

BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBERPAKHTUNKHWA PESHAWAR

Service Appeal No. 579/2023

Fazal-e-Manan SST (G) BPS-16 GHS Dard Poran

Shangla.....Appellant

VERSUS

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

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(Dr. Iqbal Khan)
DIRECTOR

E&SE Department Khyber
Pakhtunkhwa, Peshawar.

22-12-2023

Peshawar.

(1)

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Shangla.....Appellant

VERSUS

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

JOINT PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS No: 1-3.

Respectfully Sheweth :-

The Respondents submit as under: -

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 9805

Dated 11-12-2023

PRELIMINARY OBJECTIONS

- 1 That the Appellant has got no cause of action/locus standi to file instant appeal.
- 2 That the appellant is not an aggrieved person within the meaning of Section-4 Khyber Pakhtunkhwa Service Tribunal Act 1974 read with Article-212 of the constitution of Islamic Republic of Pakistan 1973.
- 3 That the appellant has concealed material facts from the ambit of this Honorable Tribunal.
- 4 That the appellant has not come to this Honorable Tribunal with clean hands.
- 5 That the appeal in hand is based on mala fide intentions for gaining illegal service benefits from the Department for his promotion against the SS in BPS-17 w.e.f 2009 in violation of the Rules & policy in vogue.
- 6 That the appeal in hand is barred by law and limitation.
- 7 That the appeal in hand is bad for mis-joinder and non-joinder of the necessary parties.
- 8 That the appeal is not maintainable and incompetent in the eyes of Law in the present form.
- 9 That the appellant is estopped due to his own conduct to file this appeal.
- 10 That the appellant has not come to the Tribunal with clean hands and has suppressed all relevant facts.
- 11 That the appeal is bad for mis-joinder and non-joinder of necessary parties.

(2)

12 That the appeal filed by the Appellant is pre mature as he has concealed the material facts from Honorable Tribunal.

ON FACTS

- 1) That Para-1 pertains to the employment of appellant as SST in the respondent department, hence no comments.
- 2) That Para-2 pertains to the advertisement of Subject Specialist BS-17 posts in the year 2004 on contract basis for a period of six months through ETEA, wherein, the appellant also applied for the said post and was appointed vide Notification dated 10-09-2005 against the SS in Islamiat BPS-17 on contract basis at GHSS Butyal Shangla by the competent authority.
- 3) That Para-3 is correct that as per terms & condition of the advertisement published by the Respondent Department, wherein, it has clearly mentioned that those candidates who are already in Government Service are not eligible to apply for the appointments against the SS in BPS-17 post purely on contract basis for the initial period of 06 months attached as **Annexure-A**.
- 4) That Para-4 is incorrect and denied on the grounds that as per terms & condition of the advertisement published by the Respondent Department, wherein, it has clearly mentioned that those candidates who are already in Government Service are not eligible to apply for the appointments against the SS in BPS-17 post purely on contract basis for the initial period of 06 months but in spite of this fact the appellant applied for the SS in BPS-17 post on contract basis in violation of the terms & conditions regarding not eligibility of the candidates who are already in Government Service for the cited post, hence, the plea of the appellant is against the facts of the case & liable to be rejected.
- 5) That Para-5 is also incorrect and denied on the grounds that the statement of the appellant is without any proof and legal justification with further submission that if any candidates did applied for the SS in BS-17 post in response to the above said advertisement and were consequently regularized have differently concealed material fact of their job/service in the Government Department on malafide.
- 6) That Para-6 is also correct in terms of the clear cut terms & condition No. 10 of the above mentioned advertisement floated by the Department in the national press, whereby, applications were invited from the candidates who are not civil servants in any Government Department for the appointment on contract basis for the initial period Six-months, wherein, the appellant also denied candidature by the Department, hence, they approached the Honorable high Court under Article-199 of

the Constitution of 1973 in W.P No. 741-A/2010 under Abdullah Javeed VS Govt; of Khyber Pakhtunkhwa & others with the prayer for grant of

direction to the Respondents for promotion of the petitioners to the post of SS w.e.f. 01-01-2009 which was dismissed vide judgment dated 24-11-2020 in favor of the Department. *(Copies of the Act of 2009 & judgment dated 24-11-2020 are attached as Annexure-B & C).*

7) That Para-7 is correct that a service appeal No. 2756/2021 under case titled Abdullah Javeed VS Govt; of Khyber Pakhtunkhwa & others was filled by the said appellant under Article 212 of the constitution of the 1973 before the Service Tribunal which was allowed along with connected Service Appeal No. 2757-2762/2021 vide Judgment dated 02-02-2022, where against, the Department has filled CPLA before the august Supreme Court of Pakistan which is still pending adjudication before the apex Court as evident from the paper book with further submission that an objection petition has also been filed by the aggrieved party before the Honorable Service Tribunal which is still pending for disposal on the grounds that the appellants were serving the Department against the District Cadre posts from BPS-1 to 15 at the time of the advertisement made by the Department for the appointment of SS in BS-17 (TC) on contract basis for initial period of Six months. Furthermore, if the plea of the appellant regarding his promotion from a District cadre to a Provincial Cadre post will amount to the violation of policy dated 24-07-2014 & 24-04-2018 of the Respondent Department, hence, the claim of the appellant being devoid of merit cannot be entertained under the rules. *(Copies of the policies are Annexure-D& E).*

8) That Para-8 is incorrect as the appellant not an aggrieved person. As the Honorable Peshawar High Court has also decided in **Writ Petition No. 2905-P/2009 titled as Atta Ullah and other Vs Chief Secretary KPK and others** decided on 26.01.2015 by the then **Honorable Chief Justice Peshawar High Court**. In the petition cited above the Honorable Chief Justice was pleased to dismissed all the writ petition of the in-service employees with the remarks as under;

“The Act, XVI of 2009, commonly known as (Regularization of Services) Act, 2009 is held as beneficial and remedial legislation, to which no interference is advisable hence, upheld.

(ii) Official respondents are directed to work out the backlog of the promotion quota as per above mentioned example, within 30 days and consider the in-service employees, till the backlog is washed out, till then there would be complete ban on fresh recruitments.

9) That Para-9 is incorrect & denied as the appellant is not an aggrieved person within the meaning of Section-4 Khyber Pakhtunkhwa Service Tribunal Act 1974 read with Article-212 of the constitution of Islamic Republic of Pakistan 1973, therefore, the case in hand is liable to be dismissed on the following grounds inter alia.

