

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.

Reply

In

Service Appeal No. 2216/2023

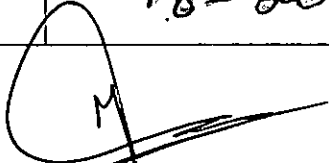
Liaqat Bibi, Village Dero, Tehsil Lal Qilla, District Dir Lower. (Appellant)

Versus

1. Government of KPK through Secretary Elementary and secondary Education Khyber Pakhtunkhwa Peshawar
2. Director, Elementary and secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (F) Dir Lower at Timergara. And others.
(Respondents)

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District Education Officer (F)
Dir Lower at Timergara
Respondent No.1

①

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.

Reply

In

Service Appeal No. 2216/2023

Liaqat Bibi, Village Dero, Tehsil Lal Qilla, District Dir Lower. (Appellant)

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 10210

Dated 2-1-2024

Versus

1. Government of KPK through Secretary Elementary and secondary Education Khyber Pakhtunkhwa Peshawar
2. Director, Elementary and secondary Education Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (F) Dir Lower at Timergara. And others.
(Respondents)

JOINT PARAWSE REPLY ON BEHALF OF RESPONDENTS 1 to 3.

Respectfully sheweth:-

PRELIMINARY OBJECTIONS.

1. That the Appellant is not the "aggrieved" persons with the meaning of Article 212 of the Constitution of the Islamic Republic of Pakistan 1973.
2. That the Appellant has got no cause of action /locus standi to file this Service Appeal because the Appellant did not come on merit.
3. That the Appellant has not come to this Honorable court with clean hands.
4. That the Appellant is estopped by his own conduct.
6. That the instant Service Appeal suffers from laches, hence not maintainable in the present form.
7. That the Appellant was not eligible due to lack of length of as per policy.

ON FACTS

1. Para 1 of the facts pertain to record hence need no comments.
2. Para 2 of the facts is correct need no comments.
3. Para 3 of the facts pertains to record, needs no comments.
4. Para-4 of the facts is incorrect hence denied. In facts the official respondents always issues seniority list subject to the correction and rectification.
5. Para-5 is correct to the extent of the promotion of the appellant. However it was observed to the official respondent that the Appellant was not eligible as per policy for promotion due to less length of service record as per policy.

Furthermore, criteria for appointment as SST BPS-16 mentioned in column.3, of the policy is,

“i. at least 2nd class bachelor’s degree from a recognized university on need base basis from the following groups with two subjects

a) (Chemistry, Botany or Zoology)

b) (Physics, Math’s A, or B Or Statistics)

c) (Humanities and other equivalent groups at degree level with English as compulsory subject.

And

ii. Bachelor of Education or Master of Education (Industrial art or Business Education) or M.A education or equivalent qualifications from a recognized university.

While criteria for promotion to the said post is mentioned in the Column 5(F) of the ibid policy

(f); Twenty percent from amongst the primary school Head teacher (PSHT) on the basis of seniority –cum-fitness with at least seven years service as PSHT/SPST/PST and having qualification mentioned in column.3, provided that if no suitable candidate amongst PSHT then the post will be filled from SPST on the basis of seniority-cum-fitness with at least seven years service as SPST/PST and having qualification mentioned in column.3. Further provided that if no suitable candidate is available among the SPST then the post will be filled from PST on the basis of seniority-cum-fitness with at least seven years service PST and having qualification mentioned in column.3.

Thus as per policy the Appellant was not fit for promotion due to less service record, which was mandatory therefore , her promotion order were re called.

(Copy of the promotion order dated 01-12-2022 is attached as “A”, copy of the recalled order dated 19-05-2023 is attached as “B” Copy of the policy 2014 is attached as “C”).

6. Para-6, of the facts is needs no comments. Details have been submitted in the facts above.

7. Para-7, of the facts is needs no comments. Details have been submitted in the facts above.

Para-7 of the facts is correct that an inquiry was constituted, in which recommendations were made which is as under.

RECOMMENDATIONS.

In the light of the a forgoing discussion and material collected, record, pursued, the inquiry officer recommended as under

“All seniority lists of PST, SPST, & PSHT may be reorganized in proper order and sequence and both the complainant as well as the alleged official may be placed at their proper place of seniority list of PST for further departmental proceedings”.

And as per the direction of the respondent No.2, w.r.t his letter dated 06-02-2023, the seniority lists of the PSHT/SPST/PSTs were re organized and correct.

