


07.08.2017

Counsel for the appellant and Mr. Muhammad Zubair,
District Attorney for the respondents present. Arguments heard
and record perused.

This appeal is accepted as per detailed judgment in
connected service appeal No. 01/2016, entitled "Bakht Zada
Vs. Government of Khyber Pakhtunkhwa through Secretary
(E&SE) Peshawar and others". Parties are left to bear their own
costs. File be consigned to the record room.


Member

ANNOUNCED
07.08.2017


Chairman
Camp court, Swat

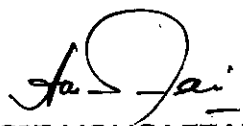
4

- C) That the appellant has been discriminated because the said benefits have been given to retired officials as well as to junior officials but not given to the appellant for the reasons best known to the respondents.
- D) That the appellant has not been treated according to law and rules and denial of selection grade to appellant by the respondents is an arbitrary and discriminatory act which is not permissible in the law.
- E) That the appellant was fully entitled to his claim and his appeal is based on real grounds and facts.
- F) That the respondents have not decided the issue as deliberated by this august Tribunal in its Judgment dated 27.3.2015 nor they have not taken any exercise as directed in the Judgment dated 27.3.2015 of this august Tribunal.
- G) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant maybe accepted as prayed for.

APPELLANT
Hazrat Ahmed 

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

(3)

6. That since many junior and retired employees have been given the benefits of Selection Grade while the same appellant has been deprived from the said benefits of Selection Grade and the respondent department refused, therefore, the appellant filed Service Appeal No.834/2012 in this august Tribunal which was decided on 27.3.2015 and the august Tribunal after details deliberated remitted the case to the respondent department with the direction to treat these as departmental appeal of the appellant and decided the same as soon as possible on merit and strictly on merits and strictly in accordance with law and rules. Copy of Judgment is attached as Annexure-G.
7. That as the respondents were not obeying the directions of the august Tribunal, therefore, the appellant filed Execution Petition in the august Tribunal and in response of that the respondents have passed an order dated 10.06.2015 communicated in the Tribunal on 27.11.2015 to the appellant. Copies of Order and Order-sheet dated 27.11.2015 are attached as Annexure-H and I.
8. That now the appellant comes to this august Tribunal on the following grounds amongst the others:

GROUND:

- A) That the order dated 10.6.2015 and not granting Selection Grade benefits despite having rights, eligibility and seniority in 1993 is against the law, fact, norms of justice and material on record, therefore, not tenable in the eyes of law.
- B) That the appellant was eligible for the grant of selection grade BPS-17 from 1993 because at that time the appellant was in service but due to delay on the part of respondents, the appellant was kept deprived from the benefits of selection grade. Thus the appellant has been punished for the fault of others.

(2)

RESPECTFULLY SHEWETH:

1. That the appellant joined the Education Department in the year 1970 and during the course of service he was promoted to the post of superintendent BPS-16 in the year 1991 and retired from service on 02.05.1999. The appellant was at S.No. ~~37~~ of the seniority list corrected up to 1993. All the dates are recorded in the seniority list which is attached as Annexure-A.
2. That the Finance Department issued a Circular on 30.10.1993 wherein all the Superintendents, Budget & Accounts Officers etc were granted Selection Grade BPS-17. Copy of the Circular is attached as Annexure-B.
3. That the Education Department delayed the matter till 2004 and in 2004 Selection Grade BPS-17 was granted to many officials from 01.07.1999 vide Notification dated 29.9.2004. Copy of the Order is attached as Annexure-C.
4. That at that time some of the officials filed Service Appeal in this august Tribunal for award of Selection Grade w.e.from 30.10.1993, the said appeal was finally decided on 15.8.2006 by this august Tribunal in favour of those appellants. The Department then filed CPLA in the Supreme Court of Pakistan which was heard on 05.03.2010. The august Supreme Court held in Para-6 and 7 that the Government cannot be allowed to sleep over the rights of Government Servants for indefinite period and while dismissing the CPLA, filed by the Government directed the concerned Department to implement the Judgment of the Tribunal within 4 weeks and the compliance report should be sent to the Registrar of the Supreme Court of Pakistan. Copies of the Judgments are attached as Annexure-D and E.
5. That after the Judgment of the Supreme Court of Pakistan, the Education Department had simply issued Corrigendum in which the Selection Grade BPS-17 was given with effect from 30.10.1993. Copy of Corrigendum is attached as Annexure-F.

3

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.**

Appeal No. 04 /2015

**A.W.F. Province
Service Tribunal**

Diary No. 1455

Date 15-12-2015

Mr. Hazrat Ahmed S/O Gul Ahmed, (Rtd; Superintendent),
Office of the DEO (M), Swat.

APPELLANT

VERSUS

1. The Secretary, Government of Khyber Pakhtunkhwa, Education (E&SE) Department, Civil Secretariat, Peshawar.
2. The Director of Education (E&SE), Khyber Pakhtunkhwa, Peshawar.
3. The Secretary, Government of Khyber Pakhtunkhwa, Finance Department, Civil Secretariat, Peshawar.

RESPONDENTS

.....

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 10.06.2015 COMMUNICATED ON 27.11.2015 IN THE TRIBUNAL WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT REGARDING AWARDDING SELECTION GRADE (BPS-17) W.E.FROM 30.10.1993 HAS BEEN TURNED DOWN FOR NO GOOD GROUNDS.

PRAYER:

.....

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 10.06.2015 COMMUNICATED TO THE APPELLANT ON 27.11.2015 IN THE TRIBUNAL MAY BE SET ASIDE AND THE RESPONDENTS MAY BE DIRECTED TO AWARD SELECTION GRADE (BPS-17) TO THE APPELLANT FROM HIS DUE DATE WITH ALL CONSEQUENTIAL AND PENSION BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

.....

Filed to-day

Registrar

15/12/15

re-submitted to-day
and filed,

Registrar

11/1/2016

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

Appeal No. 04 /2016

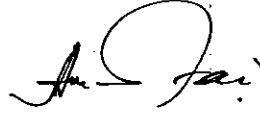
Mr. Hazrat Ahmad V/S Education Department, KPK

INDEX

| S.No. | Documents | Annexure | Page No. |
|-------|--|----------|----------|
| 1. | Memo of Appeal | ----- | 01-04 |
| 2. | Copy of Seniority List | - A - | 05-07 |
| 3. | Copy of Finance Department Circular dated 23.10.1993 | - B - | 08 |
| 4. | Copy of Selection Grade Order dated 29.9.2004 | - C - | 09-13 |
| 5. | Copy of Service Tribunal's Judgment | - D - | 14-21 |
| 6. | Copy of Supreme Court's Judgment | - E - | 22-26 |
| 7. | Copy Corrigendum dated 26.04.2010. | - F - | 27 |
| 8. | Copy of Tribunal's Judgment dated 27.3.2015. | -G- | 28-30 |
| 9. | Copy of Order dated 10.06.2015 | -H- | 31 |
| 10. | Copy of Order-sheet dated 27.11.2015. | -I- | 32-33 |
| 11. | Vakalat Nama | ----- | 34 |

APPELLANT

THROUGH:



(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

The appeal of Mr. Hazrat Ahmad son of Gul Ahmad Retired Superintendent Office of the DEO (M)Swat received to-day i.e. on 15.12.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Annexures C and F of the appeal are illegible which may be replaced by legible/better one.

No. 1939 /S.T,

Dt. 15/12 /2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.



Mr. Muhammad Asif Yousafzai Adv. Pesh.

Sir, Re-submitted after Compliance
for adv.

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 04 / 2016

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge or Magistrate |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1 | 01.01.2016 | <p>The appeal of Mr. Hazrat Ahmad resubmitted today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p> |
| 2 | 04-01-2016 | <p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>07-1-16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> |

07.01.2016

Appellant Deposited
Security Process Fee

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Superintendent and stood retired from service in the year 1999 and that during his service he was entitled to selection grade (BPS-17) on the strength of 33% quota which was granted to other employees in the year 2004 on the basis of notification dated 30.10.1993 which notification was challenged by other employees serving at the relevant time and which was finally decided by this Tribunal as well as august Supreme Court of Pakistan with the directions that ante-date promotion with effect from 30.10.119 be given to the employees. That the appellant was also entitled to the benefits of the said judgment and his service which were not granted to him compelling him to file departmental appeal followed by service appeal which was decided by this Tribunal directing the respondents to decide the departmental appeal of the appellant as soon as possible which was rejected on 10.6.2015 and communicated to the appellant during execution proceedings on 27.11.2015 and hence the instant service appeal on 15.12.2015.

That the appellant is entitled to BPS-17 with effect from 30.10.1993 and entitled to monetary/pensionary benefits.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 22.3.2016 before S.B.

Chairman

22.03.2016

Counsel for the appellant and Addl: A.G for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 25.4.2016 before S.B.

Chairman

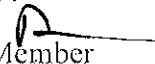
25.4.2016

Counsel for the appellant and Mr.Hameed ur Rehman, A.D litigation alongwith Addl: A.G for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 11.8.2016.


Chairman

11.08.2016

Agent to counsel for the appellant and Additional AG for respondents present. Rejoinder submitted, copy whereof handed over to learned Additional AG. To come up for arguments on 7-11-16 before D.B.


Member


Member

07.11.2016

Counsel for the appellant and Assistant AG for respondents present. Counsel for the appellant requested for adjournment. To come up for arguments on 1.2.17



(MUHAMMAD AAMIR NAZIR)
MEMBER


(PIR BAKHSH SHAH)
MEMBER

01.02.2017

Clerk counsel for appellant and Mr. Muhammad Jan, GP for respondents present. Clerk counsel requested that counsel for appellant is busy before august Peshawar High Court and adjournment may be granted. Adjournment granted. To come up for arguments on 28.02.2017 before D.B.


(AHMAD HASSAN)
MEMBER


(ASHFAQUE TAJ)
MEMBER

28.02.2017

Appellant in person and Addl: AG for respondents present. Appellant submitted an application for fixing the instant appeal at camp court Swat. Application allowed. To come up for arguments on 03.04.2017 at camp court Swat.



(AHMAD HASSAN)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

03.04.2017

Appellant in person present. Mr. Muhammad Zubair, Senior Government Pleader for respondents also present. Appellant submitted Wakalatnama of Barrister ~~Doctor~~ Adnan Khan. The same is placed on record. Appellant also requested for adjournment. Adjourned. To come up for arguments on 07.08.2017 before D.B at Camp Court Swat.


(AHMAD HASSAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
Camp Court Swat.

FINAL SENIORITY
(SUPERINTENDENT

EPS-15)

THE MINISTERIAL STAFF OF EDUCATION DEPARTMENT

CORRECTED UP TO 31.12.1994.

A (S) (4)

| S.No. | Name & Father's Name | Date of birth Domicile. | Date of Ist: exptt: in Edu: Department. | D/O Promotion in the present Grade. | D/O Confirmation in Present Grade. | Remarks. |
|-------|--|----------------------------|---|---|---------------------------------------|--------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1. | Mr. Abdul Ghafoor S/O Masud, Supdt: | 7.6.36/Swat: | 13.4.1960 | 1.1.1979 | 1.6.1985 | Promotion refused. |
| 2. | Mr. Jalat Khan S/O Faqir Mohammad, Supdt: | 3.2.44/Pesh: | 1.3.1955. | 24.12.1981. | 1.6.1985. | -do- |
| 3. | Mr. Inam Mohammad S/O Gul Mohammad, Supdt: | 6.10.41/Sargodha. | 6.12.1959 | 24.12.1981. | 1.6.1985. | -do- |
| 4. | Mr. S. Subhanul Din S/O S. Rehmanul Din, Supdt: | 3.8.36/Pesh: | 9.8.1956. | 1.1.1982. | 1.6.1985. | -do- |
| 5. | Mr. Abdur Rahim S/O Abdullah Khan, Supdt: | 5.2.38/Pesh: | 11.5.1957. | 1.1.1983. | 1.6.1985. | -do- |
| 6. | Mr. Noor Zaman S/O Khan Zaman, Supdt: | 10.4.37/Bahawalpur. | 17.9.1957. | 1.11.1983. | 1.1.1986. | -do- |
| 7. | Mr. Shah Zaman S/O Mir Zaman, Supdt: | 20.1.40/Mardan. | 8.2.1959. | 1.11.1983. | 1.1.1986. | -do- |
| 8. | Mr. Ajab Din S/O Mohyud Din, Supdt: | 1.4.41/Mardan. | 18.2.1959. | 8.12.1984. | 1.1.1987. | -do- |
| 9. | Mr. Ghulam Qadir S/O Ghulam Sarwar, Supdt: | 4.3.40/Pesh: | 2.5.1958. | 8.12.1984. | 1.1.1987. | -do- |
| 10. | Mr. Imdad Riaz S/O Mubarak Din, Supdt: | 1.6.39/Pesh: | 11.5.1960 | 5.5.1985. | 1.7.1987. | -do- |
| 11. | Mr. Mohammad Afsar S/O Mehraban Shah, Supdt: | 15.10.42/Mardan. | 20.9.1952. | 4.8.1987 | 1.9.1989. | -do- |
| 12. | Mr. Shad Mohammad S/O Ahmed Khan, Supdt: | 20.9.39/Pesh: | 23.9.1962. | 4.8.1987 | | |
| 13. | Mohd: Afzal S/O H. Guleb Noor, Supdt: | 25.10.46/Mardan. | 26.9.1962. | 4.8.1987 | | |
| 14. | Mr. Mohammad Salim S/O Karim Bakhsh, Supdt: | 17.4.39/Pesh: | 10.11.1952. | 4.8.1987. | | |
| 15. | Syed Badshah S/O Ahmed Gul, Supdt: | 1.11.39/Bahawalpur. | 10.12.1962. | 4.8.1987. | | |
| 16. | Mr. Wasim Mohammad S/O Ghulam Mohammad, Supdt: | 1.8.42/Pesh: | 15.11.1952. | 11.1.1988. | | |
| 17. | Mr. Iqbal S/O Ghulam Mohammad, Supdt: | 1.11.39/Bahawalpur. | 10.12.1962. | 4.8.1987. | | |