ON GROUNDS

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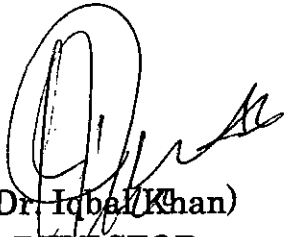
- A. *Incorrect / not admitted.* The appellant does not come in the domain of the Employee Regularization Act XVI of 2009. The section 3 of this act is reproduced as under "*All employees including recommenders of the High Court appointed on contract or adhoc basis and holding that post on 31st December, 2008 or till the commencement of this Act shall be deemed to have been validly appointed on regular basis having the same qualification and experience for a regular post*". According to this Act all those employees were regularized who were working on contract / adhoc basis, but the appellant was already regular employee of the respondent department and did not working as contract / adhoc employee. Therefore, appellant does not come in the domain of this Act. Hence the act of the respondents was according to law, rules and policies, based upon the natural principle of justice.
- B. *Incorrect and not admitted.* Strongly denied. The appellant was treated by the respondent department as per law. The action of respondent department was according to the Constitution of the Islamic Republic of Pakistan 1973 but the claim of the appellant was against the law, rule and policies of the government.
- C. *Incorrect / not admitted.* Strongly denied. The Respondent's Department treated the appellant according to law, rule and policies of the government as the appellant does not come in the domain of the Employee Regularization of Service Act 2009, hence appellant lack the locus standi.
- D. *Incorrect / not admitted.* The appellant was regular employee of the respondent department. Appellant was given promotion from CT to SST and all kinds of financial benefits according to law, no discrimination had been made with the present appellant. Therefore, the present service appeal is liable to be dismissed with cost.
- E. Incorrect, hence strongly denied. The stance of the appellant is having no truth and is totally false and fictitious. This act of the respondents cannot be declared against the law on any ground whatsoever but require straight away rejection of Service Appeal.
- F. Incorrect / not admitted. The Honorable Peshawar High Court was pleased to uphold the Employees Regularization of Services Act XVI of 2009; hence present service appeal is liable to the dismissed with cost.
- G. The counsel for respondents may kindly be allowed to raise additional grounds at the time of arguments.

PRAYER.

5

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

Dated ___/___/2023.


(Dr. Iqbal Khan)
DIRECTOR

E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondents No: 2 & 3).


(Mo. tasim Billah Shah)
SECRETARY

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

6

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KHYBERPAKHTUNKHWA PESHAWAR

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Fazal-e-Manan SST (G) BPS-16 GHS Dard Poran
Shangla.....Appellant

VERSUS

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

AFFIDAVIT

I, Dr. Iqbal Khan Director E&SE Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant para wise Comments are true & correct to the best of my knowledge & belief. It is further stated on oath that in this appeal the answering Respondents have neither been placed Ex-Parte nor their defense has been struck off/cost.

Iqbal Khan
11-12-2023

Iqbal Khan
Deponent

11A-5

کونسل کے ذریعہ ایسی ہیڈ اسٹڈیز کی ضرورت ہے جو کہ تعلیمی شعبہ کی طرف سے تیار کی گئی ہوں۔ اس کے علاوہ ایسی ہیڈ اسٹڈیز کی ضرورت ہے جو کہ تعلیمی شعبہ کی طرف سے تیار کی گئی ہوں۔ اس کے علاوہ ایسی ہیڈ اسٹڈیز کی ضرورت ہے جو کہ تعلیمی شعبہ کی طرف سے تیار کی گئی ہوں۔

تعمیراتی قیادت کے مسائل۔ (1) کسی تعلیمی شعبہ کی ترقی سے اس کے ذریعہ ایسی ہیڈ اسٹڈیز کی ضرورت ہے جو کہ تعلیمی شعبہ کی طرف سے تیار کی گئی ہوں۔ اس کے علاوہ ایسی ہیڈ اسٹڈیز کی ضرورت ہے جو کہ تعلیمی شعبہ کی طرف سے تیار کی گئی ہوں۔

(2) اگر درج بالا تعلیمی قیادت کے مسائل ایسے ہوں جو کہ تعلیمی شعبہ کی طرف سے تیار کی گئی ہوں۔ اس کے علاوہ ایسی ہیڈ اسٹڈیز کی ضرورت ہے جو کہ تعلیمی شعبہ کی طرف سے تیار کی گئی ہوں۔

کے ساتھ ساتھ ایسی ہیڈ اسٹڈیز کی ضرورت ہے جو کہ تعلیمی شعبہ کی طرف سے تیار کی گئی ہوں۔ اس کے علاوہ ایسی ہیڈ اسٹڈیز کی ضرورت ہے جو کہ تعلیمی شعبہ کی طرف سے تیار کی گئی ہوں۔

عام عمر کی حد 25 تا 40 سال

Gener کے ہوتے ہوئے کم از کم 5 سالہ تعلیمی تجربہ ہونا چاہئے۔

رقم	تعداد	تفصیلات
02	20	انگریزی
04	28	انگریزی
06	38	انگریزی
08	42	CIVIC
12	44	انگریزی
19	46	انگریزی
10	33	انگریزی
08	20	انگریزی
05	23	انگریزی
06	23	انگریزی
-	09	انگریزی
01	-	انگریزی
02	-	انگریزی
83	326	کل

درخواستیں ڈویژنل ایجنسوں اور ایس ایس او اور ایس ایس او کے ذریعہ ایسی ہیڈ اسٹڈیز کی ضرورت ہے جو کہ تعلیمی شعبہ کی طرف سے تیار کی گئی ہوں۔ اس کے علاوہ ایسی ہیڈ اسٹڈیز کی ضرورت ہے جو کہ تعلیمی شعبہ کی طرف سے تیار کی گئی ہوں۔

پاسپورٹ سائز تصاویر کے ساتھ درخواستیں کے ساتھ 24 نومبر 2004 تک پاس سے پیش کی جائیں۔ درخواستیں ایس ایس او اور ایس ایس او کے ذریعہ ایسی ہیڈ اسٹڈیز کی ضرورت ہے جو کہ تعلیمی شعبہ کی طرف سے تیار کی گئی ہوں۔ اس کے علاوہ ایسی ہیڈ اسٹڈیز کی ضرورت ہے جو کہ تعلیمی شعبہ کی طرف سے تیار کی گئی ہوں۔

سیکشن آفیسر (جنرل) INF(P)2258

S.No. 035

-6-

4 B



Government of NWFP
Schools and Literacy Department
No.SOG/SL/SS Apptt/2005
Dated Peshawar the 10/09/2005.

