

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 801/2016

Date of institution ..... 08.08.2016

Gul Faraz Khan, Secondary School Teacher, Government Higher Secondary School, Shah Baz Khel, District Lakki Marwat.

VERSUS

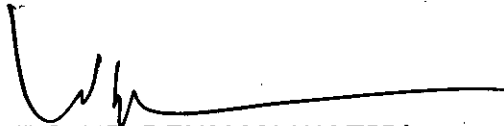
Chief Secretary, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and three others.

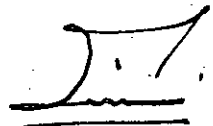
ORDER  
29.07.2021

Appellant in person present and submitted application for withdrawal of the instant appeal alongwith copy of his NIC, which are placed on record. The appeal in hand is fixed for 14.10.2021, however, file of the same requisitioned for today as per request of the appellant.

In light of withdrawal application so submitted by the appellant, the appeal in hand stands dismissed as withdrawn. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED  
29.07.2021

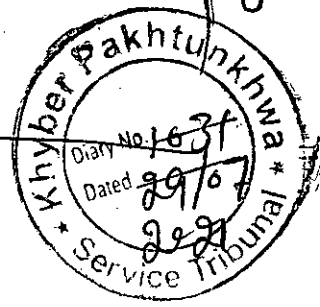
  
ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

Before the Honourable Service Tribunal  
KPK Peshawar

P.O.F.  
Jun

Sub:- application for withdrawal of Service  
Appeal No 801/2016 title: Gul Faraz  
I v/s Govt of KPK



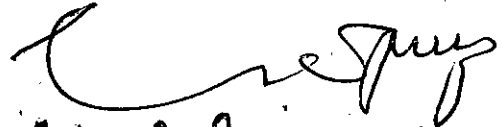
R/Sir,

Respectfully stated that I filed  
an appeal No 801/2016 pending before  
this Honourable Tribunal in which  
date fixed for hearing on 14/10/2021,  
Now, I want to withdraw my  
Present Appeal.


It is therefore requested that my  
Present appeal may kindly be  
withdrawn & oblige

Dated: 29/7/2021

Put up to the court with  
return appeal.

  
Gul Faraz Khan  
Appellant

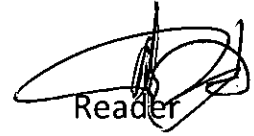
Reader

  
29/7/2021

ENK # 11201-0333940-5

15.01.2021

Junior to counsel for the appellant present. Addl: AG for respondents present. Due to pandemic of Covid-19, the case is adjourned to 31.03.2021 for the same.

  
Reader

21.03.2021

Due to non-availability of concerned D.B. The case is adjourned to 10.03.2021 for the same as before.


  
Reader

10.06.2021

Nemo for parties.

Asif Masood Ali Shah learned Deputy District Attorney present.

Preceding date was adjourned on a Reader's note, therefore appellant/counsel and respondents be put on notice for 14.10.2021 for arguments, before D.B.

  
(Rozina Rehman)  
Member (J)

  
Chairman

28-4.2020

Due to COVID19, the case is adjourned to  
9/7/2020 for the same as before.

Reader 

08.07.2020

Due to COVID19, the case is adjourned to 31.08.2020 for  
the same as before.

Reader 

31.08.2020


Due to summer vacation, the case is adjourned to  
06.11.2020 for the same as before.

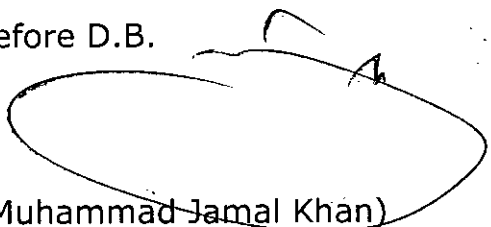
Reader 

06.11.2020

Mr. Kabirullah Khattak, Additional Advocate  
General for the respondents is present.

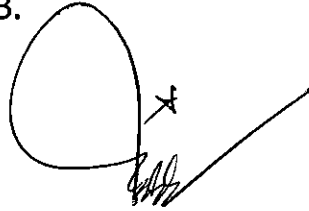
Since the Members of the High Court as well as of  
the District Bar Associations, Peshawar, are observing  
strike today, therefore, learned counsel for appellant is  
not available today. Adjourned to 15.01.2021 on which  
date to come up for arguments before D.B.

  
(Atiq-ur-Rehman Wazir)  
(Member (Executive))

  
(Muhammad Jamal Khan)  
Member (Judicial)

12.03.2020

Clerk to counsel for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Clerk to counsel for the appellant seeks adjournment as learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 28.04.2020 before D.B.

A handwritten signature consisting of a large, simple oval shape with a small cross-like mark to its right, and a long diagonal line extending downwards and to the right from the bottom of the oval.

Member

A handwritten signature consisting of several sharp, overlapping peaks and valleys, resembling a jagged line or a stylized 'M'.

Member

08.11.2019

Learned counsel for the appellant and Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Wahid Ullah ADEO present. Adjournment requested. Adjourn. To come up for arguments on 04.12.2019 before D.B.



Member



Member

04.12.2019

Appellant in person present. Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Appellant requested for adjournment that his counsel is not in attendance. Adjourned. To come up for arguments on 08.01.2020 before D.B.



(Hussain Shah)  
Member



(M. Amin Khan Kundi)  
Member

08.01.2020

Lawyers are on strike as per the decision of Peshawar Bar Association. Adjourn. To come up for further proceedings/arguments on 12.03.2020 before D.B.




Member



Member

15.07.2019


Appellant in person and Mr. Usman Ghani, District Attorney for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned to 13.09.2019 for arguments before D.B.

  
(HUSSAIN SHAH)  
MEMBER

  
(M. AMIN KHAN KUNDI)  
MEMBER

13.09.2019

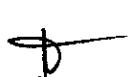
Appellant with counsel present. Mr. Usman Ghani, District Attorney alongwith Mr. Irfanullah, Assistant for respondents present. Case to come up for arguments on 15.10.2019 before D.B.

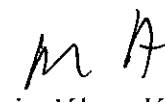
  
Member

Member

15.10.2019

Appellant alongwith his counsel and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Hayat Muhammad, Assistant Director for the respondents present. Case to come up for arguments on 08.11.2019 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

29.04.2019

Appellant in person and Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Naseer Ahmed ADO for the respondents present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 18.06.2019 before D.B.

  
Member

  
Member

18.06.2019

Junior to counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Muhammad Akram Superintendent present. Representative of the respondent department submitted FINAL SENIORITY LIST OF SSTS GENERAL, SCIENCE, TECHNICAL AND COMMERCE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA STOOD ON 01.01.2018, copy of which is handed over to junior to counsel for the appellant. Junior to counsel for the appellant requested for adjournment as learned counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 15.07.2019 before D.B.

  
Member

  
Member



31.12.2018

Ashraf Ali Khattak Advocate present on behalf of learned counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Ashraf Ali Khattak Advocate seeks adjournment as learned counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 01.03.2019 before D.B.

  
Member

  
Member

01.03.2019

Clerk to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Due to general strike of the bar, the case is adjourned. To come up for arguments on 16.04.2019 before D.B


  
Member

  
Member

16.04.2019

Appellant with counsel present. Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for argument on 29.04.2019 before D.B

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member


02.05.2018


Clerk to counsel for the appellant and Mr. Usman Ghani, learned District Attorney present. The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore the case is adjourned. To come up for the same on 18.07.2018

  
READER

18.07.2018

Clerk to counsel for the appellant present. Mr. Sardar Shoukat Hayat, Addl: AG for respondents present. Clerk to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 12.09.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

12.09.2018

Since 12 September 2018 has been declared as public holiday on account of Muharam Ul Haram. Therefore, the case is adjourned. To come up for the same on 8-11-18

  
Reader

08.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 31.12.2018.

  
READER

07. 04.07.2017 Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondent present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 23.10.2017 before D.B.

(Gul Zeb Khan)  
Member

(Muhammad Hamid Mughal)  
Member

23.10.2017

Appellant in person and Mr. Usman Ghani, District Attorney alongwith Muhammad Akram, Superintendent for the respondents present. Appellant seeks adjournment. Granted. To come up for arguments on 02.01.2018 before D.B.

Member

Chairman

02.01.2018

Appellant in person present. Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Akram, Superintendent for the respondents also present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 01.03.2018 before D.B.

