

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

Service Appeal No. 2412/2023

Mr. Rahman Bahadar, PST BPS-12, GPS Sadiq Abad, 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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5	Copy of the appointment order dated 05-03-2016	B	
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.**

Khyber Pakhtunkhwa  
Service Tribunal

Service Appeal No. 2412/2023

Diary No. 10290

Mr. Rahman Bahadar, PST BPS-12, GPS Sadiq Abad, District Dir  
Upper

Dated 3-1-24

..... (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)

**PARA WISE COMMENTS ON & FOR BEHALF OF**  
**RESPONDENTS No.1, 2 & 3.**

**Respectfully Sheweth:-**

**PRELIMINARY 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- 2 of the facts is correct that regularization Act 2017 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-4 of 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 97.62, 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 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-5 of 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.

## **GROUND.**

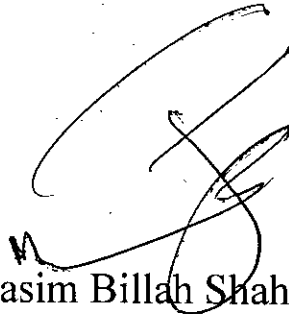
A) In correct, hence denied. The respondent always follows rules and policies in letter and spirit, whereas the seniority list *ibid* has been determined on the basis of the merit as per section 17 (Part-vi) Seniority of the Khyber Pakhtunkhwa civil servants (Appointment, promotion, and transfer) rules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

B) Incorrect, hence denied. The appellants have been treated as per law and rules.

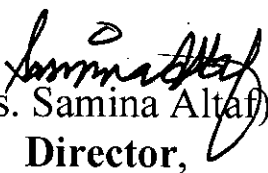
- C) Incorrect, details have been submitted in the facts above.
- D) Correct, the appellant has been placed in the seniority list as per rules.
- E) Incorrect, details have been submitted in the facts above.
- F) Legal, however the respondents also seek permission for additional grounds during arguments.

**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 Altaf)  
**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.**

Service Appeal No. 2412/2023

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Upper

..... (Appellant)

**Versus**

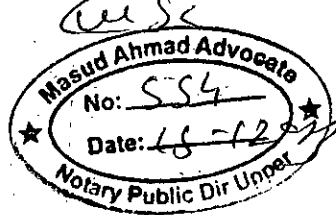
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2. Director, Elementary and secondary Education Government of Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (M) Dir Upper.

(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.

**ATTESTED**



  
**Deponent**

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

Service Appeal No. 2412/2023

Mr. Rahman Bahadar, PST BPS-12, GPS Sadiq Abad, 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)

**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. 2412/2023

Case Titled: Rahman Bahadar, PST BPS-12, GPS Sadiq Abad, 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.--

(a) 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 incompleteness 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.

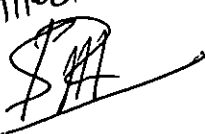
(2) Seniority in various cadres of civil servants appointed by initial recruitment vis-a-viz those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre; provided that if two dates are the same, the person appointed otherwise shall rank 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.

- 
1. 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.
  2. Inserted by Notification No. SORI(S&GAD)4-1/80(V.II), dated 04-02-1996.
  3. Added by Notification No. SOR-I(E&AD)4-1/80 (Vol. IV), dated 28-05-2002.

Attested  


(B)

OFFICE OF THE DISTRICT EDUCATION OFFICER  
MALE DIR UPPER

PH No.0944-881400 FAX-0944-880411- email- demisdurupper@gmail.com

OFFICE ORDER

Consequent upon the recommendation of the Departmental Promotion Committee, 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 :-