ORDER

Consequent upon the recommendation of the Departmental Selection Committee (DSC), the Competent Authority is pleased to appoint the following Merit Subject Specialists (BPS-17) on contract basis for a period of Six months or till arrival of the nominees of the NWFP Public Service Commission whichever is earlier with immediate effect and post them against the vacant posts in the schools as noted against their names.

Subject: Islamiyat					
S.#	Name of Candidate	Father's Name	Address	Zone	Posted At
1	Din Muhammad	Mehmood Khan	Moh. Binmal, Dera, Dist. Pesh. District Lakki Marwat	Merit	GHSS Gul Inam, Tank
2	Subhan Ullah	Fazal Ullah	Moh. Malik Area, PO Umarzai Charsadda	Merit	GHSS Dosehra, Charsadda
3	Nejib Ullah	Hakim Khan	CC, Marwat, Dist. Pesh. Meena Khel Bazar Lakki Marwat	Merit	GHSS Kot Kashmir, Lakki
4	Inam ul Haq	Abdur Rauf	Nalpa Road, Masjid Auqsa, Peshawar	Merit	GHSS No. 1 Peshawar City
5	Shah Jehan	Nawab Khan	Phase-4 Area, Dera Kohat Road, Peshawar	Merit	GHSS No. 4, Kakshal Peshawar
6	Azamed Ali	Gul Said	Wazirabad, Dist. Pesh. P/O Akbar Pura Huzarana	Merit	GHSS Akbar Pura, Huzarana
7	Safdar Ali	Muqarrab Khan	Area Abani, Dist. Swabi	Merit	GHSS Zarabi, Swabi
8	Muhammad Ayaz	Jahan Zeb	Moh. Alai, Dist. Ghosagay, District Swat	Merit	GHSS Nawagai, Buner
9	Abdur Rehman	Abdullah	V. Gama, Dist. Pesh. Gul Bagh, Chitral, Swat	Merit	GHSS Lal Qala, Dir(Lower)
10	Muhammd Ikram Ullah	M.Habib Ullah	V. Sogha, Dist. Dir Lower, Targona	Merit	GHSS Haya Serai, Dir(Lower)
11	Muhammad Tahir	Shadi Khan	Dist. Lakki Marwat, Lakki Marwat	Merit	GHSS Shtaurang, Lakki
12	Aziz Ullah	Miser Khan	V&PO Saibu, Dist. Pesh. Aisar Abad C/O Bakht Rawan Swat	Merit	GHSS Batara, Buner
13	Arshad Nawaz Khan	Rahim Zaid Khan	PO Bharat, Dist. Bannu	Merit - I	GHSS Lachi, Kohat
14	Amir Jan	Muhammad Ghulam	Moh. Michan, Dist. PO & District Lakki	Merit - I	GHSS No. 4 D.I.Khan
15	Sher Ghaffar Khan	Muhammad Nazif Khan	V. PO Ghaw, Dist. Bannu	Merit - I	GHSS Lalozai, Bannu
16	Mukhtar Ahmed	Abdul Jalil Khan	V. Naugara, Dist. Pesh. (Billa Jamal ud Din) Peshawar	Merit - I	GHSS Daag, Peshawar
17	Hamid Ullah	Saleh ur Rehman	V. Yousaf, Dist. Pesh. (Talan) Kalyas, Charsadda	Merit - I	GHSS Gherpao, Charsadda
18	Abdul Karim	H.Abdul Latif Khan	GT Road, Ground Floor Ranim Medical Center Peshawar	Merit - I	GHSS Chaghar Matti, Peshawar
19	Shabir Ahmad	Sher Bahadar	V. & PO Tameb, Dist. Pesh. Near Malindole, Charsadda	Merit - V	GHSS Tameb, Charsadda
20	Muhammad Tahir Khan	M.Said Mohammad	Village Shikhan, Dist. Pesh. Shaikhan Bannu	Merit - V	GHSS Landi Kachai, Kchat
21	Hidayat Ullah	Khawaja Amir Jan	V. & PO, Dist. Pesh. N.W.A.		GHSS Gallan, Hangu

X

[Signature]
Subject Specialist,
GHSS, Balhok, Swat.

ORDER

Consequent upon the recommendation of the Departmental Selection Committee (DSC), the Competent Authority is pleased to appoint the following Subject Specialists (BPS-17) on contract basis for a period of Six months or till arrival of the nominees of NWFP Public Service Commission whichever is earlier with immediate effect and posted them against the vacant posts in the Schools as noted against their names.

Subject: Islamiyat

S#	Name of Candidate	Father's Name	Address	Zone	Posted at
1	Din Muhammad	Mehmood Khan	Lakki Marwat	Merit	GHSS Gul Imam, Tank
2	Subhan Ullah	Fazal Ullah	Charsadda	Merit	GHSS Dosehra, Charsadda
3	Naja Ullah	Hakim Khan	Lakki Marwat	Merit	GHS Kot Kashmir Lakki
4	Inam Ul Haq	Abdul Rauf	Peshawar	Merit	GHSS No.1, Peshawar City
5	Shah Jehan	Nawab Khan	Peshawar	Merit	GHSS No.4 Kakshal Peshawar
6	Ahmad Ali	Gul Said	Nowshera	Merit	GHSS Akbar Pura Nowshera
7	Sataar Ali	Muqarab Khan	Swabi	Merit	GHSS Zarobi Swabi
8	Muhammad Ayaz	Jahan Zeb	Swat	Merit	GHSS Nawagai Buner
9	Abdur Rehman	Abdullah	Charbagh Swat	Merit	GHSS Lal Qela, Dir (Lower)
10	Muhammad Irkam Ullah	M. Habib Ullah	Dir Lower Timergarah	Merit	GHSS S/Naurang Lakki
11	Muhammad Tafil	Shahi Khan	Lakki Marwat	Merit	GHSS Batara, Buner
12	Aziz Ullah	Miser Khan	Rawalpindi	Merit-I	GHSS Lachi Kohat
13	Arshad Nawaz Khan	Raham Zad Khan	Bannu	Merit-I	GHSS No.4, D.I.Khan
14	Amir Jan	Muhammad Ghulam	District Lakki	Merit-I	GHSS Lallozai Bannu
15	Sher Ghaffar Khan	Muhammad Nazif Khan	Bannu	Merit-I	GHSS Daag Peshawar
16	Mukhtar Ahmad	Abdul Jalil Khan	Peshawar	Merit-I	GHSS Sherpao Charsadda
17	Hamid Ullah	Saleh Ur Rehman	Charsadda	Merit-I	GHSS Chaghar Matti, Peshawar
18	Abdul Karim	H. Abul Latif Khan	Rehim Medical Centre Peshawar	Merit-I	GHSS Tamab, Charsadda
19	Sabir Ahmad	Sher Bahadar	Charsadda	Merit-V	GHSS Lanki Kachai, Kohat
20	Muhammad Tahir Khan	M. Said Mohammad	Bannu	Merit-V	GHSS Dallan Hangu
21	Hidayat Ullah	Khawaja Amir Jan	N.W.A	Merit-V	