(Ahmad Hassan)  
Member(E)

(M. Amin Khan Kundi)  
Member (J)

01.03.2018


Clerk to counsel for the appellant and Addl: AG for respondents present. Clerk to counsel for the appellant seeks adjournment as counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 27.04.2018 before D.B.

Member

Chairman

19.09.2016

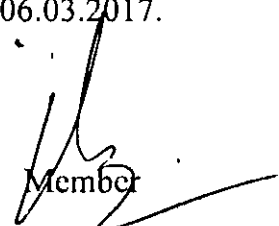
Clerk of counsel for the appellant, M/S Sharif Ullah, ADO (Lit) and Hameed Ur Rehman, AD (Lit) alongwith Addl: AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 07.11.2016 before S.B.



Member

07.11.2016

Clerk to counsel for the appellant and Addl: AG for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 06.03.2017.



Member

06.03.2017

Appellant in person and Mr. Ziaullah, GP for respondents present. Rejoinder submitted. To come up for arguments on 04.07.2017 before D.B.



(MUHAMMAD AAMIR NAZIR)  
MEMBER



(ASHFAQUE TAJ)  
MEMBER

18.08.2016

Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal, the appellant has impugned Notification dated 20.10.2015 vide which the appellant was not considered for promotion. Against the impugned order the appellant filed departmental appeal on 12.4.2016 which was not responded within the statutory period hence, the instant service appeal. Learned counsel for the appellant submitted before the court that name of the appellant was not included in revised final joined Seniority List therefore, he was denied promotion and the same has already been challenged by the appellant in this Tribunal in a separate service appeal. That the appellant has been denied promotion due to defective Seniority List, hence the instant appeal be clubbed with appeal No. 401 of 2016 in which the appellant has challenged the impugned Seniority List.

Since the instant appeal is within time and matter required further consideration of this Tribunal therefore, the same is admitted for regular hearing, subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 19.09.2016 before S.B.



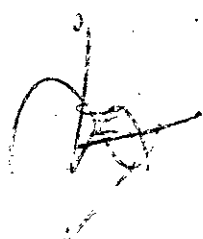
Member

Appellant Deposited  
Security & Process Fee

Form- A  
FORM OF ORDER SHEET

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

Case No. 801 /2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	08/08/2016	<p>The appeal of Mr. Gul Faraz presented today by Mr. Khushdil Khan Advocate may be entered in the Institution Register and put up to Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	11/08/2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on. <u>18-08-2016</u></p> <p style="text-align: right;"> MEMBER</p> <p style="text-align: right;"></p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 801 /2016

Gul Faraz Khan,  
Secondary School Teacher,  
Govt. Higher Secondary School,  
Shah Baz Khel, District Lakki Marwat.....Appellant

Versus

The Chief Secretary,  
Govt: of Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar & others.....Respondents


INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal			1-4
2.	Copy of the order of this Hon'ble Tribunal passed in Service Appeal No. 982/2003.	13-02-2006	A	5-7
3.	Copy of notification whereby regularized the services of appellant as SET w.e.f. 08-05-1994 and also placed his name at serial No. 2337-C in the final seniority list of SETs.	06-03-2010	B	0-8
4.	Copy of the order of the Hon'ble Supreme Court of Pakistan whereby civil petition No. 204-P/2006 was dismissed.	08-03-2010	C	9-10
5.	Copy of the extracts of the seniority list there from the name of appellant was omitted		D	11-13

S.No.	Description of Documents	Date	Annexure	Pages
	which is under challenged in this Hon'ble Service Tribunal in service appeal 401/2016.			
6.	Copy of notification whereby the SSTs were promoted to the posts of SS (BPS-17) ignoring appellant.	17-03-2016	E	14-16
7.	Copy of departmental appeal under registered post against the notification of promotion.	12-04-2016	F	0-17
8.	Wakalat Nama			

  
Appellant

Through

  
Khush Dil Khan  
Advocate,  
Supreme Court of Pakistan  
9-B, Haroon Mansion,  
Khyber Bazar, Peshawar.  
Cell # 091-2213445

Dated: 05/08/2016



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 801 /2016

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 816

Dated 08/8/2016

Gul Faraz Khan,  
Secondary School Teacher,  
Govt. Higher Secondary School,  
Shah Baz Khel, District Lakki Marwat.....Appellant

Versus

1. The Chief Secretary,  
Govt: of Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar.
2. The Secretary,  
Govt. of Khyber Pakhtunkhwa,  
Elementary & Secondary Education,  
Department, Peshawar.
3. The Director,  
Elementary & Secondary Education,  
Department, Peshawar.
4. The District Education Officer (Male),  
District, Lakki Marwat.....Respondents

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 17-03-2016 THEREIN THE NAME OF APPELLANT WAS EXCLUDED/MISSED FROM PROMOTION TO THE POST OF SUBJECT SPECIALIST (BPS-17) WITHOUT COGENT REASONS AGAINST WHICH HE FILED DEPARTMENT APPEAL ON 12-04-2016 BUT SAME WAS NOT DISPOSED OF WITHIN STATUTORY PERIOD OF NINETY DAYS.**

Filed to-day

Registrar

8/8/16

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. That earlier appellant had filed a service appeal No. 982/2003 in this Hon'ble Tribunal for regularization of his services against the post of SET now SST which was allowed on 13-02-2006 (**Annexed-A**). This order was challenged by respondent department through civil petition No. 204-P/2006 in the Hon'ble Supreme Court of Pakistan during the pendency of this petition the respondent No. 3 issued a notification on 06-03-2010 (**Annexed-B**) thereby the services of appellant as SET was regularized with effect from 08-05-1994 and assigned seniority to him from that vary date and placed his name at serial No. 2337-C in the final seniority list of SETs. The civil petition as was pending in the Hon'ble Supreme Court of Pakistan was later on dismissed on 08-03-2010. (**Annexed-C**)
2. That respondent No. 3 issued a revised final joint seniority list (**Annexed-D**) of the SETs/SSTs therein the name of appellant was omitted without cogent reasons against which he filed a departmental appeal/representation before respondent No. 2 on 26-12-2015 under registered post since the same was not disposed of within statutory period of ninety days therefore he filed Service Appeal No. 401/2016 in this Hon'ble Tribunal which has been admitted for regular hearing and still pending for further proceedings.
3. That on 17-03-2016 (**Annexed-E**) the respondent No.2 has issued a notification thereby Seven Hundred and Thirty Seven male Secondary School Teachers (BPS-16) were promoted to the posts of Subject Specialist (BPS-17) on regular basis but the name of appellant was missing from the said notification

irrespective of the fact that the names of junior to him were existed in the notification. The appellant being aggrieved of this unfair, unjust act of the respondents was constrained to file departmental appeal 12-04-2016 (**Annexed-F**) under registered post but same was not disposed of within statutory period of ninety days.

Hence the present appeal is submitted on the following amongst other grounds:-

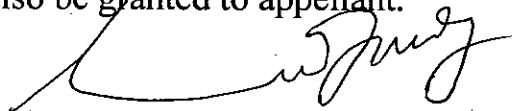
**Grounds:**

- A. That respondent No. 2 has not acted in accordance with law and rules on subject and unlawfully omitted the name of appellant from the promotion notification dated 17-03-2016 resultantly he was deprived of his right of promotion without cogent reasons which is illegal, without lawful authority and of no legal effect liable to be declared void and ineffective on the rights of appellant.
- B. That in the final seniority list of SETs/SSTs issued on 14-12-2006, the name of appellant was placed at serial No. 2337-C on the basis of decision of Khyber Pakhtunkhwa Service Tribunal Peshawar dated 13-02-2006 but then his name was not considered for promotion and juniors to him were promoted and he was ignored without cogent reasons which is unfair and unjust and not sustainable under the law and rules on subject.

It is, therefore, humbly prayed that on acceptance of this service appeal, the respondent No. 2 may graciously be directed to include/insert the name of appellant at appropriate place in the notification dated 17-03-2016 and be declared him promoted to the

post of Subject Specialist (BPS-17) with effect from 17-03-2016 with all back benefits.

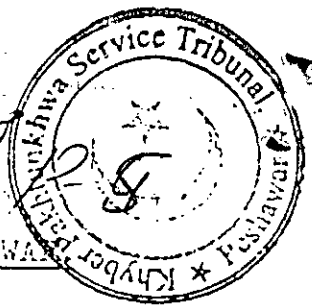
Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.



