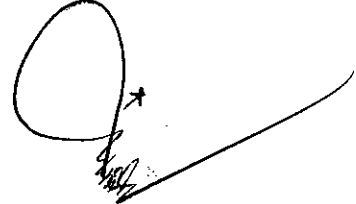


09.06.2022

Appellant in person present. Mr. Kabirullah Khattak,
Additional Advocate General for respondents present.

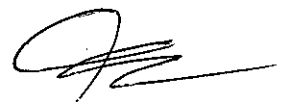
Reply/comments on behalf of respondent not submitted.
Learned AAG seeks time for submission of reply/comments.
Granted. To come up for reply/comments on 01.08.2022 before
S.B at camp court Swat.



(Mian Muhammad)
Member (E)
Camp Court Swat

1-8-22

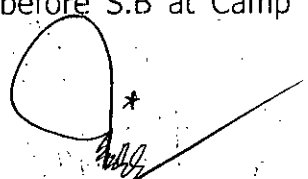
*Due to summer vacation the case
is adjourned to 5-9-22 for the same.*



05.09.2022

Clerk of learned counsel for the appellant present. Mr. Asif
Masood Ali Shah, Deputy District Attorney alongwith Mr. Saleem
Section Officer and Mr. Hussain Ali, Litigation Officer for the
respondents present.

Reply/comments on behalf of respondents not submitted.
Representative of the respondents requested for time to submit
reply/comments on the next date. Last opportunity is granted. To
come up for reply/comments on 03.10.2022 before S.B at Camp
Court, Swat.



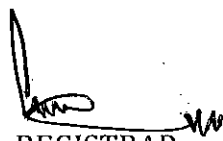
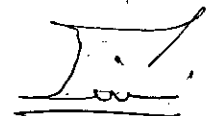
(Mian Muhammad)
Member (E)
Camp Court, Swat

Form-A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 610/2022 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/04/2022	<p>The appeal of Mr. Muhammad Yaqub presented today by Mr. Imdadullah Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to touring Single Bench at Swat for preliminary hearing to be put there on <u>11.5.22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p>CHAIRMAN</p>
	11.05.2022	<p>Mr. Imdad Ullah, Advocate for the appellant present. Preliminary arguments heard.</p> <p>Points raised need consideration, hence the appeal is admitted to regular hearing subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days, where-after notices be issued to the respondents for submission of written reply/comments on 10.06.2022 before the S.B at Camp Court Swat.</p> <p> (Salah-Ud-Din) Member (J) Camp Court Swat.</p>

Rs-500/-
Appellant Deposited
Security & Process Fee
A. H. H. H.
14/5/22

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 610 of 2022

Service Appeal No. _____ of 2022

Muhamamad Yaqoob SCT BPS-16 Government High School Keedam.

...Appellant

VERSUS

The Secretary Elementary and Secondary Education Government of Khyber
Pakhtunkhwa, Peshawar and Others.

...Respondents

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S #	Description of documents	Annexure	Pages
1.	Memo of Appeal	1-5
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3.	Addresses of the parties	7
4.	Copy of the Judgment dated 02-05-2002	A	8-12
5.	Copy of the Letter dated 14-06-2004	B	13-15
6.	Copy of the Corrigendum dated 01-01-2005	C	16-17
7.	Copy of the Memo dated 23-12-2019	D	18
8.	Copy of the Inquiry No. 893	E	19-21
9.	Copy of the Inquiry No. 311/12	F	22-27
10.	Copy of the Departmental Appeal	G	28-30
11.	Copy of the Order	H	31-33
12.	Vakalat Nama	34

Appellant Through

Imdad Ullah
Imdad Ullah
Advocate Swat

Office: Khan Plaza, Gulshorie Chowk,
Mingora Swat, Cell 0333 929 7746

①

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 6/0 of 2022

Muhammad Yaqoob SCT BPS-16 Government High School Keedam.

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 607

...Appellant Dated 22/4/2022

VERSUS

1. The Secretary Elementary and Secondary Education Government of Khyber Pakhtunkhwa, Peshawar.
2. The Director Elementary and Secondary Education Government of Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Male) District Swat.

...Respondents

Filed to-day
Registrar
22/4/2022

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, 1974 AGAINST THE ILLEGAL ACTIONS TAKEN TO DEPRIVE THE APPELLANT OF HIS SENIORITY AND SUBSEQUENTLY HIS APPEAL AGAINST THE SAME IS ALSO REJECTED IN NEGATION OF THE LAW AND RULES.

Prayer:

That on acceptance of this service appeal the appellant be restored to his due place in the seniority list in line with his first appointment as per the law and

rules on the subject and implement the judgment dated 02-05-2002 of this Honourable Tribunal in letter and spirit.

Respectfully Sheweth:

Facts:

- i. That the Appellant was initially appointed as CT back in the year 1995. Subsequently the service of the Appellant was terminated, but vide judgment of this Honourable Tribunal the Appellant was reinstated back into service with all service benefits vide judgment dated 02-05-2002. Copy of the judgment dated 02-05-2002 is enclosed as Annexure "A".*
- ii. That upon reinstated the respondent department allowed the Appellant to perform his duties, but the service benefits allowed by this Honourable Tribunal were denied to the Appellant.*
- iii. That the Appellant was then allowed the service benefits in the shape of the seniority along with other service benefits vide No. 7007/51/DCO/Estt: dated 14-06-2004, but except the financial benefits. Copy of the letter dated 14-06-2004 is enclosed as Annexure "B".*
- iv. That again vide corrigendum No. 20/51/DCO/Estt: dated 01-01-2005 it was confirmed in light of the judgments of this Honourable Tribunal and the Apex Supreme*

Court of Pakistan, that not the Appellant along with others has been reinstated back, but also the back benefits are also granted. Copy of the corrigendum dated 01-01-2005 is enclosed as Annexure "C".

- v. That again vide memo No. 6016 dated 23-12-2019 the Appellant was again informed that his seniority has been counted / considered from his first date of appointment i.e. 21-09-1995. Copy of the memo dated 23-12-2019 is enclosed as Annexure "D".
- vi. That despite all the above cumbersome and complicated process again an inquiry No. 893 was conducted and the inquiry committee submitted its report on 24-08-2020 wherein the issue was again settled. Copy of the inquiry report is enclosed as Annexure "E".
- vii. That flabbergasting enough and to the utter dismay of the Appellant another inquiry was conducted bearing No. 311/12 dated 05-08-2021 on the same issue of determination of the seniority of the Appellant, but this time the findings were tarnished by biased inquiry officer and illegally deprived the Appellant from his seniority. Copy of the inquiry report is enclosed as Annexure "F".
- viii. That in the whole process the Appellant was never associated with and whole of the process

was conducted with a pre-decided result to the detriment of the Appellant.