J.#	Name of Candidate	Father's Name	Address	Zone	Posted At
22	Muhammad Gul	Nazar Gul	Sakna Khalki Sharif GMS Rawal Kor Mohammad Agency	I	GHSS Mardan
23	Javed Khan	Hamesh Khan	C/O Asif Khan Jeneral Store V/PO Haban Bazar Mardan	II	GHSS Garhi Kapura, Mardan
24	Musta Mir Khan	M.Yousaf	C/O Model Public School Maini Swabi	II	GHSS Thand Koi, Swabi
25	Arab Khan	Said Alam Khan	Vill: & PO Gul Bula, Peshawar	II	GHSS Sheikhhan, Peshawar
26	M.Zubair	Fazli Khaliq	H.No:1,Moh:GHSS No.1, Peshawar	II	GHSS Umer Payan, Peshawar
27	Hamayun	Saif ur Rehman	Moh:Sherpao V/PO Charsadda Town, Charsadda	II	GHSS Pako Dheri, Mardan
28	Izaz Ullah	Atta Ullah	S/A, Wahidabad, Kaka Khel Street P.Code:25110, Peshawar	II	GHSS Kalbari, Swabi
29	Siraj Khan	Akter Shah	Arhini Payan, Mentin Garhi, Peshawar	II	GHSS Shabqadar Fort, Charsadda
30	Muhammad Jayed Kh	Sher Ghani Khan	Dheri Talash Dir Payeen Zone III	III	GHSS Bagh Maidan, Dir(Lower)
31	Fazal Jamil	Fazal Sani	V&PO Allahdani Dheri MKD Moh: Azi Khel	III	GHSS Palai, Malakand Agency
32	Latif ur Rehman	Ghulam Rabani	GHSS Kass Lelohai Shangla	III	GHSS Olandar, Shangla
33	Nazir Ahmad	Fazl e Raziq	Vill:Naway Kaly Kamagara PO Khasana Talash Dir Lower	III	GHSS Zaimdara, Dir(Lower)
34	Muhammad Inayat ur	Fazal ur Rehman	Panakot PO DirUpper	III	GHSS Kalkot, Dir(Upper)
35	Fazal e Manan	Ghaibana	Vill:Bangali PO Aiooch Puren Shangla	III	GHSS Butyat, Shangla
36	Bakht Zeb Khan	Niaz Bar Khan	Lugman Banda PO Khali Tehsil Wari, Upper Dir	III	GHSS Wari, Dir(Upper)
37	Gul Raheem Khan	Ali Baz Khan	GHSS Kando Khel V/PO Kando Khel Karak	IV	GHSS Manki Shari, Nowshera
38	Hafiz Musa Khan	Gul Bazar	V/PO Ghazni Khel Lakki Marwat	IV	GHSS Kathgarh, D.I.Khan
39	Sajjad ur Rehman	Maqbool Shah	GMS Waam Para Hangu	IV	GHSS Chorlaki, Kohat
40	Saif Ullah Khan	Wazir Khan	Vill:Dingerwala P/O Ahmad Abad, Karak	IV	GHSS Shah Salim, Karak
41	Iltaf Hussain	Nazir Hussain	Mir Ahmed Khel PO Kohat, District Kohat	IV	GHSS Billiang, Kohat
42	Taj Muhammad	Faqir Mohammad	C/O Taj & Co Khad Dealer Lakki Road, Bannu	IV	GHSS Dhakki, D.I.Khan
43	Qazi Sajid Rashid	Qazi Abdur Rasheed	Vill:Layan Banuti PO Haripur	V	GHSS Kat Najeabullah, Haripur
44	Abdus Salam	H.Muhammad Ilyas	V/PO Rajmank, Wallagram	V	GHSS Eehali, Mansehra
45	Nasir Ali	Ghulam Sarwar	Moh:Asif Abad Malkiar Road, Haripur	V	GHSS Bher, Haripur
46	Hamid Shah	Sajawal Shah	PO Galleai (Sirkot) Ghazi Haripur	V	GHSS Sakote, Haripur

Terms and Conditions of their Appointments

- The candidates will enter into an agreement with the Government and their services will be governed by the terms and conditions mentioned in such agreement.
- Their salary is subject to execution of agreement deed containing the terms and conditions of the contract.

[Signature]
Subject Specialist,
 GHSS, Barikot, Swat.

BETTER COPY OF THE PAGE NO. 7.

