



17. 24.07.2017

No one present on behalf of appellant. Mr. Muhammad Adeel Butt, Additional AG for the respondent present. Notice be issued to the appellant and his counsel for attendance. To come up for argument on 24.11.2017 before D.B.



(Ahmad Hassan)
Member



(Muhammad Hamid Mughal)
Member

24.11.2017

Appellant absent. Learned counsel for the appellant also absent. Mr. Muhammad Jan, Deputy District Attorney for the respondent present. Case called for several times but no one appeared on behalf of the appellant. Consequently the present appeal is dismissed in default. Parties are left to bear their own costs. File be consigned to be record room.

ANNOUNCED
24.11.2017


(Gul Zeb Khan)
Member (E)


(Muhammad Hamid Mughal)
Member (J)

01.11.2016

None present on behalf of the appellant despite repeated calls. Mr. Muhammad Jan, GP for respondents present. Fresh notice be issued to appellant and his counsel for arguments for 08.03.2017 before D.B.



(ABDUL LATIF)
MEMBER


(PIR BAKHSH SHAH)
MEMBER

08.03.2017

Appellant in person and Addl. AG for respondents present. Appellant requested for adjournment as his counsel was not available. To come up for arguments on 24.07.2017 before D.B.


(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

24.02.2015

None present for appellant. Addl: A.G for respondents present.
The case is assigned to D.B for rejoinder and final hearing for
31.08.2015.


Chairman

31.08.2015

Clerk of counsel for the appellant and Mr. Ziaullah, GP for
the respondents present. Due to general strike of the legal
fraternity, counsel for the appellant is not available. Therefore,
case to come up for arguments on 3.2.2016.


MEMBER


MEMBER

03.02.2016

Clerk to counsel for the appellant and Addl: AG for respondents
present. Arguments could not be heard due to learned Member
(Executive) is on official tour to Swat. Therefore, case is adjourned to
26.05.2016 for arguments.


Member

26.05.2016

None present for appellant. Addl: AG for respondents present.
Fresh notice be issued to appellant/counsel for the appellant for
arguments for 1-11-16 before D.B.

Member


Member

16-9-14

Vide order sheet dated 05.04.2013, in connected appeal No. 1381/2012, this appeal is adjourned to 02.12.2014.

READER
[Signature]

Vide order sheet dated 05.04.2013, in connected appeal No. 1381/2012, this appeal is adjourned to 24-2-15.

READER
[Signature]

Vide order sheet dated 05.04.2013, in connected appeal No. 1381/2012, this appeal is adjourned to _____.

READER

Vide order sheet dated 05.04.2013, in connected appeal No. 1381/2012, this appeal is adjourned to _____.

READER

Vide order sheet dated 05.04.2013, in connected appeal No. 1381/2012, this appeal is adjourned to _____.

READER

Vide order sheet dated 05.04.2013, in connected appeal No. 1381/2012, this appeal is adjourned to _____.

READER

Vide order sheet dated 05.04.2013, in connected appeal No. 1381/2012, this appeal is adjourned to _____.

READER

5.04.2013

Vide order sheet dated 5.4.2013, this appeal is adjourned to 26.4.2013 alongwith main appeal No. 1381/2012.


READER

Vide order sheet dated 5.4.2013, this appeal is adjourned to 26-6-13 alongwith main appeal No. 1381/2012.


READER

26-6-13

Vide order sheet dated 5.4.2013, this appeal is adjourned to 30-9-13 alongwith main appeal No. 1381/2012.


READER

30-9-13

Vide order sheet dated 5.4.2013, this appeal is adjourned to 24-12-13 alongwith main appeal No. 1381/2012.


READER

24-12-13

Vide order sheet dated 5.4.2013, this appeal is adjourned to 26-3-14 alongwith main appeal No. 1381/2012.


READER

26-3-14

Vide order sheet dated 5.4.2013, this appeal is adjourned to 4-6-14 alongwith main appeal No. 1381/2012.


READER

4-6-14

Vide order sheet dated 5.4.2013, this appeal is adjourned to 16-9-14 alongwith main appeal No. 1381/2012.


READER

Appeal No. 1395/12

24.1.2013.

Counsel for the appellant (Mr. Akhtar Ilyas, Advocate) present and heard. The learned 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. 1381/2012. 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 written reply as well as reply to application for interim relief before Final Bench-II on 26.2.2013.


CHAIRMAN

26.02.2013.

Counsel for the appellant, Khurshid Ali, SO and Muhammad Aqeel, Assistant with AAG for the respondents present and requested for time. To come up for written reply on 14.03.2013.


MEMBER


MEMBER

14.3.13

Counsel for the appellant and AAG with Khursheed Ali, SO, Mosam Khan, AD and Muhammad Aqeel Assistant for the respondents present and requested for further time. To come up for written reply positively on 5.4.2013.




MEMBER

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 1395/2012


S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	18/12/2012	<p>As per direction of the worthy Chairman in connected appeal No. 1322/2012 the present appeal filed by Mr. Ghulam Muhammad through Mr. Muhammad Isa Khan Advocate be entered in the Institution Register and put up to the Primary Bench for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	28-12-2012	<p>To come up for preliminary hearing on 24-1-2013</p> <p>Notice shall be issued to appellant and his counsel.</p> <p style="text-align: right;"> MEMBER</p>

The appeal of Mr. Ghulam Muhammad s/o Ghulam Khan received today i.e. on 05/12/2012 is incomplete on the following scores which is returned to the counsel for the appellants for completion and resubmission within 15 days:-

- 1- Copy of departmental appeal against the impugned Notification and its rejection order are not attached with the appeal which may be placed on it.
- 2- Annexures of the appeal are illegible which may be replaced by legible one.


No. 1409 /S.T,

Dt. 25/12 /2012.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

MR. MUHAMMAD ISSA KHAN ADV. PESH.

The objection has already been overruled by the learned Tribunal while admitting on Appeal NO 1322/12 titled "Ikramullah vs Govt of KP & others" on the same subject matter.


17/12/2012.