8. Para-8 of the facts pertains to record, needs no comments.

9. Para-9 of the facts is correct and further stated that , respondent No.4 filed a complaint Mst.Liaqat Bibi and Mst.Saira, in which the promotion order of the Mst.Saira Bibi was held in abeyance till the provision of her original service book, appointment order and transfer order etc while promotion order in respect of Mst Liaqwat Bibi was held in abeyance till the decision of appeal of Mst.Roshni Riaz vide order dated 13-13-2023, and later on the promotion order in respect of Liaqat Bibi was recalled vide order dated 19-05-2023,while the issue of Mst.Saira is still pending as she has not provided her documents till date.(Copy of the complinat along with other relevant documents filed by Roshni riaz is attached as “D”).

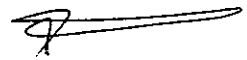
10. Para-10 of the facts pertains to record. Details have been submitted in the facts above.

11. Para-11 of the facts is incorrect; hence the Appellant was neither eligible nor fit for promotion so not considered furthermore, the appellant and respondent No.4 were called for personal hearing and later on conclusion were made by the inquiry officer.(Copy of the inquiry report is attached as “E”).

12. Para- 12 of the facts is Incorrect. In facts the appellant was not fit for promotion due to lack of seven year service, which is mandatory. That’s why her promotion order was recalled vide order dated 19/05/2023.

13. Para-13 of the facts pertains to record.

14. Para-14 of the facts pertains to record, needs no comments.



GROUND

A) Incorrect, the notification dated 19/05/2023 has been issued as per law, and policy. Criteria for promotion to the said post is mentioned in the Column 5(F) of the ibid policy

(f); Twenty percent from amongst the primary school Head teacher (PSHT) on the basis of seniority –cum-fitness with at least seven years service as PSHT/SPST/PST and having qualification mentioned in column.3,

provided that if no suitable candidate amongst PSHT then the post will be filled from SPST on the basis of seniority-cum-fitness with at least seven years service as SPST/PST and having qualification mentioned in column.3. Further provided that if no suitable candidate is available among the SPST then the post will be filled from PST on the basis of seniority-cum-fitness with at least seven years service PST and having qualification mentioned in column.3. While the appellant was not having

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seven year length of service, that why her promotion order dated 01-12-2022 was recalled vide notification dated 19-05-2023.

B) Incorrect. Details have been submitted in the facts above.

C) Incorrect. Details have been submitted in the facts above.

D) Incorrect, hence denied. as discussed in the foregoing paras, that the Appellant was not fit for promotion due to lack of requirement No.ii of the recruitment policy 2014.

E) Incorrect. Details have been submitted in the facts above.

F) Incorrect. Details have been submitted in the facts above.


G) Incorrect. Details have been submitted in the facts above.

H) Incorrect. Details have been submitted in the facts above.

I) Incorrect. Details have been submitted in the facts above.

J) Incorrect, the official respondent follows rules, law and policies in letter and spirit, furthermore, the respondents also seek leave for further Grounds at the time of Arguments.

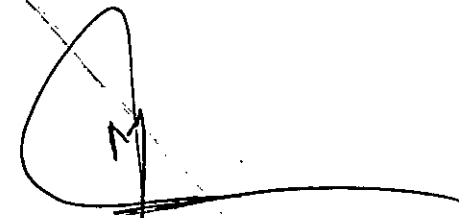
It is, therefore, humbly prayed that on acceptance of the above submission, the instant Service Appeal may very graciously be dismissed in favor of the answering respondents with cost.


(MASOOD AHMAD)
Secretary,

Elementary and secondary education
Peshawar Khyber Pakhtunkhwa Peshawar
Respondent No. 1


(SAMINA ALTAF)
Director,

Elementary and secondary education
Peshawar Khyber Pakhtunkhwa Peshawar
Respondent No. 2


(MEHR UN NISA)
District Education Officer (F)
Dir Lower
Respondent No. 3

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.

Reply

In

Service Appeal No. 2216/2023

Liaqat Bibi, Village Dero, Tehsil Lal Qilla, District Dir Lower. (Appellant)

Versus

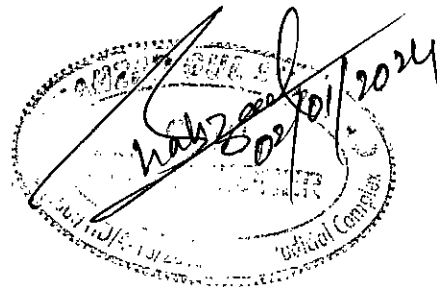
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2. Director, Elementary and secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (F) Dir Lower at Timergara. And others.
(Respondents)

Affidavit

I, Mehrun Nisa, DEO(F) Dir Lower do hereby solemnly affirm and state on oath that the whole contents of this reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this August court.