**Through** **Appellant**  
**Khush Dil Khan,**  
Advocate,  
Supreme Court of Pakistan

Dated: 05 / 08 / 2016

Annex A



BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR

Appeal No. 982 /2005.

A.W.P. Province  
Service Tribunal

Diary No. 1192

Dated 30-9-03

Gul Faraz (S.S). GHSS Dara  
Pezu Lakki Marwat . . . . . (APPELLANT)

VERSUS

1. Secretary School & Literacy  
Department NWFP Peshawar.
2. Director School & Literacy NWFP  
Peshawar.
3. Muhammad Pervez (S.S) GHSS Munda Dir.
4. Atlas Noer (S.S) GHSS Dara ban D.I.Khan.
5. Attaur Rehman (S.S) GHSS No.4 Peshawar City.
6. Javed Khan (S.S) GHSS Dhakki Charsadda.
7. Saifur Rehman (S.S) GHSS Technical,  
Gul Bahar Peshawar.
8. Taj Nabi (S.S) GHSS Katlang Mardan.
9. Saadullah Khan (S.S) GHSS Khan Pur Dir.
10. Sardar Muhammad (S.S) GHSS Katgar D.I.Khan.
11. Muhammad Ziaul Haq (S.) GHSS Khweshki,  
Nowshera.
12. Muhammad Altaf Hussain (S.S) GHSS No.3  
D.I.Khan. . . . . (RESPONDENTS)

dt: No.  
8, 9 Sep-03  
in ch dt.  
-05.  
-10-11-12  
date vide  
dt: 24-10-03

APPEAL U/S 4 OF THE NWFP SERVICE  
TRIBUNAL ACT 1974 AGAINST THE NON-  
APPROVAL OF APPELLANT AS SUBJECT  
SPECIALIST AND AGAINST THE ORDER  
DATED 27.5.2005 WHEREBY JUNIOR S.S.  
(ENGLISH) HAVE BEEN APPROVED/REGU-  
LARIZED AND LEFT THE APPELLANT.

PRAYER.

ON ACCEPTANCE OF THIS APPEAL THE  
RESPONDENT DEPARTMENT MAY BE DIRECTED  
TO APPROVE/REGULARIZE THE APPELLANT  
WITH EFFECT FROM PASSING B.Ed AGAINST  
SUBJECT SPECIALIST POST.

ATTESTED

Handwritten signature and stamp at the bottom left corner.

Handwritten notes and signature on the left side, including '30.9.03' and 'A. H. H. H.'.

17. 13.2.2004

Appellant with counsel and  
Wahcedullah, A.D with AGP for respondent deptt:  
present. Preliminary arguments heard and  
record perused.

*PS*

This appeal u/s 4 of the NWFP  
Service Tribunals Act, 1974 is regarding non-  
approval of the appellant as Subject Specialist  
and also against the order dated 27.5.03,  
whereby junior S.Ss(English) have been  
approved/regularized and the appellant was  
left over, with the prayer that the respon-  
dent department may be directed to approve/  
regularize the appellant w.e.f passing B.Ed  
Exam: against the post of S.S.

~~ATTESTED~~

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

*A. Mehtab*

ne  
be

7/06  
INAL

Serial No. of Order or Proceeding	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate that of parties or counsel where necessary
1	2	3
	<p><i>6-10-2011</i></p> <p><i>12-10-2011</i></p> <p><i>8-10-2011</i></p> <p><i>10-10-2011</i></p> <p><i>10-10-2011</i></p>	<p style="text-align: right;"><i>P87</i></p> <p>It appears that the appellant was initially appointed as SET untrained temporarily and adjusted as Subject-Specialist vide order dated 11.3.90. He passed B.Ed Examination on 8.5.94 and filed service appeal No. 287/96 for the award of graded pay. The appeal was accepted and the appellant was awarded graded pay from the date of passing B.Ed Examination, but since he was not regularized/approved against SET post, therefore, he was not considered for regularization as Subject-Specialist. The appellant will be first regularized against SET post and there-after he can claim regularization against S.S post. The respondent department may consider his regularization first against SET post on merits and in his turn and there-after again as S.S on regular basis on merits and in his turn. The instant appeal stands disposed of in <u>limine</u> in the above terms. No order as to costs. File be consigned to the record.</p> <p><u>ANNOUNCED</u></p> <p>13.2.2006</p> <p style="text-align: right;"> <i>(Signature)</i>              (ABDUL SATTAH KHAN)              CHAIRMAN              NWFP SERVICE TRIBUNAL              PESHAWAR.         </p>

Certified to be true copy

EXAMINER  
 Khyber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar

Date of receipt of copy: *6-10-2011*

Date of receipt of copy: *6-10-2011*

Date of receipt of copy: *6-10-2011*

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, NWFP  
PESHAWAR

*Amir B*  
*18*

Notification:

In pursuance of the decision of the NWFP Service Tribunal Peshawar dated 13-2-2006, the services of Mr. Gul Faraz Khan as SET, GISS Ghalanai Mohmand Agency, are hereby regularized with effect from 8-5-1994 i.e from the date of passing B.Ed Examination.

He is further allotted Seniority list Sr. No. 2337-C in the Final seniority list of SETs issued vide No. 1577-1602 dated 14-12-2006 with effect from the date of his regularization of services as SET i.e. 8-5-1994.

Director  
Elementary & Secondary Education  
NWFP, Peshawar.

Encls: No. 5333-40/F.No.18/A.D (Litigation) Dated Peshawar the 21-3-2010

Copy for information & Necessary action to the:

1. Director of Education (FATA) NWFP, Peshawar
2. Agency Education Officer concerned
3. Agency Accounts Officer concerned
4. PS to Secretary to Govt: of NWFP, Elementary & Secondary Education Department Peshawar.
5. PA to the Director E&SE NWFP, Peshawar
6. Assistant Director (Litigations) Local Directorate.
7. SET(M) Dealing Assistant.
8. Teachers concerned.

*A Hope*  
*for*  
Deputy Director (Establishment)  
Elementary & Secondary Education  
NWFP, Peshawar



IN THE SUPREME COURT OF PAKISTAN  
(Appellate Jurisdiction)

*Amuz C*  
*98*

Present

Mr. Justice Raja Fayyaz Ahmed  
Mr. Justice Asif Saeed Khan Khosa

CIVIL PETITION NO. 204-P OF 2006.

(On appeal from the order dated 13.2.2006 of the NWFP Service Tribunal Peshawar passed in Appeal No.982/2003).

Gul Faraz Khan.

Petitioners

Versus

The Secretary Schools and Literacy Department NWFP and others. Respondents

For the petitioner:

Syed Asif Shah, ASC  
Mr. Mir Adam Khan, AOR.

For the respondents:

Mr. Zia-ur-Rehman, AG.

Date of hearing :

08.03.2010.

ORDER

Raja Fayyaz Ahmed, J.- The learned Advocate

General has placed on record copy of the notification dated 6.3.2010 reproduced herein below:-

"DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, NWFP, PESHAWAR.

Notification:

In pursuance of the decision of the NWFP Service Tribunal Peshawar dated 13.2.2006, the services of Mr. Gul Faraz Khan as SET, GHSS Ghalanai Mohmand Agency, are hereby regularized with effect from 8.5.1994 i.e. from the date of passing B.Ed. Examination.

He is further allotted Seniority list Sr. No.2337-C in the final seniority list of SETs issued vide No.1577-1602 dated 14.12.2006 with effect from the date of his regularization of services as SET i.e. 8.5.1994.

ATTESTED

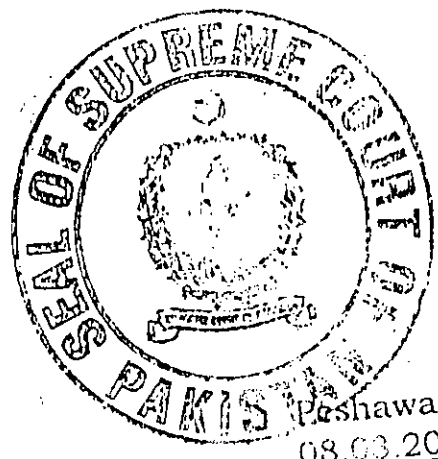
*[Signature]*  
Office Secretary  
Supreme Court of Pakistan  
Peshawar

Director  
Elementary & Secondary Education  
NWFP, Peshawar.

