## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 2384/2023

Mr. Ali Said, PST BPS-12, GPS Galkore No.2, District Dir Upper ..... (Appellant)

## Versus

- 1. Secretary of Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa Peshawar.
- 2. Director, Elementary and secondary Education Government of Khyber Pakhtunkhwa Peshawar.
- 3. District Education Officer (M) Dir Upper.

(Respondents)

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4	copy of the relevant page of the APT Rules 1989 is attached isas	A	
5	Copy of the appointment order dated 05-03-2016	В	
6	Copy of the regularization Act 2017	C	
7	Copy of the regularization order dated 21-03-2018	D	

(Abdur Rahman)
District Education officer (M)
District Dir Upper

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 2384/2023

Mr. Ali Said, PST BPS-12, GPS Galkore No.2, District Dir Upper

Khyber Pakhtukhwa
Service Tribunal

Diary No. 10317

Versus

- 1. Secretary of Elementary & Secondary Education Department, Government of
- 2. Director, Elementary and secondary Education Government of Khyber Pakhtunkhwa Peshawar.
- 3. District Education Officer (M) Dir Upper.

Khyber Pakhtunkhwa Peshawar.

(Respondents)

# PARA WISE COMMENTS ON& FOR BEHALF OF RESPONDENTSNo.1, 2& 3.

### Respectfully Sheweth:-

#### PRELIMNARY OBJECTIONS.

- 1. That the Appellant is not an "aggrieved" person with the meaning of section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974.
- 2. That the Appellant has got no cause of action /locus standi to file the instant 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.
- 5. That the instant service appeal is badly time barred
- 6. That the appeal is barred by law and limitation.
- 7. That the appeal in hand is barred by relevant provision of Law/Rules/Policy in field.

## ON FACTS.

- 1. Para -1 of the facts is correct that the appellant was appointed as PST vide appointment order dated 05-03-2016 on ad hoc/temporary basis for a period of one year.
- 2. Para- 2of the facts is correct that regularization Act2017 was promulgated for the employees of the Elementary & Secondary Education Department.
- 3. Para-3 of the facts is also correct, need no further comments.

4. Para-4of the facts is correct, furthermore, as per advertisement in the year 2015, the appellant was appointed as PST vide appointment order dated 05-03-2016 having marks/merit 95.48, while after promulgation of the regularization Act 2017, for the employees of the E&SE Department, he has been placed in the seniority list accordingly as per section 17 (Part-vi) Seniority of the Khyber Pakhtunkhwa civil servants (Appointment, promotion, and transfer) rules 1989.

("Part-vi) Seniority.

- 17. Seniority. --- (1) the seniority inters se of civil servants [appointed to a service, cadre or post] shall be determined. ----
- (a) In the case of persons appointed by initial recruitments, in accordance with the order of merit assigned by the commission [or, as the case may be, the Departmental selection committee;].)

  Thus as per the rules ibid the appellant has been placed in his right position

Thus, as per the rules ibid, the appellant has been placed in his right position in the seniority list. (copy of the relevant page of the APT Rules 1989 is attached as "A", Copy of the appointment order dated 05-03-2016 is attached as "B", Copy of the regularization Act 2017 is attached as "C", Copy of the regularization order dated 21-03-2018 is attached as "D").

- 5. Para-5of the facts is correct that the appellant has been placed in the seniority list on the basis of the merit as per section 17 (Part-vi) Seniority of the Khyber Pakhtunkhwa civil servants (Appointment, promotion, and transfer) rules 1989. Furthermore, terms and condition No.9 of the regularization notification dated 21-03-2018, as for those candidates whose are having same merit position in their first appointment order.
- 6. Para- 6 of the facts needs no comments.
- 7. Para-7 of the facts pertains to record.
- 8. Para-8 of the facts needs no comments.

## **GROUNDS.**

- A) In correct, hence denied. The respondent always follows rules and policies in letter and spirit, whereas the seniority list ibid has been determined on the basis of the merit as per section 17 (Part-vi) Seniority of the Khyber Pakhtunkhwa civil servants (Appointment, promotion, and transfer) rules 1989.
- B) Incorrect, hence denied. The appellants have been treated as per law and rules.

- C)Incorrect, details have been submitted in the facts above.
- D) Correct, the appellant has been placed in the seniority list as per rules.
- E) Incorrect, details have been submitted in the facts above.
- F) Legal, however the respondents also seek permission for additional grounds during arguments.

