

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD

Service Appeal No. 265/2016

Date of Institution... 21.03.2016

Date of decision... 21.02.2018

Muhammad Hanif son of Sher Zaman, CT Teacher GHS Phallah, Ghambeer,
village Roper, Tehsil and District Abbottabad.. (Appellant)

Versus

1. Secretary to Government of Khyber Pakhtunkhwa, Elementary & Secondary
Education, Peshawar and 2 others.. (Respondents)

Mr. Abdul Aziz Tanoli,
Advocate

... For appellant.

Mr. Kabir Ullah Khattak,
Additional Advocate General

... For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. MUHAMMAD HAMID MUGHAL,

... CHAIRMAN
... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: Arguments of the learned
counsel for the parties heard and record perused.

FACTS

2. The appellant is aggrieved from two orders of promotion dated 03.07.2015 and 31.07.2015 against which he filed departmental appeal on 09.12.2015 which was not responded to and thereafter he filed the present service appeal on 18.03.2016.

ARGUMENTS

3. The learned counsel for the appellant argued that the appellant was duly qualified to be promoted on 03.07.2015 and 31.07.2015 but he was not promoted and some junior persons were promoted on the same date. That the appellant came to know about the said

notifications with some delay and thereafter he filed departmental appeal. That it came to the knowledge of the appellant that he was not superseded but was deferred. That this factum of deferment was confirmed by the department in reply on the ground that the documents were incomplete. That in view of many judgments of the superior courts the civil servants deferred should be promoted alongwith his juniors. In this regard he relied upon the judgment reported 2007 PLC (C.S) 247. Learned counsel for the appellant further argued that the appellant was finally promoted on 18.05.2016 but with immediate effect. That his promotion should have been from the date when his juniors were promoted.

4. On the other hand learned AAG argued that the departmental appeal was time barred therefore, the present appeal was also time barred. That the appellant was not promoted due to incomplete record. That the department had promoted him on a subsequent date but with immediate effect. That u/s 4 (b) (i) of the Khyber Pakhtunkhwa Service Tribunal Act 1974, a civil servant cannot seek the indulgence of this Tribunal for the purpose of promotion.

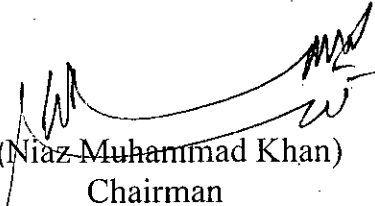
CONCLUSION.

5. The present appeal cannot be held time barred because the factum of delay has been explained by the appellant in his appeal. Secondly cases of promotion give rise to recurring cause of action and no limitation is attracted as is the settled jurisprudence on the subject. Admittedly the appellant was not superseded but was deferred. It is also a settled jurisprudence that deferment would cause no injury/damage to any civil servant. Regarding the objection of the AAG regarding non-maintainability of the appeal u/s 4 (b)(i), this Tribunal is of the view that this is not a matter of fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to a higher post or grade. The appellant had already been held to be fit for promotion. His case is only for giving effect to that order passed on 18.05.2016 (during pendency of this appeal) from the date when his juniors were promoted. In view of the above this Tribunal by accepting

the appeal of the appellant directs the department to consider the case of the appellant for promotion from the date when his juniors were first promoted. Parties are left to bear their own costs. File be consigned to the record room.



(Muhammad Hamid Mughal)
Member




(Niaz Muhammad Khan)
Chairman
Camp Court, A/Abad


ANNOUNCED

21.02.2018

18.12.2017

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Sohail Ahmed Zeb, Assistant for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 20.02.2018 before D.B at Camp Court Abbottabad.


(Gul Zeb Khan)
Member (Executive)
Camp Court Abbottabad


(Muhammad Amin Khan Kundi)
Member (Judicial)
Camp Court Abbottabad

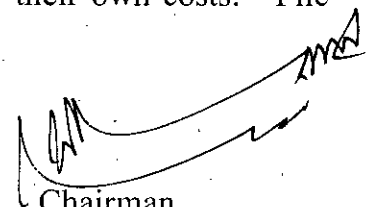
21.02.2018

Counsel for the appellant and Mr. Kabeerullah Khattak, Addl. AG alongwith Sohail Ahmad Zeb, Assistant for the respondents present. Arguments heard and record perused.

This appeal is accepted as per our detailed judgment of today. Parties are left to bear their own costs. File be consigned to the record room.