UNTESTED

| 1 | 2 | 3 | 4 | 5 | 7 |
|-----|---|--------------------|-------------|------------|---|
| 16. | Mr.Sardar Hussain S/O Sher Ali, Supdt: | 20.3.45/Mardan. | 4.7.1963. | | |
| 19. | Mr.Abdur Rehman Bami S/O Abdur Reshid, Supdt: | 2.11.36/Pesh: ✓ | 7.7.1963. | 24.2.1983. | |
| 20. | Mr.Saifur Rehman S/O Abdur Rehman, Supdt: | 2.4.41/Pesh: | 24.10.1962. | 23.4.1990. | |
| 21. | Mr.Sarwar Hussain S/O Hazer Hussain, Supdt: | 1.11.45/K.Agency. | 1.6.1963 | 1.6.1990. | |
| 22. | Mr.Fazli Raziq S/O Mohammed Alam, Supdt: | 14.10.39/Mardan. ✓ | 1.9.1963. | 13.1.1991. | |
| 23. | Mr.Allah Bakhsh S/O Khuda Bakhsh, Supdt: | 15.2.43/D.I.Khan. | 1.10.1963. | 5.5.1991. | |
| 24. | Mr.Mohammad Ghawas S/O Gul Mohammed, Supdt: | 8.9.40/Mardan. ✓ | 17.11.1963. | 5.5.1991. | |
| 25. | Mr.Marzoor Ahmed S/O Ghulam Sarwar, Supdt: | 1.4.46/Pesh: | 1.10.1964. | 5.5.1991. | |
| 26. | Mr.Fazalur Rehman S/O Fir Ghulam, Supdt: | 10.3.45/Bonnu. | 2.10.1964. | 5.5.1991. | |
| 27. | Mr.Fazalur Rehman S/O Dildar Khan, Supdt: | 4.2.43/Bonnu. | 3.10.1964. | 5.5.1991. | |
| 28. | Mr.Mohammad Hanif S/O Mohammad Ramzan, Supdt: | 25.9.46/Kohat. | 3.10.1964. | 5.5.1991. | |
| 29. | Mr.Atta Mohammad S/O Sheh Mohammad, Supdt: | 13.2.46/Pesh: | 6.10.1964. | 5.5.1991. | |
| 30. | Mr.Rahim Shah S/O Mastof Shah, Supdt: | 12.12.45/Mardan. | 21.10.1964. | 5.5.1991. | |
| 31. | Mr.Abdus Jalar S/O Fecir Mohammed, Supdt: | 15.1.40/Pesh: | 17.11.1982 | 5.5.1991. | |
| 32. | Mr.Ghulam Hussain S/O Majid Khan, Supdt: | 1.2.47/D.I.Khan. | 22.11:1982. | 5.5.1991. | |
| 33. | Mr.Farooq Shah S/O Abdullah Jen, Supdt: | 10.4.54/Pesh: | 6.12.1976. | 5.5.1991. | |
| 34. | Mr.Mohammad Naseer Jays S/O Faizullah, Supdt: | 1.2.47/D.I.Khan. | 26.12.1982. | 5.5.1991. | |
| 35. | Mr.Nisar Ahmad S/O Mohammed Yacub, Supdt: | 15.5.53/Pesh: | 1.12.1976. | 5.5.1991. | |
| 36. | Mr.Khanzada S/O Chauden Khan, Supdt: | 15.11.40/Swat. | 11.3.67. | 5.5.1991. | |
| 37. | Mr.Hazrat Ahmed S/O Ali Ahmed, Supdt: | 1.11.41/Swat. ✓ | 1.1.1971. | 5.5.1991. | |
| 38. | Mr.Farid Gul S/O Farid Khan, Supdt: | 2.2.48/Swat. | 1.1.1971. | 5.5.1991. | |
| 39. | Mr.Zahir Shah S/O Abdullah Jen, Supdt: | 9.5.46/Pesh: | 17.10.1964. | 5.5.1991. | |
| 40. | Mr.Mohammad Nawaz S/O Farid Khan, Supdt: | 1.1.1946/D.I.Khan. | 20.10.1964. | 5.5.1991. | |
| 41. | Mr.Gul Habib S/O Gul Habib, Supdt: | 13.12.45/Pesh: | 1.12.1964. | 5.5.1991. | |
| 42. | Mr.Abdur Reuf S/O Abdur Reuf, Supdt: | 1.12.1964. | 5.5.1991. | | |

Appendix
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| | | | |
|---|------------------|-------------|-----------|
| 1. Mr. Mohibullah S/O Azizullah, Supdt: | 13.8.39/Warden. | 23.12.1964. | 5.5.1991. |
| 2. Mr. Shamsul-Aloom S/O Mehr Jan, Supdt: | 22.3.36/Bannu. | 23.1.1965. | 5.5.1991. |
| 3. Mr. Faqir Shah S/O Adem Khan, Supdt: | 20.8.38/Pesh: | 27.3.1965. | 5.5.1991. |
| 4. Mr. Fazal Rehman S/O Wadan Gul, Supdt: | 1.1.42/Pesh: | 1.7.1965 | 5.5.1991. |
| 47. Mr. Mohammad Riaz S/O Gul Mohammed, Supdt: | 18.1.44/Pesh: | 1.7.1965. | 5.5.1991. |
| 48. Mr. Mohammad Ashraf Soz S/O Wazir Mohammad, Supdt: | 1.6.41/Pesh: | 3.7.1965. | 5.5.1991. |
| 49. Mr. Ali Akbar S/O Rehmat Gul, Supdt: | 24.6.41/Pesh: | 3.7.1965. | 5.5.1991. |
| 50. Mr. Mohammad Anwar S/O Ghulam Mohammed, Supdt: | 5.2.42/Pesh: | 3.7.1965. | 5.5.1991. |
| 51. Mr. Mohammad Saleem S/O Haji Mohammed Amin, Supdt: | 18.5.45/Pesh: | 3.7.1965. | 5.5.1991. |
| 52. Mr. Saifur Rehman S/O Haji Mohammed Usman, Supdt: | 15.1.40/Warden. | 5.7.1965. | 5.5.1991. |
| 53. Mr. Hidayatur Rehman S/O Kheista Gul, Supdt: | 1.3.45/Warden. | 5.7.1965. | 5.5.1991. |
| 54. Mr. Bakht Shah Zaib S/O Mohammed Saeed, Supdt: | 19.1.43/Wkd: | 6.7.1965. | 5.5.1991. |
| 55. Mr. Mohammed Nisar S/O Mohammed Saeed, Supdt: | 10.2.39/Wkd: | 7.7.1965. | 5.5.1991. |
| 56. Mr. Faqir Zainul Abidin S/O Faqir Abdul Hamid, Supdt: | 26.3.45/Bannu. | 9.7.1965. | 5.5.1991. |
| 57. Mr. Zulfiqar S/O Goher Rehman, Supdt: | 5.1.45/A. Abed. | 10.7.1965. | 5.5.1991. |
| 58. Mr. Mohammad Hussain S/O Mohabat Khan, Supdt: | 8.12.45/Pesh: | 13.7.1965. | 5.5.1991. |
| 59. Mr. Abdur Rashid Khan S/O Sikandar Khan, Supdt: | 15.6.43/Manshra. | 19.7.1965. | 5.5.1991. |
| 60. Mr. Sajid Khan S/O Abdus Sadio, Supdt: | 5.2.56/A. Abed. | 22.1.1979. | 5.5.1991. |
| 61. Mr. Umar Nawaz S/O Mohammad Salim, Supdt: | 1.1.61/Bannu. | 13.10.1984 | 5.5.1991. |
| 62. Mr. Habibur Rahim S/O Fazal Wahid, Supdt: | 21.6.50/Swat. | 14.10.1984 | 5.5.1991. |
| 63. Mr. Farid Shah S/O Abdullah Shah, Supdt: | 5.7.43/A. Abed. | 4.9.1965. | 5.5.1991. |
| 64. Mr. Mohammad Farid S/O Mohammad Zahid, Supdt: | 12.8.52/Swati. | 12.12.1984. | 5.5.1991. |
| 65. Mr. Musharraf Ali S/O Nurteza Ali, Supdt: | 22.7.62/Pesh: | 4.3.1985. | 5.5.1991. |
| 66. Mr. Noor Khan S/O Gul Ahmed, Supdt: | 3.10.44/Swat. | 16.11.1982. | 5.5.1991. |
| 67. Mr. ... S/O ... Supdt: | ... | ... | 5.5.1991. |

| | | | |
|--|----------------------|-------------|------------|
| 8. Mr. Fazlur Rehman S/O Asadur Rehman, Supdt: | 10.10.42/Mansehra | 10.9.1965 | 5.5.1991. |
| 9. Mr. Gulab S/O Sohan Lal, Supdt: | 15.8.37/Banna | 12.9.1965. | 5.5.1991. |
| 10. Mr. Tajul Akbar S/O Ali Sohan, Supdt: | 1.10.45/Mardan: | 12.9.1965 | 5.5.1991. |
| 11. Mr. Peer Mohammad S/O Mosem Khan, Supdt: | 1.8.46/Kohat. | 8.2.1966. | 5.5.1991. |
| 12. Mr. Rawail Khan S/O Abdul Ghafoor Khan, Supdt: | 17.12.36/Fesh: | 16.2.1966. | 5.5.1991. |
| 13. Mr. Sher Dil Khan S/O Sher Ali Khan, Supdt: | 29.3.46/Fesh: | 16.2.1966. | 5.5.1991. |
| 14. Mr. Jehanzeb S/O Munjwar Khan, Supdt: | 18.3.47/Mardan. | 22.2.1966. | 5.5.1991. |
| 15. Mr. Mohammad Yousuf S/O Mohammed Ismail, Supdt: | 3.8.41/Fesh: | 1.3.1966 | 5.5.1991. |
| 16. Mr. Iqbal Javid S/O Haid Khan, Supdt: | 6.8.47/D. I. Khan. | 19.3.1966. | 5.5.1991. |
| 17. Mr. Nadir Khan S/O Fahir Shah, Supdt: | 10.1.41/Fesh: | 1.4.1966. | 5.5.1991. |
| 18. Mr. Hakim Mohammad S/O Saeedur Rehman, Supdt: | 1/1/44/Chitral | 1/6/66 | 5.5.1991. |
| 19. Q. Abdur Rashid S/O Mohammed Younas, Supdt: | 11.7.44/A. Abad. | 1.7.1966. | 5.5.1991. |
| 20. Mr. Mohammad Daud S/O Fazal Elahi, Supdt: | 24.4.46/A. Abad. | 1.7.1966. | 5.5.1991. |
| 21. Mr. Jamal Ahmad S/O Mohammed Saeed, Supdt: | 10.1.48/Mardan. | 1.7.1966. | 5.5.1991. |
| 22. Mr. Janshir Khan S/O Talbar Khan, Supdt: | 9.6.48/Swabi. | 1.7.1966. | 5.5.1991. |
| 23. Mr. Mohammad Saeed S/O Ghulam Hussain, Supdt: | 14.11.40/D. I. Khan. | 4.7.1966. | 5.5.1991. |
| 24. Mr. Mohammad Saeed S/O Allah Bakhsh, Supdt: | 2.1.47/D. I. Khan. | 4.7.1966. | 5.5.1991. |
| 25. Mr. Abdur Razaq S/O Mohammad Azam, Supdt: | 10.2.48/D. I. Khan. | 4.8.1966. | 5.5.1991. |
| 26. Mr. Mohammad Ilyas S/O Fezal Din, Supdt: | 17.11.1943/Fesh: | 1.8.1966. | 5.5.1991. |
| 27. Mr. Tila Mohammad S/O Haji Sher Mohammad, Supdt: | 15.1.48/Fesh: | 4.8.1966. | 5.5.1991. |
| 28. Mr. Aurangzeb S/O Q. Fereh Mohammad, Supdt: | 10.6.45/A. Abad. | 9.8.1966. | 5.5.1991. |
| 29. Mr. Rehman Gul S/O Syed Hussain, Supdt: | 5.1.41/Fesh: | 10.9.1966. | 5.5.1991. |
| 30. Mr. Azizul Haq S/O Mir Sher, Supdt: | 5.4.41/Kohat. | 1.10.1966. | 5.5.1991. |
| 31. Mr. Mohammad Sharif, S/O Mir Din, Supdt: | 15.4.46/A. Abad. | 13.10.1966. | 5.5.1991. |
| 32. Mr. Abdul Qadeer S/O Sultan Supdt: | 1.1.45/Fesh: | 16.11.1965. | 5.5.1991. |
| 33. Mr. Sardar Ali S/O Khan, Supdt: | 18.11.45/Mardan. | 23.11.1966. | 10.6.1991. |
| 34. Mr. Abdul Jehil S/O Abdul Aziz, Supdt: | 13.5.1946/Fesh: | 5.1.1967. | 10.6.1991. |
| 35. Mr. Ghulam Sarwar S/O Khan, Supdt: | 2.10.30/A. Abad. | 27.1.1967. | 10.6.1991. |

| 1 | 2 | 3 |
|------|--|-----------------|
| 96. | Mr.Awal Gul S/O Norrani Gul,Supdt: | 1.6.47/Kohat. |
| 97. | Mr.Mohammed Ycunas S/O Malik Aman,Supdt: | 4.9.46/Mansehra |
| 98. | Mr.Altaf Ahmad S/O Abdur Rashid,Supdt: | 15.4.46/Fesh: |
| 99. | Mr.Mohammad Siddique S/O Amir Ghawas,Supdt: | 18.1.64/Mardan. |
| 100. | Mr.Cul Wali S/O J Mohammad Siddique,Supdt: | 25.1.48/Fesh: |
| 101. | Mr.Farhad Khar S/O Faqir Mohammed,Supdt: | 15.3.47/Mardan |
| 102. | Mr.Abdur Razaq S/O Noor Mohammed,Supdt: | 2.2.38/Kohat. |
| 103. | Mr.Abdul Jahir S/O Mohammed Ibrahim,Supdt: | 15.6.49/Fesh: |
| 104. | Mr.Mohammad Azam S/O Abdullah Supdt: | 12.8.48/Gujrat |
| 105. | Mr.Mohammad Ibrahim S/O Ahmed Bekhsh,Supdt: | 4.11.42/D.I.KI |
| 106. | Mr.Nasrullah Khan S/O Hamidullah Khan,Supdt: | 1.1.44/Fesh: |
| 107. | Mr.Saeedur Rehman, S/C Arsala Khan,Supdt: | 29.9.47/Kohat |

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(17)

OFFICE OF THE SECRETARY, ELEMENTARY & SECONDARY EDUCATION, NWFP, PESHAWAR.