- ix. That the whole process is kept alive against the law and rules, as the same has been finally decided and settled.
- x. That feeling aggrieved the Appellant preferred a departmental appeal as well, but the same was also rejected in a very mechanical manner and in utter negation of the law and rules. Furthermore the order on the departmental appeal was not communicated to the appellant so the appellant got the copy of the same through RTI Act, 2013. Copy of the departmental appeal is enclosed as Annexure "G" and that of the Order through RTI is enclosed as Annexure "H", respectively.
- xi. That still feeling aggrieved and having no other option for the redressal of the grievances this Honourable Tribunal is approached on the following grounds.

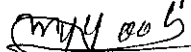
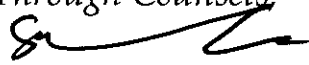

Grounds:

- a. That the Appellant is not being treated in accordance with the law and rules on the subject.
- b. That the Appellant has been discriminated with to his utter detriment.
- c. That this is a classic case of misuse of the authority and a very colorful and fanciful use of the same.

- d. That the judgment dated 02-05-2002 is very flagrantly being flouted, thus the respondents making themselves liable for the initiation of the contempt proceedings as well.
- e. That if the Service Appeal is not competent so this petition may very kindly be considered an execution petition for the implementation of the judgment dated 02-05-2002.

It is, therefore, very respectfully prayed that on acceptance of this appeal the judgment dated 02-05-2002 may very kindly be implemented in letter and spirit and the Appellant restored his original place in the seniority, further that the Appellant shall not be disturbed and made to face inquiry after inquiry.

Any other relief deemed appropriate in the circumstances and not specifically prayed for may also very kindly be granted.

Appellant

Muhammad Yaqoob
Through Counsels

Aziz-ur-Rahman

Imdad Ullah
Advocates Swat

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BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2022

Muhammad Yaqoob SCT BPS-16 Government High
School Keedam.

...Appellant

VERSUS

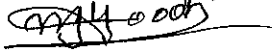
The Secretary Elementary and Secondary Education
Government of Khyber Pakhtunkhwa, Peshawar and
Others.

...Respondents

AFFIDAVIT

It is solemnly stated on Oath that all the contents of
this service appeal are true and correct to the best of my
knowledge and belief and nothing has either been
misstated or kept concealed before this Honourable
Tribunal.

Deponent


Muhammad Yaqoob



BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2022

Muhammad Yaqoob SCT BPS-16 Government High
School Keedam.

...Appellant

VERSUS

The Secretary Elementary and Secondary Education
Government of Khyber Pakhtunkhwa, Peshawar and
Others.

...Respondents

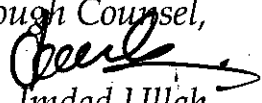
ADDRESSES OF THE PARTIES

Appellant / Petitioner

Muhammad Yaqoob SCT BPS-16 Government High
School Keedam.

Respondents:

1. The Secretary Elementary and Secondary
Education Government of Khyber Pakhtunkhwa,
Peshawar.
2. The Director Elementary and Secondary Education
Government of Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Male) District
Swat.

Appellant
Through Counsel,

Imdad Ullah
Advocate Swat

Annexure *2A*

8

SERVICE APPEAL NO. 1357/2000

R.W.F. Provincial
Service Tribunal
Diary No. 1932
Dated 29.5.2002
Page

M. Saad Yaqoob son of Jaudal,
B-24 Village Bahrein Tehsil Bahrain,
District Swat

Appellant

Annexure I

VERSUS

Secretary Education, Peshawar

Director Education, Secondary,
NWFP, Peshawar

District Education Officer,
(Male) Secondary, Swat

Respondent

SERVICE APPEAL UNDER SECTION 4 OF THE NWFP
SERVICE TRIBUNALS ACT, 1974 FOR REINSTATEMENT
INTO SERVICE IN VIEW OF JUDGEMENT OF THE HON'BLE
SUPREME COURT OF PAKISTAN REPORTED IN 1996 SCMR
PAGE-185 TITLED "RAMEED AKHTAR NIAZI VS THE
SECRETARY, ESTABLISHMENT DIVISION, GOVERNMENT OF
PAKISTAN AND OTHERS"

2.5.2002

Counsel for the appellant present.
Learned P.F for the State also present. Arguments
heard. Vide our detailed judgment of to-day
in connected appeal No. 1307/2000, "Mohammad
Rashid Versus Education Department" the present
appeal is partially accepted/remanded to the
department for reconsideration in accordance
with law. In the meanwhile, the appellant is
reinstated in service with service benefits.
No order as to costs. File be consigned to the
record.

ANNOUNCED.
2.5.2002.

Attested
Advocate

Member

Chairman

Certified to be true copy

NWFP Tribunal

Handwritten notes and signatures in the left margin, including dates like 29/5/2002 and 2/5/2002.

BEFORE THE N.W.F.P. SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 1307/2000

Date of institution ... 16.5.2000

Date of decision ... 02.5.2002

Mohammad Rashid S/o Mohammad Faqir,
PTC, R/O Village Samarbagh,
District Dir.

Appellant

VERSUS

1. Government of NWFP through Secretary Education, Peshawar.
2. Director Education Primary, NWFP, Peshawar.
3. District Education Officer, (Male) Primary, Dir. at Timargana

Mr. Kauchdi3 Khan,
Advocate.

For Appellant

Mr. Sultan Mahmood,
Addl: Govt. Pleader.

For respondents

Mr. Khan Akbar Khan,
Mr. Muhammad Shukat.

Chairman
Member

JUDGMENT

KHAN AKBAR KHAN, CHAIRMAN:

This appeal has been filed by Mohammad Rashid appellant, u/s 4 of the NWFP Service Tribunals Act, 1974, for his reinstatement into service in view of the judgment of the Hon'ble Supreme Court of Pakistan reported in 1996 SCMR 1185, titled "ameed Akhtar Mazli- vs- the Secretary Establishment Division, Govt. of Pakistan".