### PRAYER.

In the view of the above made submission, 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.

(Motasim Billah Shah)

Secretary, E&SE Peshawar Respondent No. 1

(Ms. Samina Alta)

Director,

E&SE Peshawar

Respondent No.2

(Abdur Rahman)

District Education officer (M)

District Dir Upper Respondent No. 3

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

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..... (Appellant)

### Versus

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- 3. District Education Officer (M) Dir Upper.

(Respondents)

### **Affidavit**

## I, Mr. Abdur Rahman District Education Officer

**District Dir Upper** do hereby solemnly affirm & declare on oath that the whole contents of the instant para wise Comments are true & correct to the best of my knowledge and belief. It is further stated on oath that in this appeal the answering Respondents have neither been placed Ex-Party nor their defense has been struck off/ cost.





## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 2384/2023

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### Versus

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- 3. District Education Officer (M) Dir Upper.

(Respondents)

### **AUTHORITY LETTER**

I, Mr. Abdur Rahman District Education Officer District Dir Upper do hereby authorized Mr. Syed Alamzeb Shah Assistant Litigation Officer of this office for submission of Joint Para wise comments in Service Appeal No. 2384/2023

Case Titled: Ali Said, PST BPS-12, GPS Galkore No.02, District Dir Upper 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.

(Abdur Rahman)

District Education officer (M)

District Dir Upper Respondent No. 3

- 17. Seniority.---(1) The seniority inter se of civil servants <sup>1</sup>[appointed to a service, cadre or post] shall be determined.--
  - In the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission <sup>2</sup>[or, as the case may be, the Departmental Selection Committee;] provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in a later selection; and
  - (b) In the case of civil servants appointed otherwise, with reference to the dates of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

**Explanation-I.--**If a junior person in a lower post is promoted to a higher post temporarily in the public interest, even though continuing later permanently in the higher post, it would not adversely effect the interest of his seniors in fixation of his seniority in the higher post.

**Explanation-II.**—If a junior person in a lower post is promoted to a higher post by superseding a senior person and subsequently that senior person is also promoted the person promoted first shall rank senior to the person promoted subsequently; provided that junior person shall not be deemed to have superseded a senior person if the case of the senior person is deferred for the time being for want of certain information or for incompletion of record or for any other reason not attributing to his fault or demerit.

**Explanation-III.**—A junior person shall be deemed to have superseded a senior person only if both the junior and the senior persons were considered for the higher post and the junior person was appointed in preference to the senior person.

- (2) Seniority in various cadres of civil servants appointed by initial recruitment vis-a-viz those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre; provided that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.
- <sup>3</sup>[(3) In the event of merger/restructuring of the departments, attached departments or subordinate Offices, the inter se seniority of civil servants affected by the merger / restructuring as aforesaid shall be determined in accordance with the date of their regular appointment to a cadre or post.]
- **18. General Rules.**——In all matters not expressly provided for in these rules, civil servants shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to them.
- **19. Repeal.---**The Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1975, are hereby repealed.

3. Added by Notification No. SOR-I(E&AD)4-1/80 (Vol. IV), \dated 28-05-2002.

<sup>1.</sup> Substituted for the words "appointment to post in the same Basic Pay Scale in a cadre" by Notification No.SOR.I(S&GAD)4-1/80,dated 17-05-1989.

<sup>2.</sup> Inserted by Notification No. SORI(S&GAD)4-1/80(V.II), dated 04-02-1996.



## OFFICE OF THE DISTRICT EDUCATION OFFICER MALE DIR UPPER

H No.0944-881400 FAX-0944-880411- email- demisdirupper@gmail.con

Consequent upon the recommendation of the Departmental Promotion Committee FFICE ORDER appointment of the following candidates are hereby ordered against the post of Primary School Teachers (PST) Male Wards / School based in BPS-12 (Rs.9055 -650 -28555) @ Rs. 9055 /- fixed plus usual allowances as admissible under the rules on adhoc basis under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with effect from the date of taking over charge :-