Enst:No. 6123-35

List, Serdt:

Dated Pesh: the 2

Copy forwarded for information & reaction to the :-

- 1- Director of Education (Colleges) N.W.F.P. Peshawar.
- 2- Director of Education (PMA) NWFP, Peshawar.
- 3- Director of Primary Education, NWFP, Hayatabad, Peshawar.
- 4- Director, Bureau of Curriculum Development and Education Extension Services, N.W.F.P. Abbottabad.
- 5- Additional Director, Local Directorate.
- 6- Additional Directress, Local Directorate.
- 7- All the Divisional Directors of Education (S) in N.W.F.P.
- 8- All the District Education Officers (M&F) Secy: in N.W.F.P.
- 9- All the District Education Officers (M&F) Pry: in N.W.F.P.
- 10- Agency Education Officer, concerned.
- 11- Principals, Govt: Colleges concerned.
- 12- Registrar, Departmental Examinations, Education Deptt: Peshawar.
- 13- ~~xxx~~ F.A. to Director, Local Directorate.

Accepted

[Signature]

Asstt. District Officer (F)
Elementary & Secondary Edu.
Swat.

Nashad / MOHAMMAD IQBAL ASSTT:

[Signature]

DEPUTY DIRECTOR
FOR / DIRECTOR
NWFP, PESHAWAR

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1.5.1992.

24.4.1967.

1.5.1992.

DEPUTY DIRECTOR (SECONDARY),
FOR/-DIRECTOR SECY:EDU:
NWFP, PESHAWAR.

Endst: No. FD (PRC) 4-1/91
Oct. 1993.

Dated Peshawar: 30th

Copy forwarded for information to :-

1. The Secretary to government of the Punjab, Finance Department Lahore.
2. The Secretary to Govt: of Sindh, Finance Department Karachi.
3. The Secretary to Govt: of Baluchistan, Finance Department, Quetta
4. The Finance Secretary, Azad Govt: of the State of Jammu & Kashmir, Muzaffar Abad.
5. All Heads of attached Department in N.W.F.P.

TASEERJAMALALIZAI
Deputy Secretary (Inv)

Endst. No. (FD (PRC) 4-1/91

dated Peshawar the 30th Oct -93

Copy forwarded to :-

1. The Account general, N. W. F. P. Peshawar.
2. All the District / Agency Accounts Officer N. W. F. P.
3. The Treasury Officer, Peshawar.
4. The Private Secretary to Finance Minister.
5. The P.S. to Secretary, P. As to Additional Secretaries in finance department
6. All the Heads of Autonomous/Semi-Autonomous Corporations in N. W. F. P.
7. All the Budget/Section Officers in Finance

SHAKIR ULLAH SECTION
OFFICER FINANCE
DEPARTMENT

B 8 ()
Government of N.W.F.P
FINANCE DEPARTMENT
NO.FD (PRC)/4-1/91
Dated Peshawar the
30-10-93 (8)

From:

The Secretary to Govt: of NWFP Finance Deptt:

To

1. All Administrative Secretaries to Govt: of N. W. F. P.
2. The Senior Member Board of Revenue N. W. F. P.
3. The Secretary to Governor, N. W. F. P.
4. The Secretary to Chief Minister N. W. F. P.
5. The Secretary Provincial Assembly N. W. F. P.
6. All commir: /Dy: Commissioners /political Agent s/ Distt: & Session Judges in N. W. F. P.
7. The Registrar, Peshawar High Court, Peshawar
8. The Chairman, Public Service Commission, NWFP.
9. The Chairman Service Tribunal, N. W. F. P. Peshawar.
10. The Secretary, Board of Revenue, N.W. F. P. Peshawar.

Subject

GRANT OF SELECTION GRADE

I am directed to refer to the subject noted above and to say that the question of grant of selection grade (BPS-17) to the 33% of the posts of Administrative officers along with superintendents in (BPS-16) had been under consideration of the Provincial Government. It has now been decided that subject to provision of paragraph-2 of this letter of the selection grade (BPS17) would be admissible to 33 % of the posts of Administrative Officer etc. (BPS-16) along with superintendents on joint seniority list

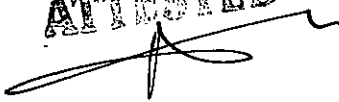
2. The Administrative department / services & General Admn ; department shall in the respective recruitment and appointment rules change the method of appointment to the post of administrative Officer, Accounts Officers and Assistant Accounts Officers etc. From by promotion, to by permanent transfer, from amongst the Supdts of the attached department (s) on seniority-cum-fitness basis..
3. The decision contained in paragraph -1 above shall be effective from the date of notifying the changed method of appointments as per paragraph -2 above.
4. It has been further decided to declare the holders of the posts of superintendents {BPS-16) on regular basis as so drawing and disbursing Officers.

Your obedient servant,

BETTER COPY**Annexure-C (Page-9 TO 13)****OFFICE OF THE DIRECTOR, SCHOOLS & LITERACY NWFP PESHAWAR****OFFICE ORDER**

Consequent upon the approval of the Departmental Promotion Committee (DPC) meeting held on 25.8.2004, and under provision of Finance Department Notification No. FDAO/1/91; dated 30.10.1993 and Schools & Literacy Department Circular NO.604-754; dated 7.5.200__ following ADEO A)/ASDEO(A)/Admn; Officer/B&AO/Supdt; (B-16) of Schools & Department are hereby placed in (B-17) Selection Grade at @ 33% of the total sanctioned post vide No.(A)/ASDEO(A)Admn: Officer/B&AO/Supdt; from the date mentioned against each below:

| S.NO. | Name Of Officer | Present Office | Date of Selection Grade already awarded | Due date of Selection Grade | Selection Grade (B-17) awarded w.e.from. |
|-------|---|---------------------|---|-----------------------------|--|
| 1. | Mr. Miadad Khan S/O Sardar AO Rtd on 24.2.2001) | EDO (S&L) Haripur | 19.7.1999 | 19.7.1999 | 19.7.1999 |
| 2. | Mr. Fida Muhammad S/O Sher Muhammad AO (Rtd on 1.7.2009) | DE(C) NWFP | 19.7.1999 | 19.7.1999 | 19.7.1999 |
| 3. | Mr. Abdul Malik S/O Darveza AO (Rtd in 2001) | EDO (S&L) Dir (L) | 19.7.1999 | 19.7.1999 | 19.7.1999 |
| 4. | Mr. Rahim Shah S/O Karim Ullah, AO | DS&L NWFP | 19.7.1999 | 19.7.1999 | 19.7.1999 |
| 5. | Mr. Ali Asghar S/O Rehmat Shah, AO | EDO (S&L) A/Abad | 19.7.1999 | 19.7.1999 | 19.7.1999 |
| 6. | Mr. Noor Rehman S/O Ghulam Haider AO (Rtd on 7.5.2000) | EDO (S&L) A/Abad | 19.7.1999 | 19.7.1999 | 19.7.1999 |
| 7. | Fazle Rehman S/O Khista Khan AO | EDO (S&L) Chitral. | 19.7.1999 | 19.7.1999 | 19.7.1999 |
| 8. | Mr. Muhammad Nadir S/O Mir Jan AO | EDO (S&L) Bannu | 19.7.1999 | 19.7.1999 | 19.7.1999 |
| 9. | Mr. Abdur Rashid S/O Abdul Was, AO (Rtd on 9.2.2001) | DDO (F), Peshawar | 19.7.1999 | 19.7.1999 | 19.7.1999 |
| 10. | Mian Muhammad Dilbar S/O Mian Basher, AO (Rtd on 29.2.2001) | EDO (S&L) Swat | 19.7.1999 | 19.7.1999 | 19.7.1999 |
| 11. | Mr. Said Rehman S/O Muhammad Afzal AO | EDO (S&L) Swat | 19.7.1999 | 19.7.1999 | 19.7.1999 |
| 12. | Mr. Muhammad Shoaib S/O Matiullah AO (Rtd on 7.2.2000) | EDO (S&L) Buner | 19.7.1999 | 19.7.1999 | 19.7.1999 |
| 13.58 | ..... |  | 19.7.1999 | 19.7.1999 | 19.7.1999 |
| 59. | Mr. Aman Ullah Zahid S/O Rahmat Gul, AO | EDO (S&L) Charsadda | 19.7.1999 | 19.7.1999 | 19.7.1999 |

ATTESTED


| SUPERINTENDENTS | | | | | |
|------------------------|---|-------------------------|------------|------------|------------|
| 60. | Mr. Jalat Khan, S/O Faqir Muhammad Supdt. | DS&L NWFP | | 19.7.1999 | 19.7.1999 |
| 61. | Mr. Inam Muhammad S/O Gul Muhammad, Supdt (Rtd. on 5.10.2001) | DE (FATA) NWFP | | 19.7.1999 | 19.7.1999 |
| 62. | Mr. Ajab Din S/O Mahibuddin, Supdt. (Rtd. on 31.12.2000) | EDO (S&L) Kohat | | 19.7.1999 | 19.7.1999 |
| 63. | Mr. Afsar Khan S/O Mehruban Shah, Supdt. | EDO (S&L) Mardan | | 19.7.1999 | 19.7.1999 |
| 64. | Muhammad Afzal S/O Gulab Noor Supdt. | EDO (S&L) Peshawar. | | 19.7.1999 | 19.7.1999 |
| 65. | Mr. Wazir Muhammad S/O Ghulam Muhammad Supdt. | DE (C) NWFP. | | 19.7.1999 | 19.7.1999 |
| 66. | Mr. Fasal Imran S/O Manga Masih, Supdt. | DE (FATA) NWFP | | 19.7.1999 | 19.7.1999 |
| 67. | Mr. Sardar Hussain S/O Sher Dil Supdt. | DE (FATA) NWFP | | 19.7.1999 | 19.7.1999 |
| 68. | Mr. Saifur Rehman S/O Abdur Rehman, Supdt (Rtd on 1.4.2001) | EDO (S&L) Kohat. | | 19.7.1999 | 19.7.1999 |
| 69. | Mr. Fazle Raziq S/O Muhammad Alam, Supdt. (Rtd on 13.10.1999) | EDO (S&L) Kohat | | 19.7.1999 | 19.7.1999 |
| 70. | Mr. Allah Nawaz A/O All Dad Khan Supdt/ADO (A) | EDO (S&L) DI Khan | | 19.7.1999 | 19.7.1999 |
| 71. | Mr. Manzoor Ahmad S/O Ghulam Sarwar, Supdt. | DE (FATA) NWFP | | 19.7.1999 | 19.7.1999 |
| 72. | Mr. Fazal Rehman S/O Pir Ghulam, Supdt. | EDO (S&L) Nowshera. | | 19.7.1999 | 19.7.1999 |
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| 101. | Mr. Jehanzeb S/O Manjawar Khan Supdt /AO | EDO (S&L) Malakand | | 19.7.1999 | 19.7.1999 |
| 102. | Mr. Nadir Khan S/O Faqir Shah, Supdt/AO | EDO (F) Tangi Charsadda | 5.4.2001 | 5.4.2001 | 5.4.2001 |
| 103. | Mr. Hakeem Muhammad S/O Saeedur Rehman, Supdt. /AO | EDO (S&L) Chitral. | 15.6.2001 | 15.6.2001 | 15.6.2001 |
| 104. | Muhammad Daood S/O Fazle Ilahi Supdt. | EDO (S&L) A/Abad. | 8.7.2001 | 8.7.2001 | 8.7.2001 |
| 105. | Mr. Jamal Ahmad S/O Muhammad Saeed, Supdt. | EDO (S&L) Swabi. | 5.10.2001 | 5.10.2001 | 5.10.2001 |
| 106. | Mr. Jamsher Khan S/O Dilbar Khan, Supdt. | EDO (S&L) Swabi. | 6.10.2001 | 6.10.2001 | 6.10.2001 |
| 107. | Muhammad Ilyas S/O Fazle Din Supdt. | EDO (S&L) Kohat | 12.11.2001 | 12.11.2001 | 12.11.2001 |

ATTENDED

[Handwritten Signature]

Note:

1. Necessary entry to this effect should be made in the service record of the officers who have not been awarded Selection Grade B-17 previously.
2. Revised entry to this effect should also be made in the service record of the officers who have already been awarded Selection Grade B-17 with reference to this office Notification issued under Endst. No.604-754/A-23/MS/S-G/ADEO (A); dated 7.5.2002.
3. An Undertaking to the effect that if any overpayment is made to them as a result of the incorrect awarded of Selection Grade and detected letter on it will good by recovery from their Pay / Pension / Gratuity etc may be obtained from the officers who have been awarded Selection Grade B-17 previously and kept in their service record.
4. Selection grade in respect of two (2) superintendent/account officer are kept pending till completion of ACRs.
5. Certificate to the effect that the officers at S.No.1 of the note above are not involved in any disciplinary cases, should be obtained and kept in their service record before making fixation of pay.

(Fazli Manan)
Director.

Endst. No.4420-4585/A-23/MS/S-Grade B-17/Supdt/AO/ Dated Pesh;the 29.9.2004.