It is to be noted that there are other 15 appellants

Attested

[Signature]
Advocate

appeals fixed for today. As the respondent department, points of law and facts are common in all the appeals, so our final judgment shall dispose of the instant appeal as well as the connected appeals, detail of which is as under:

1. Appeal No. 1296/2000, Kazal Khan-Vs-Govt. of N.W.F.P Education Department, Peshawar & others.

2. Appeal No. 1297/2000, ShamsheerAli-Vs- - do -

3. Appeal No. 1298/2000, Daulat Jan -Vs- - do -

4. Appeal No. 1299/2000, Momin Khan -Vs- - do -

5. Appeal No. 1300/2000, Rana tullah -Vs- - do -

6. Appeal No. 1301/2000, Fazal Raziq-Vs- - do -

7. Appeal No. 1302/2000, Khuda yar -Vs- - do -

8. Appeal No. 1303/2000, Hidayatullah-Vs- - do -

9. Appeal No. 1304/2000, Riazul Haq -Vs- - do -

10. Appeal No. 1305/2000, Khan Mehazmed-Vs- - do -

11. Appeal No. 1306/2000, Said Umar -Vs- - do -

12. Appeal No. 1308/2000, Sultan Mohammad-Vs- - do -

13. Appeal No. 1356/2000, Kamran -Vs- - do -

14. Appeal No. 1357/2000, Mohammad Yaqoob-Vs- - do -

15. Appeal No. 1373/2000, Mohammad Afzal-Vs- - do -

3. The facts of the case as averred in the memo. of appeal are that the appellant possesses the prescribed requisite qualification for the post of PTC (Annexures A1-A3) and was appointed as such on stop gap arrangement and posted at WFS, Lohar Samarbagh vide order dated 27.8.95. The competent authority then passed an order dated 31.12.95 whereby the services of the appellant were retained continued/as such he served the department for more than two years continuously without any break. Relevant copies of Annexures B & C respectively on the file. The appellant joined service and assumed duty after fulfilling the requisite formalities and an such/service book was also submitted to the respondent department (Annexure-D). The respondent department later on passed an order dated

11

22.2.97, whereby the services of the appellant alongwith others were terminated w.o.f 31.12.96 (Annexure-E). That recently this Hon'ble Tribunal has delivered a chain of judgments in which identical question of law and facts have been decided. The appellant has also a similar case of identical point of law, so he has got the right to invoke the jurisdiction of this Hon'ble Tribunal in light of the judgment of the Hon'ble Supreme Court of Pakistan reported in 1996 SCMR page 1185, the relevant head note thereof is reproduced below:

"If the Service Tribunal or Supreme Court decides a point of law relating to the terms of service of a civil servant which covers not only the case of civil servant who litigated, but also of other civil servants, who may have not taken any legal proceedings, in such a case, the dictates and rule of good governance demand that the benefit of such judgment by Service Tribunal/Supreme Court be extended to other civil servants who may not be parties to the litigation instead of compelling them to approach the Service Tribunal or any other forum of law". (Annexures F, G & H).

The appellant, therefore, filed a departmental appeal dated 9.1.2000 before respondent No.2 for consideration. The same in view of the cited judgment, but it was not disposed of within the statutory period of 90 days (Annexure-I), hence this appeal.

4. The grounds of appeal are that the appellant has an identical case to be considered in the line of decided cases by this Hon'ble Service Tribunal for reinstatement in view of the cited judgment of the Hon'ble Supreme Court of Pakistan for which the respondent department is bound to do so, that the appellant was appointed by the competent authority, after observing usual formalities; that the impugned order dated is invalid as the same has been passed in glaring violation of law and policy on the subject, hence not tenable; that the appellant was condemned unheard as the impugned order has been passed at his back without providing any chance of

defence. The appellant's prayer is that on acceptance of the appeal, the respondent department may be directed to consider his case in view of the aforesaid judgments and he may be reinstated in service with all back benefits.

5. Respondents were served and filed their reply in which it has been stated that since the appointment of the appellant was made without observing the codal formalities, hence his services were dispensed with/terminated.

In rebuttal, the appellant has also submitted his reply.

6. Arguments heard and record perused.

7. The Tribunal observes that since the point at issue has been decided once in detail in similar nature of case bearing No. 1824/2000 titled "Mughstaq Ahmed vs. Punjab Government Department", on 5.4.2000 and that case was remanded by this Tribunal to the department concerned for reconsideration in accordance with law by accepting the appeal partially, therefore, in the interest of justice, without going into further detail of the merits of the case, the instant appeal as well as the connected appeals are also decided in the same manner. We, therefore, remand the present appeals of the appellants to the respondent department to re-consider the same in the 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 20.2.97

in accordance with law. In the meanwhile all the appellants are reinstated in service with service benefits and the appeals are partially accepted. Learned P.P for the State has also got no objection on the remand of the aforesaid appeals for reconsideration by the respondent department. Parties are, however, left to bear their own costs. This is so. Signed to the record.

Accepted
3
Advocate

7/5/2002

ANNOUNCED
2.5.2002

M. Shaukat
(MUNAWWAR SHAUKAT)

M. Akbar Khan
(KHAN AKBAR KHAN)
CHARTERED

OFFICE OF THE DISTRICT COORDINATION OFFICER SWAT AT GULKADA.

NO. 7007 /51/DCO/Estt:Dated the 14/6/2004.

To,

The Secretary to Govt: of NWFP,
Finance Department, Peshawar.Subject: SERVICE BENEFITS.

Dear Sir,

I am directed to refer to the subject noted above and to state that the NWFP Service Tribunal and other relevant Courts decide service related cases wherein service benefits are given to certain Civil-Servants.

2- This office has complied with the decision of Honourable Courts and has allowed seniority/ other service benefits to the re-instated Civil Servants except financial benefits.

3- The term "Service benefits" is relatively of narrow spectrum viz-a-viz "All back benefits". Therefore, the financial benefits including arrears for the period under termination and increments have not been allowed to the re-instated Civil Servants. Some of them have submitted appeals for financial benefit as well.

4- As the issue entails financial implications, the case is therefore, submitted for advice and guidance as to whether financial benefits are admissible to such Civil Servants who have been re-instated by the Court with service benefits and not "All back benefits"?

Yours faithfully,


HUMAN RESOURCE DEV; OFFICER SWAT.

14

GOVERNMENT OF NWFP
FINANCE DEPARTMENT.


NO.SOSR:III/FD/8-16/2004
Dated Peshawar the, ~~24/9/2004~~
24.9.2004

To
Human Resource Development Officer,
Swat.


Subject: - SERVICE BENEFITS.

I am directed to refer to your letter No: 7007/51/DCO/Estt:
Dated 14.6.2004 on the subject noted above and to forward herewith a
letter of government of NWFP, Law Department bearing No:OP.5 (44)
LD/2004/5357 dated 9.9.2004, which is self explanatory for information
and further necessary action.

Encls. as above.


SECTION OFFICER (SR:III)

Attested


Advocate

15

No. GP. 5(44) LD/2004/ 5357 - Dated Peshawar 9/9/2004

1761
10-9-04

The Secretary to Govt. of NWFP,
Finance Department.

Subject:- SERVICE BENEFITS/BACK BENEFITS.

Dear Sir,

I am directed to refer to your
letter No. SU SR/11/FD/8-16/2004, dated 21.8.2004
on the subject noted above and to inform that
according to the judgment of the court wherein the
services of the officer concerned were terminated
has been declared void and illegal therefore, the
concerned officers are entitled to all service
benefits including Pay and Allowances etc.