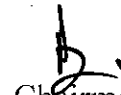

Member


Chairman
Camp Court, A/Abad

ANNOUNCED
21.02.2018

20.10.2016

Agent of counsel for the appellant and Mr. Muhammad Siddique, Sr.GP for the respondents present. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 22.12.2016 before S.B at camp court, Abbottabad.



Chairman
Camp Court, A/Abad

22.12.2016

None present for the appellant. Mr. Muhammad Siddique, Sr.GP for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 21.06.2017 before D.B at camp court, Abbottabad.



Chairman
Camp court, A/Abad

21.06.2017

Clerk of counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney alongwith Sohail Ahmad Zaib, Assistant for the respondents present. Rejoinder submitted. Counsel for the appellant as well as representative of the respondents requested for adjournment. Adjourned for final hearing to 18.12.2017 before the D.B at camp court. Abbottabad.



Member



Chairman
Camp court, A/Abad

20.04.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as CT BS-14 and his name was reflected at S. No. 297 in the seniority list but deprived of his right to promotion as SCT BPS-16 despite the fact that his junior colleagues reflected in the seniority list from S.No. 279 to 308 were promoted where-against appellant preferred departmental appeal on 08.12.2015 which was not responded and hence the service appeal on 21.3.2016.

That the appellant is entitled to promotion being senior and fit and the impugned orders of promotion ignoring the appellant is therefore against facts and law.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 21.07.2016 before S.B at camp court, Abbottabad.

Appellant Deposited
Security & Process Fee


Chairman

Camp court, A/Abad.

21.7.2016

Clerk of counsel for the appellant and Mr. Sohail Ahmad Zaib, ADO alongwith Mr. Muhammad Siddique Sr. G.P for the respondents present. Seeks adjournment. To come up for written reply/comments on 20.10.2016 before S.B at camp court, Abbottabad.

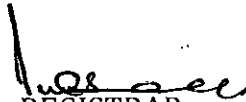


Chairman

Camp Court, A/Abad.

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. _____ 265/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	21.03.2016	<p>The appeal of Mr. Muhammad Hanif received today by post Through Mr. Abdul Aziz Khan Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	<u>22-03-2016</u>	<p>This case is entrusted to Touring S. Bench at A.Abad for preliminary hearing to be put up thereon <u>20-04-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>

7

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

Service Appeal No. 265/2016

Muhammad Hanif son of Sher Zaman, CT Teacher GHS Phallah, Ghambeer,
Village Roper, Tehsil & District, Abbottabad.

...APPELLANT

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, Elementary & Secondary
Education, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

INDEX

<i>S.#</i>	<i>Description</i>	<i>Page No.</i>	<i>Annexure</i>
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2.	Copy of notification	7 to 8	"A"
3.	Copy of notification and seniority list	9 to 15	"B" & "C"
4.	Copy of departmental appeal	16	"D"
5.	Wakalatnama	—	

...APPELLANT

Through;

Dated: 18-11 /2016


(Abdul Aziz Tanoli)
Advocate, High Court, Abbottabad

office No 30 Near District Bar

1

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 265 /2016

A.W.F. Province
Service Tribunal

Diary No. 253

Dated 21-3-2016

Muhammad Hanif son of Sher Zaman, CT Teacher GHS Phallah, Ghambeer,
Village Roper, Tehsil & District, Abbottabad.

...APPELLANT

VERSUS

1. Secretary to Government of Khyber Pakhtunkhwa, Elementary & Secondary Education, Peshawar.
2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (M), Abbottabad.

....RESPONDENTS

Filed to file

W. J. Khan
Registrar

21/3/16

APPEAL UNDER SECTION 4 OF KPK
SERVICE TRIBUNAL ACT 1974, AGAINST
THE IMPUGNED ORDER NO. 3241-48 DATED
13/07/2015 ISSUED BY RESPONDENT NO. 2
AND ORDER NO. 6451-57 DATED 31/07/2015
ISSUED BY RESPONDENT NO. 3 VIDE

WHICH THE APPELLANT WAS DEPRIVED FROM LAWFUL RIGHTS OF PROMOTION IN ACCORDANCE WITH SENIORITY LIST, WHICH IS ILLEGAL, UNLAWFUL, DISCRIMINATORY, AND WITHOUT JURISDICTION.