S.#	Name	Father's Name	Merit	Ward/ U.C	Place of Posting
1	MUHAMMAD FAROOQ	Habibur-Rahman	122.58	CHAPPER	GPS Nasir Abad
2	MAEEN UDDIN	Yar Muhammad	121.19	CHAPPER	GPS Shah Kanal No-2
3	MAJID ULLAH	Mohammad Afzal	117.28	CHAPPER	GPS GUL SHAI DEHARI
4	QAYYUM KHAN	Shah Muhammad	114.66	CHAPPER	GPS Umratal Bala
5	MUHAMMAD QAYUM	Pacha Rahman	112.95	CHAPPER	GPS Shah Kanal No-1
6	FAZAL AHAD	Munawar Khan	110.5	CHAPPER	GPS Umakot
7	IBRAHIM	Gul Zamin	109.91	CHAPPER	GPS SAMAI
8	NASIR AHMAD	Khan Zada	106.59	CHAPPER	GPS Ashrai
9	HAMEED UR RAHMAN	Azizur Rahman	105.27	CHAPPER	GPS JELAR NO.1
10	SIBGHATULLAH	Nadar Khan	104.86	CHAPPER	GPS UMRALI BALA
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12	ABDUL RASHAID	Gul Muhammad	102.86	CHAPPER	GPS Chapper
13	IMRAN KHAN	Gul Muhammad	102.86	CHAPPER	GPS Umratal Bala
14	IHSAN ULLAH	Gul Nasim Khan	102.04	CHAPPER	GPS Jelar No-2
15	USMAN ALI	Sahib Zada	101.06	CHAPPER	GPS Ondisa
16	ASSAD ULLAH	Habibur Rahman	100.65	CHAPPER	GPS Chapper
17	SAIF ULLAH	Hidayatullah	99.93	CHAPPER	GPS BATLI PAYEEN
18	RAHMAN BAHADAR	Jalad Khan	98.64	CHAPPER	GPS SADIO ABAD
19	AYAN ULLAH	Nadar Khan	97.62	CHAPPER	GPS UMRALI PAYEEN
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21	DAYEEM KHAN	Bacha Amin	96.97	CHAPPER	GPS UMRALI PAYEEN
22	JAMIL AHMAD	Toor Muhammad	96.55	CHAPPER	GPS JELAR NO.3
23	MUHAMMAD ISMAIL	Mir Zaman Khan	96.43	CHAPPER	GPS JELAR NO.3
24	MIRAJ UL HAD	Gul Pacha	96.24	CHAPPER	GPS JELAR NO.1
25	MUHAMMAD YOUNAS	Shamsul Haq	95.48	CHAPPER	GPS CHAPPER
26	SUNGIN ULLAH	Ghulam Muhammad	94.24	CHAPPER	GPS CHAPPER
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28	SAJJAD KHAN	Zoor Muhammad Khan	92.94	CHAPPER	GPS DEHARI CHAPPER
29	PERVEZ KHAN	Samiullah	92.82	CHAPPER	GPS KHAN ABAD
30	FAKHRI ALAM	Pasib Bahadar	92.39	CHAPPER	GPS CHAPPER
31	RAHIM ULLAH	Muhammad Alam	91.5	CHAPPER	GPS JELAR NO.1
32	ISRAR ULLAH	Sabir Jan	91.34	CHAPPER	GPS SADIO ABAD
		Muhammad Subhan	91.34	CHAPPER	GPS KASS CHAPPER
			90.92	CHAPPER	GPS GATTO CHAPPER

TERMS & CONDITIONS:-

1. NO TA DA is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary basis initially for one year.
4. They should not be handed over charge if they exceed 35 years or below 18 years of age.
5. 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.
6. His services are liable to termination on one month's notice from either side. In case of termination without notice his one-month pay allowances shall be forfeited to the Government.
7. Pay will not be made until and unless a certificate from the concerned authority is issued as his certificates are verified.
8. 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, the Government shall be at liberty to fill the post with any other candidate.

Attested



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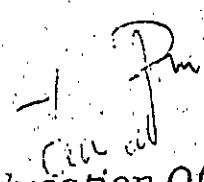
-7-

- Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
- 10 He will be governed by such rules and regulations as may be issued from time to time by the Govt.
  - 11 His services shall be terminated at any time, in case of his performance is found unsatisfactory during his probation period. In case of misconduct, he will be proceeded under the rules.
  - 12 His appointment is made on School based, He will have to serve at the place of posting, and his service is not transferable to any other station.
  - 13 Before handing over charge once again their document may be checked if they having no required qualifications they may not be handed over charge.
  - 14 No payment will be made so then before making verification from concerned institutions.
  - 15 The errors and omissions etc if found at any stage shall be rectified. In case of termination 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

Encls: No 313-18 / File No: 03C/PST/APP/11/2016 NTS /DEO(SI)/ADO(P) Dated Dir (U) the 05/03/2016.

- Copy forwarded for information and necessary action to the:-
- 1 Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
  - 2 District Accounts Officer Dir Upper
  - 3 Dy: District Education Officer Male Dir Upper.
  - 4 Sub: Divisional Education Officer Male Dir and Wari.
  - 5 Official Concerned.
  - 6 AI/File

  
District Education Officer,  
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TERMS & CONDITIONS:-

1. NO TA DA is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary basis initially for one year.
4. They should not be handed over charge if they exceed 35 years or below 18 years of age.
5. 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.
6. His office are liable to termination on one month's notice from either side. In case of termination without notice his one month pay allowances shall be forfeited to the Government.
7. Pay will not be made until and unless a certificate from the concerned authority is issued as his certificates are verified.
8. 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, their names shall be deleted from the list.