Yours faithfully,

Secy Finance Deptt
14376
9/9/04

[Signature]
SECTION OFFICER (OPINION)
LAW DEPARTMENT

Attested
[Signature]
Advocate

AP SA
Put up on relevant file
10/9
SR-111
SA

10/9/04

OFFICE OF THE DISTRICT COORDINATION OFFICER SWATAT GULKADIA

No. 20 /51/DCO/Estt: Dated the 01/01/12/2005

CORRIGENDUM.

WHEREAS the following employees of Education Department were re-instated in service after the decisions of Supreme Court of Pakistan and Service Tribunal, NWFP, vide this office Order No.329/51/DCO/Estt: dated 04/2/2005:

- 1) Mr. Saamsher Ali, CT GHS Laikot.
- 2) Mr. Muhammad Yaqoob, CT GHS Laikot.
- 3) Mr. Muhammad Afzal, CT GHSS Mankeyal.
- 4) Mr. Abdul Bas, PTC Asrait.
- 5) Mr. Sher Ali, PTC GPS Jaggah.
- 6) Mr. Bakht Mand, PTO GPS Doshy.
- 7) Mr. Sultanat Khan, PTC GPS Katil Ramait.
- 8) Mr. Khayal Muhammad, PTC, GPS Kharaway.
- 9) Mr. Kamran Khan, Junior Clerk, Secy:U/Council.

AND WHEREAS the official submitted an appeal for release of all back benefits on the grounds that the Court has re-instated them with all Service benefits;

AND WHEREAS their case/appeal for arrears was submitted to the Provincial Government in Finance Deptt: for advice and guidance;

AND WHEREAS the Finance Department Government of NWFP after consultation with the Law Department Government of NWFP vide their letter No. SOSR.III/FD/8-16/2004, dated 24/09/2004 and No. Op.5(44)/LD/2004/5357, dt: 9.9.2004 have opined that the concerned officials are entitled to all Service Benefits including Pay/Allowances for the period under termination;

NOW THEREFORE, the competent authority in accordance with the opinion of the Finance Deptt: and Law Department Govt: of NWFP has been pleased to allow all financial benefits to the above mentioned nine officials of the Education Department with the date from their termination till they have been re-instated by the Competent Authority.

Sd/-xxxxx
DISTRICT COORDINATION OFFICER SWAT.

Attested

Advocate

(10)
Annexure 2 D

OFFICE OF THE DISTRICT EDUCATION OFFICER(M) SAIDUSHARIF SWAT.
No 6016 /

Dated 23/12/2019

To,

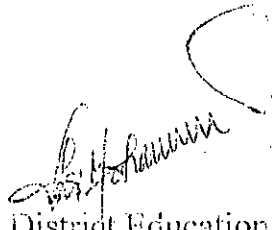
- 1) Mr. Shamsheer Ali,
SCT GCMHSS Wadoodia Swat.
- 2) Mr Muhammad Yaqoob SCT
GIS Kedam Swat

Subject:- DEPARTMENTAL APPEAL.

Memo:-

You are directed to inform that, your departmental appeal has been accepted and allowed seniority with effect from 21/09/1995.

Attested
Advocate


Dy District Education Officer (M)
Saidusharif Swat
By: Dist. Edu. Officer (M)
District Swat.

Annexure E

OFFICE OF THE PRINCIPAL GOVT: HIGHER SECONDARY SCHOOL FATEH PUR, SWAT.

NO. 893 /

DATED: 24-08-2020

TO

The District Education Officer (M),

Swat at Gul Kada.

SUBJECT: ENQUIRY REPORT REGARDING THE ISSUE OF SENIORITY NO. IN RESPECT OF MR. MUFTI SCT, MR. SHAMSHER ALI SCT AND MR. MUHAMMAD YAQOOB SCT.

Respected Sir,

With reference to your letter No.959-62, Dated:20-08-2020, on the subject cited above we, the undersigned Enquiry Committee, contacted the complainant Mufti SCT and the respondent Teachers Shamsheer Ali SCT and Muhammad Yaqoob SCT and informed them about the enquiry. We also informed them to appear before the Enquiry Committee along with the relevant record of their service on 22-08-2020 at the office of the Principal GHSS Fateh pur which was a midpoint for both the afore cited teachers of GHSS Wadudia and GHS Kedam. We interrogated all the three teachers verbally and through written questionnaires. We checked the relevant record available with them and also that we received from other sources. We also derived information from other neutral sources to find actual position of the issue. After all the interrogation and the perusal of the record we concluded the following facts/findings.

FACTS/ FINDINGS.

- 1) That Mr. Mufti was appointed as CT (Trained) at GMS Dabargay, Madyan vide Divisional Director of Education Malakand Divn: Appointment order No.6130-37 Dated: 21-09-1995 (Annex:"D") and took over charge of his duty on 23-09-1995 and as per directives of the DEO (M) Swat appeared as a party in the Enquiry.
- 2) That, although Mr. Shamsheer Ali CT and Mr. Muhammad Yaqoob CT were terminated from service for the lack of professional Training, Yet they were reinstated in service by Service Tribunal Khyber Pukhtoon Khwa with service benefits. (Annex:"A")
- 3) That Mr. Shamsheer Ali CT and Mr. Muhammad Yaqoob CT were given seniority from the date of their Appointment i.e. 21-09-1995 vide order of the Director E& S Education, Peshawar under Endst: No.2209/F.No-02/Appeal of Male Teachers, dated: 20-10-2016 (Annex:"B") and Order of the Dy DEO (M) Swat Endst:No.6016 Dated: 23-12-2019 (annex:"C")

Attested

[Signature]
Advocate

4) That as Mr. Mufti was appointed as Trained CT on 21-09-1995 and Mr. Shamsheer Ali CT and Muhammad Yaqoob CT have been given the Seniority by the competent forums from the date of their first Appointment i.e 21-09-1995, hence all these Three Teachers are eligible for Seniority w.e.f. 21-09-1995.

5) That when the appointment of the Government officials/Officers falls on the same date their Seniority is to be determined from their Date of Birth (Age).

6) That As per record the Date of Birth of Mr. Mufti SCT is 15-01-1962, the Date of Birth of Mr. Muhammad Yaqoob is 01-03-1968 and the Date of Birth of Mr. Shamsheer Ali is 05-11-1969 and their Seniority is to be determined according to this series of their age.

7) That the DEO (M) office, Swat has asked the following teachers to submit the required documents for Departmental promotion to SST Posts.

(1) Amjad Ali SCT GHSS Shamozi (2) Dost Muhammad Khan SCT GHS Shalhand.

(3) Muhammad Zahir Shah GHSS No.3 Mingora (4) Bakht Mand SCT GHS Asala.