PRAYER: ON ACCEPTANCE OF THE INSTANT APPEAL, THE IMPUGNED ORDER NO. 3241-48 DATED 13/07/2015 AND ORDER NO. 6451-57 DATED 31/07/2015 MAY KINDLY BE SET ASIDE FURTHERMORE RESPONDENTS MAY GRACIOUSLY BE DIRECTED TO PROMOTE THE APPELLANT CT POST TO SCT POST IN THE SAME SCHOOL IN ACCORDANCE WITH SENIORITY W.E.F OTHER BATCH MATE WAS PROMOTED WITH ALL BACK BENEFITS IN THE INTEREST OF JUSTICE.

Respectfully Sheweth: -

Following are the facts, giving rise to the instant appeal;-

1. That the appellant was appointed as a PTC on 22/03/1992 and thereafter continuously performed the duty to the satisfaction of his superiors.
2. That the appellant was promoted PTC post to CT post on 10/11/1996.
3. That, the respondent No. 2 issued notification Endst No. 3241-48/F-No. 2, promotion dated 13/07/2015 for promotion of senior CT teacher BPS-16 to SCT post. Copy of notification is annexed as Annexure "A".
4. That respondent No. 3 in accordance with the notification of respondent No. 3 issued notification No. 6451-57 dated 31/07/2015 for promotion of Senior CT Teacher Post to SCT Post in accordance with the seniority list at serial No. 275 to 308. Copy of notification and seniority list are annexed as Annexure "B" & "C".
5. That the name of the appellant in the seniority list at serial No. 297 but the respondent No. 3 drop the

name of appellant for promotion without sufficient reason and with malafide.

6. That the appellant after knowledge of promotion and ^{received of} notification of respondent submitted departmental appeal before respondent No. 2. Copy of departmental appeal is annexed as Annexure "D".

7. That the respondent No. 2 on the departmental appeal of the appellant no any response was given, hence this appeal, inter-alia, on the following grounds:-

GROUND:-

a. That the appellant being senior most CT teacher is fully entitled for promotion in accordance with the seniority and respondent No. 2 & 3 deprived the appellant from his lawful right of promotion which is illegal, unjust and against the fundamental rights of the appellant.

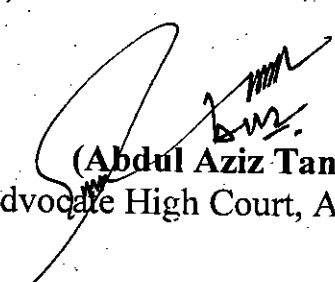
- b. That the respondents issued promotion order in serial No. 276 to 308 of the seniority list of CT teachers wherein name of the appellant at serial No. 297 but the name of the appellant was dropped by the respondents without any sufficient reason with malafide thus the respondent No. 3 discriminatory treatment was meted out the violation of Article 4 & 25 of the Constitution.
- c. That the action and act of the respondent is totally illegal, unjust against the principle of natural justice.
- d. That the act and action of the respondents is without jurisdiction and malafide, thus not sustainable and liable to be set aside.
- e. That, the appellant in accordance with law entitled for equal treatment under Article 25 of Constitution but the respondent was not done the same.

It is, therefore, respectfully prayed that on acceptance of this appeal, respondents may graciously be directed for issuance of promotion order of the appellant w.e.f 31/07/2005 in the same school as the other batch mate was awarded with all back benefits in the interest of justice.

...APPELLANT

Through;

Dated: 18-11- /2016


(Abdul Aziz Tanoli)
Advocate High Court, Abbottabad

VERIFICATION: -

Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.


...APPELLANT



Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

PH No. 091-9210389, 9210938,

9210437, 9210957, 9210468

Fax 091-9210936, 0800-33857

E-mail rafiq_kk851@yahoo.com

Notification

Consequent upon the recommendations of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification NoSO(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 Male CTs B-15 are hereby promoted to the post of Senior CT BPS-16 (Rs.10000-800-34000) 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 posted in the Government Higher Secondary /High Schools by the District Education Officers concerned against the newly upgraded Senior CT BPS-16 posts.

