (E&SE) Nowshera	DDO (F) Dir Upper	Against Vacant Supdt post B-16
10	Abdul Tamim Assistant	Directorate (E&SE) Khyber Pakhtun Khwa	DDO (M) Buner	Against Vacant Supdt post B-16
11	Saidul Israr Assistant	RITE (MO Thama)	EDO (E&SE) Swat	Against Vacant Supdt post B-16
12	Khadim Shah Assistant	EDO (E&SE) Charsadda	DDO (F) Timargara	Against Vacant Supdt post B-16
13	Sanaullah Assistant	DDO (F) Swabi	EDO (E&SE) Swat	Against Vacant Supdt post B-16
14	Habib Aslam Assistant	EDO (E&SE) Mardan	EDO (E&SE) Kohistan	Against Vacant Supdt post B-16
15	Rahim Khan Assistant	EDO (E&SE) Swat	EDO (E&SE) Swat	Against Vacant Supdt post B-16
16	Jamshed Khan	EDO (E&SE) Swat	DDO (M) Timargara	Against Vacant Supdt post B-16

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17	Sheikh AmanUllah	EDO (E&SE) D.I Khan	EDO (E&SE) D.I Khan	Against Vacant Supdt post B-16
	Irshad Muhammad	EDO (E&SE) Swat	EDO (E&SE) Dir Upper	Against Vacant Supdt post B-16
19	Abdul Wadood	EDO (E&SE) Chitral	EDO (E&SE) Chitral	Against Vacant Supdt post B-16
20	Abdul Wadood	EDO (E&SE) Swat	EDO (E&SE) Karak	Against Vacant Supdt post B-16
21	Zubair Muhammad	EDO (E&SE) Swat	EDO (E&SE) Shangla	Against Vacant Supdt post B-16
22	Mukamil Khan	Directorate (E&SE) K/Pakhtun Khwa	DDO (M) Wari Dir	Against Vacant Supdt post B-16
23	Shamsur Rahman	Directorate (E&SE) K/Pakhtun Khwa	EDO (E&SE) Kohat	Against Vacant Supdt post B-16

Note

1. Charge report should be submitted to all concerned.

(Muhammad Rafiq Khattak)
DIRECTOR

Endst: No. 612.52/A.23/MS/Promoted/Adjuste/2012, detail Peshawar the 02/08/2012 copy of the above forwarded to the:

1. PS to Minister for Elementary & Secondary Education Department K/Pakhtun Khwa.
2. PS to Secretary Govt of Khyber Pakhtun Khwa Elementary & Secondary Education Department.
3. Director Curriculum & Teachers Education Khyber Pakhtun Khwa Abbottabad.
4. Director of Education (FATA) Peshawar.
5. Director Provincial Institute of Teachers Educ: Khyber Pakhtun Khwa Peshawar.
6. Accountant General Khyber Pakhtun Khwa Peshawar.
7. District Accounts Officers Concerned:
8. Agency Accounts Officers Concerned:
9. Executive District Officers (E&SE) Concerned.
10. Agency Education Officers Concerned.
11. Deputy District Officer (E&SE) Concerned.
12. Superintendents Concerned.
13. PA to Director Elementary & secondary Edu: Khyber Pakhtun Khwa Peshawar.
14. PA to Additional Director (Estt) & (Dcy) local office.
15. Master file.

Deputy Directory (E&SE)

WARALATNAMA

BEFORE THE COURT OF Chairman, Service Tribunal - K.P.K. Pesh.

No. _____ of 2012

(Petitioner)

(Plaintiff)

(Appellant)

Abdul Hameed Khan. VERSUS GOVT. OF K.P.K.

(Respondent)

(Defendant)

I/We _____

عبد الحمید خان

In the above noted Service Appeal do hereby appoint and constitute **Mr. Khan Akbar Khan** Advocate as my/ our Counsel in the subject proceedings and authorize him to appear, plead etc compromise, withdraw or refer the matter for arbitration for me/ us without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel at our/my expense and receive all sums and amounts payable to us/ me and to all such acts which he may deem necessary for protecting my/ our interest in the matter. He is also authorized to file Appeal, Revision, Application for restoration or application for setting asiding exparte decree proceedings on my/ our behalf.

Dated: - / / 2012

Abdul Hameed Khan

(Client)

Abdul Hameed Khan

Khan Akbar Khan

(KHAN AKBAR KHAN)

Advocate, High Court, Peshawar.

Office Address: - B-107, Town Tower

Jahangir Abad, University Road, Peshawar.

Cell No. 0344-9111911

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service appeal No: 451/2013

Abdul Wakeem PST DIST. MardanAppellant

Versus

Secretary Elementary & Secondary Education Khyber Pakhtunkhwa, & others.

.....Respondents

PARAWISE COMMENTS/REPLY FOR AND ON BEHALF OF THE RESPONDENTS

Respectfully Sheweth :-

PRELIMINARY OBJECTIONS.