# Name Father's Name  Mohammad Jehan Zeb 106.92 NEHAG GPS NEHAG  Mushtaq 106.92 NEHAG GPS Sar Bala	HILL	Conditions		Merit ·	Ward/ U.C	Place of Posting			
Mushiaq SAZ MUHAMMAD 106.32 NEHAG GPS SAR Bala SAZ MUHAMMAD 106.15 NEHAG GPS KASKAI KARPAT 105.41 NEHAG GPS SIIOIgah Damun SHAFI ULLAH NOEEN ULLAH 105.41 NEHAG GPS GALKORE NO.1 NASEER KHAN NASEER KHAN 102.96 NEHAG GPS GALKORE NO.1 NASEER KHAN NASEER KHAN 101.1 NEHAG GPS GAIKOR NO.1 NASEER KHAN SHAHT BADSHAH NOUNIR SHAHZAD ALI KHAN BAKHT BADSHAH NOWSHER RAWAN NEHAG GPS GAIKOR NO.2 NEHAG GPS KARSAI KARPAT NEHAG GPS GAIKOR NO.2 NEHAG GPS KARDAI NEHAG GPS SAR Bala NEHAG GPS SAR Bala NEHAG GPS SAR Bala SHAFAT KHAN SHAFAT KHAN SHAFAT KHAN SHAFAT KHAN SHAFAT KHAN SHAFAT KHAN SHER AFSAR NEHAG GPS SAKRIA SHERIAT KHAN SHERIAT KHAN SHERIAT KHAN SHERAG SPS SALGA BAR KHAN SHERAG SPS GAIKOR NO.2 NEHAG GPS SAR BAIA NEHAG GPS SAR BAIA NEHAG GPS SARIA SHAFAT KHAN SHERIAT KHAN SHERAG SPS SALGA BAR KHAN SHAFAT KHAN SHAFAT SAR SHAMAN YOUSAF SHAFAG GPS SALGA BAR KHAN SHAFAT KHAN SHERAG SPS GAIKOR NO.2 NEHAG GPS SALGA BAR KHAN SHERAG SHAFAT KHAN SHERAG SPS GAIKOR NO.2 NEHAG GPS SALGA BAR KHAN SHERAG SHAHAT AWAB SHAHAZADA SHABAG SHABAG SHABAG SHAHAZADA SHABAG		Name	Father's Name	MIGUIT		ODD MEHAG			
SULTAN ZEB	#	Name.	Mohammad Jehan Zeb	106.92	NEHAG				
SAZ MUHAMMAD	-	SULTAN ZEB	. Mushtag	106 12	NEHAG	GPS Sar Bala			
3 ABDUL HADI   FAZAL AZIM   105.41   NEHAG   GPS SII0IgAN DAMIAN   4 SHAFI ULLAH   MOEEN ULLAH   105.41   NEHAG   GPS GALKORE NO.1   5 NASEER KHAN   NASEEB KHAN   102.96   NEHAG   GPS GAIKOR NO.1   6 SHAHZAD ALI KHAN   BAKHT BADSHAH   101.1   NEHAG   GPS GAIKOR NO.1   7. TAJ MUHAMMAD   BADSHAH MUNIR   96.07   NEHAG   GPS GAIKOR NO-2   8 ALI SAID   ALI HADIR   95.48   NEHAG   GPS GAIKOR NO-2   9 USMAN ALI   NOWSHER RAWAN   95.31   NEHAG   GPS KAFBAT   10   10 AMIR SOHAIL   SHEREEN   94.91   NEHAG   GPS SAR BAIB   11   11 FAHEEM JAN   MUSLIM KHAN   92.43   NEHAG   GPS SAR BAIB   12   12 FAZAL BADSHA   SHAFAT KHAN   92.43   NEHAG   GPS SAR BAIB   12   13 MAHAZ ULLAH   SARFARAZ KHAN   92.2   NEHAG   GPS NEHAG   GPS CAKRIA   13   NEHAG   GPS CAKRIA   14   SHER AFSAR   SHERIAT KHAN   91.91   NEHAG   GPS SHALGA BAR KI   15   BAKHTAWAR ZEB   RAHMAN YOUSAF   91.46   NEHAG   GPS SHALGA BAR KI   16   ABDUL WAHID   AYAN ULLAH   90.59   NEHAG   GPS GAIKOR NO-2   16   ABDUL WAHID   AYAN ULLAH   90.59   NEHAG   GPS GAIKOR NO-2   18   MUHAMMAD SAJID   PIR MUHAMMAD   90.28   NEHAG   GPS GAIKOR NO-2   18   MUHAMMAD SAJID   PIR MUHAMMAD   88.873   NEHAG   