Copy forwarded for information and necessary action to the:

1. Accountant General, NWFP, Peshawar.
2. Director Higher Education, NWFP, Peshawar.
3. Director of Education, NWFP (FAT) Peshawar.
4. Director of Corru; Teachers & Education, NWFP, Peshawar.
5. Director of PITE NWFP Peshawar.
6. Manager Science Education Project NWFP Peshawar.
7. Manager Girls Project-II, NWFP, Peshawar.
8. Section Officer (Litigation) Schools & Literacy Deptt, Govt of NWFP, Peshawar.
9. To 32. All Executive District Officers, Schools & Literacy in NWFP.
- 33 To 57. All District Account Officer, in NWFP.
- 58 to 165. Superintendents/Account Officers concerned.
166. PA to Director School & Literacy NWFP Local office.

Sd/-

Deputy Director (Finance & Admn:)
Directorate Schools & Literacy NWFP Peshawar.

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Amended

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OFFICE OF THE DIRECTOR SCHOOLS & LITERACY NWFP PESHAWAR

ORDER

Consequent upon the approval of the Departmental Promotion Committee (DPC) meeting held on 25-8-2004, and under provision of Finance Department Notification NoFD/1/91 dated 30-10-1993 and Schools & Literacy Department Circular No604-754 dated 7-5-2000 following ADEO A)/ASDEO(A)/Admin. Officer/B&AO/Supdt: (B-16) of Schools & Literacy Department are hereby placed in (B-17) Selection Grade at @ 33% of the total sanctioned (A)/ASDEO (A)/ Admin. Officer /B&AO/Supdt: from the dates mentioned against each below:-

| S.No | Name of Officer | Present Office | Date of Selection Grade already awarded | Due date of Selection Grade | Selection Grade (B-17) awarded w.e.f. |
|------|--|--------------------|---|-----------------------------|---------------------------------------|
| 1 | Mr. Muzdad Khan S/O Saeed AO (Rtd. on 24-2-2001) | EDO (S&L) Haripur | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 2 | Mr. Fida Muhammad S/O Sher Muhammad AO (Rtd. on 1-7-2000) | DE(C) NWFP | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 3 | Mr. Abdul Malik S/O Darveza AO (Rtd. on 2-7-2001) | EDO (S&L) Dir (L) | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 4 | Mr. Rahim Ullah S/O Karim Ullah AO | DS&L NWFP | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 5 | Mr. Ali Asghar S/O Rahmat Ullah AO | EDO (S&L) A/Abad | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 6 | Mr. Asad Rehman S/O Ghulam Haider AO (Rtd. on 7-5-2000) | EDO (S&L) A/Abad | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 7 | Mr. Fazle Rehman S/O Khista Khan AO | EDO (S&L) Chitral | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 8 | Mr. Muhammad Nadir S/O Mir Jan AO | EDO (S&L) Basnu | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 9 | Mr. Abdur Rashid S/O Abdul Was AO (Rtd. on 9-2-2001) | DDO(F) Peshawar | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 10 | Mian Muhammad Dilbar S/O Moin Basher AO (Rtd. on 29-2-2001) | EDO (S&L) Swat | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 11 | Mr. Said Rehman S/O Muhammad Afzal AO | EDO (S&L) Swat | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 12 | Muhammad Shoib S/O Matiullah AO (Rtd. on 7-2-2000) | EDO (S&L) Buner | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 13 | Mr. Shah Rawan S/O Abdul Qadir AO (Rtd. on 20-12-2001) | EDO (S&L) Swat | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 14 | Muhammad Zareen S/O Muhammad Raheem AO (Rtd. on 28-2-2000) | EDO (S&L) Swat | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 15 | Mr. Abdul Ghafar S/O Firdoos Khan AO | EDO (S&L) Malakand | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 16 | Mr. Rajab Din S/O Barkat Ali AO | EDO (S&L) Kohat | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 17 | Mr. Gul Rehman S/O Sulman AO (Rtd. on 14-6-2001) | RD&E NWFP | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 18 | Mr. Hafiz-ur-Rehman S/O Abdul Kahman AO | EDO (S&L) Lakki | 19-7-1999 | 19-7-1999 | 19-7-1999 |

(b) (c) (d)

| | | | | | |
|----|--|------------------------------------|-----------|-----------|-----------|
| 9 | Mr. Ghulam Rasool S/O Amar Kahn AO | EDO (S&L) Buner | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 10 | Muhammad Tawab S/O Abdul Wahab AO (Retd. on 9-12-1998) | EDO (S&L) Mardan | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 21 | Mr. Ali Saifdar S/O Gul Sahib AO | EDO (S&L) Maitland | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 22 | Mr. Ghulam Sarwar S/O Muhammad Suliman AO | EDO (S&L) Avabad | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 23 | Mr. Ghulam Ishaq S/O Abdul Hana AO | EDO (S&L) Peshawar now DE(C) NWFP | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 24 | Muhammad Umar Mirza S/O Mirza Nawaz Durrani AO (Retd. on 1-11-2001) | EDO (S&L) D.L.Khan | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 25 | Mr. Asad Ullah S/O Gul Sahib AO | EDO (S&L) Karak | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 26 | Muhammad Younis S/O Gul Muhammad AO | EDO (S&L) Dir Lower | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 27 | Mr. Asad Ullah S/O Faqir Ghulam AO | EDO (S&L) Bannu | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 28 | Muhammad Yousaf S/O Muhammad Ibrahim AO | EDO (S&L) Tank | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 29 | Mr. Faez Saeed S/O Faez Rehman AO | Girls Proj III (Died on 19-1-2001) | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 30 | Mr. Faez Saeed S/O Muhammad Iqbal | EDO (S&L) Haripur | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 31 | Mr. Nasir Ahmad S/O Israr Muhammad AO (Retd. on 11-11-2001) | EDO (S&L) Peshawar | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 32 | Muhammad Ali S/O Musafir Jan AO | EDO (S&L) Swat | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 33 | Muhammad Ayaz S/O Muhammad Rarid AO | EDO (S&L) Charsadda | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 34 | Mubarak Ahmad S/O Nazar Muhammad AO | SO P&D Civil Sectt. | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 35 | Muhammad Khan S/O Faqir Muhammad AO | Audit Officer DS&L | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 36 | Mr. Fazil Manan S/O Fazil Hana AO | EDO (S&L) Swat | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 37 | Mr. Ishtiaq S/O Hidayatullah AO | EDO (S&L) Chitral | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 38 | Mr. Sardar Muhammad S/O Hussain Muhammad AO | EDO (S&L) Maitland | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 39 | Mr. Ghulam Muhammad S/O Said Ghulam AT | EDO (S&L) Swabi | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 40 | Mr. Ghulam Hussain S/O Muhammad Faisal AO (Retd. on 8-2-2000) | EDO (S&L) Chitral | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 41 | Mr. Asad Ullah S/O Ghazali Khan AO | EDO (S&L) Laski | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 42 | Mr. Asad Ullah S/O Abdul Manan AO | EDO (F) Peshawar | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 43 | Mr. Ghulam Farid S/O Ghulam Rasool AO | EDO (S&L) D.L.Khan | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 44 | Muhammad Sulaiman S/O Mirza | DE T&E NWFP Avabad | 19-7-1999 | 19-7-1999 | 19-7-1999 |

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|----|--|---------------------|-----------|-----------|-----------|
| 45 | Mr. Nazir Hussain S/O Mahiuddin AO | EDO (S&L) Nowshera | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 46 | Mr. Zahid Khan S/O Ibraheem Khan AO | DE (C) NWFP | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 47 | Muhammad Neseem S/O Muhammad Farid AO (Rtd: on 31-12-1999) | EDO (S&L) Hanpur | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 48 | Mr. Karem Baksh S/O Khuda Baksh AO | EDO (S&L) D.I.Khan | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 49 | Mr. Sajad Ahmad S/O Mian Muhammad AO | M.S.Project NWFP | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 50 | Mr. Subidar Khan S/O Mahiuddin AO | EDO (S&L) Nowshera | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 51 | Muhammad Saeed S/O Abdul Qayum AO (Rtd: on 4-4-2001) | DE (C) NWFP | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 52 | Mr. Gul Sad Burg S/O Saib Akbar AO | EDO (S&L) Mardan | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 53 | Muhammad Tariq S/O Muhammad Ramiza AO | EDO (S&L) D.I.Khan | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 54 | Mr. Imam Baksh S/O Muhammad Baksh AO | EDO (S&L) D.I.Khan | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 55 | Mr. Iltaf Hussain S/O Amir Alam AO | EDO (S&L) A/Abad | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 56 | Mr. Sher Ullah S/O Kareem Ullah AO | EDO (S&L) Mardan | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 57 | Mr. Janished Jan S/O Muhammad Nazir AO | EDO (S&L) Charsadda | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 58 | Mr. Zabechullah S/O Abdul Ullah AO (Rtd: on 7-7-2001) | DS&L NWFP | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 59 | Mr. Aman Ullah Zahid S/O Rahmat Gul AO | EDO (S&L) Charsadda | 19-7-1999 | 19-7-1999 | 19-7-1999 |

SUPERINTENDENTS

| | | | | | |
|----|--|---------------------|-----------|-----------|-----------|
| 60 | Mr. Jalal Khan S/O Faqir Muhammad Supdt: | DS&L NWFP | | 19-7-1999 | 19-7-1999 |
| 61 | Mr. Inam Muhammad S/O Gul Muhammad Supdt: (Rtd: on 5-10-2001) | DE (FATA) NWFP | | 19-7-1999 | 19-7-1999 |
| 62 | Mr. Ajab Din S/O Mahiuddin Supdt: (Rtd: on 31-12-2000) | EDO (S&L) Kohat | | 19-7-1999 | 19-7-1999 |
| 63 | Mr. Afsar Khan S/O Mehruhan Shih Supdt: | EDO (S&L) Mardan | | 19-7-1999 | 19-7-1999 |
| 64 | Muhammad Afzal S/O Gulab Noor Supdt: | EDO (S&L) Peshawar | | 19-7-1999 | 19-7-1999 |
| 65 | Mr. Wazir Muhammad S/O Ghulam Muhammad Supdt: | DE (C) NWFP | | 19-7-1999 | 19-7-1999 |
| 66 | Mr. Fasal Imran S/O Mangi Masih Supdt: | G. College Nowshera | | 19-7-1999 | 19-7-1999 |
| 67 | Mr. Sardar Hussain S/O Sher Dil Supdt: | DE (FATA) NWFP | | 19-7-1999 | 19-7-1999 |
| 68 | Mr. Saifur Rehman S/O Abdur Rehman Supdt: (Rtd: on 1-4-2001) | EDO (S&L) Kohat | | 19-7-1999 | 19-7-1999 |
| 69 | Mr. Fazle Raiziq S/O Muhammad Alam Supdt: (Rtd: on 13-10-1999) | DO(M) Swabi | | 19-7-1999 | 19-7-1999 |
| 70 | Mr. Allah Nawaz A/O Allah Dad Khan Supdt/ADO (A) | EDO (S&L) D.I.Khan | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 71 | Mr. Manzoor Ahmad S/O Guliam Sarwar Supdt: | DE (FATA) NWFP | | 19-7-1999 | 19-7-1999 |
| 72 | Mr. Fazul Rehman S/O Pri Ghulam Supdt: | EDO (S&L) Nowshera | 19-7-1999 | 19-7-1999 | 19-7-1999 |

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| 73 | Mr. Fazul Rehman S/O Dildar Khan Supdt: | EDO (S&L) Bannu | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 74 | Mr. Reheem Shah S/O Maroof Shah Supdt: | EDO (S&L) Malakand | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 75 | Mr. Abdul Salam S/O Faqir Muhammad Supdt/ADO (A) | EDO (S&L) Dir Upper | | 19-7-1999 | 19-7-1999 |
| 76 | Mr. Farooq Shah S/O Abdulah Khan Supdt: | DS&L NWFP | | 19-7-1999 | 19-7-1999 |
| 77 | Muhammad Naseer Josa S/O Fuzullah Supdt: | EDO (S&L) D.I.Khan | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 78 | Mr. Nisar Ahmad S/O Muhammad Yaqoob Supdt: | Sc.M: Proj: NWFP | | 19-7-1999 | 19-7-1999 |
| 79 | Mr. Khan Zada S/O Chandan Khan Supdt: (Rtd: on 14-11-00) | EDO (S&L) Swat | | 19-7-1999 | 19-7-1999 |
| 80 | Mr. Farid Gul S/O Binwar Gul Supdt (Rtd: on 1-1-2000) | EDO (S&L) Malakand | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 81 | Mr. Zahid Shah S/O Abdullah Supdt/ADO(A) | EDO (S&L) Chitral | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 82 | Muhammad Nawaz S/O Rab Nawaz Supdt | EDO (S&L) D.I.Khan | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 83 | Mr. Gul Habib S/O Gul Nazir Supdt/ADO(A) | EDO (S&L) Nowshera | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 84 | Mr. Fazle Rehman S/O Wadan Gul Supdt: (Rtd: on 31-12-01) | DE (C) NWFP | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 85 | Muhammad Riaz S/O Gul Muhammad Supdt/ B&AO | DE (C) NWFP | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 86 | Mr. Saif-ur-Rehman S/O Muhammad Usman Supdt/ADO (A) (Rtd: on 4-1-...) | EDO (S&L) Malakand | 19-7-1999 | 19-7-1999 | 19-7-1999 |
| 87 | Mr. Hidayat-ur-Rehman S/O Khaista Gul Supdt/AO | DS&L NWFP | 19-7-1999 | 14-10-1999 | 14-10-1999 |
| 88 | Mr. Bakht Shah Zaib S/O Muhammad Saeed Supdt/ADO(A) | EDO (S&L) Malakand | 19-7-1999 | 10-12-1999 | 10-12-1999 |
| 89 | Muhammad Hussain S/O Muhammad Khan Supdt/AO | Girls Proj: NWFP | 19-7-1999 | 5-1-2000 | 5-1-2000 |
| 90 | Mr. Sajjid Khan S/O Abdul Sadiq Supdt/A | EDO (S&L) A/Abad | 19-7-1999 | 8-2-2000 | 8-2-2000 |
| 91 | Mr. Umar/Nzwaz S/O Muhammad Saleem Supdt:/ADO(A) | EDO (S&L) Lakki | 19-7-1999 | 29-2-2000 | 29-2-2000 |
| 92 | Mr. Habib-ur-Rahim S/O Fazle Wahid Supdt:/AO | EDO (S&L) Malakand | 19-7-1999 | 2-3-2000 | 2-3-2000 |
| 93 | Muhammad Tariq S/O Muhammad Zahid Supdt:/AO | EDO (S&L) Swabi | 19-7-1999 | 8-5-2000 | 8-5-2000 |
| 94 | Mr. Musharaf Ali S/O Murlaza Ali Supdt: | DS&L NWFP | 19-7-1999 | 2-7-2000 | 2-7-2000 |
| 95 | Mr. Moinber S/O Gul Ahmad Supdt:/ADO (A) | EDO (S&L) Swat | 19-7-1999 | 15-11-2000 | 15-11-2000 |
| 96 | Mr. Abdul Aziz S/O Abdullah Supdt: | G.C: Motta Swat | | 1-1-2001 | 1-1-2001 |
| 97 | Mr. Fazle Rehman S/O Aziz-ur-Rehman Supdt:/AO | EDO (S&L) Mansehra | 19-7-1999 | 20-1-2001 | 20-1-2001 |
| 98 | Mr. Tajul Akbar S/O Ali Guhar Supdt:/AO | EDO (S&L) Mardan | 19-7-1999 | 9-2-2001 | 9-2-2001 |
| 99 | Mr. Pir Muhammad S/O Musayy Khan Supdt:/AO | EDO (S&L) Kohat | 19-7-1999 | 10-2-2001 | 10-2-2001 |
| 100 | Mr. Sher Dil Khan S/O Sher Ali Khan Supdt:/AO | EDO (S&L) Mardan | 19-7-1999 | 25-2-2001 | 25-2-2001 |
| 101 | Mr. Jahanzeb S/O Manjawar Khan Supdt:/AO | EDO (S&L) Malakand | 19-7-1999 | 1-3-2001 | 1-3-2001 |