It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-pari nor their defence has been struck off.


Deponent



AUTHORITY LETTER

Mr. Muhammad Usman ADEO(F) o/o DEO(F) Dir Lower is hereby authorized to submit the joint parawise reply in the Service Appeal No.2216/2023

Title: Mst.Liaqat Bibi v/s Govt of KPK and others on behalf of the undersigned.

(Mehrun Nisa)

District Education Officer (F)

Dir Lower

Respondent No. 3



Notification

**Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar**

Dir Lower SST -2022

Consequent upon the recommendations of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No. SO (B&A)/1-18/E&SE/2012 dated: 11.07.2012 and Finance Department Endorsement No. SO (FR)/FD/10-22(E) 2010 dated: 16.07.2012, the following Senior CT/CT, Senior DM, Senior Qaria/Qaria, Senior AT, Senior TT, PST/SPST/PSHT & CT-IT are hereby promoted to the post of SST (Bio/Chem), SST (M/P), SST (General) & SST-IT noted against each BPS-16 (Rs. 28070-2260-95870) respectively plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and condition given below with immediate effect and further they will be adjusted by the District Education Officer concerned.

ITEM NO.1 PROMOTION OF SCT,CT TO SST (G) B-16 ON REGULAR BASIS

The case of promotion of CT,SCT to the post of SST (G)BPS-16 was considered and the DPC recommended as under: -

Total vacant post SST (G)	28
25% share of initial recruitments	7
Total SST,s (G)F posts available for promotion	21
40 % share of promotion SCT to SST	11
Proposed for promotion SCT to SST	11
Net to be promoted	11

S.No	S.I. No	Name of Official	Present Place of Posting	Qualification	Date of Birth	Date of Appoint: as Regular C.T	Remarks
1	1	Nusrat Begum	GGHSManda	MA BEd	31.3.2004	22.7.2015	Services placed at the disposal of DEO (F) concerned for further adjustment against the vacant post of SST (G) BPS-16 on regular basis with immediate effect.
5	17	Abideen Begum	GGHS Kotigram	MA BEd	2.3.1980	22.7.2015	Services placed at the disposal of DEO (F) concerned for further adjustment against the vacant post of SST (G) BPS-16 on regular basis with immediate effect.
6	19	Zakia Minhas	GGHS Tangai	MA BEd	3.1.1982	22.7.2015	Services placed at the disposal of DEO (F) concerned for further adjustment against the vacant post of SST (G) BPS-16 on regular basis with immediate effect.

Number of SCT,CT cleared for promotion to SST (G) 3.

ITEM NO.2 PROMOTION OF CT IT TO SST IT B-16 ON REGULAR BASIS

The case of promotion of CT IT to the post of SST IT BPS-16 was considered and the DPC recommended as under: -

Total vacant post SST IT	12
50 % share of initial recruitments	6
Total SST, IT F posts available for promotion	6
50 % share of promotion CT IT to SST IT	6
Proposed for promotion CT IT to SST IT	3
Net to be promoted	3

S.No	S.I. No	Name of Official	Present Place of Posting	Qualification	Date of Birth	Date of Appoint: as Regular CT IT	Remarks
1	9	Habiba CT IT	GGHS Jangoo	MSc;BEd	20.4.94	24.8.2014	Services placed at the disposal of DEO (F) concerned for further adjustment against the vacant post of SST (IT) BPS-16 on regular basis with immediate effect.
2	10	Akhtar Begum CT IT	GGHS Mian Bangola	BSc BEd	16.1.1990	20.8.2017	Services placed at the disposal of DEO (F) concerned for further adjustment against the vacant post of SST (IT) BPS-16 on regular basis with immediate effect.

Number of CT IT cleared for promotion to SST IT 2

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ITEM NO.3 PROMOTION OF SAT TO SST General B-16 ON REGULAR BASIS

The case of promotion of SAT to the post of SST (Gen) BPS-16 was considered and the DPC recommended as under: -

Total vacant post SST General	28
25 % share of initial recruitments	7
Total SST (Gen) posts available for promotion	21
1 % share of promotion SAT to SST (Gen)	0.84
Proposed for promotion SAT to SST General	1
Net to be promoted	1

S.No	S.I. No	Name of Official	Present Place of Posting	Qualification	Date of Birth	Date of Appoint: as Regular AT	Remarks
1	2	Samina Naz S.A.T	GGHSS Ramora	M/A BED	3.4.1972	30.7.2004	Services placed at the disposal of DEO (F) concerned for further adjustment against the vacant post of SST (IT) BPS-16 on regular basis with immediate effect

