

28.11.2014, he was promoted to the post of Primary School Head Teacher (BPS-15). According to the promotion rules, Senior Primary School Teachers (SPSTs) were eligible for promotion to the post of PSHT (BPS-15), while the appellant was serving as PST (BPS-12) at the relevant time. On realizing the mistake of his wrong promotion to the post of PSHT (BPS-15), he was reverted to the post of SPST (BPS-14) to which he was entitled as per rules. The appellant then continued his services on the said post till his retirement on attaining the age of superannuation on 31.03.2016 without raising any objection. Learned counsel for the appellant was unable to show any illegality in the impugned Notification dated 12.08.2015.

7. In view of the above discussion, the appeal in hand being without any merit stands dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

05.12.2023



(KALIM ARSHAD KHAN)  
CHAIRMAN



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

was serving as PSHT (BPS-15), however vide the impugned Notification dated 12.08.2015, he alongwith 03 other teachers were reverted from the post of PSHT (BPS-15) to the post of SPST (BPS-14) by mentioning therein that they were promoted as PSHTs (BPS-15) due to clerical mistake. In the meanwhile, the appellant stood retired from service on 31 March 2016 on reaching the age of superannuation. The appellant being aggrieved of the Notification dated 12.08.2015, challenged the same by way of filing departmental appeal on 16.05.2016, however the same was not responded within the statutory period of 90 days, hence the instant appeal.

3. On receipt of the appeal and its admission to regular hearing, respondents were summoned, who put appearance through their representative and contested the appeal by way of filing written reply raising therein numerous legal as well as factual objections.

4. Learned counsel for the appellant addressed his arguments supporting the grounds agitated by the appellant in his service appeal. On the other hand, learned Assistant Advocate General for respondents controverted the arguments of learned counsel for the appellant and supported the comments submitted by the respondents.

5. We have heard the arguments of learned counsel for the parties and have perused the record.

6. A perusal of the record would show that the appellant at the relevant time was serving as PST (BPS-12) and vide order dated

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

BEFORE: KALIM ARSHAD KHAN ... CHAIRMAN  
SALAH-UD-DIN ... MEMBER (Judicial)

*Service Appeal No. 829/2016*

Qambar Ali Khan, Ex-Senior PST, Government Primary School No. 1  
Mera Asghar Mela Kachai District Kohat. (Appellant)

Versus

Government of Khyber Pakhtunkhwa, through Secretary Elementary  
and Secondary Education, Civil Secretariat, Peshawar and 02 others.  
(Respondents)

Present:

Mr. Wali Khan Afridi, Advocate.....For the appellant  
Mr. Asad Ali Khan, Assistant Advocate General .....For respondents

Date of presentation of Appeal.....16.08.2016  
Date of Hearing.....05.12.2023  
Date of Decision.....05.12.2023

**JUDGMENT**

**SALAH-UD-DIN, MEMBER:** The appellant has invoked the  
jurisdiction of this Tribunal through filing of the instant appeal with  
the prayer copied as below:-

*“On acceptance of this appeal the order of  
respondent No. 3, whereby name of the appellant  
has been reverted from BPS-15 to BPS-14  
through a Notification dated 12.08.2015 may  
please be set-aside and the appellant may very  
kindly be given the benefits of BPS-15 after his  
retirement.”*

2. Precise averments as per memo of the appeal are that the  
appellant had served in Education Department for about 41 years  
and lastly served as PST (BPS-12) in Government Primary School  
No. 1 Mir Asghar Mela Kachai District Kohat. Vide Notification  
dated 28.11.2014, the appellant alongwith others was promoted to  
the post of Primary School Head Teacher BPS-15. The appellant