Total No. of CT (M) Posts duly verified by the DAO	722
1/3 share of Senior CT Posts	241
Share of promotion 100%	213
Already Promoted to the post of Senior CT B-16	28
Posts available for promotion	28
Promoted to the post of Senior CT B-16 in this order	18
Deffered for promotion	08

S.No	S/L No	Name Of Teacher	School	DOB	Remarks
1	275	Mehboob Ur Rehman	GMS Banseri	03/04/1971	Services placed at the disposal of DEO (M) Abbottabad for further posting.
2	285	Zaraq Khan	GHS No.3 A/Abad	14/04/1975	-----do-----
3	287	Muhammad Nawaz	GHS Mirpur	30/03/1971	-----do-----
4	288	Abid Khan	GMS Gali Bannian	10/04/1968	-----do-----
5	289	Abdul Malik	GHSS Nawanshehr	11/11/1958	-----do-----
6	290	Ashfaq Ahmed	GMS Tudo Maira	24/01/1971	-----do-----
7	294	M. Tahir Khan	GHS Jhangi	01/03/1960	-----do-----
8	295	Liaqat Ali	GMS Banda Lamba	04/02/1967	-----do-----
9	296	Habib Ur Rehman	GHS No.4 A/Abad	10/02/1975	-----do-----
10	298	Zardad	GHSS Boi	13/08/1964	-----do-----
11	300	Umer Khatab	GMS Badhair	09/01/1972	-----do-----
12	301	Hafeez Ur Rehman	GHS Keri Raiki	07/05/1964	-----do-----
13	302	Shoukat Hayat	GCMHS No. 2 Abbottabad	01/04/1967	-----do-----
14	303	Fazal Ur Rehman	GHS Keri Raiki	01/04/1969	-----do-----
15	304	M. Yousaf	GMS Thundah	03/08/1962	-----do-----
16	305	Muhammad Iqbal	GHSS Nathia Gali	14/12/1962	-----do-----
17	306	Muhammad Siddique	GHSS Nathia Gali	01/06/1964	-----do-----
18	308	Riasat Khan	GHS No.4 A/Abad	02/02/1968	-----do-----

Terms and conditions:-

- They would be on probation for a period of one year extendable for another one year.

(8)

CTs (M) Abbottabad V

They will be governed by such rules and regulations as may be issued from time to time by the Govt.

Their services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be preceded under the rules framed from time to time.

Charge report should be submitted to all concerned.

Their Inter-Se- seniority on lower post will remain intact.

No TA/DA is allowed for joining his duty.

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 this order will be recovered and if he is wrongly promoted he will be reversed.

(Muhammad Rafiq Khattak)

Director

Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

3241-48

Endst: No. / File No.2/Promotion Senior CT B-16: Dated Peshawar the 13/07/2015.

Copy forwarded for information and necessary action to the: -

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officers (M) Abbottabad
3. District Accounts Officer Abbottabad
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/File



Dy: Director (Estab)

Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

attested
[Signature]
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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD.

NOTIFICATION

(9)

B

In pursuance to the Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar Notification issued vide Endst: No. 3241-48/F.No.2/Promotion Senior CT B-16 dated 13-07-2015, whereby the following (18) CTs (Male) were promoted to the post of SCT BPS-16 (10000-800-34000) plus usual allowances as admissible under the rules on regular basis under the existing policy of provincial Government, on the terms and conditions given below and are further hereby posted in GHSS/GHS as recorded against their names with immediate effect.

Seniority No.
275
285
287
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304

S.No.	Name of Teacher	Present School	Place of Posting	Remarks
1	Mehboob ur Rehman	GMS Banseri	GHS Sherwan	Promoted & Posted as SCT A.V.Post.
2	Zaraq Khan	GHS No.3 Abbottabad	GHS No.3 Abbottabad	--do--
3	Muhammad Nawaz	GHS Mirpur	GHS Mirpur	Promoted & Posted as SCT against same duty Station .
4	Abid Khan	GMS Gali Banian	GHS Pattan Khurd	Promoted & Posted as SCT A.V.Post
5	Abdul Malik	GHSS Nawanshehr	GHSS Nawanshehr	Promoted & Posted as SCT against same duty Station.
6	Ashfaq Ahmed	GMS Todo Maira	GHS Chamhad	Promoted & Posted as SCT A.V.Post
7	M.Tahir Khan	GHS Jhangi	GHS Jhangi	Promoted & Posted as SCT against same duty Station .
8	Liaqat Ali	GMS Banda Lamba	GHS Jabrian	Promoted & Posted as SCT A.V.Post
9	Habib ur Rehman	GHS No.4 Abbottabad	GHS No.4 Abbottabad	Promoted & Posted as SCT against same duty Station.
10	Zardad	GHSS Boi	GHSS Boi	--do--
11	Umer Khatab	GMS Badhair	GHS Surjal	Promoted & Posted as SCT A.V.Post
12	Hafeez ur Rehman	GHS Keri Raiki	GHS Keri Raiki	Promoted & Posted as SCT against same duty Station.
13	Shoukat Hayat	GCMHS No.2 ATD	GCMHS No.2 ATD	Promoted & Posted as SCT A.V.Post.
14	Fazal ur Rehman	GHS Keri Raiki	GHS Keri Raiki	Promoted & Posted as SCT against same duty Station .
15	Muhammad Yousaf	GMS Thunda	GHS Harno Aziz Abad	Promoted & Posted as SCT A.V.Post.