**BEFORE THE KHYBER PUKHTOON KHAWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. 1395 /2012

Ghulam Muhammad S/o Ghulam Khan PST,
GPS Damamo, District Dir Payeen.....**Appellant**
Versus

Govt. of K.P.K., through Secretary Elementary & Secondary
Education, Peshawar & others.....**Respondents**

INDEX

S.No.	Description of Documents	Annexure	Pages
1.	Service Appeal		1-6
2.	Affidavit		7
3.	Application for Interim Relief alongwith affidavit		8-10
4.	Copy of appointment order	'A'	11
5.	Copy of Notification dated 13 th Nov; 2012	'B'	12-19
6.	Copies of orders	'C/1 to 'C/3	20-24
7.	Copy of Rules of Ministerial Staff	'D'	25-26
8.	Copy of upgradation dated 1.10.2007	'E'	27
9.	Wakalatnama		28

Through

[Signature]
Appellant

[Signature]
Muhammad Isa Khan
Advocate Supreme Court

&

[Signature]
Akhtar Ilyas
Advocate High Court,
Peshawar

05/12/2012

1

**BEFORE THE KHYBER PUKHTOON KHAWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. 1395 /2012

S.W.F
1328
05/12/12

Ghulam Muhammad S/o Ghulam Khan PST,
GPS Damamo, District Dir Payeen.....**Appellant**

Versus

1. Govt. of K.P.K., through Secretary Elementary & Secondary Education, Peshawar.
2. Director, Elementary & Secondary Education Govt. of K.P.K., Peshawar.
3. Secretary, Finance Department, Govt. of K.P.K., Peshawar.

.....**Respondents**

**APPEAL U/S 4 OF K.P.K., SERVICE
TRIBUNAL ACT, 1974.**

PRAYER:

On acceptance of this appeal the respondents may graciously be directed to amend the impugned rule to the extent of giving the experience/length of service of the appellant a considerable place and allowing him promotion. It is further prayed that respondents may be directed to grant enhancement to the appellant to BPS-15 without tying up his length of service with any academic qualification beyond Secondary School Certificate.

5/12/12

re-submitted to
and filed.

18/12/12

Sheweth,

1. That the appellant was appointed vide order dated 03.04.1990 (Annexure-'A') against the post of PTC Teacher (BPS-7), which has now been redesignated as Primary School Teacher (PST).
2. That the stated post was later on upgraded and by now the post of PST is BPS-12, as such all the PST have now been rendering services in BPS-12.
3. That being the senior most teachers and having served for decades on the same post and having no future prospect for the enhancement of their scales, the Teacher's Association struggled for a long time for providing them a service structure that may accommodate the Senior Teachers in higher pay scales either through promotion or upgradation or through some time scale.
4. That on pressing the demand vigorously and with untiring zeal by the Senior teachers, the respondents notified the Rules for the recruitment and promotion of the teachers vide notification dated November 13,2012 (Annexure-'B'), wherein PST (BPS-12) appears at S.No. 21 with the required qualification and method of recruitment in the corresponding columns.

5. That at S.No. 19 of the rules (ibid) is the post of Primary School Head Teacher (PSHT) BPS-15, which is liable to be filled "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".
6. That in the given scenario, the Senior Teachers, including the appellant having been placed no where and they are left hire and dry, without any chance of promotion or enhancement of pay scale. On the contrary, their juniors who are equipped with an intermediate certificate would be able to obtained (BPS-15) and become the bosses of their own seniors.
7. That feeling aggrieved of the impugned rules, the appellant assails the same through the instant appeal, inter alia, on the following:-

Grounds

- a) That at the time of induction of the appellant as PTC the requisite qualification was only Secondary School Certificate (SSC) and no other academic qualification or, for that matter, any training was required as a condition percent for appointment against this post. Therefore, the additional qualification of Primary School Teacher Certificate or Diploma in Education, introduced

latter on, cannot be given retrospective effect and super-imposed on the appellant.

- b) That apart from the academic or other qualification(s) required for the post of PTC or PST at different times, the teachers working on these posts, who were equipped with the requisite qualification of their times, cannot be treated differently for any purpose. The appellant being SSC appointed in the year 1987 has to be treated on equal footing with any PST having Intermediate, PSTC or Diploma in Education on his credit but appointed recently.
- c) That the rich experience of the appellant as PST cannot be ignored and it requires to be considered on the time tested analogy of old is gold.
- d) That the rule of promotion against the post of Primary School Head Teacher (PSHT) is defective yet on another score, as the appellant and similar other Senior Teachers have been afforded no opportunity of further enhancement by way of promotion or otherwise in their service career.
- e) That the appellant has been discriminated as similarly placed teachers in other provinces have been allowed time scale upto BPS-15. For instance

the provinces of Balochistan and Sindh and the Govt of AJK have adopted a uniform policy by granting a time scale to the stated post on the following count:

BPS-7 to BPS-10	after 09 years.
BPS-10 to BPS-11	after 14 years
BPS-11 to BPS-14	after 21 years
BPS-14 to BPS-15	after 25 years

(Copies of the orders are appended herewith as Anenxure-'C/1 to 'C/3).

- f) That the impugned rule is not sustainable for yet another defect. All the rules on the subject of promotion in almost all departments give a good margin to experience/length of service but this criterion is lacing in the impugned provision. Rules of Ministerial staff in the respondent department are attached as Annexure-'D'.
- g) That in the matter of upgradation of the same post of PST from BPS-9 to BPS-12 only length of Service of 10 years was required as requisite qualification and no other conditions were attached thereto (Annexure-'E').

- h) That the appellant has not been treated in accordance with law, as against the provisions contained in Article 4 of the Constitution.
- i) That the appellant seeks leave to urge additional grounds, after the stance of the respondents becomes known to him.


PRAYER:

In view of the above said facts, it is therefore, prayed that on acceptance of this appeal the respondents may graciously be directed to amend the impugned rule to the extent of giving the experience/length of service of the appellant a considerable place and allowing him promotion. It is further prayed that respondents may be directed to grant enhancement to the appellant to BPS-15 without tying up his length of service with any academic qualification beyond Secondary School Certificate.


Any other remedy to which the appellant is found fit in law, justice and equity may also be allowed.

Appellant

Through


Muhammad Isa Khan
Advocate Supreme Court

&


Akhtar Ilyas
Advocate High Court,
Peshawar

7

**BEFORE THE KHYBER PUKHTOON KHAWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2012

Ghulam Muhammad S/o Ghulam Khan PST,
GPS Damamo, District Dir Payeen.....**Appellant**

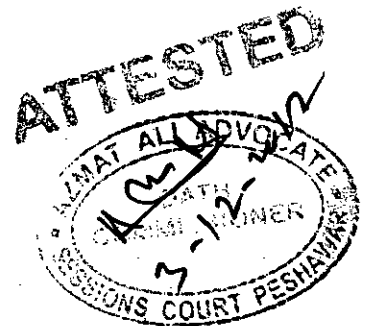
Versus

Govt of K.P.K., through Secretary Elementary & Secondary
Education, Peshawar & others.....**Respondents**

AFFIDAVIT

I, Ghulam Muhammad S/o Ghulam Khan PST, GPS Damamo,
District Dir Payeen do hereby solemnly affirm and declare on
oath that contents of the accompanying Service Appeal are true
and correct to the best of my knowledge and belief and nothing
has been kept concealed from this Honourable Tribunal.