(5) Afzal Hussain GHSS Aboha. (6) Ali Bash Khan GHS Qandil.

(7) Karimullah Shah SCT GHSS Dherai (8) Ruhul Amin SCT GHSS Dehrai.

(9) Muhammad Fahim Khan Manglor (10) Mohd Dawood Khan No.4 Mingora.

(11) Jehan Sher GHS Darmai. (12) Anwar Zeb Khan GHSS K. Khela.

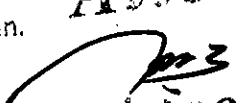
(13) Kishwar SCT GHS Odigram (14) Miza Judin SCT GHSS Madyan

(15) Mohd Sadiq GHSS Dehrai (16) Khaista Mand GHS Mingora.

(17) Mohd Qadim GHS Gwaleral (18) Azim Khan SCT GHSS Madyan.

(19) Ali Rahman SCT No.3 Mingora.

8) That as per remarks of the Heads of the Institutions Mr. Amjad Ali SCT S.No.1, is lacking the required eligibility, Mr. Dost Muhammad Khan SCT S.No.02 is on Long leave for Two Years, Mr. Zahir Shah SCT S.No. 03 is lacking the required eligibility, Mr. Bakht Mand SCT S.No.4 is not willing for the promotion, Mr. Afzal Hussain SCT S.No.05 has already been promoted to SST and has presently been working as HM at GMS Talang.

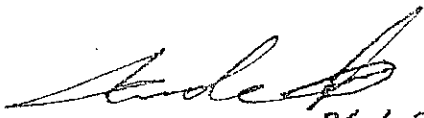
Attested

 Advocate

Mr. Dawood Khan SCT S.No.10 has applied for Retirement w.e.f.31-08-2020 and his case is already under process, and Mr. Khaista Mand SCT S.No.16 is not willing to take the promotion.

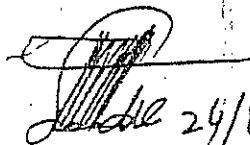
RECOMMENDATIONS.

- 1) That as mentioned in the findings the First Appointment Date of the complainant Teacher and the respondent Two teachers falls on the same date, hence their seniority is to be determined by their Date of birth (age).
- 2) That Mr. Mufti SCT with the age of 58 years may be considered at S.No.71, Mr. Muhammad Yaqoob SCT with 52 years of age may be considered at S.No.72 and Mr. Shamsheer Ali SCT with the age of 51 years may be considered at S.No. 73 of the Seniority List concerned.
- 3) That, if the Seven teachers mentioned at S.No. "8" of the findings who either lack eligibility or are unwilling for the promotion are to be deleted from the promotion list, it is hoped that it will facilitate the complainant Teacher as well as the respondent Two teachers for the expected promotion.


NOTE:- Copies of all the relevant documents are attached.


KAMEEN KHAN, 24/08/2020

Chairman,
Enquiry Committee,
Principal,
GHSS Fateh pur, Swat.
Principal


MUHAMMAD SAEED, 24/8/2020

Member,
Enquiry Committee,
Principal,
GHSS Aboha, Swat.

Attested

Advocate

OFFICE OF THE HEADMASTER L GHS BARKALAY SAIDU SHARIF SWAT.No. 311/-21Dated: 05/08/2021

To

The District Education officer (M)
District Swat.

SUBJECT: INQUIRY REPORT REGARDING THE SENIORITY LIST OF SCT/CT
TEACHER ON THE APPEALS OF TEACHERS.

Memo:

With reference to your office order No.1578-82 dated 3/2/2021 wherein the undersigned have been nominated as inquiry committee by the honourable DEO (M) Swat to probe into the appeals filed by the following teachers against the tentative seniority list of SCT/CT and their seniority positions.

S.No	Name of appellant	School Name	Nature of Appeal
1	Ibrar Hussain SCT	GHSS No.3 Mingora	Against other teachers who have been transferred later than the appellant to Swat from other districts.
2	Muhammad Ghafoor Khan SCT	GHSS Mingora	According to the Appellant, his seniority No. is 92 and the teachers from S.No72 to 91 are junior to me as in the initial apptt: order they are junior/ later in merit.
3	Hidayatullah SCT	GHSS Mingora	Against S.No 126,127,128,129,130. According to the appellant these teachers have ignored the terms and conditions of the apptt: order and have taken charges prior to 1/3/1998.
4	Mohammad Akbar hussain CT	GHS Nazar Abad	Against NTS teachers as the appellant was promoted prior to the regularization Act, 2018.
5	Showkat Ali SCT	GCMHSS Wadudia	Against other teachers seniority.
6	Murad Ali SCT	GCMHSS Wadudia	Against other teachers and correction of date of apptt.

The undersigned submitted few letters to the honourable DEO (M) Swat for provision of record and rules and regulations. The DEO (M) Swat office informed all the relevant teachers. Some of them provided record. On the available record and perusal of the previous seniority list and relevant rules, the undersigned conducted a detailed inquiry which is as under:

Methodology: The following procedure was adopted in the conduction of inquiry.

1. The inquiry committee conducted few meetings at DEO (M) office and Office of the Headmaster GHS Barkalay.
2. Discussed all the appeals one by one.
3. Relevant rules were asked from the DEO (M) Swat and go through APT

Attested

Advocate

- (2)
4. The concerned teachers were called to DEO (M) Office Swat for provision of record.
 5. Thoroughly checked the already prepared seniority list and followed the rules already taken into consideration in the seniority list preparation.
 6. Checked the appeals and relevant rules i.e APT rules, 1989.
 7. It was unanimously decided that all the appeals being different in nature, will be discussed separately and recommendations may also be given separately as per rules.

APPEAL NO.1 FILED BY MR.IBRAR HUSSAIN SCT-GHSS NO.3 MINGORA

Facts & Findings:

1. According to the appellant, he is at S.No.156 while another teacher Mr. Shah wali khan at S.No.135 has been mentioned as senior, though he was transferred to Swat latter than the appellant. (Copy of appeal with annexure attached as annexure A).
2. Both the appellant as well as Mr. Shah wali khan were appointed in district kohistan vide order dated 5/4/1999 at S.No.9 and 8 respectively.(Copy attached as Annexure B)
3. The appellant was transferred to Swat from Kohistan vide notification Endst: No.782-862 dated 6/12/2001 while the respondent teacher was transferred to Swat from Kohistan vide Notification Endst: No.3039-72 dated 17/6/2003. (Copies of notifications attached as Annexure C)

RECOMMENDATIONS.

In light of the above facts and findings, the inquiry committee recommends as follows:

1. The appeal is genuine as the respondent teacher was transferred later than the appellant from district Kohistan to district swat. Seniority of both the teachers may be counted from the dates of their transfer to Swat from district Kohistan as district Kohistan was in Hazara division/ directorate and was not in Malakand directorate.(if they were already trained otherwise their seniority may be counted from the date of passing CT if later on got trained).