P 9/10

2. He explained that the directions of the learned Service Tribunal stand duly implemented. Copy of the same has been supplied to the learned counsel for the petitioner. Having gone through the same, the learned counsel stated that juniors to the petitioner have been promoted. Be that as it may, no question of law of public importance within the preview of Article 212(3) of the Constitution of Islamic Republic of Pakistan, 1973 could be made out, therefore, this petition is dismissed and leave to appeal refused.

*Judge* Rije Fayyaz Muneed, J  
*Judge* Asif Saeed Khan Khosa



Peshawar,  
 08.03.2010.

Not approved for reporting

Certified to be true copy  
 Officer in Charge  
 Supreme Court of Pakistan  
 Peshawar.

*M. Yasir*  
 22/3/10  
*Asif Saeed*

476-P/2010.....  
 12-3-2010.....  
 600.....  
 6.....  
 5.....  
 3.72.....  
 8.72.....  
 12/3/2010.....  
 26/3/2010.....  
 Copies.....  
 Mian Shabbat Hussain, AOR  
 8.72.....  
 10/-.....  
 Nil.....

Annex D P. 10

REVISED FINAL JOINT SENIORITY LIST OF SETs GENERAL SCIENCE, TECHNICAL AND COMMERCE OF ELEMENTARY AND SECONDARY							
S.No	Name and Qualification	School/Office	Year of B.Ed	Date of Birth / Domicile	Date of Ist: Apptt:in Edu Deptt;	D/o of Appointt:/Apr of SET	Remarks
1	2	3	4	5	6	7	8
1	Mr. Wazir Ahmad BA:BEEd	GMS Frang Dara Khy:Agency	1987	13-1-56/Peshawar	1/12/1974	7/9/1988	
2	Mr. Fazlur Rehman BA:BEEd	GMS Arawali Kurram Agency	1986	28-3-59/Kurram	3/9/1987	7-9-88	
3	Mr. Hanifullah BA:BEEd	GHS Saffani Mohmand	1985	16-10-61/Mohmand	2/10/1982	7-9-88	
4	Mr. Mubarik Haleem BSc:BEEd	GHS No 1 Tangi Charsadda	1986	10-9-61/Charsadda	1/6/1988	7/9/1988	
5	Mr. S.Shah Hussain BA:BEEd	ASDEO (M) A.Abad	1985	26-6-57/A.Abad	10/11/1974	22-11-88	
6	Mr. Khalil Mohammad BA:BEEd	GMS Wargosa Swat	1987-88	14-5-63/SWA	27-5-85	2/2/1989	
7	Mr. Abdul Akbar Khan MA:BEEd	GHS No 2 Laki Mira Knel Bannu	1981-82	4-1-58/Bannu	14-11-87	1/6/1989	
8	Mr. Mohammad Iqbal ES:BEEd	GHS K-rakki DIKhan	1987-88	6-6-64/DIKhan	1/6/1989	8/6/1989	
9	Mr. Muhammad Gul BA:BEEd	GMS cale Kot SWA	1989	6.5.56/SWA	9/7/1977	8/6/1989	
10	Mr. Mohammad Ajmal Khan BA:BEEd	GMS Abbas Khel Tangi SWA	1988-89	11-9-53/SWA	1/9/1981	8/6/1989	
11	Mr. Saifur Rehman BA:BEEd	GMS Azam Warsak SWA	1988-89	3-3-54/SWA	1/10/1981	8/6/1989	
12	Mr. Iqbal Muhammad BA:BEEd	GMS Alpuri Swat	1986	5.2.59/Swal	6/10/1980	9.8.89	
13	Mr. Mohammad Darwez BA:BEEd	GHS E-yar Dir	1987	20-4-57/Dir	26-10-86	1/9/1989	
14	Mr. Abdul Haq BA:MEC	GHS N naq Dara Dir	1987-88	1-3-64/Dir	2/9/1989	2/9/1989	
15	Mr. Mohammad Jan N.sar MA:BEEd	GMS Wadpaggga Peshawar	1981-82	1-5-54/Peshawar	15-10-73	7.9.89	
16	Mr. Mohammad Bashir BSc:MA:MEEd	GHS San Khak Nowshera	1988	20-4-61/Peshawar	22-12-83	9/9/1989	
17	Mr. Asmatullah BA:BEEd	GHS Ahmad Wan SWA	1987-88	15-2-66/SWA	9/9/1989	9/9/1989	
18	Mr. Inayatullah Khan BA:BEEd	GHS Pashat Bajour Agency	1986	14-8-54/Bajour	21-4-74	12/9/1989	
19	Mr. Shafiullah	GHS	1988	20.8.58/B Agy	28-11-79	13-9-89	
20	Mr. Abdul Manan SET	GMS Kan wran	1989	D.I.Khan	1/10/1983	13-9-89	
21	Mr. Abdus Sadiq MA:BEEd	GHS No 2 Haripur	1988	11-2-57/Haripur	30-4-76	21-9-89	
22	Mr. Abdul Majeed MA:BEEd	GHS Gara Mohabat DIKhan	1982	2-11-57/DIKhan	25-2-79	21-9-89	
23	Mr. Mohammad Rafiq MA:BEEd	GHS Sanggu DIKhan	1982	2-9-60/DIKhan	18-11-84	24-9-89	
24	Mr. Mohammad Iqbal MA:BEEd	GHS Kalu Khan Swabi	1988	3.2.54/FR Bannu	5/12/1979	1-10-89	
25	Mr. Sharbat Khan BA:BEEd	GHS Landha SWA	1988-89	31-12-53/SWA	19-5-82	1-10-89	
26	Mr. S.Izhar Ali Shah BSc:BEEd	GHS Penur Hamlet Swabi	1988	1-11-58/Swabi	8/10/1989	8/10/1989	
27	Mr. Mukhtar Ahmad BA:BEEd	GHS Pattan Khurd A.Abad	1986	30-4-55/A.Abad	3/12/1973	9/10/1989	
28	Mr. Mohammad Khalid BA:BEEd	GHS Krotian Bala	1986	7-1-55/Haripur	29-11-78	9/10/1989	
29	Mr. Zulfqar Ali BA:BEEd	GHS Tall Kohat	1985	7-11-58/Karak	15-10-85	12/10/1989	
30	Mr. Mohammad Shafique BA:BEEd	GHS Mohammad Khol NWA	1988	1-11-59/FR Bannu	6/11/1982	25-10-89	
31	Mr. Riaz Ali MSc:BEEd	GHS Panjpir Swabi	1989	2-2-61/Swabi	17-12-86	16-11-89	
32	Mr. Zafran Ali BA:BEEd	GHS Kalya Orakzai Agency	1987	15-11-58/Orakzai	16-2-78	26-11-89	
33	Mr. Saniullah Khan MSc:BEEd	GHS Domail Bannu	1989	12-2-64/FR Bannu	12/9/1989	26-11-89	
34	Mr. Bahramand MSc:BEEd	GHS San Kan Dir	1987	3-2-60/Swat	24-9-89	26-11-89	
35	Mr. Abdul Aziz MEEd	GHS Domail Bannu	1983-85	20-7-56/Bannu	21-9-85	29-11-89	
36	Mr. Hidayatullah Khan BSc:BEEd	GHS S-albbar Khy:Agency	1989	2-1-61/Khy:Agency	22-10-87	4/12/1989	
37	Mr. Gul Sher Ali MSc:BEEd	GHS Ranwal DIK	-	7-11-54/DIK	1/3/1983	31-12-89	
38	Mr. Muhammad Arif BA:BEEd	GHS Ab (Mardan)	1983	3-7-59 / Mardan	8/11/1983	20-1-90	
39	Mr. Sajad Hussain	GMS Sattar shah Colony Pesh.	1986	26.1.60/A.Abad	1/1/1986	22-1-90	
39-A	Mr. Liaqat Ali Khan SET BA:MEEd	GMS Gzardara FR Kohat	1990	14-8-61 / FR-Kohat	19-12-79	20-2-90	
40	Mr. Sher Ali Khan MA:BEEd	GHS Mattani Peshawar	1984	27-9-53 / Peshawar	1/5/1975	12/4/1990	
41	Mr. Rudi Gul SET	GHS S-darh Mardan	1988	20-4-54 / Mardan	30-4-75	16-4-90	