S#	Name of Candidate	Father's Name	Address	Zone	Posted at
22	Muhammad Gul	Nazar Gul	Sakna Khatki Sharif GMS Rawal Kor Mohmand Agency	I	GHSS Mardan
23	Javed Khan	Hamesh Khan	C/O Asif Khan Jeneral Store V/PO Hatian Bazar Mardan	II	GHSS Garhi Kapura Mardan
24	Musta Mir Khan	M. Yousaf	C/O Model Public School Maini Swabi	II	GHSS Thand Koi Swabi
25	Arab Khan	Said Alam Khan	Vill: & PO Gul Bela, Peshawar	II	GHSS Sheikhan Peshawar
26	M. Zubair	Fazli Khaliq	H. No.1 Moh: GHSS No.1, Peshawar	II	GHSS Urmay Payan, Peshawar
27	Hamayun	Saif Ur Rehman	Moh: Sherpao V/PO Charsadda town, Charsadda	II	GHSS Palo Dheri, Mardan
28	Izaz Ullah	Atta Ullah	5/A Wahidabad, Kaka Khel Street P.O Code 25110, Peshawar	II	GHSS Kabgani Swabi
29	Siraj Khan	Akber Shah	Achini Payan, Momin Garhi, Peshawar	II	GHSS Shabqadar Fort, Charsadda
30	Muhammad Javed Khan	Sher Ghani Khan	Dheri Talash Dir Payeen Zone III	III	GHSS Bagh Maidan, Dir (lower)
31	Fazal Jamil	Fazal Sani	V&PO Allahdand Dheri MKD Moh: Azi Khel	III	GHSS Palai, Malakand Agency
32	Latif Ur Rehman	Ghulam Rabani	GHS Kass Lelonai Shangla	III	GHSS Olandar, Shangla
33	Nazir Ahmad	Fazl e Raziq	Vill: Naway Kalay Kamagara PO Khasana Talash Dir Lower	III	GHSS Zaiimdera, Dir (Lower)
34	Muhammad Inayat Ur Rehman	Fazal Ur Rehman	Panakot PO Dir Upper	III	GHSS Kalkot Dir (Upper)
35	Fazal e Manan	Ghaibana	Vill: Banagali PO Alooch Puran Shangla	III	GHSS Butyal, Shangla
36	Bakht Zeb Khan	Niaz Bar Khan	Luqman Banda PO Khail Tehsil Wari, Upper Dir	III	GHSS Wari, Dir (Upper)
37	Gul Raheem Khan	Ali Baz Khan	GHS Kando Khel V/PO Kando Khel Karak	IV	GHSS Manki Sharif Nowshera
38	Hafiz Musa Khan	Gul Bazar	V/PO Ghazni Khel Lakki Marwat	IV	GHSS Kathgarh D.I.Khan
39	Sajjad ur Rehman	Maqbool Shah	GMS Waam Para Hangu	IV	GHSS Chorlarki Kohat
40	Saif Ullah Khan	Wazir Khan	Vill Dingrwala P/O Ahmad Abad, Karak	IV	GHSS Shal Salim Karak
41	Iltaf Hussain	Nazir Hussain	Mir Ahmad Khel P.O Kohat District Kohat	IV	GHSS Bilitang, Kohat
42	Taj Muhammad	Faqir Muhammad	C/O Taj & Co Khad Dealer Lakki Road, Bannu	IV	GHSS Dhakki D.I.Khan
43	Qazi Sajjid Rashid	Qazi Abdur Rasheed	Vill: Layan Bandi PO Haripur	V	GHSS Kot Najeebullah Haripur
44	Abdus Salam	H. Muhammad Ilyas	V/PO Rajmah Battagram	V	GHSS Beholi Manshera
45	Nasir Ali	Ghulam Sarwar	Moh: Asif Abad Malkiar Road Haripur	V	GHSS Beer Haripur
46	Hamid Shah	Sajawal Shah	PO Galleai (Sinkot) Gazai Haripur	V	GHSS Sarikote, Haripur

Terms and Conditions of their Appointment

1. The candidates will enter into an agreement with the Government and their services will be governed by the terms and conditions mentioned in such agreement.
2. Their salary is subject to execution of agreement deed containing the terms and conditions of the contract.

- 8- 10
- They will get pay in BPS-17 plus usual allowances as admissible under the rules.
 4. The initial period of their appointment shall be six months or till the arrival of the selectees of the NWFP Public Service Commission which ever is earlier. This order will automatically stand terminated after 180 days from the date of issue.
 5. Their services will be liable to termination without assigning any reason during the currency of this agreement. In case of resignation without prior notice, their one month pay plus allowances shall be forfeited in favour of Government.
 6. The appointees shall join their posts within 15 days of the issuance of this order. The EDOs (S and L) shall furnish a certificate to the effect that the appointees have joined the posts or otherwise, after 15 days of the issuance of this order.
 7. Their services can be terminated at any time in case their performance is found un-satisfactory. In case of misconduct they will be proceeded against under the Removal from Service (Special Power) Ordinance 2000 and E and D Rules, 1973.
 8. They shall be required to furnish attested copies of all their certificates/degrees to EDO (S and L) concerned. The EDO concerned should check their original certificates/degrees.
 9. The appointment is School specific and non-transferable during the currency of contract period.
 10. The In-Service candidates shall not be allowed to join and shall not be handed over charge by the EDO concerned.
 11. No TA/DA etc. will be allowed to the appointees for joining duty.
 12. Charge report shall be submitted to all concerned.

Secretary

Endst: No. Even No. and date.

Copy forwarded for information and necessary action to the:

1. Accountant General NWFP Peshawar
2. District Account Officer concerned.
3. Director Schools and Literacy NWFP Peshawar
4. The Executive District Officers (S and L) concerned.
5. Principal of the Schools concerned.
6. Officers concerned
7. PS to Minister for Education, Government of NWF
8. PS to Secretary Schools and Literacy, Government of NWFP

[Signature]
Subject Specialist.
GHSS, Barikot, Swat.

[Signature]
10/9/2005
(Muhammad Tariq Khan)
Deputy Secretary (Admin)

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3. They will get pay in OPS-17 plus usual allowances as admissible under the rules
4. The initial period of their appointment shall be six months or till the arrival of the selectees of the NWFP Public Service Commission which ever is earlier. This order will automatically stand terminated after 100 days from the date of issue.
5. Their services will be liable to termination without assigning any reason during the currency of this agreement in case of resignation without prior notice. their one month pay plus allowances sharable forfeited in favour of Government.
6. The appointees shall join their posts within 15 days of the issuance of this order. The EDOS (S and L) shall of certificate to the effect that the appointees have joined the posts or otherwiso, alter 15 days of the issuance of this order
7. Their services can be terminated at any time in case their performance is found unsatisfactory. In case of misconduct they will be proceeded against under the Removal from Service (Special Power) Ordinance 2000 and E and D Rules, 1973
8. They shall be required to furnish attested copies of all their certificates/grees to EDO (S and L) concerned. The EDO concerned should check their original certificates/degrees.
9. The appointment is School specific and non-transferable during the currency of contract period.
10. The In-Service candidates shall not be allowed to join and shall not be handed over charge by the EDO concerned.
11. No TA/DA etc. will be allowed to the appointees for joining duty.
12. Charge report shall be submitted to all concerned.

Secretary

Endst: No. Even No. and date.

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5. Principal of the Schools concerned.
6. Officers concerned
7. PS to Minister for Education, Government of NWF
7. PS to Secretary Schools and Literacy, Government of NWFP

(Muhammad Tariq Khan)
Deputy Secretary (Admn:)

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G-14

THE ³[KHYBER PAKHTUNKHWA]
EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2009.
(⁴[KHYBER PAKHTUNKHWA] ACT NO. XVI OF 2009)

[First published after having received the assent of the Governor of the ⁵[Khyber Pakhtunkhwa] in the Gazette of ⁶[Khyber Pakhtunkhwa] (Extraordinary), dated the 24th October, 2009]

AN
ACT

to provide for the regularization of the services of certain employees appointed on adhoc or contract basis.

WHEREAS it is expedient to provide for the regularization of the services of certain employees appointed on adhoc or contract basis, in the public interest, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**—(1) This Act may be called the ⁷[Khyber Pakhtunkhwa] Employees (Regularization of Services) Act, 2009.

(2) It shall come into force at once.