- 1 That the appeal is badly time barred.
- 2 That the appellant has no cause of action/locus standi.
- 3 That the appellant has not come to this Hon! able court with clean hands.
- 4 That the appeal is not maintainable in its present form.
- 5 That the appellant has concealed important material facts from this Hon! able court.
- 6 That the appellant has filed this appeal with malafide motives .
- 7 That the instant appeal has been filed to pressurize the respondents.
- 8 That the present appeal is bad for non joinder/ mis joinder of necessary parties.
- 9 That the appellant is not competent to file the instant appeal against the respondents.
- 10 That the appellant has no cause of action/locus standi.
- 11 That the appellant has not submit any departmental appeal.
- 12 This Hon! able Tribunal has no jurisdiction to adjudicate the present appeal, as it does not fall with in ambit of Section-4 of Service Tribunal Act 1974.
- 13 That the Rule 3(2) of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) rule 1989 authorize the department to laid down the method of appointment, qualification & other condition applicable to the post in consultation with the Estab: & Admn: Department & Finance department. Hence the present appeal is liable to be dismissed.
- 14 That it was observed by the apex court that it is exclusively within the domain of the Government to decide whether a particular qualification will be considered sufficient for promotion from a particular grade and it is also within the domain of the govt: to change the above policy from time to time as no body can claim any vested right in the policy

ON FACTS

- 1 This para pertains to service record of the appellant. Hence no comments.
- 2 As replied in para above.
- 3 Incorrect. According to the present recruitment rules/policy the basic qualification of PST teacher (BPS-12) are as under :-

- i. Intermediate or equivalent qualification from a recognized Board with Primary School teacher certificate/diploma in Education from a recognized institute.
- or
- ii. SSC from a recognized board in 2nd division with 2 years Associate Degree in Education from a recognized University.

Hence this para is denied.


- 4 This para pertains to the amended rules where in the department has enhanced the method of appointment, qualification applicable to PST post in consultation with the Establishment & Admn: Department & Finance. While it would not out of place to mention here that the same rules/policy never challenged /objected by the appellant before any forum.
- 5 Incorrect, the said rules were amended on 13/10/2012 in accordance with rules, law on the subject to enhance efficiency in service, by the competent authority.
- 6 Incorrect, the statement of the appellant in this para is without any documentary proof, baseless and against the facts.
- 7 The said rules were notified on 13/11/2012 in pursuance of the provisions contained in Sub: rule(2) of rule(3) of Khyber Pakhtunkhwa Civil Servant/appointment, promotion & transfer) rules 1989, in consultation with Estab: Department & Finance Department.
- 8 The department shall follow the rules/policy in vogue at the time of upgradation / promotion of teachers,
- 9 Incorrect & not admitted. The statement of the appellant in this para is baseless, against the facts, law, rules, policy in vogue, norms of justice and also based on malafide motives. However, it would not be out of place to mention here that it was also held by the Apex Court that the govt: has the right to enhance the qualification and standard of recruitment and promotion in order to maintain efficiency in service.
- 10 Incorrect. The statement of the appellant is without any legal support, against norms of natural justice. How it can be possible to treat SSC on equal footing with intermediate and other higher qualifications, as well as 3rd division with Ist: division. Hence the whole para is denied.
- 11 As replied in para 9 & 10 above.
- 12 The said application was against the existing rules hence filed.
- 13 Incorrect, the appellant has no cause of action/Prima facie, hence the appeal in hand is liable to be dismissed on the following grounds inter alia.


ON GROUNDS

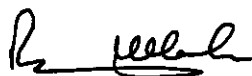
- A Incorrect and not admitted. The statement of the appellant is against the existing rules & policy. The appellant is not deprived from any legal, lawful benefits. Hence denied. Moreover, it would not be out of place to mention here that the govt: has legal right to enhance the qualification and standard of recruitment in order to maintain efficiency in service. Moreover, the appellant does not possess the required qualification for promotion, neither the appellant enhanced his own academic qualification during the long tenure of his service.
- B As replied in foregoing paras. The statement of the appellant is also against facts, rules, policy & norms of justice hence denied.


- C Incorrect. At the time of appointment of the appellant and his mentioned colleagues, there ~~exist~~ exist/prevail no promotion/up gradation scheme for PST teacher except selection grade. The scheme of selection grade has also been discontinued by the government. Hence the statement of the appellant in this para is baseless, without any proof and manufactured one, hence denied.
- D Incorrect & not admitted. The experience of PSTs are not ignored as evident/obvious from para 7 of the facts of this appeal. Hence the whole para is denied.
- E Incorrect & not admitted. The notification date 13/11/2012 is issued in pursuant of provisions contained in Sub: Rule-2 of Rule (3) of Khyber Pakhtunkhwa Civil servants(Appointment, Promotion & Transfer rules) 1989, hence legal and lawful.
- F Incorrect, the appellant possessing SSC has no right to be treated equally with those PSTs having FA/F.Sc. While it is also pertinent to mention here that it is with in domain of the government to change the policy from time to time as nobody can claim vested ~~right~~ right in the policy as held by the Apex Court, hence denied.
- G Incorrect. The rules framed by Federal Government and rules framed for other cadre are not applicable to PST cadre in the provinces of Khyber Pakhtunkhwa hence the whole para is denied being baseless, against facts, law rules in vogue and against the natural justice. Moreover the respondents seek the permission of this Hon! able Tribunal to adduce more grounds at the ~~of~~ of hearing.
time

In view of the above made submissions, it is humbly requested that this Hon! able Tribunal may very graciously be pleased to dismiss the instant appeal with cost in favor of the respondents Department.

 Director *11/6/2013*
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.


Secretary
Elementary & Secondary Education
KPK Peshawar


Secretary
Govt: of Khyber Pakhtunkhwa,
Finance Department, Peshawar.


Secretary
Govt: of Khyber Pakhtunkhwa,
(Estab:) Department, Peshawar.