Alfred A

S.No	Name and Qualification	School/Office	Year of B.Ed	Date of Birth / Domicile	Date of Ist. Appntt. in Edu Deptt;	D/o of Appointt./Appr of SET	Remarks
1	2	3	4	5	6	7	8
2317	Mr. Siraj Hussain SET	GMS Garhi Sikandar Khan, Pesh.	1990	15.1.63/Peshawar.	1/11/1981	12.7.99	
2318	Mr. Farooq Shah SET	GHS, Dag Besud, Nowshera	1990	11.3.60/Peshawar.	19-11-81	12.7.99	
2319	Mr. Ibrar Habib SET	GHS, Z.K.K. Sahib, Nowshera	1990	14.3.56/Mardan.	21-11-81	12.7.99	
2320	Mr. Ghufrankullah SET	GHS, Junj Pir Swabi.	1990	15.4.54/Swabi.	12/10/1986	12.7.99	
2321	Mr. Syed Habib Shah SET	GHS, Deh Bahadar, Peshawar	1990	2.2.60/Peshawar.	22-11-81	12.7.99	
2322	Mr. Muhammad Shamsul Haq SET BA BEd	GHS, Birga Nisar, Chitral.	1990	1.11.58/Chitral	5/11/1983	12.7.99	
2323	Mr. Afzal Shah SET	GHSS, Butyal, Swat.	1990	15.10.59/Mkd.	15-12-81	12.7.99	
2324	Mr. Muhammad Ishtiaq SET	GHS, Jal Gali, Mansehra.	1990	1.1.61/Mansehra.	17-12-81	12.7.99	
2325	Mr. S. Muhammad Curreshi SET	GHS, Jehangira, Swabi.	1990	15.4.56/Mardan.	1/7/1987	12.7.99	
2326	Mr. Muhammad Rafoq SET BA BEd	GMS, Salool Bandi AT.	1990	19.5.56/A Abad	1/1/1982	12.7.99	
2327	Mr. Bahar Hussain SET, BA, BEd	GHS, Raisan, Kohat.	1990	8.8.56/Kohat.	22-2-82	12.7.99	
2328	Mr. S. Wahid Khan SET	GMS, Khesroi, Nowshera.	1990	7.10.57/Mardan.	3/3/1983	12.7.99	
2329	Mr. Shabir Ahmad SET	GHS, Shang, Swat.	1990	12.4.57/Mkd.	17-5-82	12.7.99	
2330	Mr. Fazal Manan SET	GHS, Khesghi Bala, Nowshera	1990	1.9.60/Peshawar.	18-5-82	12.7.99	
2331	Mr. Muhammad Raz SET	GHS, Gali Badrai, Mansehra	1990	3.5.58/Mansehra	3/6/1982	12.7.99	
2332	Mr. Said Muhammad SET	GMS, Toor Qilla, Dir.	1990	8.1.60/Mkd.	26-7-82	12.7.99	
2333	Mr. Waqar Ahmad SET BA BEd	GCMHS Chitral	1990	11.11.61/Chitral	17-10-82	12.7.99	
2334	Mr. Rehman Shah SET	GMS, Aneen, Swat	1990	5.3.56/Mkd.	19-10-82	12.7.99	
2335	Mr. Jehan Zeb s/o Mahmood Khan SET, MA, MEd	GHS, Turfandi Swabi	1990	25.1.55/Mardan.	1/11/1982	12.7.99	
2336	Mr. Umar Haleem SET	GHS, Marra, Swat	1990	2.4.59/Mkd.	4/11/1982	12.7.99	
2337	Mr. Badshah Rehman s/o Gul Rehman SET MA BEd	GHS, Inzargai MKD	1990	1.1.60/Mkdd.	6/11/1982	12.7.99	
2338	Mr. Pervaiz Khan SET BA BEd	GHS, Chani, Swabi.	1990	1.1.59/Swabi	20-3-83	12.7.99	
2339	Mr. Mushlaq Hussain SET	GHS No 2 Peshawar City.	1990	15.4.52/Peshawar	28-3-83	12.7.99	
2340	Mr. Ihsanullah SET	GMS, Spin Kani, Nowshera	1990	8.5.64/Peshawar	31-3-83	12.7.99	
2341	Mr. Shamsul Islam SET	GHS, Mattani, Peshawar.	1990	20.10.62/Peshawar.	7/4/1983	12.7.99	
2342	Mr. Abdul Nasir SET	GHS, Kashil, Chitral.	1990	11.1.56/Chitral.	17-2-77	12.7.99	
2343	Mr. Behramand s/o Sahib Daraz Khan SET MA BEd	GHSS Dheri Jolagram MKD	1990	1.3.60/Mkd	27-3-83	12.7.99	
2344	Mr. Muhammad Hafeez Khan	GMS, Soyr Laspoor, Chitral	1990	11.9.61/Chitral	1/12/1981	12.7.99	
2345	Mr. Iqbal ud Din SET	GHS Inzn NSR	1990	1.1.62/Mardan	13-10-83	12.7.99	
2346	Mr. Sher Ali Khan SET MA BEd	GHSS Wari Dir	1990	16.2.63/MKD	20-10-83	12.7.99	
2347	Mr. Behramand SET	GHS Luqman Banda Dir	1990	10.10.61/MKD	21-10-83	12.7.99	
2348	Mr. Shah Raza SET	GHS Deshar U Dir	1990	9.9.63/MKD	21-10-83	12.7.99	
2349	Mr. Ziaud Din SET BA BEd	GCMHS Chitral	1990	2.3.63/Chitral	29-10-83	12.7.99	
2350	Mr. Behramand SET	GMS Pir Bala Peshawar	1990	24.10.60/Peshawar	22-11-83	12.7.99	
2351	Mr. Kalimun Nabi s/o Shor Saddiq SET BA BEd	GHS Tano Swabi	1990	1.9.62/Swabi	17-12-83	12.7.99	
2352	Mr. Shahzamin Khan SET, BA, Ed	ADO, Balikhela Malakand	1990	13.6.56/Malakand	24-4-84	12.7.99	
2353	Mr. Azizur Rehman SET	GHS, Nagral Dir U	1990	1.4.61/MKD	8/10/1984	12.7.99	
2354	Mr. Hazrat Ghulam s/o Said Ghulam SET MA BEd	GMS Mana MKD	1990	14.8.63/Mkd	8/10/1984	12.7.99	
2355	Mr. Muhammad Zahid SET	GHS, Makhri Dir	1990	4.12.65/Mkd	11/11/1984	12.7.99	
2356	Mr. Shah-e-Raza SET MA BEd	GHS No 1 Rajjar CHD	1990	4.5.56/Peshawar	15-11-84	12.7.99	