APPEAL NO.2 FILED BY MR.MUHAMMAD GHAFOOR KHAN SCT GHSS MINGORA

Facts & Findings:

1. According to the appellant, he is at S.No. 92 of the present seniority list and the teachers from S.No.72 to 91 have been declared as senior. While all of them were appointed through one and the same notification

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[Signature]
Advocate

Endst No:6788-95 dated 24/6/1997. The appellant is at S.No.44 while the other teachers are at later numbers. (Appeal along with notification as Annexure D)

2. According to the said notification's terms and conditions at S.No.4 "their inter-se-seniority will be determined in accordance with the merit of the departmental selection committee."
3. According to the appellant he has also filed appeals earlier in the office.
4. According to **The Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989** (Part VI Seniority), rule 17 sub rule (a), "in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the commission [or as the case may be, the Departmental Selection Committee;] provided that persons selected for appointment to the post in an earlier selection shall rank senior to the persons selected in a later selection" (Copy of the rules as Annexure E)

RECOMMENDATIONS.

In light of the above facts and findings, the inquiry committee recommends as follows:

1. The Appeal is genuine and the seniority list to the extent of the appellant and appointees of the same notification may be re-arranged according to the merit position of the teachers as determined by the Departmental selection committee.

APPEAL NO.3 FILED BY MR.HIDAYATULLAH SCT GHSS MINGORA

Facts & Findings:

1. According to the appeal of the appellant, he along with the other teachers/respondents namely Mr.Hamyun, Mr.Muhammad Rasool Khan, Mr.Riaz Ahmad, Mr. Attaur Rahman and Mr.Bakht Zeb were appointed through the one and same notification Endst No:1-190 dated 1.1.1998. He is at S.No18 of the notification while other teachers/respondents are at S.No.85, 87, 49, 46 and 90 respectively. Whereas according to the terms and conditions of the notification at S.No.1 "The appointments against vacancies lying in Hily/Snowy Area will be effective after winter vacation" then how can one take charge before the end of winter vacations? (Appeal and Notification as Annexure F).
2. According to **The Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989** (Part V Seniority), rule 17 sub rule (a), "in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the commission [or as the case may be, the Departmental Selection Committee;] provided that persons selected for appointment to the post in an earlier selection shall rank senior to the persons selected in a later selection"

Attested
Advocate

RECOMMENDATIONS.

In light of the above facts and findings, the inquiry committee recommends as follows:

1. The Appeal is genuine and the seniority list to the extent of the appellant and appointees of the same notification may be re-arranged according to the merit position of the teachers as determined by the Departmental selection committee.

APPEAL NO.4 FILED BY MR.MR. MUHAMMAD AKBAR HUSSAIN CT GHS NAZAR ABAD SWAT.**Facts & Findings:**

1. According to the appellant, he has been declared junior from the NTS appointees against the terms and conditions of the regularization Act, 2018. (Appeal is Annexure F1)

Note: this appeal has already been decided by the department in positive and accepted the appeal hence needs no recommendations.

APPEAL NO.5 FILED BY MR.MR. SHAWKAT ALI SCT GCMHSS WADUDIA SAIDU SHARIF SWAT.**Facts & Findings:**

1. According to the appeal of the Appellant, he is working for the last thirty years as CT and has been declared once again junior than 10 teachers. In the note he has mentioned two teachers as respondents at S.No.53 and 54 of the seniority list. (Appeal attached as Annexure G)
2. The appellant annexed photo copies of appointment order, service book, promotion order from CT to SCT and seniority list.
3. The record reveals that he was appointed on 7.8.1990 as untrained teacher and passed CT on 25.5.1996 and his seniority has been counted w.e.f 25.5.1996 after passing CT exam. (Documents Attached as Annexure H)
4. The rules as mentioned in the already prepared tentative seniority list which is reproduced here "seniority position D/O taking over charge as CT or D/O declaration CT exam whichever is later". Means that seniority has been counted of all the teachers of the same cadre w.e.f date of appointment or date of declaration of CT exam whichever is later.
5. The respondent teachers namely Mr. Shamshir Ali SCT GCMHSS Wadudia and Mr. Muhammad Yaqoob SCT GHS kedam Swat were directed through DEO (M) letter No.3945-51 dated 5/4/2021 for provision of record. In response, they submitted reply and the already

Attested
[Signature]
Advocate

- conducted inquiry wherein their seniority has been counted from the date of appointment i.e. 21.9.1995.
6. Keeping in view, the said stance of the teachers, the undersigned met the DEO (M) Swat, who verbally directed to complete the initiated inquiry according to the available record and relevant rules.
 7. The already available record reveals that the respondents teachers were appointed as untrained and temporary teachers on 21.9.1995 and were terminated in the year 1997. However they were re-instated into service by the DCO Swat in light of the Honourable Service Tribunal Judgment vide order Endst No.330-42 dated 4.2.2003. They provided CT DMC Today on 5/8/2021 issued by the Sarhad University of Science and IT, Peshawar, they passed CT on 27.9.2006. (Copies of order and DMCs as Annexure H1)
 8. It is an admitted fact that the seniority of all the other teachers of the same cadre has been counted from the date of appointment as CT or passing CT exam whichever is later. As in the case of the appellant and other fellow teachers, seniority has been counted w.e.f passing CT exam though they were appointed earlier as untrained teachers. Meaning thereby that the untrained period has not been counted in the seniority.

RECOMMENDATIONS.

In light of the above facts and findings, the inquiry committee recommends as follows:

1. The Appeal is genuine and the seniority list may be re-arranged and may be counted w.e.f 27.9.2006/date of passing CT exam in case of respondents teachers and from the date of passing CT in case of other teachers who were appointed as untrained teachers and have been declared as senior than the appellant.

APPEAL NO.6 FILED BY MR. MR. MURAD ALI SCT GCMHSS WADUDIA SAIDU SHARIF SWAT.

Facts & Findings:

1. According to the appeal of the appellant, his S.No. in seniority list is 151 and another teacher at S.No. 150 is junior to him. In fact his date of 1st appointment has been entered as incorrect. His actual date of appointment is 5.4.1999 while it has been entered as 4.6.1999.
2. Both of them were appointed in District Kohistan vide one and the same Notification No.1298-1300 dated 5/4/1999 at S.No.13 (Mr. Fazal Rahim) and S.No.22 (Mr. Murad Ali). (copy of appointment Noitification is attached as Annexure I).
3. The respondent teacher Mr. Fazal Rahim passed CT (G) examination on 25.4.2000. (Copy of DMC attached as Annexure J).