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| 102 | Mr. Nadir Khan S/O Paqir Shah Supdt./AO | EDO (F) Tangi Chd. | 5-4-2001 | 5-4-2001 | 5-4-2001 |
| 103 | Mr. Hakeem Muhammad S/O SaeedurRahman Supdt./AO | EDO (S&L) Chitral | 15-6-2001 | 15-6-2001 | 15-6-2001 |
| 104 | Muhammad Deood S/O Fazle Ilahi Supdt. | EDO (S&L) A/Abad | 8-7-2001 | 8-7-2001 | 8-7-2001 |
| 105 | Mr. Jamal Ahmad S/O Muhammad Saeed Supdt. | EDO (S&L) Swabi | 5-10-2001 | 5-10-2001 | 5-10-2001 |
| 106 | Mr. Jamsher Khan S/O Dilbar Khan Supdt. | EDO (S&L) Swabi | 6-10-2001 | 6-10-2001 | 6-10-2001 |
| 107 | Muhammad Ilyas S/O Fazle Din Supdt. | EDO (S&L) Kohat | 12-11-2001 | 12-11-2001 | 12-11-2001 |

Notes:-

- 1- Necessary entry to this effect should be made in the service record of the officers who have not been awarded Selection Grade B-17 previously.
- 2- Revised entry to this effect should also be made in the service record of the officers who have already been awarded Selection Grade B-17 with reference to this office Notification issued under Endst:No.604-754/A-23/MS/S.G/ADEO(A) dated 7-5-2002.
- 3- An Undertaking to the effect that if any overpayment is made to them as a result of the incorrect awarded of Selection Grade and detected later on it will good by recovery from their Pay/Pension/Gratuity etc may be obtained from the officers who have not been awarded Selection Grade B-17 previously and kept in their service record.
- 4- Selection grade in respect of two (2) superintendent/account officer are kept pending till completion of ACRs
- 5- Certificate to the effect that the officers at S.No.1 of the note above are not involved in any disciplinary cases, should be obtained and kept in their service record before making fixation of pay.

(FAZLI MANAN)
DIRECTOR

Endst:No. 4420-4585 /A-23/MS/S. Grade-B-17/Supdt./AO/
Dated Peshawar the 29 /9/2004.

Copy forwarded for information & necessary action to the:-

- 1- Accountant General NWFP, Peshawar.
- 2- Director Higher Education NWFP, Peshawar.
- 3- Director of Education NWFP (FATA) Peshawar.
- 4- Director of Corru: Teachers & Education NWFP, Abbottabad.
- 5- Director of PITE NWFP Peshawar.
- 6- Manger Science Education Project NWFP, Peshawar.
- 7- Manger Girls Project-II NWFP Peshawar.
- 8- Section Officer Litigation Schools & Literacy Depart:Govt: NWFP Peshawar.
- 9-32 All Executive District Officers Schools & Literacy in NWFP.
- 33-57 All District Account Officer in NWFP.
- 58-165 Superintendents/Account Officers concerned.
- 166 PA to Director Schools & Literacy NWFP Local office.

Sher Rehman
S/C

Asst. Director (F)
Emergency Secondary Edu.

Jubhan
29/9/04
Deputy Director (Finance & Admin.)
Directorate Schools & Literacy NWFP Peshawar

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BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR.

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Appeal No. 724/2002

Date of institution - 27.08.2002

Date of decision - 15.08.2006

Ghulam Rasool, Ex-ASDEO (Accounts),
Office of the E.D.O,(S&L) Buner.....(Appellant)

VERSUS

1. Director of Schools & Literacy NWFP Peshawar.
2. Secretary Schools & Literacy NWFP.
3. Secretary Finance NWFP Peshawar.
4. Chief Secretary NWFP Peshawar.....(Respondents)

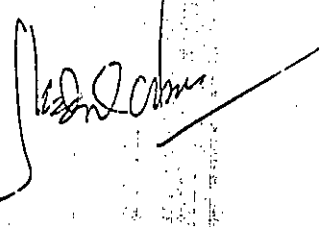
M/S Anwarul Hassan & Shafiullah Advocates.....For appellants.
Mr. Zaffar Abbas Mirza, Addl. Govt. Pleader.....For respondents.

MR. ABDUL KARIM QASURIA.....MEMBER.
MR. FAIZULLAH KHAN KHATTAK.....MEMBER.

JUDGMENT.

ABDUL KARIM QASURIA, MEMBER :- This appeal has been filed by the, Ghulam Rasool appellant against the orders dated 7.5.2002 and 31.7.2002 whereby he was not granted selection grade BS-17 w.e.f. 30.10.1993 with the prayer that the impugned orders

ATTESTED



may be set aside and he be granted selection grade BS-17 w.e.f. 30.10.1993.

2. Brief facts of the case are that the appellant was employed under respondents No. 1 and 2 and retired from service on 1.8.2001 as Assistant Sub Divisional Education Officer (Accounts) from the office of EDO (S&L) Buner. During his service the appellant was promoted from the post of Superintendent to the post of ASDEO(Accounts) in BS-16 vide order dated 4.8.1987. Vide order dated 30.10.1993 the Finance Department allowed selection grade BS-17 to the Administrative Officer/Account Officer/Assistant Accounts officer at the ratio of 33% of their total strength alongwith Superintendents and also issued a clarification vide letter dated 31.1.1994 regarding awarding selection grade BS-17 to various officers. In order to extend the said benefits to various officers in BS-16, respondent No. 2 issued a Notification dated 29.8.1994 wherein various categories of officers in BS-16 were brought at par. Inspite of clear cut orders of the Government and clarification, the selection grade was only allowed to the Superintendents BS-16 w.e.f. 30.10.1993 while other categories of officers BS-16 who were at par with the Superintendents were left. Respondent No. 2 issued a Notification dated 6.2.1997 bringing

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various categories of officers at par with one another by amending the Service Rules. Respondent No. 2 issued the impugned order dated 7.5.2002 under which the AEDO (A), Budget Officer, Audit Officer, Account Officer BS-16 of Education Department were granted selection grade BS-17 but the appellant was granted selection grade w.e.f. 19.7.1999 instead of 30.10.1993 under this Notification against which the appellant preferred a departmental appeal on 1.7.2002 but the same was rejected on 31.7.2002. Hence the instant appeal.

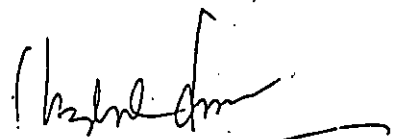
3. The respondents have filed the written reply in which the claim of the appellant has been opposed by raising legal objections. The appellant also filed the replication rebutting the objections raised by the respondents.

4. The learned counsel for the appellant argued that the appellant was promoted from the post of Superintendent to the post of Assistant Sub Divisional Education Officer (Accounts) in BS-16 vide order dated 4.8.1987. Respondent No. 3 vide Notification dated 30.10.1993 allowed selection grade BS-17 to the Administrative officer/Accounts Officer/Assistant Accounts Officer at the rate of 33% of their total strength alongwith Superintendents on the joint seniority list.

(Signature)

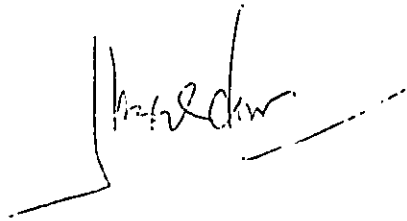
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Respondent No. 3 vide Notification dated 31.1.1994 issued a clarification regarding grant of selection grade to various categories of officers. It was stated that condition of amendment in the service rules as referred to in para-2 of respondent No. 2 letter dated 30.10.1993 will not be applicable on the department/offices where no post of Accounts officer/Assistant Accounts Officer or similar other post exists which requires to be filled in by promotion from amongst Superintendent BS-16. In that case the grant of selection grade was made effective from 30.10.1993 while in case of amendment in the rules it was to be effective from the date of amendment in the Service Rules. The counsel further argued that respondent No.2 vide Notification dated 28.8.1994 brought various categories of posts in BS-16 at par. But inspite of the above equality of the posts only the Superintendents were given selection grade w.e.f. 1993 while for the incumbents of other posts the condition of amendment in the Service Rules was made and resultantly deprived them from their due rights of grant of selection grade from 30.10.1993. The rules were amended by respondent No. 2 vide Notification dated 6.2.1997 by bringing various categories at par. Respondent No. 1 vide impugned Notification dated 7.5.2002 granted selection grade BS-17 w.e.f. 19.7.1999 as per joint seniority list of ADEO (A)/Budget Officer/Audit Officer/Accounts



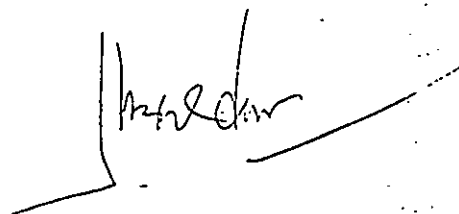
Officer (BS-16). Keeping in view the above facts the appellant has been discriminated against. The counsel stated that the impugned orders are against natural justice, unlawful, arbitrary and mala fide. It was also argued that issuance of Notification dated 6.2.1997 is the repetition of Notification dated 29.8.1994 which only delayed the grant of selection grade which was allowed w.e.f. 30.10.1993.

5. The AGP opposed the contention of the appellant stating that the issue of grant of selection grade to the appellant has been disposed of as per policy and instructions contained in letter of respondent No. 3 dated 30.10.1993 and 31.1.1994. The amendment in the Service Rules was made on 6.2.1997 and the selection grade was allowed vide letter of respondent No. 3 dated 30.10.1993. He refuted the contention of the appellant that any discriminatory treatment was meted out against the appellant but the entire action of the respondent is covered under the prevailing rules/instructions. The instruction/policy contained in letter dated 30.10.1993 issued by respondent No. 3 is very much clear and no deviation has been made from that policy.



Officer (BS-16). Keeping in view the above facts the appellant has been discriminated against. The counsel stated that the impugned orders are against natural justice, unlawful, arbitrary and mala fide. It was also argued that issuance of Notification dated 6.2.1997 is the repetition of Notification dated 29.8.1994 which only delayed the grant of selection grade which was allowed w.e.f. 30.10.1993.

5. The AGP opposed the contention of the appellant stating that the issue of grant of selection grade to the appellant has been disposed of as per policy and instructions contained in letter of respondent No. 3 dated 30.10.1993 and 31.1.1994. The amendment in the Service Rules was made on 6.2.1997 and the selection grade was allowed vide letter of respondent No. 3 dated 30.10.1993. He refuted the contention of the appellant that any discriminatory treatment was meted out against the appellant but the entire action of the respondent is covered under the prevailing rules/instructions. The instruction/policy contained in letter dated 30.10.1993 issued by respondent No. 3 is very much clear and no deviation has been made from that policy.



After listening to the arguments and perusal of the record, it is evident that selection grade was allowed as per general principle w.e.f. 30.10.1993 but a condition in para-3 (last para) of letter dated 30.10.1993 issued by respondent No. 3 was placed, turning up the grant of selection grade with effect from the date of amendment in the Service Rules which adversely affected the benefits accrued to the appellant in the grant of selection grade. The amendment in the service rules was completed in the year 1997 which is a very lengthy period while there is no plausible explanation with the respondent department for such a long delay. The Tribunal also feels that while there was no such bar in respect of the department in which only the post of Superintendent existed as per respondent No. 3 letter dated 31.1.1994 but delaying the same benefits to the other categories on the pretext of amendment in the Service Rules which was delayed for six years, is not justified. Reliance is also put on the NWFP Tribunal decision dated 17.4.2001 in Appeal No. 813/1999 in which the benefit of selection grade was allowed w.e.f. 30.10.1993 instead of 17.3.1997 the date on which Rules were reversed.

7. The Tribunal therefore, keeping in view the principle of consistency and being the present appeal of identical nature accept

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the appeal and allow grant of selection grade w.e.f. 30.10.1993 as per the seniority position of the appellant and modify the impugned order dated 7.5.2002 to that extent.