Number of SAT cleared for promotion to SST General 1

ITEM NO.4 PROMOTION OF PSHT/ TO SST General B-16 ON REGULAR BASIS

The case of promotion of PSHT to the post of SST (Gen) BPS-16 was considered and the DPC recommended as under: -

Total vacant post SST General	28
25 % share of initial recruitments	7
Total SST (Gen) posts available for promotion	21
20 % share of promotion PSHT to SST (Gen)	6
Proposed for promotion PSHT to SST General	6
Net to be promoted	6

S.No	S.I. No	Name of Official	Present Place of Posting	Qualification	Date of Birth	Date of Appoint: as Regular PSHT	Remarks
1	55	Shagufta Tahir PSHT	GGPS Khazana	M/A BED	1.1.1969	9.1.95	Services placed at the disposal of DEO (F) concerned for further adjustment against the vacant post of SST (IT) BPS-16 on regular basis with immediate effect
2	56	Izaz Begum PSHT	GGPS Badwan Pain	MA / B.Ed	13.4.1976	21.3.1995	Services placed at the disposal of DEO (F) concerned for further adjustment against the vacant post of SST (IT) BPS-16 on regular basis with immediate effect
3	58	Neela Far PSHT	GGPS Dherai Chakdara	BA/B.Ed	10-03-1975	25-03-1995	Services placed at the disposal of DEO (F) concerned for further adjustment against the vacant post of SST (IT) BPS-16 on regular basis with immediate effect
7	111	Zeenat	GGPS Bambolai	MA/B.ED	15-05-1978	21-07-1997	Services placed at the disposal of DEO (F) concerned for further adjustment against the vacant post of SST (IT) BPS-16 on regular basis with immediate effect

Number of PSHT cleared for promotion to SST General 4

ITEM NO.5 PROMOTION OF PST/ TO SST Maths /Physics B-16 ON REGULAR BASIS

The case of promotion of PST to the post of SST (Maths / Physics) BPS-16 was considered and the DPC recommended as under: -

Total vacant post SST Maths / Physics	60
25 % share of initial recruitments	25
Total SST (Maths / Physics) posts available for promotion	45
20 % share of promotion PSHT/SPST/PST to SST (Maths / Physics)	12
Proposed for promotion PSHT/SPST/PST to SST (Maths / Physics)	2
Net to be promoted	2

Dir Lower SST -2022						
L.No	Name of Official	Present Place of Posting	Qualification	Date of Birth	Date of Appoint: as Regular PST	Remarks
833	Saira	GGPS Balambal Colony	BS, BEd	18.2.1990	11.5.2017	Services placed at the disposal of DEO (F) concerned for further adjustment against the vacant post of SST (MT) BPS-16 on regular basis with immediate effect.

Number of PSHT/ SPST/PST cleared for promotion to SST Maths/ M.Physics 1

ITEM NO.6 PROMOTION OF PSHT TO SST Bio / Chem B-16 ON REGULAR BASIS

The case of promotion of CT to the post of SST (Bio / Chem) BPS-16 was considered and the DPC recommended as under: -

Total vacant post SST Bio / Chem	6
25 % share of initial recruitments	2
Total SST (Bio / Chem) posts available for promotion	4
20 % share of promotion PSHT to SST (Bio / Chem)	1.20
Proposed for promotion PSHT to SST (Bio / Chem)	1.20
Net to be promoted	1

S.No	S.I. No	Name of Official	Present Place of Posting	Qualification	Date of Birth	Date of Appoint: as Regular CT	Remarks
1	135	Liqat Bibi	GGPS Parikass	BSc BEd.	28.11.82	19.1.2016	Services placed at the disposal of DEO (F) concerned for further adjustment against the vacant post of SST (B C) BPS-16 on regular basis with immediate effect.

Number of CT Cleared for promotion to SST Bio / Chem. 1

Terms and conditions:-

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
3. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. Their Inter-Se- seniority on lower post will remain intact.
6. No TA/DA is allowed for joining his duty.
7. They will give an under taking to be recorded in their service book to the effect that if any over payment is made to him in light of this order will be recovered and if he/she is wrongly promoted he/She will be reversed.
8. Before handing over charge once again their document may be checked if they have not the required relevant qualifications as per rules, they may not be handed over charge of the post.