2. **Definitions.**—(1) In this Act, unless the context otherwise requires,-

(a) "Commission" means the ⁸[Khyber Pakhtunkhwa] Public Service Commission;

(aa) "contract appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment;

(b) "employee" means an adhoc or a contract employee appointed by Government on adhoc or contract basis or second shift/night shift but does not include the employees for project post or appointed on work charge basis or who are paid out of contingencies;

³Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁴Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁵Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁶Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁷Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁸Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

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- (c) "Government" means the Government of the ⁹[Khyber Pakhtunkhwa];
- (d) "Government Department" means any department constituted under rule 3 of the ¹⁰[Khyber Pakhtunkhwa] Government Rules of Business, 1985, and does not include any section of a Department or an organization which is federally funded;
- (e) "law or rule" means the law or rule for the time being in force governing the selection and appointment of civil servants; and
- (f) "post" means a post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission.

(2) The expressions "adhoc or contract appointment" and "civil servant" shall have the same meanings as respectively assigned to them in the ¹¹[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (¹²[Khyber Pakhtunkhwa] Act No. XVIII of 1973).

3. Regularization of services of certain employees.---All employees including recommendees of the High Court appointed on contract or adhoc basis and holding that post on 31st December, 2008 or till the commencement of this Act shall be deemed to have been validly appointed on regular basis having the same qualification and experience for a regular post:

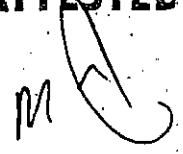
Provided that the service promotion quota of all service cadres shall not be affected.

4. Determination of seniority.---(1) The employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority interse of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

⁹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011
¹⁰Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011
¹¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011
¹²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

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Provided that if the date of continuous officiation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

4A. Overriding effect.—Notwithstanding any thing to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

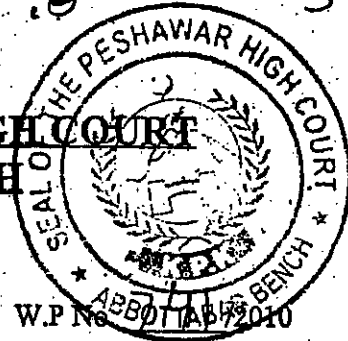
5. Repeal.—The North-West Frontier Province Employees (Regularization of Services) Ordinance, 2009 (N.-W.F.P. Ordinance No. VII of 2009) is hereby repealed.

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BEFORE THE PESHAWAR HIGH COURT
ABBOTTABAD BENCH



1. Abdullah Javed, C.T, GMS Kaneer, Haripur.
2. Qazi Javed Iqbal, D.M, GMS Ghari Sarian, Haripur.
3. Qazi Behram, C.T, GHS, Dartian, Haripur.
4. Nasir Ali, A.W.I, GHSS, Baghra, Haripur.
5. Qazi Sikandar, PST, GPS, Changi Bandi, Haripur.
6. Qazi Shaheen Iqbal, SET, GMS, Shah Maqsood, Haripur.
7. Azra Bibi, CT, GGHS, Kholian Bala, Haripur.

Certified to be True Copy
EXAMINER
28 NOV 2020
Peshawar High Court Attd. Bench
Authorized Under Sec: 75 Evid Ordns.

...PETITIONERS

VERSUS

1. Government of Khyber Pakhtonkhawa, through Secretary Elementary and Secondary Education Peshawar.
2. Chief Secretary, Govt. of Khyber Pakhtonkhawa, Peshawar.
3. Director Elementary & Secondary Education, KPK, Peshawar.
4. Executive District Officer, Elementary & Secondary Education, District Haripur.
5. Secretary Law, Parliamentary Affairs and Human Rights Department, Khyber Pakhtonkhawa, Peshawar.
6. Secretary Establishment and Administration Department, Khyber Pakhtonkhawa, Peshawar.

...RESPONDENTS

3366
No 27/141
RITIP
WRIT PETITION UNDER ARTICLE 199 OF
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973 AS AMENDED UPTO DATE.

Additional Registrar
Peshawar High Court
Abbottabad Bench

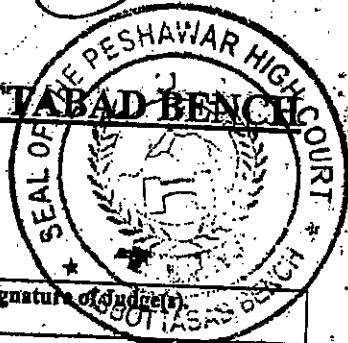
27/141
Respectfully Sheweth: -

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PESHAWAR HIGH COURT, ABBOTTABAD BENCH

ORDER SHEET



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge(s)
1	2
24.11.2020	<p>W.P No.741-A-2010.</p> <p>Present: Mr. Tahir Hussain Lughman, Advocate, for the petitioners.</p> <p>Sardar Muhammad Asif, Assistant Advocate General for the respondents.</p> <p>.....</p> <p>SHAKEEL AHMAD, J: By means of filing this constitutional petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, petitioners Abdullah Javed and others have sought the following relief:</p> <p><i>"It is, therefore, prayed that on acceptance of instant petition this Honourable Court may be pleased to declare the above stated act of respondents as illegal, void, violative of fundamental rights and ineffective upon the rights of the petitioners and respondents be directed to promote the petitioners w.e.f. 01/01/2009 in accordance with their own seniority list without being influenced by the seniority of adhoc/ temporary employees.</i></p> <p><i>Any other relief to which the petitioners are deemed entitled in the circumstances of matter may also be granted in the interest of justice."</i></p> <p>2. Briefly stated the facts of the case out of which the present constitutional petition arises are that the petitioners are employees of Government of KPK Education Department, working against different posts of teachers; that in the year, 2004, the petitioners applied</p>

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EXAMINER
28 NOV 2020
Peshawar High Court Atd. Bench
Authorized Under Sec. 75 Evid Ordns.

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for appointment as subject specialist in response to advertisement published by the Education Department; that the petitioners qualified the requisite EATA test and consequently they were appointed as Subject Specialist on contract basis for a period of six months; that the contract of the petitioners was extended on 24.03.2006; that during the said period, a Notification was issued by the department that in service teachers appointed as SS can obtain leave without pay, as such, the petitioners obtained leave without pay; that on 20.10.2007 the contract was further extended, however, the department refused to grant leave without pay, which constrained the petitioners to quit their contractual service; that since 2006 the petitioners were deprived from annual increment due to leave without pay and when the posts of SS were advertised for appointment on regular bases, the petitioners being in service teachers were debarred to apply for the posts. Hence, this petition.