attested
Abdul Aziz Khan Tazuli
[Signature]

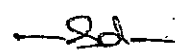
B1

(P)

305 16	Muhammad Iqbal	GHS Nathia Gali	GHS Nathia Gali	Promoted & Posted as SCT A.V.Post.
306 17	Muhammad Saddique	GHS Nathia Gali	GHS Nathia Gali	Promoted & Posted as SCT against same duty Station.
308 18	Riasat Khan	GHS No.4 Abbottabad	GHS No.4 Abbottabad	Promoted & Posted as SCT against same duty Station.

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 incase their performance is found unsatisfactory during probationary period. In case of misconduct, they will be proceeded under the rules framed from time to time.
4. Charge report should be submitted to al concerned.
5. Their inter-se-seniority on lower post will remain intact.
6. No TA/DA is allowed for joining their duty.
7. They will give an undertaking to be recorded in their service books to the effect that if any over payment is made to them in the light of this order, will be recovered and if they are wrongly promoted they will be reversed.
8. Before handing over charge once again their documents may be checked by the DDO concerned, if they have not the required relevant qualifications as per rules, they may not be handed over charge of the post.

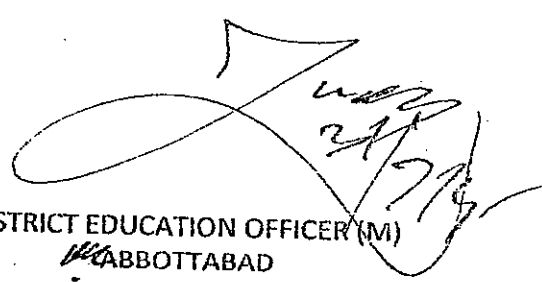

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD.

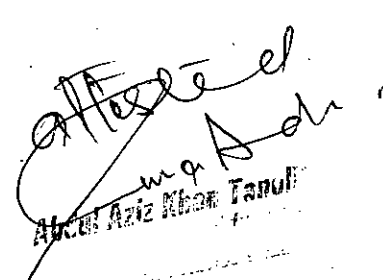
Endst No 6451-57 / EB-III/Promotion CT

Dated 31/07/2015

Copy for information to:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Principal/Headmaster GHSS/GHS/GMS of concerned schools.
3. District Accounts Officer Abbott bad.
4. PS to Secretary to Govt: of Khyber Pakhtunkhwa Elementary & Secondary Education Department Peshawar.
5. Budget & Accounts Officer Local Office.
6. Assistant Programmer EMIS Branch local office.
7. Teachers concerned.


DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD


Abdul Aziz Khan Tanoli

C 11

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD
FINAL SENIORITY LIST OF CT MALE DISTRICT ABBOTTABAD.