Ghulam Muhammad
Deponent



8

BEFORE THE SERVICE TRIBUNAL K.P.K., PESHAWAR

C.M.No. _____/2012

In

Service Appeal No. _____/2012

Ghulam Muhammad S/o Ghulam Khan PST,
GPS Damamo, District Dir Payeen.....Appellant

Versus

Govt. of K.P.K., through Secretary Elementary & Secondary
Education, Peshawar & others.....Respondents

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 THE
PROCEDURE MENTIONED IN THE
IMPUGNED RULES/NOTIFICATION
DATED 13.11.2012

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 the fresh education policy has given a new method of promotion which is bound to violate the promotion right of thousands of teachers including the appellant

3. That the applicant/appellant has prima facie case of action and is very hopeful for the 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 rule for granting injunction 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 fill up and there would be no chance for appellant's accommodation. Therefore, it is in the interest of justice to stay further proceedings on the impugned notification till the final decision of the instant appeal.

6. That the facts and grounds taken in the memo of appeal may kindly be considered as part and parcel of the instant application.

10

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

[Signature]

Appellant

Through

[Signature]
Muhammad Asa Khan
Advocate Supreme Court

&

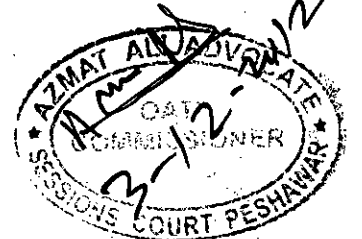
[Signature]
Akhtar Ilyas
Advocate High Court,
Peshawar

AFFIDAVIT

I, Ghulam Muhammad S/o Ghulam Khan PST, GPS Damamo, District Dir Payeen do hereby solemnly affirm and declare on oath that contents of the above application are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Honourable Tribunal.

[Signature]
Deponent

ATTESTED



Annex-A

11

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER(M) WARI DISTT. DIR.

ADJUSTMENT.

Adjustment of the following Trained Teachers appointed vide Distt: Education Officer (M) Dir at Timergara Order Endst: No. 3021-62/Trainees Dated, Timergara the. 1/4/90 & 3063-93/Trainees Dated, Timergara the. 1/4/90, against P.T.C. Post, in BPS.No.7- Plus usual allowances are hereby ordered on purely temporary basis under the terms and conditions already laid down in their appointments orders under reference, w.e. from 03/4/1990 in the interest of public services.

Charge report should be submitted to this office in duplicate. No. T.A/D.A is allowed.

Sr. No.	Name of Condidate.	Father,s Name.	Address.	School where Adjusted
1.	Ghulam Mohammad.	Ghulam Khan.	Vill: Sadoo.	MPS. Guli Bagh (P).
2.	Lal Din.	Painda Jan.	" Rahim- Abad.	GPS. Gogay Kassona.
3.	Khurshid Ahmad.	Lal Mohd.	Denjerai.	GMS. Malanga.
4.	Bakht Rawan.	Mohd Akbar.	Tatar.	Ummaralai (B).
5.	Rahim Shah.	Raees Azam.	Batto Kambat.	MPS. Manzai (N).
6.	Taj Mohammad.	Said Faqir.	Makhai Dara.	GPS. Shagai (B).
7.	Rahimullah.	Hafizuddin.	Shahkanai.	GPS. Jellar (P).
8.	Bahram.	Sultan.	Malook Banda.	GPS. Badalai (B).
9.	Mohd Javid.	Mohd roze Khan.	Dehri Khal.	GPS. Bandan.
10.	Hamid Zaman.	Taj Mohd.	Adokai.	GPS. Shalgeh (B).
11.	Ihsanul Haq.	Iqbal Adam.	Shamsi Khan.	GPS. M. Gojar.
12.	Shamsher Ali.	Abdul Qayoom.	Badalai.	GPS. Karbada.
13.	Mohd Qadir.	Fazal Mahmood.	Shalfalam.	MPS. Shalkanai (B).
14.	Sultan Mohd.	Muhajareen.	Khongai (B).	MPS. Dogram.
15.	Hamidullah.	Momin Khan.	Chappar.	MPS. Samai.
16.	Shah Zamin.	Abdul Karim.	Khongai (B).	GPS. Muha.

Sd/-
(ABDUL MALIK KHAN),
Sub-Divisional Education,
Officer (M) Wari Distt: Dir.

Endst: No. 599-739/ Dated Wari the. 3 /04/1990.

Copy forwarded for information and N/Action to:-

1. The Distt: Education Officer (M) Dir at Timergara w/ his office.
- Endst: No, s as noted above, please.
2. 17, All candidate concerned for compliance.
- 18-33, Personal Files of the condidate concerned.
- 34-39, A.S.D.E:Os Concerned.
40. The Accountant of the Local office.
41. Office Record.

Attested
H.W.

Sub-Divisional Education,
Officer (M) Wari,
Distt: Dir.

Attested
P

8. The Director Curriculum & Teachers Education Abbottabad.
9. The Director (PITE) Khyber Pakhtunkhwa Peshawar.
10. The Director ESRU, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
11. The Deputy Director Database(EMIS) E&SE Department.
12. All District Coordination Officers in Khyber Pakhtunkhwa.
13. All Executive District Officers Elementary & Secondary Education in Khyber Pakhtunkhwa.
14. All District Accounts Officers in Khyber Pakhtunkhwa /Agency Accounts Officers FATA.
15. All Agency Education Officers FATA.
16. P.S to Governor, Khyber Pakhtunkhwa.
17. P.S to Chief Minister, Khyber Pakhtunkhwa.
18. P.S to Chief Secretary, Khyber Pakhtunkhwa.
19. PS to Minister E&SE Khyber Pakhtunkhwa Peshawar.
20. PS to Secretary E&SE Department.
21. Master File.

13

KPK

[Handwritten signature]

[Handwritten signature]
Section Officer (Primary)

APPENDIX

S.No.	Nomenclature of the post.	Minimum qualification and experience for initial appointment or by transfer.	Age limit.	Method of recruitment.
1.	2.	3.	4.	5.
1.	Secondary School Teacher (BPS-16).	(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.

KPK. Jib R...