3. It was mainly contended by the learned counsel for the petitioners that after a fair competition, petitioners were appointed as Subject Specialist (BPS-16) on contract basis as a stopgap arrangement. Ultimately, they left the service on 20.10.2007 due to refusal of the department to sanction the leave without pay; that during service on contract basis the petitioners were not granted increments; that in the year, 2008, posts of subject specialist were advertised but the petitioners were debarred to apply for that posts; that the petitioners were appointed as subject specialist that in the meanwhile due to Notification dated 24.09.2009, the services of the contract/temporary employees appointed as SS or SST were regularized; that after assuming the charge in their parent department the petitioners became junior to their colleagues and their seniority was also liable to be rectified.

4. As against that learned AAG appearing on behalf of respondents argued that the grievance of the

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28 NOV 2020
Postwar High Court Aid. Bench
Authorized Under Sec. 75 Evid Ordns.

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(Signature)

petitioners regarding seniority and grant of increment relates to terms and conditions of a civil servant and petitioners being civil servants can urge their plea before the Service Tribunal and this writ petition is not maintainable, in view of embargo placed under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973.

5. Arguments heard. Record perused.

6. Perusal of record reflects that the petitioners were the permanent employees of the Education Department. They were serving in different categories. They were initially appointed on contract basis for a period of six months vide Notification dated 10.09.2005, on the terms and conditions mentioned therein. However, the contractual employment of the petitioners was extended on 24.03.2006. It is pertinent to mention here that the petitioners have joined the contractual employment after obtaining leave from their department, however, on 20.10.2007 the department refused to grant leave to the petitioners without pay and ultimately they left their contractual employment and joined their parent department. In the meanwhile, on the promulgation of the North-West Frontier Province Employees (Regularization of Services) Act, 2009, the service of the contractual employees were regularized in terms of section 3 of the ibid Act.

7. The only grievance of the petitioners urged before us is that after joining their previous service, they have become junior to their colleagues and they were not only deprived of their promotion but also from the annual increments during the period of their contractual employment. Admittedly, the plea urged before us pertains to the terms and conditions of civil servant, which can be urged before the Service Tribunal constituted under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, which has exclusive jurisdiction to adjudicate upon the matter relating to

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EXAMINER
28 NOV 2010
Peshawar High Court Attd. Bench
Authorized Under Sec 75 Evid Ordns

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terms and conditions of a civil servant.

8. For what has been discussed hereinabove, this petition is dismissed being not maintainable. However, the petitioners shall be at liberty to knock at the door of the competent forum for redressal of their grievance, if so desired.

Announced
Dt. 24.11.2020.

Sd/ JUDGE

Sd/ JUDGE

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EXAMINER
28 NOV 2020
Peshawar High Court Bench
Authorized Under Sec 73 Evid Ordns.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Peshawar, dated the 24th July, 2014.

NOTIFICATION

No.SO(PE)4-5/SSRC/Meeting/2013/Teaching Cadre:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby directs that in this Department's Notifications No.SO(G)S&LD/1-28/2003/Vol-II dated, 09-04-2004, Notification No.SO(G)S&L/1-69/06/Vol-1/DPE/LIB dated, 13-11-2007, and Notification No.SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre, dated, 13.11.2012, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix,-

- (i) Serial No. 1 shall be renumbered as 1B and before Serial No. 1B, as so renumbered, the following new entries shall be inserted in respective columns, namely:

1	2	3	4	5
"1.	Subject Specialist (BPS-17)	i. At least second class Master's Degree or four years BS Degree in the relevant subject; and ii. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualification from a recognized University.	23 to 35 years	(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, for the relevant subject from amongst the Secondary School Teachers (BPS-16), with at least five years service as such and having qualification mentioned in column No. 3. Note: If no suitable candidate is available in the relevant subject the post falling in their promotion quota shall be filled by initial

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Barrister
Dr. Adnan Khan
Advocate High Court

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				recruitment; and (b) fifty percent by initial recruitment.
1A	Director Physical Education (BPS-17)	At least second class Master's Degree in Physical Education from a recognized University.	22-35 years	(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst Senior Physical Education Teachers (BPS-16), with at least five years service as Senior Physical Education Teacher and Physical Education Teacher and having qualification mentioned in column No. 3: Provided that if no suitable person is available from amongst Senior Physical Education Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst the Physical Education Teachers, with at least five years service as such and having qualification mentioned in column No. 3; Note:- If no suitable candidate is available in the relevant cadres of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment; and (b) fifty percent by initial recruitment"; and

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Adnan Khan
 Barrister
 Dr. Adnan Khan
 Advocate High Court

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(ii) against Serial No. 1B, as so renumbered, for the existing entries, the following shall be substituted, in respective columns, namely:

1	2	3	4	5
"1B.	Secondary School Teacher (BPS-16)	<p>I. At least second class Bachelor Degree's from a recognized University on need basis from the following groups with two subject</p> <p>(a) (Chemistry, Botany or Zoology), Or (b) (Physics, Maths "A" or "B" or Statistics) Or (c) (Humanities and other equivalent groups at degree level with English as compulsory subject;</p> <p style="text-align: center;">and</p> <p>II. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualifications from a recognized University.</p>	21 to 35 years.	<p>1. Seventy Five per cent by promotion, on the basis of seniority-cum-fitness, from the district concerned in the following manner:</p> <p>(a) forty per cent from amongst the Senior Certified Teachers (BPS-16), with at least five years service as Senior Certified Teacher and Certified Teacher and having qualification mentioned in column No.3:</p> <p style="text-align: center;">Provided that if no suitable candidate is available from amongst Senior Certified Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers, with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(b) four per cent from amongst the Senior Drawing Masters(BPS-16), with at least five years service as Senior Drawing Masters and Drawing Masters and having qualification mentioned in column No.3:</p>

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Barrister
Dr. Adnan Khan
Advocate High Court

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Provided that if no suitable candidate is available from amongst Senior Drawing Masters for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Drawing Masters with at least five years service as such and having qualification mentioned in column No. 3;

(c) four per cent from amongst the Senior Arabic Teachers(BPS-16), with at least five years service as Senior Arabic Teachers and Arabic Teachers, and having qualification mentioned in column No.3:

Provided that if no suitable candidate is available from amongst Senior Arabic Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from Arabic Teachers with at least five years service as such and having qualification mentioned in column No. 3;

(d) four per cent from amongst the Senior Theology Teachers(BPS-16), with at least five years service as Senior Theology Teachers and Theology Teachers and having qualification mentioned in column No.3:

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Barrister
Dr. Adnan Khan
Advocate High Court