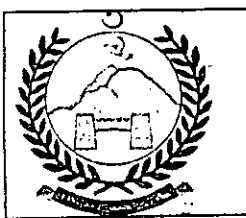
*[Handwritten signature]*

P-18

S.No	Name and Qualification	School/Office	Year of B.Ed	Date of Birth / Domicile	Date of Ist: Appt:in Edu Deptt;	D/O or Appointt: /Addr of SET	Remarks
1	2	3	4	5	6	7	8
4953	Muhammad Ihsan shah						
4954	Muhammad Karim						
4955	Haider Ali						
4956	Muhammad Imran			10.06.1973/Khy.Agy			
4957	Fawad Alan			25.05.1977/FR Bannu			
4958	Muhammad Riaz SET MA MED			20.04.1959/Swat			
4959	Sami Ullah	GHS Sum Mansehra		02.02.1975/SWA			
4960	Muhammad Farooq		1998	24.04.1979/Moh Agy			
4961	Muhammad Amir Khan			09.04.74/Mansehra			
4962	Muhammd Abid			02.05.1977/NWA		01.11.2005	
4963	Ihtisham Ali			16.01.1978/FR Pesh			
4964	Sami Ullah khan			05.03.1979/FR Bannu			
4965	Zia Ur Rehman			23.03.1979/FR Kohat			
4966	Muhammad Hanif khan			10.08.1979 / ATD			
4967	Saleem Ashraf, MA, MED			15.04.1980/FR Bannu			
4968	Sajid Mehmood	GHS Chitta Batta Mansehra		14.04.1981/Haripur	4.3.78	1.11.2005	
4969	Muhammad Akbar khan		2000	10.05.1970/A Abad			
4970	Muhammad Hanif khan			15.01.73/Mansehra			
4971	Tariq Waseem			15.03.1973/A Abad	04.03.98		
4972	Rehmanud Din			01.05.1967/A Abad		02.11.2005	
4973	Asim Qazi			06.06.1971/FR Bannu			
4974	Muhammad Maqsood MA MED			02.03.1974/Mansehra			
4975	Maroof Khan	GMS Jabr Kalish Mansehra		08.03.1974/MWA			
4976	Tahir Mir		1997	26.05.1972/Haripur			
4977	Malik Junaid Ahmad			10.03.71/Mansehra			
4978	Azhar Hussain			08.02.1974/A Abad	11.08.92		
4979	Wazir Muhammad			07.05.1975/A Abad			
4980	Qazi Tanveer Ahmad SC BEc			05.06.77/Mansehra			
4981	Ishtiaq Hussain	GHS AHL Mansehra		25.03.79/Mansehra			
4982	Shafiq Hussain	GHS No 1 Haripur	2001	08.12.60/Mansehra			
4983	Tahir ud Din, SET		1996	01.04.67/Mansehra			
4984	Shamsur Rehman, SET	GHS. Sarozai, Hangu		02.09.1967/Haripur	01.05.99	15.11.2005	
4985	Naeemullah s/o Rahim Dad SET BA BEd	GHS. Lora Abbottabad		25.06.1973/A Abad	17.05.1992	01.11.2005	
4986	Noor ul Haq s/o Musharaf Din SET BA BEd	GHS No 4 Mongora Swat	2001	Hangu	1/11/2005	1/11/2005	
4987	Altaullah, SET BA BEd	GHS No 1 Tordher Swabi	2001	Abbottabad	1/11/2005	1/11/2005	
		GMS Daga Pattan Kohistan	2002	18-4-71/Swat	9/12/1999	1/11/2005	
			2001	15.1.78/Swabi			
			2001	1.1.74/Kohistan	21-10-2004	1/11/2005	
					21-5-92	1/11/2005	

A. H. Khan

Deputy Director (Estab)  
(E&SE) Khyber Pukhtunkhwa



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT**

Dated Peshawar the 17-03-2016

Annex: E  
P-14

**NOTIFICATION**

No. SO(PE)/2-6/17 Meeting/SST-SS (20/10/2015): On the recommendations of the Departmental Promotion Committee, the Competent Authority is pleased to promote the following Seven Hundred and Thirty Seven (737) Male SSTs (BS-16) to the post of Subject Specialist (BS-17) on regular basis with immediate effect:-

S#	S# in Subject	SL#	Name and Qualification	Present school Address	Proposed Station	Remarks
1	1	746	Sikandar Khan	GHS Pakha Ghulam Peshawar	SS B-17 (Biology) GHSS Tehkal Bala Peshawar	Against vacant post
2	2	1370	Zeenat Ullah SET MSc BEd	GHS Mitha Khel Karak	SS B-17 (Biology) GHSS Dabli Lawaghar Karak	Against vacant post
3	3	1813	Mr Sultan Farooq, SET	GHS Sarwar Jan Bala Khel FR Bannu	Services placed at the disposal of Director Education FATA	Against vacant post
4	4	1871	Mr Akhtar Nawaz Khan MSc:M.Ed	GCMHS Turbela Township Haripur	SS B-17 (Biology) GHSS Jatti Pind, Haripur	Against vacant post
5	5	2751	Mr, Muhammad Fayaz Shah SET	GHS Rashakai Nowshera	SS B-17 (Biology) GHSS Rashakai, Nowshera	Against vacant post
6	6	2768	Mr, Yousaf Zaman, SET	GHS Jan Killa Bannu	SS B-17 (Biology) GHSS Nari Panooos, Karak	Against vacant post
7	7	2775	Mr, Bakht Baidar, SER	GHSS Barikot Swat	SS B-17 (Biology) GHSS Kishawra Swat	Against vacant post
8	8	2799	Mr, Janat Gul, SET	GHSS Khanpur Dir Lower	SS B-17 (Biology) GHSS Ashwar Dir Lower	Against vacant post
9	9	2894	Mr, Bakht Ali Shah, SET	GHSS Serai Naurang Lakki	SS B-17 (Biology) GHSS Abdul Khel, Lakki	Against vacant post
10	10	2965	Muhammad Altaf ur Rehman SET MSc BEd	GHS Dhindhra Haripur	SS B-17 (Biology) GHSS Beer Haripur	Against vacant post
11	11	3063	Bukhar Ali Shah S/O Zardad Khan MSc MEd Bannu	GHS Tour Bara Khel Bannu	SS B-17 (Biology) GHSS Chorlata, Kohat	Against vacant post
12	12	3302	Amir Alam Khan S/O Gul Muhammad Dir, MSc: Bed	GHS Hathian Mardan	SS B-17 (Biology) GHSS Pir Saddi Mardan	Against vacant post
13	13	3858	Fazli Subhan s/o Gul Khan MSc: MEd	GHS Tall Swat	SS B-17 (Biology) GHSS Tall Swat	Against vacant post
14	14	4138	Syed Asif Hussain Shah SET MA BEd	GHS Talhatta, Mansehra	SS B-17 (Biology) GHSS Doga, Mansehra	Against vacant post
15	15	4554	Sajid Hussain SET BA/BI Ed	GHS Chakarkot Kot Bala Kohat	SS B-17 (Biology) GHSS Landi Kachi, Kohat	Against vacant post
16	16	4558	Mehboob Alam SET M.Sc/M.Ed	GHS Kot Kashmir Lakki	SS B-17 (Biology) GHSS Shahbez Khel Laki Marwat	Against vacant post
17	1	520	Nasrullah BA BEd	GHS Mandawa Karak	SS B-17 (Chemistry) GHSS Kanda Khel Karak	Against vacant post
18	2	534	Liaqat ali MSC BEd	GHS Khazana Dheri Mardan	SS B-17 (Chemistry) GHSS Mahabat Abad, Mardan	Against vacant post
19	3	564	Ihsanul Haq MSC Bed	GHS Shergarh Mardan	SS B-17 (Chemistry) GHSS Shergarh, Mardan	Against vacant post
20	4	569-A	Muhammad Iqbal SET MSc M.Ed	GHS Ouch, Dir Lower	SS B-17 (Chemistry) GHSS Chaidara, Dir Lower	Against vacant post
21	5	579	Zamrullah MSc BEd	GHS Soow Kamar, Jammal Khyber Agency	SS B-17 (Chemistry) GHSS Shah Saleem Karak	Against vacant post

*AM*  
*ab*

*Hasim*

598	1	485	Niamat Shah MSC BED	GHS Aza Khel Bala Nowshera	SS B-17 (English) GHSS No.1 Nowshera Kalan	Against vacant post
599	2	1455	Mr. Bahrawar Sher	GGHSS Chakdara Dir L.	SS B-17 (English) GHSS Khair Abad, Dir Lower	Against vacant post
600	3	1823	Mr. Munawar Hussain BSC/B.Ed SET	GCMHS No.1 Lakki	SS B-17 (English) GHSS Abakbel, Lakki	Against vacant post
601	4	1859	Mr. Zahidur Rehman BSC/B.Ed SET	GHS Speen Khak Nowshera	SS B-17 (English) GHSS Spin Khak, Nowshera	Against vacant post
602	5	1983	Mr. Ijaz Khan MSc BEd	GHS Boza Khel Bannu	SS B-17 (English) GHSS Salma Sikandar Khel, Bannu	Against vacant post
603	6	2095	Mr. Mushtaq Ahmad MA MEd SET	GHS Nokot Mansehra	SS B-17 (English) GHSS Phulra, Mansehra	Against vacant post
604	7	2504	Mr. Abid Zaman, SET	GHSS Pir Piai Nowshera	SS B-17 (English) GHSS Ziarat Kaka Sahib, Nowshera	Against vacant post
605	8	2529	Mr. Younas Khan SET	GMS Amanigarh Nowshera	SS B-17 (English) GHSS Akbar Pura, Nowshera	Against vacant post
606	9	2697	Mr. Hamid Mehmood SET MA/B.Ed	GHSS Sama Badaber, FR Peshawar	Services placed at the disposal of Director Education FATA	Against vacant post
607	10	2748	Mr. Nisar Ahmad SET	GMS Charkha Khel Peshawar	SS B-17 (English) GHSS Hazar Khwani, Peshawar	Against vacant post
608	11	2937	Mr. Saibz Ali Khan SET	GHS Khazana Dheri Mardan	SS B-17 (English) GHSS Muhabbat Abad, Mardan	Against vacant post
609	12	3062	Javed Iqbal S/O Malik Suba Khan/D.I. Khan	GHS Naivela D.I. Khan	SS B-17 (English) GHSS Kandi, D.I. Khan	Against vacant post
610	13	3086	Subhan Ullah SET MA M.Ed	GHSS No.3 Peshawar City	SS B-17 (English) GHSS GCMHSS No.2 Peshawar City	Against vacant post
611	14	3105	Fazal Khaliq S/O Muhammad Amin Swat	ADEO Swat	SS B-17 (English) GHSS Balogram Swat	Against vacant post
612	15	3174	Zahidur Rehman S/O Amir Rehman MA MEd	GHS Shewa Swabi	SS B-17 (English) GHSS Mansabdar, Swabi	Against vacant post
613	16	3179	Izhar Ahmad S/O Rahim Khan / Mardan.	GHS Jamal Garhi Mardan	SS B-17 (English) GHSS Gaddar, Mardan	Against vacant post
614	17	3184	Nadeem Khan s/o Arzumand Khan MA MEd Dir (L)	GHS Siawarghar, Dir Lower	SS B-17 (English) GHSS Khanpur, Dir Lower	Against vacant post
615	18	3233	Farid Ullah Khan S/O Akbar Ali. Bannu. S	GHS Badhar Peshawar	SS B-17 (English) GHSS Adezai, Peshawar	Against vacant post
616	19	3775	Muhammad Nisar MA M.Ed	GHS Ghani Kor, Mohmand Agency	Services placed at the disposal of Director Education FATA	Against vacant post
617	20	3810	Azizur Rehman SET MA M.Ed	GHS Gwalerai Swat	SS B-17 (English) GHSS Deolai, Swat	Against vacant post