(1/1)

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10. Arabic Teacher (AT) (BPS-15).	(i) Second Class Secondary School Certificate, from a recognized Board with Shahdatul Alamia Fil Uloomul Arabia wal Islamia from a recognized Tanzimatul Wafaqul Madaris; or Darul Uloom Saidul 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
11. Theology Teacher (TT) (BPS-15).	(i) Second Class Secondary School Certificate, from a recognized Board with Shahdatul Alamia from a recognized Tanzimatul Wafaqul Madaris or Darul Uloom Saidul 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.
12. Senior Qari (BPS-15).	(i) Second Class Master's Degree in Islamiyat from a recognized University.		
13. Certified Teacher (General) (BPS-15).	Bachelor's Degree or equivalent qualification from a recognized University with Certified Teacher	18 to 35 years.	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. (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.		<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 (General):</p> <p>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).</p> <p><u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.</p>
Certified Teacher (Industrial Arts) (S-15).	<p>(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</p> <p>(b) Bachelor's Degree from a recognized</p>	18 to 35 years.	<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</p>

KPK

U.S. 10/10/10

7/1

15

University with nine months training from any Government Agro Technical Teacher Training Center of the Level of Certified Teacher, Agro technical (Industrial Arts).

(Industrial Arts):

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).

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

- (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 (Agriculture):

Provided that if no suitable candidate is available amongst the

Certified Teacher (Agriculture) (BPS-12)

(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

(ii) Bachelor's Degree with Agriculture as one of the subject, from a recognized University; or

(iii) Bachelor's Degree from a recognized

18 to 35 years.

	<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>16. Certified Teacher (Home Economics) (BPS-15)</p> <p>KPK</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>(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>18 to 35 years.</p>	<p>Note: In case of non availability of suitable person for promotion, then by initial recruitment.</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 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>HA</p>

16

17. Drawing Master (BPS-15)

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).

Bachelor's Degree from a recognized University with one year Drawing Master (DM) course Certificate.

18 to 35 years.

Certified Teacher (Home Economics).

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

- (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.

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

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18. Physical Education Teacher (BPS-15).	Bachelor's Degree from a recognized University with one year junior Diploma in Physical Education course or Army equivalency or other equivalent qualification.	18 to 35 years.	<p>(a) Eighty per cent by initial recruitment; and</p> <p>(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><u>Note:</u> In case of non-availability of suitable candidate for promotion, then by initial recruitment.</p>
19. Primary School Head Teacher (PSHT) (BPS-15).			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.
20. Senior Primary School Teacher (BPS-14).			By promotion, on the basis of seniority-cum-fitness, from amongst Primary School Teachers

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17

				with at least five years service as such and 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 is within the Union Council is available, then from the adjacent Union Councils on merit.
22.	Q.A.I (BPS-12)	Intermediate with Hafz-e-Quran and Qirat Sanad from a recognized institution.	18 to 35 years.	By initial recruitment.

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

SCHEMULE

Arabic Teacher	
Education Qualification	
SSC	Marks obtained X 20 / total marks =
HSSC	Marks obtained X 20 / total marks =
B.A/B.Sc	Marks obtained X 20 / total marks =
M.A. B.A. / Studied Alama Fil' Uloom Arabi wal Islamiya from a recognized Tawzimatil Wajizat Alim.	Marks obtained X 20 / total marks =
Other MA/BA/MA Ed/ MA Eds	Marks obtained X 15 / total marks =
M.Phil/Ph.D	Marks = 15
Total Marks: 100	

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Urdu Teacher

Category of Qualification	
SSC	Marks obtained X 20 / total marks =
HSSC	Marks obtained X 20 / total marks =
B.A/B.Sc	Marks obtained X 20 / total marks =
M.A. MA/ MA Ed/ MA Eds	Marks obtained X 20 / total marks =
M.A. B.A. / Studied Alama Fil' Uloom Arabi wal Islamiya from a recognized Tawzimatil Wajizat Alim.	Marks obtained X 15 / total marks =
M.Phil/Ph.D	Marks = 05
Total Marks 100	

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QariQaria

14

18

Category of Qualification	Total Marks 100
SSC	Marks obtained X 20 / total marks =
Qrt. Scored from a recognized Institution	Marks obtained X 20 / total marks =
TSSC	Marks obtained X 20 / total marks =
R/R/Rc	Marks obtained X 20 / total marks =
MAJNS/AL/ML/ML Etc.	Marks obtained X 20 / total marks =
M/R/C/PHD	Marks = 05

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

Category of Qualification	Total Marks 100 For Placement's Group at Intermediate/Graduation Level	For Candidate of Science group
NSC	Marks obtained X 20 / total marks =	3 Extra marks for NSC, 3 Extra marks for B.Sc and 3 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection
TSSC	Marks obtained X 20 / total marks =	
R/R/Rc	Marks obtained X 20 / total marks =	
CI Certificate Diploma in Education	Marks obtained X 20 / total marks =	
MAJNS/AL/ML/ML Etc.	Marks obtained X 15 / total marks =	
M/R/C/PHD	Marks = 05	

Drawing Master

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
HSSC	Marks obtained X 20 / total marks = _____	
B.U.BSc	Marks obtained X 20 / total marks = _____	
DM Certificate	Marks obtained X 20 / total marks = _____	
M.A/M.Sc/M.Ed/MA Edu	Marks obtained X 15 / total marks = _____	
M.Phil/PhD	Marks = 05	

Physical Education Teacher

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
HSSC	Marks obtained X 20 / total marks = _____	
B.U.BSc	Marks obtained X 20 / total marks = _____	
JDPE or Equivalent Certificate	Marks obtained X 20 / total marks = _____	
M.A/M.Sc/M.Ed/MA Edu	Marks obtained X 15 / total marks = _____	
M.Phil/PhD	Marks = 05	

19

Primary School Teacher

Category of Qualification	Total Marks 100 For Humanities group at Intermediate Level	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
HSSC	Marks obtained X 10 / total marks = ____	
BA/BSc	Marks obtained X 25 / total marks = ____	
PST Certificate/ Diploma in Education / ADE	Marks obtained X 20 / total marks = ____	
MA/MSc/M Ed / MA Edu	Marks obtained X 20 / total marks = ____	
MPhil/PhD	Marks = 05	

Other conditions:-

- The concerned Appointing Authority will scrutinize and verify the documents and make the appointment 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 fake/ 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.
- Post Award from recognized Tazeeemat-ul-Wafiqul Muaharir, Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Daroshi 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.

KP

27/11

Annex-B (12)

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GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

NOTIFICATION

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Peshawar, dated the November 13, 2012.

No. SO/PEM-5/SSRC/Meeting/2012/Teaching Cadre:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Services (Appointment, Promotion and Transfer) Rules, 1989 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 the said Appendix and the schedule therewith.

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

Attested
Handwritten signature.