8. Our this single judgment will also dispose the other connected appeals bearing No. 893/2002 Karim Bakhshi, 894/2002 Mukhtiar Ahmad, 895/2002 Fazlur Rehman, 896/2002 Jamshed Jan, 897/2002 Muhammad Khan, 898/2002 Gul Habib, 899/2002 Abdul Wahab, 918/2002 Muhammad Suleman, 919/2002 Sajid Khan, 920/2002 Ghulam Nabi Malik, 1004/2002 Gjulami Sarwar, 1005/2002 Ali Asghar, 1006/2002 Itaf Hussain Gohar, 1049/2002 Abdul Qayyum, 1050/2002 Buzur Jamheer and 388/2003 Subaidar Khan Versus Secretary Education NWFP etc, being identical nature and involves common questions of law and facts.

9. No order as to costs. File be consigned to the record after completion.

ANNOUNCED.
15.08.2006.

(FAIZULLAH KHAN KHATEER)
MEMBER.

(ABDUL KARIM QASURIA)
MEMBER.

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

29

Present

Mr. Justice Iftikhar Muhammad Chaudhry, C.J.
Mr. Justice Ch. Ijaz Ahmed
Mr. Justice Khilji Arif Hussain

CIVIL PETITIONS NO.35-P TO 51-P & CP.301-P OF 2007


(On appeal from the judgments/order dated
15.08.2006 & 08.12.2006 passed by NWFP
Service Tribunal, Peshawar in Appeals No.
724, 893-899, 918-920, 1004-1006, 1049,
1050/2002, 388/2003 & 675/2006)

Director of Schools & Literacy,
NWFP, Peshawar and others

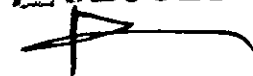
Versus

| | | |
|-----------------------|-------|----------------------------------|
| ..... | ..... | Petitioners. (in all cases) |
| Ghulam Rasool | ..... | Respondent. (in CP.35-P/2007) |
| Karim Bakhsh | ..... | Respondent. (in CP.36-P/2007) |
| Mukhtiar Ahmed Nashad | ..... | Respondent. (in CP.37-P/2007) |
| Fazal Rehman | ..... | Respondent. (in CP.38-P/2007) |
| Jamshed Khan | ..... | Respondent. (in CP.39-P/2007) |
| Muhammad Khan | ..... | Respondent. (in CP.40-P/2007) |
| Gul Habib | ..... | Respondent. (in CP.41-P/2007) |
| Abdul Wahab | ..... | Respondent. (in CP.42-P/2007) |
| Muhammad Suleman | ..... | Respondent. (in CP.43-P/2007) |
| Sajid Khan | ..... | Respondent. (in CP.44-P/2007) |
| Ghulam Nabi Malik | ..... | Respondent. (in CP.45-P/2007) |
| Ghulam Sarwar | ..... | Respondent. (in CP.46-P/2007) |

ATTESTED


Officer Incharge
Supreme Court of Pakistan
Peshawar

ATTESTED



23

Asghar Ali Respondent.
(in CP.47-P/2007)

Ilaf Hussain Gohar Respondent.
(in CP.48-P/2007)

Abdul Qayyum Respondent.
(in CP.49-P/2007)

Buzur Jamheer Respondent.
(in CP.50-P/2007)

Subedar Khan Respondent.
(in CP.51-P/2007)

Muhammad Yousaf Alqadri Respondent.
(in CP.301-P/2007)

For the petitioners : Mr. Qaiser Rasheed, Addl: AG.
(in all cases)

For the respondents : Mr. Imtiaz Ali, ASC.
(in all cases) Mr. Tasdeem Hussain, AOR.

Date of hearing : 05.05.2010.

ORDER

IFTIKHAR MUHAMMAD CHAUDHRY, C.J. -- These petitions, for leave to appeal, have been filed against the judgments dated 15.08.2006 and 08.12.2006 passed by NWFP Service Tribunal, Peshawar whereby appeals filed by the respondents have been allowed as a result whereof they have granted selection grade.

2. Brief facts of the case, relevant for disposal of instant petitions are that the Secretary, Finance Department, Government of NWFP (petitioner No.3) vide notification dated 30th October 1993 allowed selection grade BPS-17 to Administrative Officer/Accounts Officer/Assistant Account Officer at the ratio of 33% of their total strength along with the Superintendent on the joint seniority list. In order to extend the said benefits to various officer in BPS-16, Director Schools and Literacy, Education Department, NWFP, Peshawar (petitioner No.2) issued a notification dated 29th August 1994 wherein various categories of officers in BS-16 were brought at par by amending the Service

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Rules, however, selection grade was only allowed to Superintendents BS-16 w.e.f 30.10.1993 while other categories of officers in BS-16 were left. Petitioner No.2, subsequently issued order dated 7th May 2002, under which the AEDO (A), Budget Officer, Audit Officer, Account Officer in BS-16, of the Education Department were granted selection grade BS-17 but the respondents were granted such grade w.e.f 19th July 1999 instead of 30th October 1993. Feeling aggrieved, the respondents challenged the said order before the NWFP Service Tribunal, who by means of impugned judgments granted them selection grade BS-17 w.e.f. 30th October 1993. As such instant petitions for leave to appeal have been filed.

3. Learned Additional Advocate General NWFP stated that the respondents were entitled for selection grade BS-17, subject to certain conditions, laid down in the letter dated 30th October 1993, including the amendments in the respective Recruitment and Appointment Rules. As according to him these Rules were amended on 6th February 1997 and joint seniority list was also prepared in the meantime, therefore, they have been found entitled for selection grade w.e.f. 17th June 1999 but the Service Tribunal granted them selection grade w.e.f. 30th October 1993, therefore, according to him impugned judgments are not sustainable.

4. Learned counsel appearing for the caveat, however, opposed the petitions and stated that Service Tribunal had done nothing except enforcing/implementing the policy of the Government mentioned in letter 30th October 1993, on the basis of which respondents were entitled for selection grade. As far as question of amending the respective Recruitment and Appointments Rules and preparation of joint seniority list of officers in BS-16 concerned, it is the job of the petitioners, therefore, the respondents should not be allowed to suffer at the hands of the department.

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[Signature]
 Office Incharge
 District Court of District
 Dera Ismail Khan

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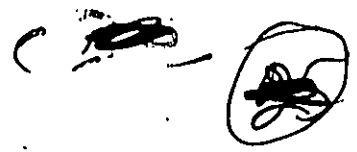
5. We have heard the learned counsel for the parties and have also carefully gone through the impugned judgment passed by the Service Tribunal. There is no doubt that on 30th October 1993, Government issued a policy letter, laying down a criterion for granting selection grade BS-17 to grade BS-16 officers to the extent of 33% but the respondents were not allowed the benefit of the same for one or the reason and ultimately they have to approach Service Tribunal. A careful perusal of the impugned judgment indicates that the Tribunal has not passed an order beyond the scope of policy letter dated 30th October 1993. As far as the discretion of the Government to amend the Recruitment and Appointment Rules is concerned, it was the duty of the Government to prepare and issue the joint seniority list of the Administrative Officers and the Superintends and make the amendments, without any delay, after issuance of the letter. Service Tribunal in fact has enforced the policy letter dated 30th October 1993.

6. It is pertinent to mention here that the department cannot be allowed to sleep for any indefinite period to amend the rules and to prepare seniority list at the cost of the respondents, who are government employees and they are always anxious about their promotion or to get benefit of the service as early as could be possible. Unfortunately, in instant case, after issuance of the policy letter dated 30th October 1993 rules were amended in 1997 but perhaps the seniority list was prepared later on and on account of such slackness, the respondents had suffered a lot and ultimately in 2001 they were given selection grade and in the meantime, some of them stood retired. We are, therefore, of the opinion that under these circumstances the Service Tribunal has rightly granted relief to the respondents and judgments passed by it, being unexceptionable, admit no interference by this Court.

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 Official Seal of
 Supreme Court of Pakistan
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7. It is informed by the learned counsel appearing for the respondents that despite lapse of about more than 16/17 years, the judgments of

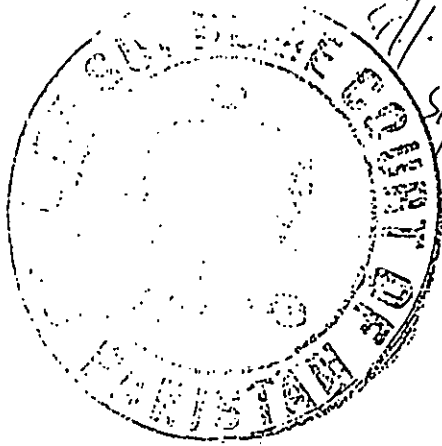


the Service Tribunal, passed in favour of the respondents, have not been implemented. In such state of affairs, we direct the concerned authority to implement the same within a period of four weeks and send a compliance report to the Registrar of this Court, for our perusal in Chambers. Learned Additional Advocate General is directed to communicate these directions to the concerned authorities to ensure its compliance in letter and spirit.

Thus for the foregoing reasons, petitions are dismissed and leave declined. — Sd/- Mr. Iftikhar Muhammad Chaudhry, CJ

Sd/- Mr. Justice Ahmed, J

Sd/- Mr. Khilji Arif Hussain, J



Peshawar,
05.03.2010.

Handwritten signature and date:
11/4/10

Certified to be true copy

Officer in Charge
Supreme Court of Pakistan
Peshawar

NOT APPROVED FOR REPORTING.

BETTER COPY

Annexure-f (Page-27)

OFFICE OF THE DIRECTOR (E&SE) KHYBER PAKHTUNKHWA, PESHAWAR.

OFFICE ORDER

In pursuance of NWFP Services Tribunal Peshawar Judgment dated 15.08.2006 up hold by the Honourable Supreme Court of Pakistan vide its verdict dated 5.3.2010 and Writ Petition No.35-P to 51-P and CP. 301-P of 2007, and under the provision of Finance Department Notification No.FD/(PRC)4-1/91; dated 30.10.1993 and (E&SE) Department Circular No.604/754; dated 7.5.2002, the date of award of S/Grade (B-17) of the ADEOs / ASDEOs / Acs/Admn: officers/H&AOs/Supdt (B-16) working in Directorate of (E&SE) K.P.K. Peshawar and District Officers issued vide this office Notification No.4420-4585/A-23/MS/S.Grade (B-17)/Supdt/AO; dated 29.9.2004 may read "30.10.1993" instead of "19.7.1999" in column No.6 of the above order on the above terms and conditions already framed.

Sd/- SYEDA SARWAT JEHAN
DIRECTRESS

Endst. No.3410-24/I/DSR/ESSt:S.P./Litigation

Dated 26.4.2010.

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

1. Registrar Supreme Court of Pakistan with reference to his decision /judgment dated refer to the above for information please.
2. Registrar, NWFP Services Tribunal Peshawar with reference to his Judgment referred to above for information please.
3. Secretary to Govt. of E&SE, KPK Peshawar.
4. Accountant General, KPK. Peshawar.
5. Director of Education, (FATA), Peshawar.
6. The Director, Higher Education, KPK, Peshawar.
7. Director of Curriculum & Teachers Education, KPK Abbottabad.
8. Manager, BIEP Arbab Road University town, Peshawar.
9. Manager, Girls Project II, KPK, Peshawar.
10. AI District Accounts Officer in KPK.
11. All Executive District Officers, in KPK.
12. All Officers concerned.
13. PA to Director of E&SE, KPK, Peshawar.

Sd/-
Deputy Director ((F&A).

ATTESTED

OFFICE OF THE DIRECTOR (E&SE) KHYBER PUKHTOON KHAWA

5 (27) 31
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Continuation

In pursuance of NWFP Services Tribunal Peshawar judgment dated 15.8.2006 up hold by the Hon.able Supreme Court of Pakistan vide its verdict dated 23.3.2010 and Write Petition No.35-P To 51-P and CP.301-P of 2007, and under the provision of Finance Department Notification No.FD/(PRC)4-1/91, dated 30.10.1993 and (E&SE)department circular No.604-754 dated 7.5.2002, the date of award of S/Grade (B-17) of the ADEOs /ASDEOs /Acs/Admin officers/11&AOs /Supdt(B-16) working in Directorate of (E&SE) K.P.K Peshawar and district officers issued vide this office Notification No.4420-4585/A-23/MS/S.Grade(B-17)/Supdt/AO, dated 29.9.2004 may read as "30.10.1993" instead of "19.7.1999" in column No.6 of the above order on the same terms and conditions already framed.

SYEDA SARWAT JEHAN
DIRECTRESS

3410-24

I/DSR/Estt:E.F/Litigation dated 26/4/2010

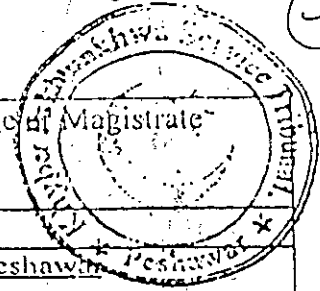
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1. Registrar Supreme Court of Pakistan with reference to his decision/judgment dated refer to above for information please.
 2. Registrar NWFP Services Tribunal Peshawar with reference to his judgment referred to above for information please.
 3. Secretary to Govt. of E&SE K.P.K Peshawar.
 4. Accountant General K.P.K. Peshawar.
 5. Director of Education (FATA) Peshawar.
 6. Director Higher Education K.P.K. Peshawar.
 7. Director of Curriculum and Teachers Education K.P.K Abbottabad.
 8. Manager BIEP Arbab Road University Town Peshawar.
 9. Manager Girls Project II K.P.K Peshawar.
 10. Section Officer (Litigation) E&SE Department K.P.K Peshawar.
 11. All District Accounts Officers in K.P.K.
 12. All Executive District Officers in K.P.K.
 13. All officers concerned.
 14. P.A. to Director of E&SE K.P.K Peshawar.

Acting
Secretary (F)
Secondary Edu.