GPS GAIKOR NO-2   19   SHER NAWAB   MUDAMAT KHAN   88.73   NEHAG   GPS KARPAT   19   SHER NAWAB   MUDAMAT KHAN   88.73   NEHAG   GPS KARPAT   19   BACHA MIR   GHULAM KHALIQ   86.26   NEHAG   GPS KARPAT   19   BACHA RAWAN   GHULAM KHALIQ   86.26   NEHAG   GPS KARPAT   19   BACHA RAWAN   GHULAM KHALIQ   84.55   NEHAG   GPS KARPAT   19   BACHA RAWAN   FAZAL KHALIQ   84.44   NEHAG   GPS KARPAT   19   SHER NAWAN   FAZAL KHALIQ   84.44   NEHAG   GPS KARPAT   19   SHER NAWAN   SA.44   NEHAG   GPS ZAKRIA   19   SHER N	1_		SAZ MUHAMMAD			GPS KASKAI KARPAT			
4 SHAFI ULLAH:  NASEER KHAN  NASHER  NASHALGA GPS KARPAT  NASHALGA GP	<del>- 2</del>	ARDIN HADI	FAZAL AZIM			GPS Slielgah Damun			
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7. TAJ MUHAMMAD  8 ALI SAID  9 USMAN ALI  9 USMAN ALI  10 AMIR SOHAIL  11 SHEREEN  11 MUSLIM KHAN  12 FAZAL BADSHA  13 MAHAZ ULLAH  14 SHER AFSAR  15 BAKHTAWAR ZIEB  16 ABOUL WAHID  17 HUSSAN BADSHAH  18 MUHAMMAD SAJID  19 SHER NAWAB  20 KHAISTA BAR KHAN  21 BACHA MIR  21 BACHA RAWAN  22 BACHA RAWAN  23 KHAN  24 SADAM HUSSAIN  26 IMTIAZ KHAN  27 ARNANA  28 SAR BALI HADIR  95.48 NEHAG GPS Sar Bala  94.91 NEHAG GPS KARPAT  92.43 NEHAG GPS NEHAG  92.2 NEHAG GPS NEHAG  95.53 NEHAG GPS NEHAG  95.54 NEHAG GPS SAKRIA  91.53 NEHAG GPS KARPAN  91.54 NEHAG GPS SHALGA BAR KI  91.55 NEHAG GPS SHALGA BAR KI  90.59 NEHAG GPS SHALGA BAR KI  16 ABOUL WAHID  17 HUSSAN BADSHAH  18 MUHAMMAD SAJID  19 SHER NAWAB  10 KHAISTA BAR KHAN  11 BACHA MIR  12 BACHA RAWAN  12 BACHA RAWAN  13 MUHAMMAD  14 SHAR SHER  15 BACHA RAWAN  16 GPS KARPAT  17 HUSSAN BADSHAH  18 MUHAMMAD SAJID  19 SHER NAWAB  10 KHAISTA BAR KHAN  11 BACHA MIR  12 BACHA RAWAN  13 KHAN SHER  14 SADAM HUSSAIN  15 BAKHT SHER AWAN  16 BAKHT SHER AWAN  17 HUSSAN BADSHAH  18 MUHAMMAD SAJID  19 SHER NAWAB  10 KHAISTA BAR KHAN  11 BACHA RAWAN  12 BACHA RAWAN  13 KHAN SHER  14 SADAM HUSSAIN  15 BAKHT SHER AWAN  16 SPS KARPAT  17 HUSSAN BADSHAH  18 MUHAMMAD SAJID  19 SHER NAWAB  10 KHAISTA BAR KHAN  11 BACHA RAWAN  12 BACHA RAWAN  12 BACHA RAWAN  13 KHAN SHER  14 SADAM HUSSAIN  15 BAKHT SHER AWAN  16 SAJAH  17 HUSSAN BADSHAH  18 NEHAG GPS KARPAT  18 NEHAG GPS KARPAT  19 SHER NAWAN  19 SHER NAWAN  10 SHERA SAGAM HUSSAIN  10 SHER RAWAN  11 BACHA RAWAN  12 BACHA RAWAN  12 BACHA RAWAN  13 KHAN SHER  14 SADAM HUSSAIN  15 BACHA RAWAN  16 SHEREEN  17 NEHAG GPS KARPAT  18 NEHAG GPS BEDAMAI		SHAHZAD ALI KHAN	-BAKHT BADSHAH		NEHAG.	GPS KASKAI KARPAT			
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## TERMS & CONDITIONS:

- Charge reports should be submitted to all concerned in duplicate.
- Appointment is purely on comporary basis initially for one year. They should not be handed over charge if they exceed 35 years or below 18 years of age.
- Appointment is subject to the condition that their certificates/degrees must be verified from the concerned authorities if any one found producing bogus

Certificate will be reported to the law enforcing agencies for further action.

His services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the

Pay will not be made until and unless a certificate from the concerned authority is issued as his certificates are verified.

They should join their post within 15 days of the issuance of this notification. In case of failure to join their post within 15 days of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be

Health and Age Certificate should be produced from the Medical

Superintendent concerned before taking over charge. He will be governed by such rules and regulations as may be issued from time to

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ervice is not transferable to any other station. workanding over charge once again their document may be checked if they tag no required quiffications they may not be handed over charge. page no requires quigications they may not be nanged over enarge. Is pagencht will be made so then before making verification from concerned The errors and omissions eta Ufound at any stage shall be rectified. In cas of termination Fire every and omissions etc V Jouna at any stage shad or rectified. In eas of territhad of Said Candidate, he will have no right to claim the order already issued in any court. (MOIN-UD-DIN) District Education Officer. Male dir Upper No.03C/PST/Apptt:2016 NTS /DEO(M)/ADO(P) Dated Div (U) the 05/03/2016. Copy forwarded for information and necessary action to the: Director of Elementary & Sosondary Education Chyber Pakhtunkhua Pashumar. District Accounts Officer Die Upper Dy: District Education Officer Male Dir Upper. Sub: Divisional Education Officer Male Dir and Wari. Official Concerned. MIFILE District Education Office Male dir Upper Attesteg Teulin july sup. Div White Dir III box



## THE KHYBER PAKHTUNKHWA EMPLOYEES OF THE ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT (APPOINTMENT AND REGULARIZATION OF SERVICES) ACT, 2017.

#### (KHYBER PAKHTUNKHWA ACT NO. 1 OF 2018)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa, (Extraordinary),dated the 8th January, 2018).

#### AN ACT

to provide for the appointment and regularization of the services of certain employees appointed on adhoe or contract basis or appointed in certain projects in the Elementary and Secondary Education Department in the Province of the Khyber Pakhtunkhwa.

WHEREAS it is expedient to provide for the appointment and regularization of the services of certain employees appointed on adhoc or contract basis or appointed in certain projects in the Elementary and Secondary Education Department in the Province of the Khyber Pakhtunkhwa, in the public interest;

It is hereby enacted as follows:

- 1. Short title, application and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education Department (Appointment and Regularization of Services) Act, 2017.
- (2) It shall apply to all the employees in the Elementary and Secondary Education. Department, as defined in clause (c) of sub-section (1) of section 2 of this Act.
- (3) It shall come into force at once and it shall be deemed to have taken effect from the date of the initial appointment of the employees as referred to in clause (c) of subclause (1) of section 2 of this Act.
- 2. **Definitions.---(1)** In this Act, unless the context otherwise requires,-
  - (a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;
  - (b) "contract appointment" means appointment of a duly qualified person for a specific period made otherwise than in accordance with the prescribed method of recruitment;
  - (c) "employees" mean duly qualified persons.-

He was a second

- (i) who are appointed as teachers on adhoc or contract basis by the Government after 2013 through National Testing Service but does not include the teachers engaged on work charge basis or who are paid out of contingencies;
- (ii) who are appointed in the projects on contract basis in accordance with the project policy; and
- (iii) who are appointed as Junior Clerk in the Elementary and Secondary Education Department by Government after 2013 through National Testing Service:
- (d) "Government" means the Government of the Khyber Pakhtunkhwa;
- (e) "law or rule" means the law or rule for the time being in force governing the selection and appointment of civil servants;
- (f) "project" means,-
  - (i) IT/Computer Teachers in Computer Labs Projects in Khyber Pakhtunkhwa (Phase-II);
  - (ii) establishment of five hundreds (500) IT Labs in Government High and Secondary Schools in Khyber Pakhtunkhwa; and
  - (iii) establishment of five hundreds (500) IT Labs in Government High Schools in Khyber Pakhtunkhwa (Phase-III); and
- (g) "teacher" means a teacher of primary, middle, secondary or higher secondary school.
- (2) The expressions "adhoc appointment" shall have the same meaning as respectively assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).
- 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 [or.till 30th June 2017, in respect of the project as mentioned in sub-clause (i) of clause (f) of sub-section (1) of section 2 of this Act, as the case may be], shall be deemed to have been validly appointed on regular basis from the day of the initial appointment; provided that-
  - (i) they possess the same qualification and experience required for a regular post;

Inserted vide Khyber Pakhtunkhwa Act No. II of 2019.