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&S) Khyber Pakhtunkhwa Peshawar.
7. The Director Education (PATA) Peshawar.
8. Copy to Mr. [unclear] [unclear]

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موجوب

To

1. The Adtl. Chief Secy (Dev), Govt of Baluchistan, P&D Deptt, Quetta.
2. The Principal Secretary to Governor Balochistan, Quetta.
3. The Principal Secretary to Chief Minister Balochistan, Quetta.
4. The Senior Member/Members, Board of Revenue, Balochistan.
5. The Accountant General Balochistan, Quetta.
6. All the Administrative Secretaries Balochistan.
7. The Chairman, Provincial Inspection Team, Quetta.
8. The Secretary, Balochistan Provincial Assembly, Quetta.
9. All the Divisional Commissioners, Balochistan.
10. All the Deputy Commissioners, Balochistan.
11. All the Heads of Attached Departments Balochistan.
12. The Registrar, Balochistan High Court, Quetta.
13. The Registrar, University of Balochistan, Quetta.
14. The Registrar, University of Inf. Technology, Baluch, Quetta.
15. The Registrar, Sardar Bahadur Khan Women University of Balochistan, Quetta.
16. The Secretary, Balochistan Public Service Commission, Quetta.
17. The Secretary, Office of the Provincial Mohtasib Balochistan, Quetta.
18. The Director, Public Relations Balochistan, Quetta.
19. The Director Finance (BUTTEMS) Takato Campus Quetta.
20. The Controller, Government Printing Press, Quetta.

Subject: GRANT OF INCENTIVE OF HIGHER GRADES ON THE BASIS OF TIME SCALE TO THE TEACHING STAFF (SCHOOL SIDE) OF EDUCATION DEPARTMENT BALUCHISTAN.

In partial modification of this Department's Circulars No.FD(R-I)VII-13/2007/3257-3357 dated 16th November 2007, No.FD(R-I)VII-13/2008/57-181 dated 2nd January, 2008, No.FD(R-I)VII-13/2009/296-328 dated 13-04-2009 & No.FD(R-I)VII-13/2009/1521-1620 dated 30th June 2009 the length of service for Time Scale to the Teaching Staff (School Side) of Education Department Balochistan may be read as under:-

S.No.	BPS of Teaching Staff JPT, MCOORANS (B-7)	Length of Service from the date of appointment as JPT, MCOORANS.
1.	BPS-7 to BPS-10	After 09 years
2.	BPS-10 to BPS-11	After 14 years
3.	BPS-11 to BPS-14	After 21 years
4.	BPS-14 to BPS-15	After 25 years

S.No.	BPS of Teaching Staff JETS, JETs (Tech), PTL, JDM, JAT (B-2)	Length of Service from the date of appointment as JETS, JETs (Tech), PTL, JDM, JAT
1.	BPS-9 to BPS-12	After 09 years
2.	BPS-12 to BPS-14	After 14 years
3.	BPS-14 to BPS-15	After 21 years
4.	BPS-15 to BPS-16	After 25 years

S.No.	BPS of Teaching Staff HAND MASTER/DRILL MASTER (B-6)	Length of Service from the date of appointment as Hand Master/Drill Master
1.	BPS-06 to BPS-09	After 09 years
2.	BPS-09 to BPS-10	After 14 years
3.	BPS-10 to BPS-12	After 21 years
4.	BPS-12 to BPS-13	After 25 years

S.No.	BPS of Teaching Staff LABORATORY ASSISTANT (B-7)	Length of Service from the date of appointment as Laboratory Assistant
1.	BPS-07 to BPS-10	After 09 years
2.	BPS-10 to BPS-11	After 14 years
3.	BPS-11 to BPS-14	After 21 years
4.	BPS-14 to BPS-15	After 25 years

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(2) Attached
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تعملي جائزہ

Summary:

Award of time scales by all provinces to the teaching staff

S #	Name of Govt	Award of time scale for SST post	Length of service as SST.	Date of Notifications
1	Baluchistan	BPS 16 to 17 BPS 17 to 18 BPS 18 to 19	After 09 years After 14 years After 21 years	18-11-2007 & 27-10-2010
2	Sindh	BPS 16 to 17 BPS 17 to 18 BPS 18 to 19	After 09 years After 14 years After 21 years	07-6-2010
3	AJ&K	BPS 16 to 17 BPS 17 to 18 BPS 18 to 19	After 09 years After 14 years After 21 years	20-6-2008
4	Punjab	BPS 16 to 17 BPS 17 to 18 BPS 18 to 19	After 09 years After 14 years After 21 years	11-7-2008
5	Gilgit & Baltistan	BPS 16 to 17 BPS 17 to 18 BPS 18 to 19	After 09 years After 14 years After 21 years	30-9-2011
6	Khyber Pakhtunkhwa	BPS 16 to 17	After 10 years	26-01-2008 Only one stage was awarded by the then Government

Since award of 04-tier formula to BPS 17 to 20 in past 1992, mostly posts of BPS-17 had been converted to BPS 18, 19 and 20 which affected the rights of SSTs and they have been stuck in the same scale and their promotions became badly slow to 24 years instead of 10 years.

Consequent upon the situation and to compensate the SSTs, at first, the Provincial Government of Balochistan has awarded time scale which was followed by all other Provincial Governments.

Recently, Khyber Pakhtunkhwa Government has updated 04-tier formula on 28-02-2012 for BPS-17 to 20, and also upgraded 15 Grade and below teaching staff on 01-7-2012 but Unfortunately the SSTs cadre BPS-16 was once again ignored.

Besides any incentive for SSTs cadre, 1765 Posts of BPS-17 have been abolished in recent 04-tier formula on which SSTs would have not been promoted to Head-Master post forever.

Therefore the SSTs are requesting to the KPK Government for incentive of time scale as awarded by other Provincial Governments and also as generously awarded to Seniors staff and Juniors teaching staff of KPK by the present Khyber Pukhtunkhwa Government.



NO. FD(SR-1) 100/2010
 GOVERNMENT OF SINDH
 FINANCE DEPARTMENT
 Karachi, dated the 7th June, 2010.

From: Dr. Fazlullah Pechulo,
 Secretary to Government of Sindh.

Amended

21

1. The Chief Secretary to Government of Sindh.
2. All Additional Chief Secretaries to Government of Sindh.
3. The Senior Member Board of Revenue, Sindh.
4. All Administrative Secretaries to Government of Sindh.
5. All Members Board of Revenue, Sindh.
6. The Principal Secretary to Chief Minister Sindh.
7. The Principal Secretary to Governor Sindh.
8. The Secretary to Provincial Assembly Sindh.
9. All Heads of Attached Departments, Sindh.
10. All Regional Heads of Departments, Sindh.
11. All District & Sessions Judges, Sindh.
12. The Registrar, High Court of Sindh.
13. All District Coordination Officers in Sindh.
14. The Registrar Sindh Services Tribunal, Karachi.
15. The Secretary, Sindh Public Service Commission, Hyderabad.
16. The Secretary, Provincial Ombudsman Secretariat Sindh, Karachi.