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			<p>Provided that if no suitable candidate is available from amongst Senior Theology Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(e) three per cent from amongst the Senior Qaris (BPS-16), with at least five years service as Senior Qari and Qari and having qualification mentioned in column No.3:</p> <p>Provided that if no suitable candidate is available from amongst the Senior Qaris then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from Qaris with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(f) twenty per cent from amongst the Primary School Head Teachers (BPS-16), with at least seven years service as Primary School Head Teachers and Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No. 3:</p> <p>Provided that if no suitable candidate is available from amongst</p>
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Barrister
Dr. Adnan Khan
Advocate High Court

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				<p>Primary School Head Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least seven years service as Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No.3:</p> <p>Provided further that if no suitable candidate is available from amongst Senior Primary School Teachers for promotion then the post shall be filled from amongst Primary School Teachers with at least seven years service as such and having qualification mentioned in column No. 3; and</p> <p>(ii) twenty Five percent by initial recruitment.</p> <p>Note:</p> <p>I. If no suitable candidate is available in the relevant cadre of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment.</p> <p>II. Posts of General SST and SSTs-1 Science and SST-2 Science shall be filled by promotion or initial recruitment, each on need basis separately."</p>
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Barrister
Dr. Adnan Khan
Advocate High Court

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

Endst : of even No & date:

1. The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department Peshawar.
3. The Secretary to Government of Khyber Pakhtunkhwa, Law Department Peshawar
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General Khyber Pakhtunkhwa Peshawar.
6. The Director, Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
7. The Director of Education (FATA) Peshawar.
8. The Director, Curriculum and Teacher Education Khyber Pakhtunkhwa Abbottabad.
9. The Director, (PITE) Khyber Pakhtunkhwa Peshawar.
10. The Director, ESRU Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
11. Manager Government Printing Press Khyber Pakhtunkhwa Peshawar.
12. The Deputy Director, EMIS (S&SE) Department Khyber Pakhtunkhwa Peshawar.
13. All District Education Officer (M&F) in Khyber Pakhtunkhwa.
14. All District Account Officer in Khyber Pakhtunkhwa.
15. All Agency Education Officer in FATA
16. All Agency Account Officer in FATA.
17. PS to Governor Khyber Pakhtunkhwa. Peshawar.
18. PS to Chief Minister Khyber Pakhtunkhwa. Peshawar.
19. PS to Chief Secretary Khyber Pakhtunkhwa. Peshawar.
20. PS to Minister E&SE Khyber Pakhtunkhwa. Peshawar.
21. PS to Secretary E&SE Khyber Pakhtunkhwa. Peshawar.
22. Master file

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BE TRUE COPY**

Adnan Khan
Barrister
Dr. Adnan Khan
Advocate High Court

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**(ZAMIN KHAN MOMAND)
SECTION OFFICER (PRIMARY)**

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EXTRAORDINARY
GOVERNMENT



REGISTERED NO. P11
G A Z E T T E

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 24th APRIL, 2018.

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

NOTIFICATION

Peshawar, dated: 24th April 2017

No.SO(G)/E&SE/1-85/I.T/2017:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of the notification issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment & Administration Department and Finance Department hereby lays down the method of recruitment, qualification and other conditions specified in column No. 2 to 5 of the Appendix to the Notification which shall be applicable to the posts of Information Technology Teaching Cadre (Male/Female) in the Elementary and Secondary Education Department as specified in column No.2 of the said Appendix:

APPENDIX:

S.No	Nomenclature of the post	Minimum qualification for appointment by initial recruitment transfer	Age limit	Method of recruitment
1	2	3	4	5
1	Subject Specialist- Information Technology (SS-IT) (BPS-17)	i. At least Second Class Master's Degree in Computer Science or Information Technology or Bachelor's Degree in Computer Science (BCS/BSCS Honours - 4 years) or equivalent qualification from a recognized University; and ii. Bachelor Degree in Education (B.Ed) or equivalent qualification from a recognized University. Note: A candidate did not have the qualification under clause (ii), shall acquire the same within three years from the date of his/her appointment.	21-35	a) Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the Secondary School Teacher-IT with at least five years service; and b) Fifty percent by initial recruitment. Provided that if no suitable candidate is available for promotion, then by initial recruitment.

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2.	Secondary School Teacher-Information Technology (SST-IT) (BPS-16)	<p>i. At least Second Class Master's Degree in Computer Science or Information Technology or Bachelor's Degree in Computer Science (BCS/BSCS Honours 4 years) or Bachelor's Degree with a subject of Computer Science or equivalent Qualification from a recognized University; and</p> <p>ii. Bachelor Degree in Education (B.Ed) or equivalent qualification from a recognized University.</p> <p>Note: A candidate did not have the qualification under clause (ii), shall acquire the same within three years from the date of his/her appointment.</p>	21-35	<p>a). Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the Certified Teacher-IT with five years service as such and having the qualification prescribed for the post of Secondary School Teacher-IT.</p> <p>b). Fifty percent by initial recruitment.</p> <p>Provided that if no suitable candidate is available for promotion, then by initial recruitment.</p>
3.	Certified Teacher-Information Technology (CT-IT) (BPS-12)	<p>i. At least 2nd Division Intermediate School Certificate or equivalent qualification from a recognized Institution or Board with one year Diploma in Information Technology Computer Science from any recognized institution; and</p> <p>ii. Certified Teacher Certificate (CT) or Associate Degree in Education (ADE) from any recognized institution/ University</p> <p>Note: A candidate did not have the qualification under clause (ii), shall acquire the same within three years from the date of his/her appointment.</p>	18-35	By initial recruitment.

50% CT (IT)

50% Fresh

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

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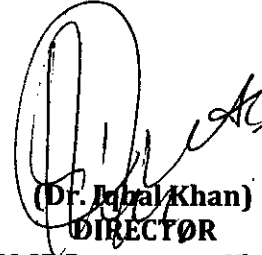
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**DIRECTORATE ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR.**

AUTHORITY LETTER

I, Dr. Iqbal Khan, Director (E&SE) Khyber Pakhtunkhwa Peshawar do hereby authorized Mr. Behramand Khan, Assistant Director Litigation-II of this Directorate for submission of Joint Parawise Comments in **Service Appeal No. 579/2023 case titled Fazal-e-Manan, SST (G), Shangla Vs Government of Khyber Pakhtunkhwa & others** fixed for hearing on 22-12-2023, hence, an authority letter is hereby issued in favor of the above-named officer.



(Dr. Iqbal Khan)
DIRECTOR

E&SE Department Khyber
Pakhtunkhwa, Peshawar