(Hafiz Muhammad Ibrahim)

Director

Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

Ends: No. 4486-70 //F:NO: DPC-2022-23/Dir Lower

Dated Peshawar the 1/12/ 2022

Copy forwarded for information and necessary action to the: -

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officer (F) Dir Lower.
3. District Accounts Officer Dir Lower.
4. Official Concerned.
5. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
6. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
7. M/ile

Deputy Director Establishment (F)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

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ACCEPTED

Annexure

B 10



Directorate of Elementary & Secondary Education
KHYBER PAKHTUNKHWA PESHAWAR

NOTIFICATION

1. WHEREAS, vide Notification Dated 1.12.2022, the competent authority has been pleased to promote PST, SPST, and PSHT to the post of SSTs in BPS-16 on the basis of their respective seniority-cum-fitness in view of letter dated 13.10.2022 to all DEOs regarding the DPC meeting for promotion against the noted posts.
2. AND WHEREAS, consequent upon the said DPC meetings held on 24.10.2022 and 27.10.2022, the undersigned has been pleased to promote the said cadre against the SST posts under the reserved quota of 20% including Mst. Liaqat Bibi PST at GGPS Paribass District Dir Lower at SST B/C in B-16 after due process of law and policy vide order dated 1.12.2022.
3. AND WHEREAS, aggrieved from the notification dated 1.12.2022 to the extent of promotion of Mst. Liaqat Bibi, One Mst. Roshni Riaz PST of District Dir Lower has filed an appeal regarding her seniority for promotion as SST B/C in BPS-16 ahead of Mst. Liaqat Bibi to the Secretary (E&SE), KP Peshawar, which was conveyed to this Directorate vide letter dated 26.12.2022 for disposal of the said appeal under the rules in vogue.
4. AND WHEREAS, in compliance of the letter dated 26.12.2022, an inquiry was conducted through the DEO(F) Swat vide notification dated 26.12.2022 in favour of the appellant namely Mst. Roshni Riaz with the recommendation of being senior to Mst. Liaqat Bibi.
5. AND WHEREAS, in view of the inquiry report dated 13th January, 2023 of the DEO concerned, the promotion order dated 01.12.2022 of Mst. Liaqat Bibi was held in abeyance vide order dated 13.3.2023.

Now therefore, in view of the above made facts and circumstances of the case alongwith perusal of the inquiry report of DEO(Female) Swat and powers conferred upon the undersigned being competent authority, the promotion order under endst; NO:4486-90 dated 01.12.2022 occurring at Sr.NO:1 Item NO:6 in respect of Mst. Liaqat Bibi is hereby re-called under the provision of section-20 of General clauses Act:1956, with immediate effect in the interest of public service.

Director
Elementary & Secondary
Education Khyber Pakhtunkhwa

5773-24
Linka No. 112/ Dated 19/1/2023
Copy forwarded for information to the

1. District Education Officer (Female) Dir Lower
2. District Education Officer (F) Swat with the request to revisit the inquiry report to the extent of fixing responsibility upon the delinquent person who submitted wrong working papers and seniority list of Mst. Liaqat Bibi.

Assistant Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

19/1/2023

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Peshawar, dated the 18th December, 2013.

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 and in supersession of all Notifications issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby lays down the method of recruitment, qualification and other conditions specified in the Appendix to this Notification which shall be applicable to all the posts specified in Column No. 2 of the said Appendix.

APPENDIX

S. NO	NOMENCLATURE	MINIMUM QUALIFICATION AND EXPERIENCE FOR INITIAL APPOINTMENT OR BY TRANSFER	AGE LIMIT	METHOD OF RECRUITMENT
1	2	3	4	5
1.	Subject Specialist B-17	i. At least 2nd class Master's Degree or 4 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 qualifications from a recognized University.	23 to 35 Years	(a) Fifty per cent by promotion for the relevant subject from amongst the SST (Secondary School Teachers) on the basis of seniority-cum-fitness with at least five years service as such and having qualification mentioned in column No. 3. (b) Fifty per cent by initial recruitment. Note If no suitable candidate is available in the relevant Subject the post falling in their

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2.	Director Physical Education B-17	At least 2 nd class Master's Degree in Physical Education from a recognized University.	22-35 Years	<p>promotion quota will be filled through initial recruitment.</p> <p>(a) Fifty percent by promotion from amongst Senior PETs (Physical Education Teachers) on the basis of seniority-cum-fitness with at least five years service as SPET/PET and having qualifications mentioned in column No. 3, provided that if no suitable candidates are available amongst SPETs the post will be filled from amongst the PETs on the basis of seniority-cum-fitness with at least five years service as such and having qualification mentioned in column No. 3</p> <p>(b) Fifty percent by initial recruitment.</p> <p>Note:- If no suitable candidate is available in the relevant cadres of the above teachers, the post falling in their promotion quota will be filled through initial recruitment</p>
3.	Secondary School Teacher (B-16)	<p>I. At least Second class Bachelor's Degree from a recognized University on need basis from the following groups with Two subject</p> <p>a) (Chemistry, Botany or Zoology), Or</p> <p>b) (Physics, Maths A or B or Statistics) Or</p> <p>c) (Humanities and other equivalent groups of degree level with English as</p>	21 to 35 Years	<p>(a) 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 on the basis of seniority-cum-fitness with at least five years service as SCT/CT and having qualification mentioned in column No.3, provided that if no suitable candidate is available among SCTs then the post will be filled from CTs on the basis of seniority-cum-fitness with at</p>