Subject: Grant of incentive of higher grade on the basis of time scale to the teaching staff (School side) of Education & Literacy Department, Sindh.

Government of Sindh has been pleased to allow sanction incentive of grant of higher grade on the basis of time scale to the teaching staff (School side) of Education & Literacy Department with the following terms and conditions with effect from 07.04.2010: -

S.No.	Nomenclature of teaching posts with grades	Number of years of total service required for next higher grade as PST.
1.	Primary School Teachers / equivalent Teachers (BS-7)	
	BS-7 to BS-10	After 9 years
	BS-10 to BS-11	After 14 years
	BS-11 to BS-14	After 21 years
	BS-14 to BS-15	After 25 years

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Amended

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Attended

S.No.	HPS of Teaching Staff C.T.I & J.D.M (10-08)	Length of Service from the date of appointment as P.T.I & J.D.M
	HPS-08 to HPS-11	After 09 years
	HPS-11 to HPS-12	After 14 years
	HPS-12 to HPS-14	After 21 years
	HPS-14 to HPS-15	After 25 years
S.No.	HPS of Teaching Staff LEARNING COORDINATOR B-11 Promoted on the formula fixed for J.T.I in HPS-13	Length of Service in B-11 & above for the next higher grade.
	HPS-15 to HPS-16	After 30 years
S.No.	HPS of Teaching Staff SST GENERAL SCIENCE, TECH, SAT & S.D.M (HPS-16)	Length of Service from the date of appointment as SST General, Science, Tech, SAT & S.D.M
	HPS-16 to HPS-17	After 09 years
	HPS-17 to HPS-18	After 14 years
	HPS-18 to HPS-19	After 21 years

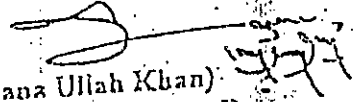
The Administrative Department is advised not to submit the two step cases of Time Scale of an officer before the Respective Forum at once but let them be disposed off one after the other.

The benefit of 4-tier structure already being availed by the teaching staff of school side after promotion in B-17 vide Education Department notification No.SO(S)-115/91-Edu dated 21-7-1991 is hereby withdrawn with effect from 30th June, 2009.

The benefit of Time Scale will be considered and allowed on the recommendations of respective competent forum after scrutiny of service record / ACRs etc instead of allowing by issuance of simple notification / order.

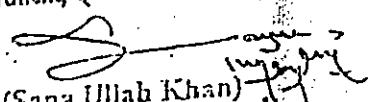
The condition with regard to length of service reflected in this Department's Circular NO.FD(R-1) VII-13/2010/2102-2228 dated 16th September 2010, may be treated as cancelled.

DOSTAIN KHAN JAMALDINI
Finance Secretary.


(Sanaz Ullah Khan)
Section Officer (Reg-1)

A copy is forwarded to:-

1. All Additional Secretaries / Deputy Secretaries in Finance Deptt, Quetta.
2. The Private Secretary to Minister for Finance Balochistan, Quetta.
3. The Private Secretary to Chief Secretary Balochistan, Quetta.
4. All Under Secretaries / Section Officers in Finance Department, Quetta.


(Sanaz Ullah Khan)
Section Officer (Reg-1)

(3)

P3-21-01

22

S.No.	Nomenclature of teaching posts with grades	Number of years of total service required for next higher grade as JST.
2.	Elementary Teachers / Junior School Teachers / equivalent Teachers (BS-9) BS-9 to BS-12 BS-12 to BS-14 BS-14 to BS-15 BS-15 to BS-16	After 9 years After 14 years After 21 years After 25 years

S.No.	Nomenclature of teaching posts with grades	Number of years of total service required for next higher grade as HST.
3.	High School Teachers / Senior PTIs / SLTs / SDMs / Arabic Teachers / Science Teachers / equivalent Teachers (BS-15) BS-15 to BS-17 BS-17 to BS-18 BS-18 to BS-19	After 9 years After 14 years After 21 years

S.No.	Nomenclature of teaching posts with grades	Number of years of total service required for next higher grade.
4.	Subject Specialists (BS-17) BS-17 to BS-18	After 9 years

2. The award of higher grade will be subject to following conditions:-

- i) The benefit of Time Scale will be considered and allowed on the recommendations of respective competent forum after scrutiny of service record / A.CRs etc instead of allowing by issuance of simple notification / order.
- ii) Higher Grade will be considered as personal to the incumbent without allowing premature increment at the time of pay fixation in the higher grade and the award of higher scale will not create any right to claim of higher post.

[Signature]

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23

The benefit of 4-tier structure already being availed by the teaching staff of School side after promotion in BS-17 is hereby withdrawn with immediate effect.

Rizwan Tariq
(Rizwan Tariq)

Deputy Secretary (SR-1/Admn)
For Secretary to Government of Sindh

NO. FD(SR-1)1(52)/2010

Karachi, dated the 7th June, 2010

A copy is forwarded for information and necessary action to:-

1. The Chief Secretary to Government of Sindh, Karachi.
2. The Additional Chief Secretary to Government of Sindh (All).
3. The Senior Member, Board of Revenue, Sindh.
4. The Administrative Secretary to Government of Sindh (All).
5. The Members, Board of Revenue, Sindh (All).
6. The Principal Secretary to Governor, Sindh, Karachi.
7. The Secretary to Chief Minister, Sindh, Karachi.
8. The Secretary to Provincial Assembly, Sindh, Karachi.
9. The Heads of attached Departments, Sindh (All).
10. The Regional Heads of Department, Sindh.
11. The District & Sessions Judges, Sindh (All).
12. The Registrar, High Court of Sindh, Karachi.
13. The District Coordination Officers in Sindh (All).
14. The Registrar, Sindh Public Service Commission, Hyderabad.
15. The Secretary, Provincial Ombudsman (Mohtasib) Secretariat, Sindh.
16. The Registrar, Sindh Service Tribunal, Karachi.
17. The Deputy Secretary (Staff) to Chief Secretary, Sindh, Karachi.