Attested
Advocate

4. The appellant transferred to Swat from Kohistan vide Endst No.782-862 dated 6.12.2001. While the respondent teacher (Mr. Fazal rahim) transferred to Swat on 1.7.2003. (Transfer order and service book pages as Annexure K).

RECOMMENDATIONS.

In light of the above facts and findings, the inquiry committee recommends as follows:

1. The Appeal is genuine and the seniority list may be re-arranged and may be counted w.e.f transfer to Swat of the appellant and the respondent teacher please.

1. Riaz Ahmad
 Head Master
 Saidu Sharif Swat

*Head Master,
Govt. High School,
Saidu Sharif Swat.*

2. Bakht Rahim
 Headmaster
 Shalhand Swat.

*Head Master
Govt. High School
Shalhand, Distt: Swat.*

Attested

Advocate

A.
P1
P2
P4
P5
P7

BEFORE THE WORTHY DIRECTOR, ELEMENTARY & SECONDARY EDUCATION,
-KHYBER PAKHTUNKHWA AT PESHAWAR

11
Signature
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Muhammad Yaqoob S/o Jandool R/o Keedam, Bahrain, District Swat.

... Appellant

Departmental Appeal / Representation, against the inquiry No. 311/-21 dated 05-08-2021 in relation to seniority.

Prayer In Appeal / Representation:

On acceptance of the instant departmental appeal / representation, the inquiry No. 311/21 dated 05-08-2021, may kindly be set aside and the appellant may please be awarded the benefits of seniority.

Respectfully Sheweth:

1. That appellant is serving as SCT BPS-16 at Government High School (GHC) Keedam, Bahrain, Swat.
1. That the appellant was initially appointed as CT in 1995 and was illegally terminated, where against the appellant filed a service appeal before the KP Service Tribunal, which was allowed vide order dated 02-05-2002 and the appellant was re-instated along with all back benefits (Copies of dismissal order, order of KP ST dated 02-05-2002 and re-instatement order are attached herewith).
2. That the department was reluctant to extend all service benefits including seniority and financial benefits; therefore, the appellant resorted to the high ups of the department.

Attested
Advocate

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whereupon the DEO (M) Swat, on the directions of your goodself extended the benefit of seniority with effect from 21-09-1995 (Copies of relevant documents are attached herewith).

3. That the name of appellant in seniority list issued by the department, were placed after their juniors, therefore, the appellant again resorted to the department for consideration of their seniority in accordance with the order / judgment of KP ST and compliance thereon, the department constituted an inquiry committee, who considered the stance of the appellant in their favour and recommended the department that their names should be placed as per the order of the KP Service Tribunal i.e. from the date of their initial appointment (Copies of relevant documents are attached herewith).
4. That one Shaukat Ali along with others filed appeals against the seniority list on the ground that their seniority may be counted w.e.f. passing of the CT exam and not that of the initial appointment, where for an inquiry committee was constituted and illegally & against the APT Rules, 1989, recommended that the seniority of the CT employees including the appellant be reckoned from the date of passing the CT examination (Copy of impugned recommendation dated 05-08-2021 is attached herewith).
5. That the findings and recommendations of the inquiry committee No. 311/-21 dated 05-08-2021 is against the findings of the previous high ranked inquiry and compliance thereon, furthermore, the recommendations so made are in clear cut violation of the Appointment, Promotion and Transfer Rules, 1989, which in no way is tenable in the eye of law.
6. That in the impugned inquiry the inquiry committee and the department condemned unheard the appellant and violated the golden principles of natural justice i.e. *Audi Alteram Partem*.

Attested
Advocate

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7. That other grounds will be agitated if the appellant were afforded the right of personal hearing.

In view of the above, it is therefore very humbly prayed that the seniority of the appellant may kindly be considered from their date of first appointments in accordance with the judgment of the Hon'ble KP Service Tribunal, order of compliance of DEO (M), Swat - and in accordance with the recommendations of previous high ranked inquiry committee.

Appellant:

M. Yaqoob
25/08/2021
M. Yaqoob Khan

Affidavit:

I, do hereby solemnly affirm and declare on oath that all the contents of the accompanying departmental appeal / representation are true and correct to be best of my knowledge and belief and nothing has been kept concealed therefrom, moreover, no such like department appeal / representation has either been filed or pending before this office.

Attested

Advocate

Deponent: M. Yaqoob
25/08/2021
M. Yaqoob Khan
(Appellant)



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

Annexure-241

No. 7045 /File: 497/RTI/P.F Muhammad
Yaqoob/Swat/2022.

31

Dated Peshawar the: 4/3 /2022

To

Muhammad Yaqoob,
SCT Government High School Kedam District Swat.

Subject: - PROVISION OF INFORMATION UNDER RTI ACT 2013 IN RESPECT
OF DEPARTMENTAL APPEAL/REPRESENTATION AGAINST THE
INQUIRY NO. 311/-21 DATED 05-08-2021 IN RELATION TO
SENIORITY.

I am directed to refer to your application dated 07-02-2022 received to this
office vide Dairy No. 505 dated 14-02-2022 on the subject cited above and to enclose
herewith a copy of the Minutes of the Appellate Committee Meeting held on
25-10-2021 under RTI Act 2013. (Copy attached)

It is hoped, these information's will fulfill your desired goals.

Encls: As Above

AD (RTI & Ombudsman)
Directorate of E&SE KP

Endst: No. _____/

Copy forwarded to the: -

1. Right to Information Commission Khyber Pakhtunkhwa Peshawar. (Near BRT Abdara Station, Arbab Colony, Opposite Jabar Flats, University Road, Peshawar)
2. P.A to Director E&SE KPK Peshawar.