P.15

A. H. Q. Red

618	21	4056	Taj Wali Khan SET MA M.Ed	GCMHS-Akora Khattak Nowshera	SS B-17 (English) GHSS Jabbi Nowshera	Against vacant post
619	22	4077	Dilawar Khan SET MA B.Ed	GHS Garang Siraj Khel Karak	SS B-17 (English) GHSS Kandu Khel Karak	Against vacant post
620	23	4104	Muhammad Nawaz SET MA B.Ed	AAEO Khyber Agency Janrud	Services placed at the disposal of Director Education FATA	Against vacant post
621	24	4105	Kaleem Ullah SET MA M.Ed	GHS Dhandi Wazir Bannu	SS B-17 (English) GHSS Landiwah Lakki	Against vacant post
622	25	4139	Abdul Majid SET MA M.Ed	GHS MM Pole Mansehra	SS B-17 (English) GHSS Pauran, Mansehra	Against vacant post
623	26	4143	Abdur Rehman SET MSc M.Ed	GHS Khwaza Kheja Swat	SS B-17 (English) GHSS Kishawra, Swat	Against vacant post
624	27	4150	Muhammad Faheem SET MA M.Ed	GHS No.1 Tordher, Swabi	SS B-17 (English) GHSS Jehangira Swabi	Against vacant post
625	28	4182	Fida Hussain SET MA B.Ed	GHS Ramora, Dir Lower	SS B-17 (English) GHSS Khar Malakand	Against vacant post
626	29	4192	Ali Shah s/o Sher Zada SET MA M.Ed	GHSS Char Bagh Swat	SS B-17 (English) GHSS Dherai, Swat	Against vacant post
627	30	4198	Wajid Ali SET MA M.Ed	GHS Ghanool Mansehra	SS B-17 (English) GHSS Jared, Mansehra	Against vacant post
628	31	4210	Abdul Maslan MA M.Ed SET	GHSS Haripur Swat	SS B-17 (English) GHSS Kabal, Swat	Against vacant post
629	32	4249	Khad mast, SET BA B.Ed	GHS Kohi Hassan Khel FR Peshawar	Services placed at the disposal of Director Education FATA	Against vacant post
630	33	4251	Sarfraz Khan SET	GHS Gali Amizai Haripur	SS B-17 (English) GHSS Jatti Pind, Haripur	Against vacant post
631	34	4261	Zuheen Ullah SET MA M.Ed	GHS Khall, Dir Lower	SS B-17 (English) GHSS Rabat, Dir Lower	Against vacant post
632	35	4272	Sardar Hayat SET MA B.Ed	GHS Yarkhoon, Chitral	SS B-17 (English) GHSS Shagram, Chitral	Against vacant post
633	36	4665-F	Muhammad Akram s/o Ahmad Jan SET MA/M.Ed	GCMHS No.1 Lakki	SS B-17 (English) GHSS Kot Kashmir, Lakki	Against vacant post
634	37	4924	Istiaq Hussain	GCMHS No.1 Haripur	SS B-17 (English) GHSS Dengi, Haripur	Against vacant post



733	99	2148	Mr. Fakhrul Hassan SET	GHS W/Shahab Khel Lakki Marwat	SS B-17 (Islamiyat) GHSS Masha Mamoor L/Marwat	Against vacant post
734	100	2157	Mr. Muhammad Ayaz SET	GHSS S.K. Bala Bannu	SS B-17 (Islamiyat) GHSS Kachi Mali Khel, D.I. Khan	Against vacant post
735	101	2203	Usman Ali Khan SET BA BED	GHS No.3 Bannu	SS B-17 (Islamiyat) GHSS Mandran Kalan, D.I. Khan	Against vacant post
736	102	2235	Mr. Abdul Malik SET	GHSS Shergarh Mardan	SS B-17 (Islamiyat) GHSS Shergarh Mardan	Against vacant post
737	103	2238	Mr. Shah Pasand Khan SET	GHS Mohabbat Abad Mardan	SS B-17 (Islamiyat) GHSS Mohabbat Abad, Mardan	Against vacant post

2. On their promotion, the Subject Specialist concerned will be on probation for a period of one year in terms of Section 6(2) of NWFP Civil Servant Act, 1973 read with Rule 15(1) of the NWFP Civil Servant (Appointment, Promotion & Transfer) Rules, 1989.

3. No. TA /DA allowed.

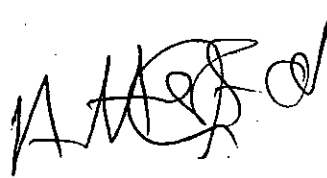
SECRETARY

Endst. No. & date as above.

Copy to:

1. The Additional Chief Secretary (FATA), FATA Secretariat Warsak Road Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
4. The Accountant General Khyber Pakhtunkhwa, Peshawar.
5. PSO to Chief Secretary to Govt. of Khyber Pakhtunkhwa.
6. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
7. The Director Education FATA, Warsak Road, Peshawar.
8. The Director Curriculum & Teachers Education, Abbottabad.
9. The Director ESRU, Khyber Pakhtunkhwa.
10. The Deputy Director (EMIS), E&SE Department, with the request to upload the notification of E&SE Department website.
11. The District Education Officers, Elementary & Secondary Education concerned.
12. The District Accounts Officers concerned.
13. PS to Secretary E&SE Department.
14. Subject Specialist concerned.
15. Office File.

  
SECTION OFFICER PRIMARY.





To

Annex: "F"  
P-17

The Secretary,  
Elementary & Secondary Education  
KPK Peshawar.

**Subject: Inclusion of applicant's Name in the Promotion List of Subject Specialist (BPS-17) on the basis of Revised SST Seniority list.**

Respected Sir,

Respectfully stated that the applicant filed an appeal against Omission of his name from the Revised Seniority list of SST Dated 26/12/2015. Which is malafide & totally against the law, rules & Policy of the govt. After statutory Period an appeal has been filed in the services tribunal for the same.

Now that the Junior SST's have been promoted to the Post of Subject Specialist on the basis of that Malafide Revised seniority list of SST. While the applicant who is senior has been left, which is against the law & norms of justice & clear Principles of equity.

You are requested to include my name in the Promotion list of Subject Specialist on regular basis dated 17/03/2016.