Abubul-Isam
(Abubul-Isam)

Section Officer (SR-1)
For Secretary to Government of Sindh

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آزاد جموں و کشمیر

Azad Govt. of the State of Jammu & Kashmir
(Finance Department)

Muzaffarabad

June 20, 2008

Notification

FD/9329-9420/2008. The President of Azad Jammu & Kashmir has been pleased to sanction the time scale package in favour of the school teachers of A.J.K. in the following manner:

A. All school teachers of A.J.K. Govt. in DPS-7 to DPS-15 shall be allowed to benefit the time scale facility as per the following schedule subject to the conditions given hereunder:

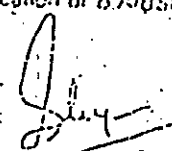
Nomenclature of the post with scale	No. of years service required for next higher scale.
Primary Scale Teachers	
DPS-7 to DPS-10	After nine years in DPS-7
DPS-10 to DPS-11	After fourteen years
DPS-11 to DPS-14	After twenty one years
DPS-14 to DPS-15	After twenty five years
Junior Scale Teachers	
DPS-9 to DPS-12	After nine years in DPS-9
DPS-12 to DPS-14	After fourteen years
DPS-14 to DPS-15	After twenty one years
DPS-15 to DPS-16	After twenty five years
Senior Scale Teachers	
DPS-16 to DPS-17	After nine years in DPS-16
DPS-17 to DPS-18	After fourteen years
DPS-18 to DPS-19	After twenty one years

Conditions:

1. Government teachers will only be eligible for next higher scale if he is allowed next higher scale as per this package.

2. Time Scales will have no effect on regular/substantive scales nor it shall be a promotion in any meaning. The favour got through next scales under this policy/package will be deemed as personal scale to the extent of only financial benefit and these scales shall not affect the substantive scales of any category of teachers and rights of their seniority etc.

3. In future appointments in DPS-7 shall be made on the basis of basic qualification of B.A/BSc with one year training course and direct appointments in junior scales shall be made on the basis of basic qualification of B.A/BSc & CT. Government shall amend the service rules accordingly.



Dr. Shehla Wazir
Additional Secretary Finance (II)

Copy to

1. The Secretary to the President A.J.K.
2. The Secretary to the Prime Minister GoAJK.
3. P/S to the Minister Finance/Education Schools/Colleges GoAJK.
4. P/S to the Chief Secretary GoAJK.
5. P/S to the ACS (Gen)/(Dev) GoAJK.
6. P/S to the Senior Member Board of Revenue GoAJK.
7. The Secretary Finance GoAJK.
8. The Secretary Education Schools/Colleges GoAJK.
9. All Secretaries to the GoAJK.
10. The Accountant General D.G Audit A.J.K.
11. The Controller Printing Press GoAJK.
12. Master File.

(1) Yours truly

6

F3 Annex-C/3
24

Azad Govt. of the State of Jammu & Kashmir
(Finance Department)

Muzaffarabad
June 20, 2008.

Notification

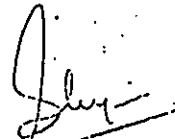
No FDR/9329-9428/2008. The President of Azad Jammu & Kashmir has been pleased to sanction the time scale package in favour of the school teachers of AJ&K in the following manner:-

A. The school teachers of AJ&K Govt. in BPS-7 to BPS-16 shall be allowed to benefit the time scale facility as per the following schedule subject to the conditions given there under:-

Nomenclature of the post with scale	No. of years service required for next higher scale.
Primary Scale Teachers	
BPS-7 to BPS-10	After nine years in BPS-7
BPS-10 to BPS-11	After fourteen years
BPS-11 to BPS-14	After twenty one years
BPS-14 to BPS-15	After twenty five years
Junior Scale Teachers	
BPS-9 to BPS-12	After nine years in BPS-9
BPS-12 to BPS-14	After fourteen years
BPS-14 to BPS-15	After twenty one years
BPS-15 to BPS-16	After twenty five years
Senior Scale Teachers	
BPS-16 to BPS-17	After nine years in BPS-16
BPS-17 to BPS-18	After fourteen years
BPS-18 to BPS-19	After twenty one years

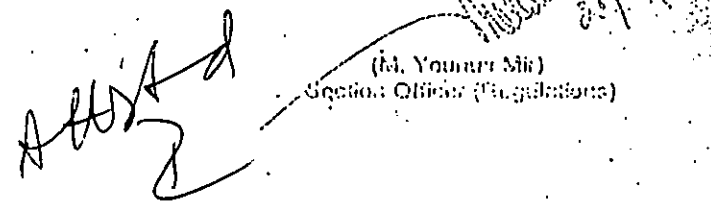
B. Conditions:-

- (i) Concerned teachers will produce at least 60% result during the last five (5) years of service in the specific post before he/she is allowed next higher scale as per this package.
- (ii) Time Scales will have no effect on regular/substantive scales nor it shall be a promotion in any meaning. The favour got through next scales under this policy/package will be deemed as personal scale to the extent of only financial benefit and these scales shall not affect the substantive scales of any category of teachers and rights of their seniority etc.
- (iii) In future appointments in BPS-7 shall be made on the basis of basic qualification of F.VFSc with one year training course and direct appointments in junior scales shall be made on the basis of basic qualification of B.VBSc & CT. Government shall amend the service rules accordingly.


 Dr. Shelia Waqar
 Additional Secretary Finance (R)

Copy to:

1. The Secretary to the President AJ&K.
2. The Secretary to the Prime Minister GoAJK.
3. P/S to the Minister Finance/Education Schools/Colleges GoAJK.
4. P/S to the Chief Secretary GoAJK.
5. P/S to the ACS (Gen)/(Dev) GoAJK.
6. P/S to the Senior Member Board of Revenue GoAJK.
7. The Secretary Finance GoAJK.
8. The Secretary Education Schools/Colleges GoAJK.
9. All Secretaries to the GoAJK.
10. The Accountant General/D. Audit AJ&K.
11. The Controller Printing Press, GoAJK.
12. Master File.


 (M. Younus Mir)
 Section Officer (Regulations)

Annex E
 (27)

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Government of N.W.F.P.
 Finance Department
 No. SO(FR) 10-22(B)/2005
 Dated: 01-10-2007

To

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

Subject: UP-GRADATION OF VARIOUS POSTS OF TEACHERS/CAREER STRUCTURE IN SCHOOLS & LITERACY DEPARTMENT GOVERNMENT OF N.W.F.P.

Sir,

I am directed to refer to your letter No. SO(G) S&L /I-4/2007 dated 01-10-2007 on the subject noted above and to inform that the Chief Minister NWFP has been pleased to up-graded various posts of teachers in Schools & Literacy Department NWFP as per details given below in respect of those incumbents who acquire or possess the qualification and experience mentioned against each with immediate effect.