AD (RTI & Ombudsman)
Directorate of E&SE KP

Attested

Advocate

Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa
MINUTES OF THE APPELLATE COMMITTEE MEETING HELD ON 25/10/2021

Ser No	Dairy No of Appeal	Name	Post	District	Prior	Committee Decision.
1.		Liaqat Ali	SDM	Peshawar	Mr. Liaqat ali has DM Refused promotion at the time of submitting file to DEO Office, but later he appeals to the director for including in the promotion DPC.	Subject to the scniority cum fitness the Appeal is accepted
2.	315 dated 06/10/2021	Syed Asim Ali Shah	STT	Peshawar	Mr Asim Ali Shah appeal against the S/List of TT, the appeal accepted by the DEO Concerned in the DEO Submit revised working papers after correction in the s/list.	Subject to the scniority cum fitness the Appeal is accepted
3.	DEO letter No 8418 01/10/2021	Muhammad Afsar	SCT	Dir Lower	Appeals against the vacant position, which was not shown in the working paper by the DEO Concerned.	Vacant post are reckoned on day of DPC meeting as intimated by DEO Concerned.
4.	Mark of Additional Director on 13/10/2021	Abdul Jalil	CT	Torghar	Appeal against the Quota of CT Cadre that DEO Recommends PST under 20%, but the applicant claims 40% quota.	Promotion rules may be followed
5.	31/08/2021	(i) Muhammad Zarif (ii) Yousaf Zaman	CT	Bannu	The applicant wants promotion against SST, But as mention by the applicant that they have submit writ-petition in the court.	Appeal is subjudice
6.	569 03/09/2021	Mushtaq Ahmad	PSHT	Kohistan upper	The appeal is not clear and want to stop promotion of SST	Keep Pending till the DEO Comment.
7.	557 03/09/2021	Mushtaq Ahmad Raja Sher Khan	DM	Kohistan Upper	Appeal against the S/List that the DEO Concerned has revised the S/List and they have been given seniority after a junior, as the score are more than Mr Ajam Khan	Keep Pending till the DEO Comment.
8.	1161 07/09/2021	Abdul Wakeel	SCT	Kohistan	Appeal against the s/list that junior have been included in the s/list and he has not included in the s/list and want to counts his service 23/01/1996 but he has been appointed as CT in 2006. As per his (application)	Appeal rejected
9.	1629 14/09/2021	Sajid Masoom	CT	Battagram	The applicant has been suspended due to criminal case and for denovotrial return to the court during resinstated on 09/03/2021 but ACR is incomplete wants promotion to SST Bio/Chem	Rejected
10.	963 10/09/2021	Naseeb Zaman	PTC	Buner	The applicant want correction in s/list from 1 st appointment in 24/03/1992 but he has been promoted to CT on 03/8/2017, Want seniority from date of 1 st appointment (cadres changed)	The appeal is rejected.
11.	964 13/9/2021	Ali Rehman	SCT	Buner	Appeal against the s/list of PST, wants not including of five marks in the score and now he wants that correction.	Irrelevant Appeal, hence rejected
12.	64 06/9/2021	Mushtaq Ahmad	SCT	Kohistan Dasso	Appeal against MR Noor Ali SCT GCMHS Dasso Kohistan has been given wrong seniority No and has been placed for promotion but the court did not given him seniority and back benefit.	Appeal rejected
13.	887 30/07/2021	Hafiz Muhammad Ansar	STT	Charsadda	The applicant want promotion from TT to STT	Rejected for nut meeting promotion policy.

Advocate
Attested

Advocate

Attested

14.	198 26/08/2021	Attaullah Khan	CT(IT)	Chitral Upper	The applicant want promotion from CT(IT) BS-12 to SST(IT) BS-16. Wants promotion on the basis of additional subjects.	Defer till the DEO Comment and provision of file.
15.	30/10/2021	Antiqur Rehman	CT	Dir Lower	Appeal against MR. Hakim Khan that he has under objection and I want to accept my promotion.	Rejected as per policy.
16.	18/10/2021	Abdul Jalil	CT	Torghar	Wants promotion to SST Maths/Phy also mention the DEO office did not submit ACR/PERS.	As decided at S.No.4
17.	75 18/10/2021	Akhtar Ali	TT	Charsadda	Wants promotion to STT.	Rejected being junior in s/list, while the post available as filed on seniority cum fitness basis.
18.	597 13/10/2021	Farman Ziarat Gul	SCT	Dir Upper	He was deferred in previous DPC now requesting for inclusion in under-process DPC	Appeal accepted subject to the seniority cum fitness and provision of file.
19.	3934 27/08/2021	Asmat Ullah	TT	Dannu	He is objecting upon the credentials from the blacklisted institutions as per his application.	Promotion is awarded on the basis of promotion policy.
20.	06/09/2021	Abdul Jalil	CT	Torghar	Complaining that PST has been considered by DEO Concerned office and CT has been ignored.	Promotion rules may be followed
21.	23/09/2021	Jehan Zeb	PST	Swabi	Wants correction of seniority in PST	Irrelevant appeal and hence rejected
22.	1792 29/09/2021	Shouqdar Khan	CT	Swabi	Wants promotion in probation period.	Double promotion within one year is not allowed
23.	02/09/2021	Latif Ahmad	SPST	Dir Upper	Wants share of other cadre.	Not allowed rejected
24.	513 30/08/2021	Muhammad Yaqoob	SCT	Swat	Wants Seniority from the 1 st appointment i.e 04/02/2005 in the Light the Court Mater	Rejected
25.	512 30/08/2021	Shamsher Ali	SCT	Swat	Wants Seniority from the 1 st appointment i.e 04/02/2005 in the Light the Court Mater	Rejected
26.	1737 13/10/2021	Touqeer Muhammad and others.	SPST	Kohat	The applicants wants that their educational credentials to be verified from HEC	DEO(C) may ^{get attested} verify the credentials if SPST from HEC.

Scanned with CamScanner

Mr. Ameer Bacha
Assistant Director
Estab: Male

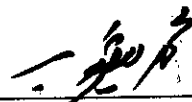
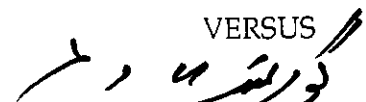
Mr. Hamid Rasool
Assistant Director
DDU Section

Mr. Muhammad Nawaz
Assistant Director
Estab: Male-I

33

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In the matter of:-


 _____ Appellant
 VERSUS

 _____ Respondent

KNOWN ALL to whom these present shall come that I/we, the undersigned appoint

AZIZ-UR-RAHMAN and IMDAD ULLAH

Advocates High Court

To be the advocate for the Appellant in the above mentioned case to do all the following acts, deeds and things or any one of them, that is to say:-

- ❖ To acts, appear and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or revision or execution or at any other stage of its progress until its final decision.
- ❖ To present pleadings, appeals, cross objections or petitions for execution review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages.
- ❖ To withdraw or compromise the said or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- ❖ To receive money and grant receipts therefore, and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
- ❖ To employ any other Legal Practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate wherever he may think fit to do so.
- ❖ I understand that the services of aforesaid lawyer are hired irrespective of the outcome of the case.

And I/We hereby agreed to ratify whatever the advocate or his substitute shall to do in the said premises.

And I/We hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequences of his absence from the Court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid, the Advocate shall be entitled to withdraw from the prosecution of the case until the same is paid.

IN THE WITNESS WHEREOF I/WE hereunto set my/our hand(s) to these present the contents of which have been explained to and understood by me/us, this 14 day of 04 2021.

(Signature or thumb impression)

(Signature or thumb impression)

(Signature or thumb impression)

Accepted subject to terms regarding fees


(AZIZ-UR-RAHMAN)

Advocate High Court

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Cell No. 0300 907 0671



(IMDAD ULLAH)

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