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PST (NTS) Regularization Order

## OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) UPPER DIR



PH No. 0944-881400-Enx-881400 E-mull deamdirupper@emuil.com

#### **NOTIFICATION**

In pursuance of Khyber Pukhtunkhawa Employees of the Elementary & Secondary Education Appointment & Regularization of Services Act.2017 (Khyber Pukhtunkhawa Act no.1 of 2018). & Elementary & Secondary Education Department Notification No.SO(S/P)R&SED/3-2/2018/SPTI/Contract Dated: 16/02/2018. Services of the following (427) Primary School Teachers of Sub-Division Wari, Dir Upper appointed w.e.f. (03-05-2014 to 23-06-2017) through NTS on adhoc/contract basis, are hereby regularized in BPS-12; on terms and condition given below with effect from the date of their In appointment as per details given against each, in the interest of public service.

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## PST (NTS) Regularization Order .

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ADO (P) Establishment

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#### Terms & Condition

- 1. Their services shall be governed by the Khyber Pukhtunkhawa Civil Servants Act, 1973, the Khyber Pukhtunkhawa (Appointment, Deputation, Posting & Transfer of teacher, Instructors & Doctors) Regulatory act, 2011, and such rules and regulations as may be issued from time to time by the Government.
- 2. Their services shall be considered regular and they shall be elligible for pension / deduction of GP Fund in terms of the Khyber Pukhtunkhawa Civil Servant Act, 1973 as amended in 2013.
- 3. They shall possess the same qualification and experience required for the regular post.
- ii. Their services are liable to termination on one month notice from alther side, in case of resignation without notice, their one month pay/allowances shall be forfeited to the Government.
- S.-Their regularization shall not affect the promotion quota of existing holders of posts in respective service endres.
- 6. The regularization shall not be in favor of those, who have not taken over charge or have remained absent from duty or resigned from service and also not for those who are under disciplinary proceedings.
- 7. The Employees whose services regularized under the Khyber Pukhtunkhawa Employees of the Elementary & Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pukhtunkhawa Act No.1 of 2018) or in the process of attaining service at the commencement of Khyber Pukhtunkhawa Employees of Elementary and secondary Education (Appointment and Regularization of services) Act, 2017 (Khyber Pukhtunkhawa Act No.1 of 2018) 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 the Khyber Pukhtunkhawa Employees of Elementary And secondary Education (Appointment and Regularization of services) act, 2017 (Khyber Pukhtunkhawa Act No.1 of 2018) and shall also junior to such other persons, If any, who, were appointed on regular basis to the respective service or cadre before the commencement of this Act, irrespective of their actual date of appointment.
- 8. The sentority inter-set of the employees, whose are regularized under this Act within the same service or cadre, shall be determined on the basis of their merit position in such service or cadre.
- Their sentority shall be determined on the basis of their continuous service in cadre,
  provided that It the date of continuous services in the case of two or more employees
  is the same, the employee older in age shall be ranked sentor to the younger one.

(ABDUL HAQ)
DISTRICT EDUCATION OFFICER
(MALE) UPPER DIR

ADO (P) Establishment

Page 13 of 14

-15-

PST (NTS) Regularization Order

Endsit: No. 15616. 21. No 158/DEO (M)/ADO (P) ESTB:

Dutod 3/3 /2018

Copy forwarded to the

- 1. Director B&SE Khyber Pakhtunkhwa Peshawar.
- 2. District Accounts Officer Upper Dir
- 3. Dy: District Education Officer (M), Upper Dir
- 4. SDEO (Male) Barawai, KAlkot, Dir, Warl & Sheringal.
- 5. Teachers Concerned
- 6. AP EMIS Local Office
- 7. Office Copy

DISTRICT FOUCATION OFFICER
(MALE) UPPER DIR

Mestell