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		<p>Compulsory Subject.</p> <p>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>	<p>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 on the basis of seniority-cum-fitness with at least five years service as SDM/DM and having qualification mentioned in column No.3 , provided that if no suitable candidate is available among SDMs then the post will be filled from DMs on the basis of seniority-cum-fitness with at least five years service as such and having qualification mentioned in column No. 3.</p> <p>(c) Four per cent from amongst the Senior Arabic Teachers on the basis of seniority-cum-fitness with at least five years service as SAT/AT and having qualification mentioned in column No.3 , provided that if no suitable candidate is available among SATs then the post will be filled from ATs on the basis of seniority-cum-fitness with at least five years service as such and having qualification mentioned in column No. 3.</p> <p>(d) Four per cent from amongst the Senior Theology Teachers on the basis of seniority-cum-fitness with at least five years service as SIT/TT and having qualification mentioned in column No.3 , provided that if no suitable candidate is</p>
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			<p>available among STTs then the post will be filled from TTs on the basis of seniority-cum-fitness 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 on the basis of seniority-cum-fitness with at least five years service as Senior Qari/Qari and having qualification mentioned in column No.3, provided that if no suitable candidate is available among Senior Qaris then the post will be filled from Qaris on the basis of seniority-cum-fitness 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 (PSHT) on the basis of seniority-cum-fitness with at least Seven years service as PSHT/SPST/PST and having qualification mentioned in column No. 3, Provided that if no suitable candidate is available among PSHT then the post will be filled from SPST on the basis of seniority-cum-fitness with at least Seven years service as SPST/PST and having qualification mentioned in column No.3. Further provided that if no suitable candidate is available among SPST then</p>
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ATTESTED

15

2

the post will be filled from PST on the basis of seniority-cum-fitness with at least Seven years service as such and having qualification mentioned in column No. 3.

ii. Twenty Five percent by initial recruitment.

Note:

- I. If no suitable candidate is available in the relevant cadre of the above teachers, the post falling in their promotion quota will be filled through initial recruitment.
- II. Posts of General SST and SSTs-1 Science and SST-2 Science will be filled through promotion/initial appointments each on need basis separately.

**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.

(5)



To

Amx - (D)

(15)

The Director
Elementary & Secondary Education Khyber Pakhtunkhwa
Peshawar

Subject:

APPLICATION FOR JUSTICE AND GRANT OF PROMOTION
FROM PST TO SST ON SENIORITY Respected Sir,

It is requested with great honor and respect that I working against the post of PST BPS-12 regular since 2017, my Qualification If BSC/MA (English)/B-Ed and presently performing my duty at Government Girls Primary School Qazi Abad Tehsil Balambat Dir Lower.

It is submitted that on the proposal of District Education Officer (Female) Dir Lower Vide Director elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar Endslt: No.4486-90/P.File/No:DPC-2022-23/Dir Lower S.No.833 SST Maths/Physics Mst: Siara PST BPS 12 promoted to the post of SST (Maths/Physics).

The promoted PST to SST (Maths/Physics) Mst: Saira appointed as PST BPS 12 in the year 2018 while she transfer from District Mardan to District Dir Lower in the year 2020 but proposal for promotion was submitted by DEO (Female) Dir Lower as policy is visible that the inter District transfer affected the seniority and teacher transferred from another district will be in the bottom of seniority list.

The promoted teacher is relative of the DEO concerned and rules and policy was violated in the grant of promotion.

Moreover I having relevant and required seniority and qualification but I was deprived from my legal right and promotion was not granted without any reason.

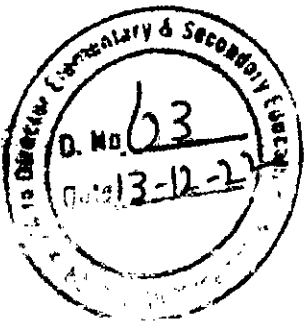
It is therefore requested that my appeal may kindly be considered and action may kindly be taken against the DEO concerned for misuse of authority by her in the promotion of PST,s to SST,s during the current year 2022.