Attested

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-7-

- Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
10. He will be governed by such rules and regulations as may be issued from time to time by the Govt.
  11. Their services shall be terminated at any time, in case of his performance is found unsatisfactory during his probation period. In case of misconduct, he will be proceeded under the rules.
  12. His appointment is made on School based, He will have to serve at the place of posting, and his service is not transferable to any other station.
  13. Before handing over charge once again their document may be checked if they having no required qualifications they may not be handed over charge.
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(MOIN-UD- DIN)  
District Education Officer,  
Male dir Upper

Endstr: No 313-18 / File No: 03C/PST/Appt/2016 NTS /DEO(SI)/ADO(P) Dated Dir (U) the 05/03/2016.

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5. Official Concerned.
6. A/File

*Pw*  
District Education Officer,  
Male dir Upper

Attested  
*[Signature]*

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

AN  
ACT

*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.*

**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 sub-clause (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.

Attested  


- (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 30<sup>th</sup> 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;

<sup>1</sup> Inserted vide Khyber Pakhtunkhwa Act No. II of 2019.

Attested  
SMA

- (ii) they have not resigned from their services or terminated from services on account of misconduct, inefficiency or any other ground, before the commencement of this Act<sup>1</sup>[:]

<sup>2</sup>[Provided that expiry of the project as mentioned in sub-clause (i) of clause (f) of sub-section (1) of section 2 of this Act, shall not be deemed a ground for non-appointment of an employee on regular basis under 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 regularized only on the publication of their names in the official Gazette.

**4. Determination 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.

(2) The seniority inter-se 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:

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

**5. Overriding effect.**--- Notwithstanding anything to the contrary contained in any other law or rules for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rules to the extent of inconsistency to this Act shall cease to have effect.

<sup>1</sup> Replaced vide Khyber Pakhtunkhwa Act No. II of 2019.

<sup>2</sup> Inserted vide Khyber Pakhtunkhwa Act No. II of 2019.

Attested  


(63)

(D)

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

PH No. 0944-881400-Fax-881400E-mail\_deomdirupper@gmail.com



**NOTIFICATION**

In pursuance of Khyber Pakhtunkhwa Employees of the Elementary & Secondary Education Appointment & Regularization of Services Act, 2017 (Khyber Pakhtunkhwa Act no.1 of 2018) & Elementary & Secondary Education Department Notification No SO(S/F)E&SED/3-2/2018/SITT/Contract Dated: 16/02/2018. Services of the following Primary School Teacher of Sub-Division Wari Upper Dir 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 1<sup>st</sup> appointment as per detail: given against each, in the interest of public service:

S.No	NTS Ref No	Name	Address/PC	Total Marks 2017	Name of school	App Order No & Date	Date of Taking over charge	Extension Order No & date
1	791700101	Hassan ul Rehman	Kusat Khan	97.07	CPS Chappar	313-18 dt 05 03 2016	01/2016	119-23 dt 21.11.2019
2	791700102	Mahmood ul Yousaf	Ghidam Kuchamanad	93.63	CPS Unse Kat	313-18 dt 05 03 2016	01/2016	119-23 dt 21.11.2019

**Terms & Condition**

- 01- 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.
- 02- Their services shall be considered regular and they shall be eligible for pension / deduction of GP Fund in terms of the Khyber Pukhtunkhawa Civil Servant Act, 1973 as amended in 2013.
- 03- They shall possess the same qualification and experience required for the regular post.
- 04- Their services are liable to termination on one month notice from either side, in case of resignation without notice; their one month pay/allowances shall be forfeited to the Government.
- 05- Their regularization shall not affect the promotion quota of existing holders of posts in respective service cadres.
- 06- 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.
- 07- The Employee whose services regularized under the Khyber Pukhtunkhawa Employees of the Elementary & Secondary Education (Appointment and Regularization of Services)

Attested  
*[Handwritten signature]*

07- 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.

08- The seniority inter-service 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 respective cadres.

09- Their seniority shall be determined on the basis of their continuous service in cadre, provided that if the date of continuous services in the case of two or more employees is the same, the employee older in age shall be ranked senior to the younger one.

(SYED TAHIR SHAH)  
DISTRICT EDUCATION OFFICER  
(MALE) UPPER DIR

Endstt. No. 2503-4 F.No 106/DEO (M)/ADO (P) ESTB: Dated 22/06/2020

Copy forwarded to the

- 01- Director E&SE Khyber Pakhtunkhwa Peshawar.
- 02- District Accounts Officer Upper Dir
- 03- Dy. District Education Officer (M), Upper Dir
- 04- SDEO (Male) Wari for necessary action.
- 05- Teacher Concerned
- 06- AP EMIS Local Office
- 07- Office Copy

  
DISTRICT EDUCATION OFFICER  
(MALE) UPPER DIR

Attested  