S#	Designation/ Existing Pay Scale	Qualification	Revised Pay Scale
1	Primary School teacher (PST) BPS-07	F.A/F.Sc at least 2 nd Division with PTC/Diploma in Education	09
2	PST with requisite experience renamed as Head Teacher/Head Mistress of Primary 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/B.Sc at least 2 nd Division with Diploma in Education / CT	15
4	AW/CT (Technical) / Industrial Arts/Home Economics BPS-09	B.A/B.Sc at least 2 nd Division with Diploma in Education / Certificate from Directorate of Curriculum & 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 / B.Sc at least 2 nd Division with JDPE.	15
7	Qari/Qari BPS-07	Hafiz-e-Quran with SSC at least 2 nd Division and Sanad in Qirat	12
8	SSTs/SSTs-Teach: /Agri: with requisite experience rename Sr. SST/Sr SST Teach/Sr.SST Agri BPS-16	M.A/M.Sc at least 2 nd Division with B.Ed/M.Ed / M.A Education or equivalent qualification	17
9	DPE BPS-16	M.Sc at least 2 nd Division in (HPE)	17
10	Librarian BPS-16	MASTER degree in LIBRARY Science least 2 nd Division	17

C.T.C.
 A. H. Khan
 31/7/08

Approved
 J

A. Khan

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 & Transfer) Rules 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 (FR)

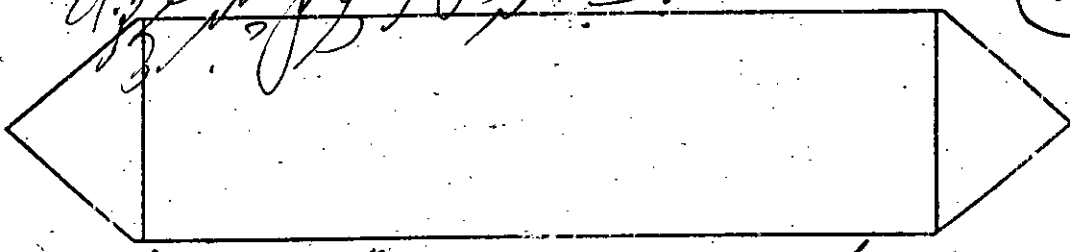
Encls: of even No. & Date

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

C.T.C.
All the above
31/7/08

بعدالت حد سے سب سے زیادہ



عند تہ نسیج و اظہار بیام

مورخہ 3/12/12
مقدمہ
دعویٰ
جرم

5A باعث تحریر آنک

۱۲/۱۲/۱۲

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک ورد پیہ ار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زر این پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی براندگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو چیز ہر جانہ التوائے مقدمہ کے سبب سے وہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندرت ہے۔

المرقوم 3 ماہ دسمبر 2012

علامہ

Acceptance

Signature

بمقام

46

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

SERVICE APPEAL NO 1395/2012.

Ghulam Muhammad, PST, District Dir Lower -----Appellant

VERSUS

1 Secretary Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar & others. -----Respondents

REPLY ON BEHALF OF RESPONDENT NO: 1 & 3

Respectfully Sheweth:-

Preliminary objections.

- 1 The appellant has no cause of action/locus standi.
- 2 The instant appeal is badly time barred.
- 3 The appellant has concealed the material facts from this Hon! able Tribunal, hence liable to be dismissed.
- 4 The appellant has not come to this Hon! able court with clean hands.
- 5 The appellant has filed the instant appeal just to pressurize the respondents.
- 6 The present appeal is liable to be dismissed for non joinder/mis joinder of necessary parties.
- 7 That appellant has filed the instant appeal on malafide motives.
- 8 The instant appeal is against the prevailing law & rules.
- 9 The appellant is estopped by his/her own conduct to file the instant appeal.
- 10 That the instant appeal is not maintainable in the present form and also in the present circumstances of the issue.
- 11 The appellant has not submit any departmental appeal.
- 12 That the rule 3(2) of Khyber Pakhtunkhwa Civil Servant (Appointment Promotion & Transfer) rules 1989 authorize the department to lay down the method of appointment, qualification and other condition applicable to the post in consultation with the Establishment & Administration Department and Finance Department. Hence the present appeal is liable to be dismissed.
- 13 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 Government 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 is related to service record of the appellant hence need no comments.

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- 2 This para is also pertains to record.
- 3 Incorrect. The statement is without any documentary proof and mare concocted statement, hence denied.
- 4 The notification date 13/11/202 as mentioned in this para is issued pursuant of the provisions contained in Sub: Rule (2) of rule (3) of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) rules 1989, in consultation with the Establishment Department and Finance Department and accordance with rules & Laws on the subject, as evident from the said notification (annexure " B" of the appeal).
- 5 Correct. That it was observed by the Apex Court that it is exclusively with in 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 with in the domain of the government to change the above policy from time to time as no body can claim any vested right in the policy. Moreover as replied in para-4 above.
- 6 The statement of the appellant is negation of merit policy. The appellant were also at liberty to enhance their qualification and teaching skill but the appellant slept on it, hence denied.
- 7 Incorrect. The appellant has not submitted any departmental representation which is requisite for the instant appeal. While the appellant does not fall with in the meaning of aggrieved person and also knocked at the door of wrong legal forum, as this Ho! able service Tribunal has no jurisdiction in the policy matters hence the present appeal is liable to be dismissed inter alia on the following grounds.


ON GROUNDS.

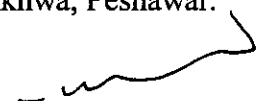
- A Incorrect & not admitted. The statement of the appellant in this para is baseless, against the law/Rules on the subject and norms of natural justice, without any legal proofs, hence denied.
- B Incorrect and not admitted, the statement of the appellant is without any legal support, against norms of justice. How it can be possible to treat SS on equal footing with intermediate, other Higher qualifications as well as 3rd division with Ist division, Hence the whole para is denied.
- C In correct & not admitted. The statement in this para is without legal support.
- D Incorrect & not admitted in Education Department all the employees are allowed to enhance their academic & professional qualification , while the appellant has added nothing to his qualification & teaching skills.
- E Incorrect & not admitted. The appellant is not discriminated moreover, the rules of other Provinces are not applicable in Province Khyber Pakhtunkhwa.
- F Incorrect & not admitted. Rules and Policies of other department cannot be applicable in Education Department due to difference in work, responsibilities and nature hence denied.
- G Incorrect. The statement of the appellant is misleading one and not relevant, hence denied.
- H The appellant has been treated in accordance with law & the provision contained in Article-4 of the constitution.

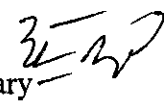
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I The respondents also seek the permission of this Hon! able Tribunal to adduce more Grounds & proofs at the time of hearing.

In view of the above made submission, it is requested that this Hon! able Tribunal may very graciously be pleased to dismiss the appeal in hand with cost in favour of the respondent Department.


Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.


Secretary
Elementary & Secondary Education
Department Khyber Pakhtun khwa,
Peshawar.


Secretary
Govt: of Khyber Pakhtunkhwa
Finance Department Peshawar.