Dated: 12-4-2016

Yours Obediently,  
Gul Faraz Khan SST/SS  
Govt Higher Secondary School  
Shahbaz Khel District Lakki Marwat

No. 1061

To: The Secretary, Elementary & Secondary Education, Peshawar

Received a registered addressed to E & Secondary Education

Initials of Receiving Officer [Signature]

Insured for Rs. 3-8 (in figures) Three Rupees and 8 Paise (in words)

Insurance fee Rs. 12/7 (in figures) Twelve Rupees and 7 Paise (in words)

Name and address of sender [Blank]

Rs. 3-8 Ps. 00

Write here "letter", "postcard" or the word "insured" before the word "insured" before the word "insured" before the word "insured"

Weight 12/7 Grams

12/7/16

15-4-51

15-4-51

15-4-51

15-4-51

WAKALAT NAMA

IN THE COURT OF 10-P-10 Services Tribunal, Rawalpindi

Gul Feroz Khan

Secondary School Teacher Appellant(s)/Petitioner(s)

VERSUS

The Chief Secretary

Govt 10-P Civil Secretary

Respondent(s)

I/We Gul Feroz Khan Teacher do hereby appoint **Mr. Khush Dil Khan, Advocate Supreme Court of Pakistan** in the above mentioned case, to do all or any of the following acts, deeds and things.


1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

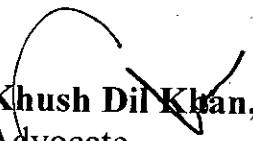
**AND hereby agree:-**

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this \_\_\_\_\_

Attested & Accepted by

  
Signature of Executants

  
**Khush Dil Khan,**  
Advocate,  
Supreme Court of Pakistan  
9-B, Hareem Mansion  
Off: Tel: 091-2213445

Service Appeal No: 801/2016

Gul Faraz SST GHSS Shahbaz Khel, District Lakki Marwat. ....Appellant.

**VERSUS**

Secretary E&SE Department, Khyber Pakhtunkhwa and others. .... Respondents

**JOINT PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS No: 1-4.**

Respectfully Sheweth :-

The Respondents submit as under:-

**PRELIMINARY OBJECTIONS.**

- 1 That the Appellant has got no cause of action / locus standi.
- 2 That the Appellant has concealed material facts from this Honorable Tribunal in the instant service appeal.
- 3 That the instant service appeal is against the relevant provisions of law.
- 4 That the appellant has not come to this Honorable Tribunal with clean hands.
- 5 That the instant appeal is liable to be dismissed for mis-joinder & non-joinder of the necessary parties to the present appeal.
- 6 That the appellant is estopped by his own conduct to file the instant appeal.
- 7 That the instant Service Appeal is not maintainable in the present circumstances of the case.
- 8 That the impugned final Seniority List pertaining to the SSTs is legally competent & liable to be maintained in favour of the Respondents in the interest of justice.
- 9 That the appellant has been treated as per law, rules & relevant policy in the instant case.
- 10 That the name of the appellant has been included in the concerned seniority list of SST at S/No: 73, hence the appeal in hand is liable to be dismissed.
- 11 That the instant Appeal is barred by law.
- 12 That the impugned Notification dated 17/3/2016 is legally competent.
- 13 That no Departmental Appeal has been filed by the appellant.

**ON FACTS .**

- 1 That Para-1 is correct to the extent that the appellant has been allowed seniority No:73 in the tentative seniority list pertaining to the SET/SST(G) on the directions of the judgment of superior Govt: of law.(Copy of the said seniority list is annexure-A).
- 2 That Para-2 is correct that the Respondents has issued a tentative seniority list pertaining to the SET/SST(G) wherein the name of the appellant has been included at S/No: 73. However, it is further submitted that no representation / Departmental Appeal has been

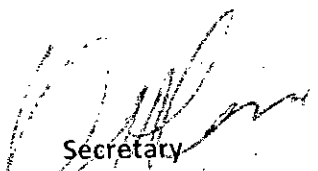
- 2 That Para-2 is correct that the Respondents has issued a tentative seniority list pertaining to the SET/SST(G) wherein, the name of the appellant has been included at S/No: 73. However, it is further submitted that no representation / Departmental Appeal has been filed by the appellant neither any such record is available in the offices of the Respondents. Whereas a Service Appeal Bearing No: 401/2016 under the above mentioned titled is pending for disposal before this Honorable Tribunal, wherein the next date of hearing is 19/9/2016.
- 3 That Para-3 is correct top the extant that the Respondent Department has issued the impugned Notification of the eligible SSTs promoted to B-17 wherein the name of the appellant has been excluded from the said Notification on the grounds that the services of the appellant has been regularized on 08/5/1994 on passing his B. Ed Examination . Therefore, those SSTs who were promoted against BPS-17(Personal) were senior from the appellant, hence the plea of the appellant is baseless & is liable to be dismissed, on the following grounds inter alia :-


**ON GROUNDS**

- A Incorrect & denied. The Respondents have acted as per law, rules & policy by not granting promotion to the appellant in BPS-17 (Personal) on the grounds as mentioned in foregoing paras of the instant reply.
- B Correct to the extent that the services of the appellant has been regularized against the SET/SST(G) post since 08/5/1994 and on the bases of his regularization, he has been placed as S/No: 73 in the relevant Seniority List against the SST/SET(G) post by the Respondent Department. However, he has been ignored for the grant of promotion in BPS-17 of being junior most from those SSTs who have been promoted vide the impugned Notification dated 17/3/2016 issued by the Respondent Department. (Copies of the seniority list & impugned Notification are annexed as Annexure- A&B).

**In view of the above made submissions, it is requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favor of the Respondent Department.**

Dated 19/9/2016.

  
 Secretary  
 E&SE Department Khyber  
 Pakhtunkhwa, Peshawar  
 (Respondent No: 1&2)

  
 Director  
 E&SE Department Khyber  
 Pakhtunkhwa, Peshawar  
 (Respondents No: 3&4)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 801/2016**

**Gul Faraz Khan,  
Secondary School Teacher,  
Govt. Higher Secondary School,  
Shah Baz Khel, District Lakki Marwat.....Appellant**

**Versus**

**The Chief Secretary,  
Govt: of Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar & others.....Respondents**

**INDEX**

<b>S.No.</b>	<b>Description of Documents</b>	<b>Date</b>	<b>Annexure</b>	<b>Pages</b>
<b>1.</b>	<b>Memo of Rejoinder</b>			<b>1-2</b>

**Through**

**Appellant**

**Khush Dil Khan**  
**Advocate,**  
**Supreme Court of Pakistan**  
9-B, Haroon Mansion,  
Khyber Bazar, Peshawar.  
Cell # 091-2213445

**Dated: 16 / 01 / 2017**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR****Service Appeal No. 801/2016**

Gul Faraz Khan,  
Secondary School Teacher,  
Govt. Higher Secondary School,  
Shah Baz Khel, District Lakki Marwat.....Appellant

Versus

The Chief Secretary,  
Govt: of Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar & others.....Respondents

---

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE TO  
REPLY FILED BY RESPONDENT NOS. 1 to 4.**

---

Respectfully Sheweth,

**Preliminary Objections:**

Preliminary objections raised by answering respondents are erroneous and frivolous, and denied in toto.

**Rejoinder to Reply of Facts:**

1. That the answering respondents have admitted para No. 1 of the appeal as correct so no need of further elucidation.
2. That the contents of Para No. 2 of the appeal were also admitted by the answering respondents as correct so far the denial of departmental appeal by the answering respondents is incorrect and contrary to the record because the appellant has filed the same under registered post which is already attached with the appeal.



3. That the reply is incorrect and against the record. The service of appellant was regularized as SST with effect from 08-05-1994 and also assigned senior position in the seniority list but mala fide he was ignored of the promotion to the post of Subject Specialist without cogent reasons while juniors to him were promoted unlawfully.

**Rejoinder to Reply of Grounds:**

- A. That the reply is incorrect and evasive in nature so denied.
- B. That the reply is ambiguous and not clear so denied. On one side the respondents have candidly admitted that his service was regularized from due date and his name was placed at serial No. 73 of the seniority list but further they say that he was ignored being junior to the promotees which is denied

It is, therefore, humbly prayed that the reply of answering Respondents may graciously be rejected and the appeal as prayed for may graciously be accepted with costs.

Through **Appellant**  
**Khush Dil Khan**  
Advocate,  
Supreme Court of  
Pakistan

Dated: 16/01/2017

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

801

Appeal No. 801 of 20 16

Gul Faraz Khan

Appellant/Petitioner

The chief Secy K Pesh.

Versus

Respondent

The Distt. Education Officer (Male) Distt.

Respondent No. 4

Notice to: —

Lakki Marwat.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....22<sup>nd</sup>

Day of.....June.....20 14

[Signature]  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.