26/4/2010
DEPUTY DIRECTOR (E&SE)

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| S.No. | Date of order proceedings | Order or other proceedings with signature of judge of Magistrate |
|-------|---------------------------|---|
| 2 | 27.03.2015 | <p style="text-align: center;">Khyber Pakhtunkhwa Service Tribunal Peshawar</p> <p style="text-align: center;">Appeal No. ^A834/2012 Hazrat Ahmed -vs- Secretary Education (E&SE) Khyber Pakhtunkhwa, Peshawar, etc.</p> <p><u>PIR BAKHSH SHAH, MEMBER</u>:- Counsel for the appellant (Muhammad Asif Yousafzai, Advocate) and Mr. Muhammad Jan GP for the respondents present.</p> <p>2. Finance Department Government of Khyber Pakhtunkhwa, Peshawar vide its notification dated 30.10.1993 allowed selection grade BPS-17 to 33 % of the posts of Administrative Officer and Superintendent BPS-16 which notification was acted upon in the year 2004 vide notification dated 29.09.2004. This latter notification was questioned by the concerned awardees in Service Appeal before this Tribunal on the ground that they were entitled for selection grade w.e.f 1993 which was wrongly allowed to them in the year 1999. The said appeal NO. 724/2002 was accepted by this Tribunal vide its order dated 15.08.2006 against which the Government Civil Petition No. 35-P to 51-P and Civil Petition No. 301-P of 2007 were dismissed by the august Supreme Court of Pakistan vide its order dated 05.03.2010, hence these separate four appeal on the same analogy that the appellant though retired should also be given benefits of selection grade BPS-17 w.e.f 30.10.1993. It is worth mentioning that appellant in service appeal No. 834/2012, Mr. Hazrat Ahmad got retired as Superintendent on 01.04.1999 and appellant in service appeal No. 835/2012 Mr. Bakhat Zada as Accounts Officer on 02.05.1999, appellant in service appeal No. 836/2012 Mian Said Rehman as Accounts Officer on 21.12.1998 and appellant in service appeal No. 837/2012 Mehro Naish as Accounts Officer on 15.08.1994, the facts and figures so provided by the learned counsel for the appellant during the course of arguments.</p> <p>3. Arguments of the learned counsels for the parties heard at length and record perused with their assistance.</p> <p>ATTESTED It was submitted by the learned counsel for the appellant that the appellant were entitled for selection grade, evident from the fact that their service colleagues junior to them in the seniority list were awarded the selection grade and the appellant were ignored which is discrimination and</p> |

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Khyber Pakhtunkhwa
Tribunal,
Peshawar

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uneven handed treatment of the respondent-department. It was further submitted that the respondent-department while issuing corrigendum vide notification dated 26.04.2014 corrected the matter to the extent of only antedating selection grade w.e.f 30.10.1993 instead of aggrieved date 19.07.1999 but could not take pains to have considered the cases of those officers including the appellant who were entitled for such selection grade at the relevant time. Learned counsel for the appellant further submitted that since pensionary benefits of the appellant are involved for which reason this is a recurring cause of action, hence the appeal could not be treated as time barred. The learned counsel for the appellant requested that the appellant have given time of their prime youth to the respondent-department, they should not be left in the lurch in bad times after their retirement and that their appeals may be accepted. He relied on 2009 SCMR 1, 2009 PLC (C.S) 178, 2002 PLC (C.S) 1388, 2007 PLC (C.S) 1267 and 2003 PLD S.C 724.

5. Conversely it was submitted by the learned Government Pleader that the appeals are badly time barred. He next submitted that the matter of selection grade had already been extinguished, the appellant were not included as parties in the service appeal No. 724/2002, therefore they were not entitled to receive any benefits from that litigation. He next submitted that as 33% of the total strength at the relevant time were entitled and the appellant have not appended authentic seniority list on the strength of which they would have shown their entitlement for selection grade. He next submitted that the appellant have not made any private party who was junior to them and to whom selection grade was awarded. He relied on 2010 SCMR 1982. He requested that the appeal may be dismisses.

7. The Tribunal heard learned counsels for the parties at length and perused the record with their assistance. It is evident from the record that the original notification of selection grade was made in 1993 but no action was taken thereon at that time. Action on this notification was taken in the year 2004 when the respondent-department issued list of those Officers who were awarded selection grade and that also from the year 1999. These awardees naturally confined their appeals to reckoning of the date i.e 1993 which was their only concern. On the other hand the department while calculating entitlement of 33% employees seems that it took the total strength in the year 2004. In this situation when corrigendum about antedating of selection grade w.e.f 1993 was going to be issued, the department failed to consider the issue of those employees who were

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 P. K. KHAN
 Vice President
 of the Tribunal
 Peshawar

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(H) (3)

Directorate of Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.
No. 1751-55 JA-23/MS/
Dated Peshawar the _____/2015.

10/6/2015

1. Hazrat Ahmad S/O Gul Ahmad
Retired Supdt Mohallah Miagan
V& P.O Saidu Sharif District Swat.
2. Main Said Rehman S/O Hazrat Adam
Retired Accounts Officer Village Damlai
P.O Madyan District Swat.
3. Bakht Zada S/O Shahzada
Retried Accounts Officer
4. Mehro Naish S/O Mir Baz
Retired Accounts Officer DEO (M) Swat.
5. Rawail Khan
Retired Supdt Mohallah Aba Khel Nowshera Kalan.

Subject: APPEAL FOR AWARD OF SELECTION GRADE.

Memo:

I am directed to refer your appeal on the subject cited above, and to inform you that the department has followed and fully implemented the policy and courts decision.

Selection Grade at the ratio of 33% quota had already been awarded w.e.f 19.07.1999 which was revised w.e.f 30.10.1993 as per courts orders.

Now the Department cannot exceed 33 % quota nor with draw Selection Grade from any one. Because the financial benefit once awarded and availed, cannot be with drawn as per Supreme Court orders.

It is further added that similar nature appeal were already turned down by the competent authority through a learned departmental Committee on 9.02.2011, as such your appeals are rejected being devoid of substance.

Assistant Director (Admn)
Directorate of E&SE K.P, Peshawar

Endst: No. 1756

Copy forwarded to the: -

1. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

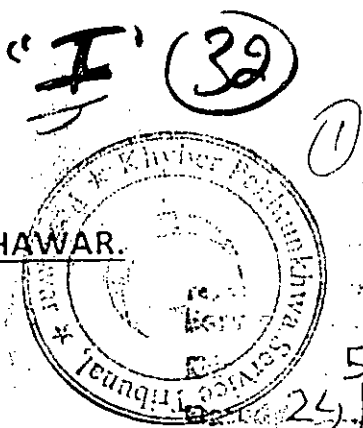
Assistant Director (Admn)
Directorate of E&SE K.P, Peshawar

Hazrat Ahmad, Sai Rehman, Bakht Zada, Mehro Rawail Khan

ATTACHED

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

EXECUTION PETITION NO. 65 /2015.



- 1- Hazrat Ahmed Retd; Superintendant,
DEO(M) E&SE, Swat.....(Appeal NO.834/2012)
- 2- Bakhat Zada, Retd: ADEO(A),
(M) E&SE, Swat.....(Appeal NO.835/2012)
- 3- Mian Said Rehman, Retd: ADEO(A),
(M) E&SE, Swat.....(Appeal NO.836/2012)
- 4- Mehronaish, Retd: ADEO(A),
(M) E&SE, Swat..... (Appeal NO.837/2012)

.....Petitioners.

VERSUS

- 1- The Secretary Education (E&DE) KPK Peshawar.
- 2- The Director Education (E&SE), KPK Peshawar.
- 3- The secretary Finance KPK Peshawar.....Respondents.

EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE JUDGMENT
OF THIS AUGUST TRIBUNAL DATED. 27.03.2015 IN
LETTER AND SPIRITS.

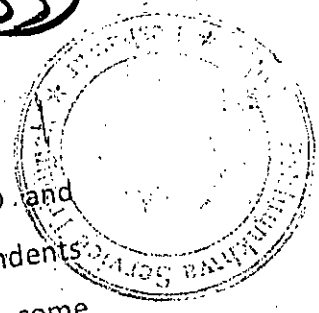
R.SHEWETH.

1. That the petitioners filed appeal No. mentioned before their names in the heading of this execution petition for grant of selection grade.
2. That the said appeal along with connected appeals was heard on 27.03.2015 by the learned F.B II.
3. That after discussion the judgments of this august Tribunal and the Supreme Court of Pakistan in similar appeals of the colleagues of the

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Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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10.2015

Counsel for the petitioners and M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Addl: A.G for respondents present. Requested for adjournment. Last opportunity granted. To come up for implementation report on 27.11.2015 before S.B.

Sd/-
Chairman

27.11.2015

Counsel for the petitioners, M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Addl: A.G for respondents present. Compliance report submitted. Arguments of learned counsel for the petitioners and learned Addl: AG heard and record perused.

According to judgment of this Tribunal the respondents were to treat the service appeal of the petitioners as a departmental appeal and to decide the issue of selection grade and its impact on those employees who were otherwise entitled to the same in the year of 1993. Since the respondents have decided the issue vide order dated 10.6.2015 but produce to the Court today as such it is held that the respondents have complied with the judgment of this Tribunal.

Learned counsel for the petitioner informed the Tribunal that the said decision of the respondents is not in consonance with the judgment of the Tribunal and that the same has come to his notice and the notice of his client in the Court today.

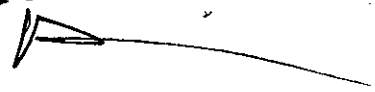
Since the respondents have decided the matter as such there is no need to further proceed with the execution petition. The petitioner may, if unsatisfied, resort to the legal remedy available to him under the law. The petition is disposed of accordingly. File be consigned to the record room.

Sd/-
Chairman

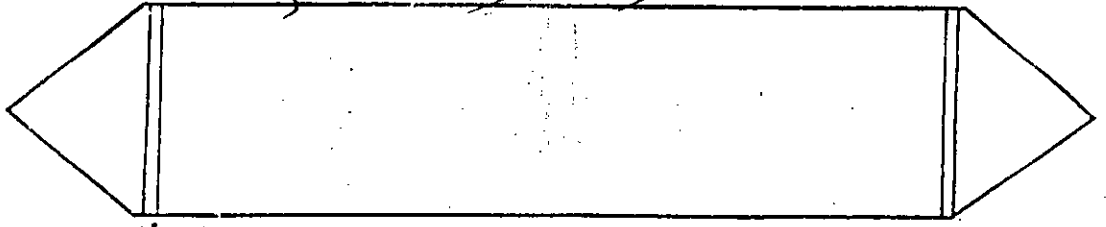
Certified
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
The true copy

ANNOUNCED
27.11.2015

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بعدالت سرور میں سرسوزیل کی اور



22ء مخانب

حضرت احمد بنام محمد شہید

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دکل کارروائی متعلقہ
آن مقام کسٹور کیلئے محمد مصطفیٰ سوزیل اور محمد شہید

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی 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 کارروائی 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 بااختیارات حاصل ہوں گے اور اس کا ساختہ
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائنا التوائے مقدمہ کے سبب سے ہوگا۔
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 لکھدیا کہ سندر ہے۔

محمد شہید

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باہ

المرقوم

واہ العباد

کے لئے منظور ہے۔

APPLANT

35

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No: 04/2016

Hazrat Ahmad (Rtd:) Accounts Officer/O/O the DEO(M) Swat.Appellant

VERSUS

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

JOINT PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS 1-3.

Respectfully Sheweth :-

The Respondents submit as under:-

PRELIMINARY OBJECTIONS.

- 1 That the Appellant has got no cause of action/ locus standi.
- 2 That the instant Service Appeal is badly time barred.
- 3 That the Appellant has concealed material facts from this Honorable Tribunal in the instant service appeal.
- 4 That the instant Service Appeal is based on malafide intentions just to put extra pressure on the Respondents for gaining illegal service benefits.
- 5 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 6 That the Appellant is not entitled for the relief he has sought from this Honorable Tribunal.
- 7 That the instant Service Appeal is against the prevailing law & rules.
- 8 That the Appellant has been treated as per law, rules & Policy.
- 9 That the instant appeal is not maintainable in its present form.
- 10 That the appeal is bad for mis-joinder & non-joinder of the necessary parties.
- 11 That the instant Service Appeal is barred by law.
- 12 That the Appellant is not competent to file the instant appeal against the Respondents.
- 13 That the scheme of grant of Selection Grade has been discontinued vide Notification dated 27/10/ 2001, issued by the Finance Department Govt: of Khyber Pakhtunkhwa.
- 14 That the impugned Notification dated 10/6/2015 is legally competent & in accordance with rules & policy.
- 15 That the Appellant is not entitled for the grant of Selection ^{Grade} in BPS-17.
- 16 That no Departmental Appeal has been filed by the Appellant.
- 17 That the issue of Selection grade has already been settled by this Honorable Tribunal vide order dated 27/11/2015, in Execution Petition No: 65/2015, out of Service Appeal No: 834 -837/2012, case Titled Hazrat Ahmad Versus Govt: .

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ON FACTS.


- 1 That Para-I needs no comments, being pertains to the Service record of the appellant.
- 2 That Para-2 is incorrect & denied. The scheme of award of Selection Grade has been discontinued vide Notification dated ~~26-05-2002~~, issued by the Finance Department and in view of the said Notification the appellant is not entitled for the award of Selection Grade in BPS-17 with the submission that the appellant is no more in service in the Respondent Department.(Copy of the same is annexed as Annexure A).
- 3 That Para-3 is incorrect & denied on grounds that the scheme of award of Selection Grade in the Respondent Department has been discontinued vide the above said Notification of the Finance Department. Hence the appellant is not entitled for the grant / award of the same in the above said submissions in the foregoing paras.
- 4 That Para-4 is incorrect & misleading. The statement of the appellant is baseless on the grounds that the scheme of award of Selection Grade has been discontinued vide Notification dated 27/10/2001, issued by the Respondent No: 3, whereas rest of the Para○ pertain to the Court record of Honorable Supreme Court of Pakistan. Hence needs no comments.
- 5 That Para-5 is incorrect & denied. The statement of the appellant is misleading and against the factual position as agitated in the foregoing paras of the instant reply.
- 6 That Para-6 is incorrect & denied. The statement of the appellant is misleading on the grounds that the scheme of award of Selection Grade has been discontinued by the Respondent No: 3 vide his Notification dated 27/10/2001 & a copy whereof has already been annexed in the foregoing paras. However, it is further submitted that Selection Grade at the ratio of 33% Quota has already been awarded wef 19/07/1999, which was revised wef 30/10/ 1993, as per Court order. Hence in view of the above made submissions the appellant is not entitled for the award of Selection Grade in BPS-17(Order sheet dated 27/11/2015 is attached as Annexure B).
- 7 That Para-7 is correct to the extent that the Departmental Appeal of the appellant has been decided by the Respondent Department and on the basis of the office order dated 10/6/2015, this Honorable Tribunal has been pleased to dismiss the Execution Petition of the appellant vide order sheet dated 27/11/2015 (Copies of the same are already attached C&D).
- 8 Legal. However, the Respondents further submit on the following grounds inter alia :-

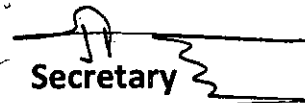
ON GROUNDS.