Yours obediently

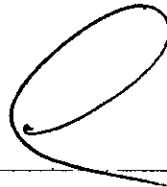

(ROSHNI RIAZ)

PST BPS-12
Government Girls Primary School
Qazi Abad Balambat Dir Lower

03018578038



ADDE (P)
For impugning.
13/12/22





**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR**

(17)

(16)

No. 1159 / P.No. 330 / Dir Lower
Dated Peshawar 19/04/2023

Ali Akbar sb
Fajir/Riaznd-Din sb

To

The District Education Officer,
(Female) Dir Lower

Subject:- SST PROMOTION FOR THE YEAR 2023

Memo:

I am directed to refer to your letter No. 1770 dated 7.4.2023 on the subject cited above and to ask you to submit the Personal file in respect of Roohni Riaz PST GGPS Qazi Abad (complainant), a/w Service Book revised working papers up dated seniority list of PST, with in a week positively.

28/4/23

*DYN No 1022 C
28/04/2023*

[Signature]
Assistant Director (Female)
P.E.S.E. Dir Lower Peshawar
27/04/2023

Endst No. _____

- 2. Copy of the above is forwarded to the:
Section Officer (P) W/r to his letter NO:SP (PE) E&SHE/1/Gen/Misc;2022-23 dated 26.12.2023

Assistant Director (Female)
P.E.S.E. Dir Lower Peshawar

[Signature]

Ann — (B)

(18)



OFFICE OF THE
DISTRICT EDUCATION OFFICER(F)
SWAT



Domestic enquiry

INQUIRY REPORT

BY

DR, SHAMIM AKHTAR , MC, BS-19
INQUIRY OFFICER/DEO(F) SWAT

COMPLAINANT/APPELLANT. Mst.Roshni Riaz PST-12 GGPS Qazi Abad Balambat
Dir(L)

COMPLAINT AGAISNT WHOM; Mst.liaqat BiBi PST-12 GGPS Barkass

ALLEGATIONS;

Mst.Liaqat BiBi PST-12 promoted to the Post of SST(Bio-Che) and she is Junior than me and Promotion granted without any reason.

PRAYER OF THE COMPLAINANT.

Appeal may kindly be considered and grant
me Promotion on Seniority Cum Fitness.

INTRODUCTION OF THE CASE.

Complainant **Mst.Roshni Riaz** having Qualification BS (Bio+Che+Zoo) on 17.9.2018 MA (English) & B.Ed and appointed as PST on 5.9.2017 in Deceased Son Quota and having Date of Bairth 3.3.1999. The alleged official **Mst.Liaqat BiBi** having Qualification B.Sc (Bio+Che+ Zoo) on 31.8.2010 ,MA(Isamyat) and B.Ed and having Date of Birth 6.9.1989 but her date of Birth recorded in Seniority and other service document as 28.11.1982. During the course of time department Pormoted Primary School teachers to the Post of SST's and Proposal asked from District Education Officer Dir(Lower). Department Promotion Committee recommended the alleged official Mst.Liaqat BiBi PST-12 showing herself as PSHT for promotion to the Post of SST(Bio-Che) and issued minutes vide Notification under Endstt;No.4486-90 dated 1.12.2022.

In Pursuance to recommendation of the Departmental Promotion Committee(DPC),DEO(F) Dir(L) issued office order under Endstt;No.8903-20 Dated 15.12.2022 and adjusted the alleged official Mst.Liaqat BiBi and Posted at GGHS Maniyal as SST(Bio-Che) and she took over Charge as SST on 16.12.2022.

Aggrieved from the promotion of the alleged official Mst.Liaqat BiBi ,complainant filed appeal before the Director E&SE KP Peshawar on 13.12.2022 and Notification issued by Director E&SE under Endstt;No.2708-10 dated 26.12.2022 and Nominated the undersigned as Inquiry officer and inquiry conducted on **2.1.2023**. To Probe into the matter and dig out the truth ,letter of intimation sent to DEO(F) Dir(L) vide No.14119 dated 31.12.2022 by the inquiry officer asking about the necessary documents required for inquiry and furhter information to the complainant and the alleged official to appear before the inquiry officer to follow natural Justice and ensuring a fair and unbiased hearing/AUDI ALTERAM PARTEM for which the following stategy adopted .

(Contd...)

DOCUMENTS PERUSED.

To probing into the matter in the instant domestic Inquiry ,the District Head ,Complainant and the alleged official were asked about the documents relied on their stance ,therefore,the following documents produced by the Parties as well as the concerned agency as Evidenciary material and perused the same.

Documents Produced by Complainant	Documents Produced by Alleged official	Documents Provided by DEO(F) Dir(L)
SSC Ceritafate and DMC (P-1 -2)	SSC Certificate & DMC (P-10 To 11)	Notification.(P-29 To 31)
HSS Certificate and DMC (P-3 to 4)	HSS certificate & DMC (P-12 To 13)	Working Paper (P-32 To 42)
B.SC DMC (P-5)	B.SC Degree & DMC (P-14 To 15)	Service book Photocopy of Mst.Roshni Riaz PST-12 through whataspp.(P-43 To 47)
MA(English) DMC(P-6)	MA (Islamyat) Degree & DMC (P-16 To 17)	Seniority List of PST-12 (S.No.135 To 863 , 05 Pages) not in order. (P-48 To 52)
B.ED Transcript (P-7 To 8)	B.Ed Degree & Transcript. (P-18 To 19)	Seniority List of PST-12 (S.No.1 to 866,29 Pages),not in order. (P-53 To 81)
Appointment Order (P-9)	Domicile & CNIC (P-20 To 21)	
	Ist Appointment Order as PST (P-22-25)	
	Charge Report as SST. (P-26)	

ADDITIONAL DOCUMENTS EXAMINED.

For fair and transparent recommendations,the inquiry officer,examined the following documents as supporting documetns & rules pertaining to the seniority in the instant inquiry;

- a) Notification No.(SO)/4-5/SSRC/Meeting/2013/Teaching Cadre dated 18.12.2013 for eligibility of the post of SST through Promotion.(P-82)
- b) Khyber pakhtunkhwa Employees of the elementary and secondary Education Department(Appointment and regularization of Services)Act,2017.

3. Regularization of services of Employees...(1)

Notwithstanding anything contained in any other law or rules,the employees,who hold posts till the commencement of this Act,shall be deemed to have been validly appointed on regular basis from the day of the commencement of this Act:provided that;

- (i) they possess the same qualification and experience for a regular post.
- (ii) they have not resigned from their services or terminated fromservices on account of misconduct,inefficiecny or any other ground,before the commencement of this Act :and
- (iii) the service promotion quota of all service cadres shall not be affected.

(2). The services of the employees shall be deemed to have been regularised only on the publication of their names in the official Gazette.

4. **Determiation of Seniority...(1).** The employees whose service are regularized under this Act or in the process of attaining service at the commencement of this Act,shall rank Junior to all other employees belonging to the same cadre, 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 cadre ,irrespective of their actual date of appointment.

(20)

(2) The seniority of those employees whose services are Regularized under this Act within the cadre shall be determined on the basis of their Continuous service in cadre.

STATEMENT OF THE COMPLAINANT.

Complainant recorded her statement before the undersigned that "SST Post is my legal right and I request to concern officer to give me Justice". (P-83)

PERSONAL HEARING.

Keeping in view the Principle of Natural Justice and AUDI ALTERAM PATEM, the undersigned being inquiry Officer provided Opportunity of personal Hearing and discussion both the parties to express their views freely and with full justification.

KEY FINDINGS.

In the light of the documents perused, Provided by both the Parties, complainant & Alleged official, DEO(F) Dir(L) and Personal interrogation from both the Parties, the undersigned being inquiry officer reached to the following key findings;

1. Complainant Mst. Roshni Riaz PST-12 GGPS Qazi Abad Balamabt is senior than the alleged official Mst. Liaquat BiBi PST as per the verdict of the Regularization Act, 2017.
2. Seniority list for PST -12 Provided by the Management, not in Proper order and sequence and complainant placed at Srty. No. 504 and alleged official placed at stry no. 135 are not correct.
3. PSHT & SPST Seniority, mandatory for the promotion of PSHT/SPST could not be provided by the Management.
4. Working Paper reflects PSHT while alleged official is PST and not PSHT.
5. Office Order dated 15.12.2022 of the alleged official Mst. Liaquat BiBi as SST reflects her as Promoted from PSHT to SST while she performing her duty as PST.
6. As Per Notification dated 18.12.2013, both Complainant and alleged official have less than 07 years service as PST and not eligible for the promotion to the post of SST.

CONCLUSION

Allegation of the complainant Proved to the extent of seniority as per Regularization Act, 2017.

RECOMMENDATIONS.

In the light of the foregoing discussion and material collected, record perused, the inquiry officer recommended as under;

All seniority list of PST, SPST & PSHT may be reorganized in Proper order and sequence and both the complainant as well as the alleged official may be placed at their proper place in seniority list of PST for further departmental Proceedings.

Encl; As above.

(DR. SHAMIM AKHTAR)
INQUIRY OFFICER