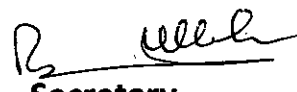

- A Incorrect & denied. The impugned order dated 10/6/2015, is within legal sphere as well as in accordance with the directions of the referred judgment dated 27/3/2015. Hence the issue of the award of Selection Grade has not only been discontinued by the Respondent No: 3, but is settled by this Honorable Tribunal vide order dated 27/11/2015 rendered in EP No: 65/2015 out of Service Appeal No: 834-837/ 2012 case Titled Hazrat Ahmad & others VS Govt: of Khyber Pakhtunkhwa, (Copies of the same are attached as Annexures E&F).
- B Incorrect & not admitted. The appellant is not entitled for the award of Selection Grade in BPS-17, in wake of above made submissions in grounds-A of the instant reply. Hence in terms of the above made submissions in the foregoing paras, his plea regarding the award of Selection Grade is illegal & is liable to be struck down.
- C Incorrect & denied. The appellant has been treated as per law, rules & policy. Therefore, no question of discrimination arises on the part of the Respondents.
- D Incorrect & denied. The appellant has been treated in accordance with law, rules & policy & Selection Grade to appellant has rightly been refused. Hence, his appeal is liable to be dismissed in favour of the Respondents.

- E Incorrect & denied. The appellant is not entitled for the grant of Selection Grade in BPS-17, on the grounds as agitated in the above mentioned paras.
- F Incorrect & denied. The issue of award of Selection Grade has been decided by this Honorable Tribunal vide order dated 27/11/2015. Therefore, the plea of the appellant is based on malafide intentions & is liable to be dismissed.
- G ~~_____~~ The Respondents seek leave of this Honorable Tribunal to submit additional grounds & record at the time of arguments.

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 favour of the Respondent Department.



Director
 E&SE Department Khyber
 Pakhtunkhwa, Peshawar.
 (Respondents No: 2)


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


Secretary
 Finance Department Khyber
 Pakhtunkhwa, Peshawar
 (Respondent No: 3) 

AFFIDAVIT

I, Khaista Rehman, Asstt: Director (Litigation-II) E&SE Department KPK Peshawar do hereby solemnly affirm and declare that the contents of the instant Parawise Comments are true & correct to the best of my knowledge & belief.


 Deponent

GOVERNMENT OF N.W.F.P
FINANCE DEPARTMENT

NO.FD(PRC)1-1/2003

Dated Peshawar the, May 6, 2003.

Annex "A"

From :- Secretary to Govt. of NWFP,
Finance Department.

To

1. All Administrative Secretaries to Govt. of NWFP.
2. The Senior Member, Board of Revenue, NWFP.
3. The Secretary to Governor NWFP, Peshawar.
4. The Secretary, Provincial Assembly, NWFP.
5. All Heads of Attached Departments NWFP.
6. All District Nazims/District Coordination Officers and District and Session Judges NWFP.
7. The Registrar, Peshawar High Court, Peshawar.
8. The Chairman, NWFP, Public Service Commission.
9. The Chairman, NWFP, Services Tribunal.
10. The Secretary Board of Revenue, NWFP.

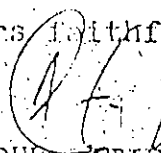
SUBJECT:- REVISION OF BASIC PAY SCALES AND PENSION BENEFITS OF GOVT EMPLOYEES (BPS-22) OF THE NWFP GOVT (2001)

Dear Sir,

I am directed to refer to this Department's letter No. FD(PRC)1-1/2001 dated Nov. 15, 2001 on the subject noted above and to say that clarification given against para 7(i) and (ii) may be read as under :-

"The Selection Grade and Move Over shall stand discontinued w.e.f 1-12-2001 instead of 27-10-2001. The clarification issued vide the above referred letter against Para 5(ii) and Para 7 (i) & (ii) stand modified to this effect."

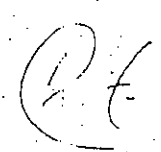
Yours faithfully


(ABDUL LATIF)
DEPUTY SECRETARY (REG.)

Endst No. FD(PRC)1-1/2003 Dated Peshawar the, May 6, 2003

A copy is forwarded for information to :-

1. All Autonomous/Semi Autonomous Bodies/Corporation in NWFP.



(ABDUL LATIF)
DEPUTY SECY. (REG.)

Contd. On P.2....

ENDST.NO & DATE EVEN.

A copy is forwarded for information to :-

1. The Accountant General, NWFP, Peshawar.
2. All District/Agency Accounts Officers in NWFP.
3. The Treasury Officer, Peshawar.
4. The Private Secretary to Finance Minister, NWFP.
5. The P.S to Secretary, PAs to Additional Secretaries/ Deputy Secretaries in Finance Department.
6. All Section/Budget Officers in Finance Department NWFP.
7. The Director, Local Fund Audit, NWFP, Peshawar.


(SYED BAQAR SHAH)
SECTION OFFICER (SR. I)

Ammed B y D

33

10.2015

Counsel for the petitioners and M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Addl: A.G for respondents present. Requested for adjournment. Last opportunity granted. To come up for implementation report on 27.11.2015 before S.B.

ed/-
Chairman

27-11-2015

Counsel for the petitioners, M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Addl: A.G for respondents present. Compliance report submitted. Arguments of learned counsel for the petitioners and learned Addl: AG heard and record perused.

According to judgment of this Tribunal the respondents were to treat the service appeal of the petitioners as a departmental appeal and to decide the issue of selection grade and its impact on those employees who were otherwise entitled to the same in the year of 1993. Since the respondents have decided the issue vide order dated 10.6.2015 but produce to the Court today as such it is held that the respondents have complied with the judgment of this Tribunal.

Learned counsel for the petitioner informed the Tribunal that the said decision of the respondents is not in consonance with the judgment of the Tribunal and that the same has come to his notice and the notice of his client in the Court today.

Since the respondents have decided the matter as such there is no need to further proceed with the execution petition. The petitioner may, if unsatisfied, resort to the legal remedy available to him under the law. The petition is disposed of accordingly. File be consigned to the record room.

ed/-
Chairman

Certified

Secretary
Tribunal

True copy

ANNOUNCED
27.11.2015

Amred 'C' H (S) 3

Directorate of Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.
No. 1751-55/A-23/MIS/
Dated Peshawar the 10/6/2015 2015.

- 1. Hazrat Ahmad S/O Gul Ahmad,
Retired Supdt Mohallah Miagan,
M& P.O Saidu Sharif District Swat.
- 2. Main Said Rehman S/O Hazrat Adam,
Retired Accounts Officer Village Damlai,
P.O Midyan District Swat.
- 3. Bakht Zada S/O Shahzada,
Retired Accounts Officer
- 4. Mehro Naish S/O Mir Baz,
Retired Accounts Officer DEO (M) Swat.
- 5. Rawail Khan,
Retired Supdt Mohallah Aha Khei Nowshera Kalan.

Subject: APPEAL FOR AWARD OF SELECTION GRADE.
Memo.

I am directed to refer your appeal on the subject cited above, and to inform you that the department has followed and fully implemented the policy and courts decision.

Selection Grade at the ratio of 33% quota had already been awarded w.e.f 19.07.1999 which was revised w.e.f 30.10.1993 as per courts orders.

Now the Department cannot exceed 33 % quota nor with draw Selection Grade from any one. Because the financial benefit once awarded and availed, cannot be with drawn as per Supreme Court orders.

It is further added that similar nature appeal were already turned down by the competent authority through a learned departmental Committee on 9.02.2011, as such your appeals are rejected being devoid of substance.

Assistant Director (Admn)
Directorate of E&SE K.P. Peshawar

Indst. No. 1756

Copy forwarded to the:
PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa
Peshawar.

Assistant Director (Admn)
Directorate of E&SE K.P. Peshawar

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 04/2016

Hazrat Ahmad

VS

Education Deptt:

.....

REJOINDER ON BEHALF OF APPELLANT

.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-17) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 Admitted correct by the respondent as the service record of the appellant is present in the custody of the department.
- 2 Incorrect. The Finance Deptt: issued the circular on 30.10.1993 wherein all the Superintendent, Budget & Account Officers etc were granted Selection Grade BPS-17 and the appellant was promoted to the post of Superintendent in the year 1919 and retired from service in the year 1999 whereas the of award of selection Grade has been discontinued in 2003 meaning by the appellant was in service at the time of award of Selection Grade and therefore eligible for Selection Grade in the year 1993 but due to the delay on the part of respondents, the appellant was kept deprived from the benefits of selection grade.
- 3 Not replied according to para 3 of the appeal. Moreover para 3 of the appeal is correct.

- 4 Incorrect. many officials were granted Selection Grade w.e.from 30.10.1993 by this august Tribunal vide judgment dated 15.8.2006 against the department filed CPLA in the Supreme Court of Pakistan which dismissed the CPLA with the direction that the concerned department were directed to implement the judgment of the Tribunal within 4 weeks and compliance report should be sent to the registrar of the Supreme Court of Pakistan. Copies of those judgments are attached as Annexure-D&E with the service appeal.
- 5 Incorrect. The statement of the appellant is not misleading and not against the factual position as the corrigendum in which the Selection Grade BPS-17 was given w.e.from 30.10.2993 is attached as Annexure-F of the service appeal as proof.
- 6 Incorrect. While para 6 of the appeal is correct.
- 7 It is correct that the department decided the departmental appeal on dated 10.6.2015 of the appellant on the direction the august Tribunal, however the august Tribunal did not dismissed the execution petition, but disposed off the execution petition on the ground that since the respondents have decided the matter as per direction of august Tribunal as there is no need to further proceed with the execution petition. The petitioner may, if unsatisfied, resort to the legal remedy available to him under the law.
- 8 Legal.

GROUNDS:

- A. Incorrect. The impugned order dated 10.6.2015 is against the law, fact, norms of justice and material on record as the appellant have eligibility and seniority in 1993. Moreover the august Tribunal did not dismiss the case but it remitted the case to respondent department to decide the departmental appeal of the appellant on merits strictly in accordance with law and

rules. Furthermore the august Tribunal did not dismissed the execution petition, but disposed off the execution petition on the ground that since the respondents have decided the matter as per direction of august Tribunal as there is no need to further proceed with the execution petition. The petitioner may, if unsatisfied, resort to the legal remedy available to him under the law.

- B. Incorrect. The Finance Deptt: issued the circular on 30.10.1993 wherein all the Superintendent, Budget & Account Officers etc were granted Selection Grade BPS-17 and the appellant was promoted to the post of Superintendent in the year 1919 and retired from service in the year 1999 whereas the of award of selection Grade has been discontinued in 2003 meaning by the appellant was in service at the time of award of Selection Grade and therefore eligible for Selection Grade in the year 1993 but due to the delay on the part of respondents, the appellant was kept deprived from the benefits of selection grade. thus the appellant has been punished for the fault of others.
- C. Incorrect. The appellant has been discriminated as the said benefits have been given to retired as well as juniors officials, but the same benefits was not extended to the appellant which is against the principles of justice.
- D. Incorrect. While para D of the appeal is correct.
- E. Incorrect. The appellant is fully entitled for grant of selection grade in BPS-17 on the grounds as agitated in the above mentioned paras.
- F. Incorrect. While para F of the appeal is correct.
- G. Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

APPELLANT
Hazrat ahmad

Through:



(M. ASIF YOUSAFZAI)

&



(TAIMUR ALI KHAN)
ADVOCATES, PESHAWAR.

AFFIDAVIT

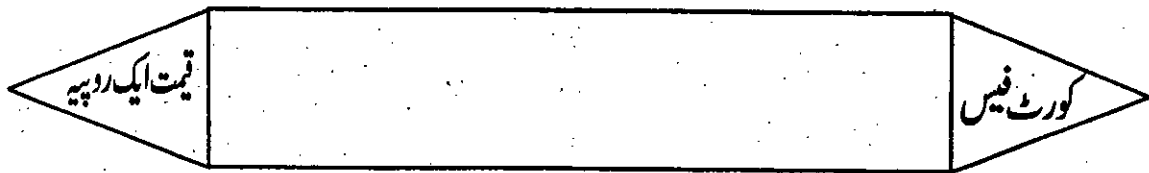
It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.



DEPONENT



بعدالت خیر پختو خواہ کروں ٹریبونل سیمپ کورٹ



مورخہ 31 مارچ ۲۰۱۶ء منجانب امپلائٹ
مقدمہ حضرت احمد
دعویٰ ۵ سرس اریل

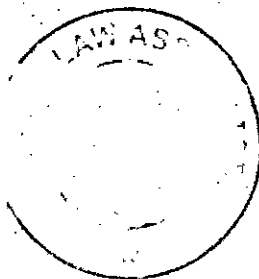
جرم
باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام منگلورہ سوات سیرس ڈاکٹر عزیز خان مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیاط ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف لینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوا ایسے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند رہے

المرقوم 31
ماہ مارچ
۲۰۱۶ء

واہ شاہ عدہ العبد
Attested & Accepted

کے لئے منظور ہے



مقام منگلورہ سوات
حسین احمد

صورت احمد لہ گل احمد