S.No	School name	Name of Teacher	Father's Name	DATE OF BIRTH	D/O Ist Appnt.	D/O Appnt. In Present Post as CT	Date of Passing CT	DATE OF REGULAR APPT: AS CT	Qualification		Date of Passing SA Exam	Date of Passing BED Exam	Remarks
									ACAD.	PROFF.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1	GHS Dhamtour	SAJJAD SHAH	AKBAR KHAN	15/12/1954	30/03/1976	30/03/1976	30/03/1976	30/03/1976	FA	CT-Gen			X
2	GHS Lakhala	MUHMAD ROWAIL	MUHMAD FARID	10/02/1957	01/01/1977	12/01/1978	12/01/1978	12/01/1978	FA	SV			X
3	GCMHS No. 2 Abbottabad	MUHMAD SARWAR KHAN	MOHABAT KHAN	04/04/1957	13/10/1976	17/01/1979	17/01/1979	17/01/1979	MA	BEd 1	16/03/1991	31/03/1998	RECOMME
4	GHSS Rich Bhen	MUHAMMAD YOUNIS	FAQIR MUHAMMAD	01/05/1960	12/12/1981	01/06/1982	00/00/1978	01/06/1982	BA	CT	16/03/1991	-	RECOMME
5	GHS Chando Maira	SADAT SHAH	SHAH MUHMAD	01/08/1961	04/03/1982	24/09/1983	24/09/1983	24/09/1983	FA/DAE	FA			X
6	GHSS Rich Bhen	MUHAMMAD NAVEED	AZIZ UR REHMAN	10/03/1958	12/05/1979	01/10/1983	01/10/1983	01/10/1983	FA	CT			X
7	GHS CHAMHAD	NAZIR Mohammad	Sumandar KHAN	18/04/1963	04/10/1983	04/10/1983	22/09/1983	04/10/1983	BA	BEd 2	17/03/1996	28/01/2006	RECOMME
8	GCMHS No. 2 Abbottabad	WASEEM UR REHMAN	ABDUR REHMAN	09/01/1958	13/10/1982	01/02/1984	30/04/1983	01/02/1984	BA	CT-Gen	06/03/1992	-	RECOMME
9	GHSS Bandi Dhundan	MUHMAD SAFDAR	MUHMAD AJAB KHAN	10/08/1960	19/11/1984	19/11/1984	19/11/1984	19/11/1984	MA	CT	31/08/1989	17/12/1992	RECOMME
10	GHSS Bandi Dhundan	MUHMAD NAEEM	SHAKAR DIN	01/12/1964	11/06/1985	11/06/1985	30/03/1985	11/06/1985	SSC	AWI			X
11	GMS Gali Bannian	TAJ MUHAMMAD KHAN	JHANGIR KHAN	12/05/1957	31/08/1978	31/08/1978	14/05/1986	14/05/1986	FA	CT			X
12	GMS Ghumawan	M. TARIQ KHAN	FARID KHAN	03/04/1955	08/06/1977	14/07/1986	14/07/1986	14/07/1986	FA	CT			X
13	GHS Dhamtour	MUHAMMAD HAMAYUN KHAN	JALLAT KHAN	09/12/1952	21/05/1978	22/01/1983	14/07/1986	14/07/1986	BA	BED 3	00/00/1985	16/04/1998	RETIRED
14	GCMHS No. 2 Abbottabad	MAROOF KHAN	MIRZAMAN	16/04/1956	05/02/1979	01/11/1982	14/07/1986	14/07/1986	MA	BEd 1	30/07/1984	05/03/1994	RECOMME
15	GHS Sumandar Katha	GULSTAN	SHER KHAN	11/01/1953	16/05/1979	15/07/1986	15/07/1986	15/07/1986	MA	BED 5	10/07/1984	03/05/1994	RETIRED
16	GHSS Khanspur	SAJJAD AHMED	MUHMAD YOUSAF	14/04/1967	15/07/1986	15/07/1986	05/06/1985	15/07/1986	SSC	DAE			X
17	GHS No. 3 A/Abad	QAMAR ZAMAN	GHULAM SAFDAR	25/12/1962	03/08/1982	01/10/1986	15/06/1986	01/10/1986	BA	CT-Gen	26/05/1991	-	RECOMME
18	GMS Ghori	M. FIAZ	GHULAM SARWAR	22/07/1962	21/03/1983	01/10/1986	31/05/1986	01/10/1986	MA	BED 4	23/08/2002	20/07/2005	RECOMME
19	GMS TUDO MAIRA	MUHMAD TARIQ	MIR MUHMAD	10/11/1965	01/10/1986	01/10/1986	31/05/1986	01/10/1986	FA	CT			X
20	GHS Nambal	KHURSHED AHMED	MUHMAD ROSHAN	05/04/1964	04/10/1986	04/10/1986	15/06/1986	04/10/1986	BA	CT-Gen	26/03/1992		RECOMME
21	GHS JHANGI	MUHMAD AYAZ	UMER KHAN	06/03/1959	04/03/1982	08/10/1986	31/05/1986	03/10/1986	BA	BED	17/03/1994	24/02/1999	RECOMME
22	GMS Nawanshehr	PERVAIZ KHAN	BERHRAM KHAN	01/03/1953	16/10/1977	11/11/1986	14/07/1986	11/11/1986	BA	BEd	13/7/1985	26/04/1997	RECOMME
23	GHS Jhangra	AURANG ZEB	FAZAL DIN	11/07/1953	22/10/1979	23/11/1986	14/07/1986	23/11/1986	BA	CT-Gen	05/12/1987		RECOMME
24	GHSS Lora	TARIQ SHAMIM	SULEMA KHAN	12/08/1961	26/11/1979	01/12/1986	14/07/1986	01/12/1986	BA	CT	00/00/1983		RECOMME
25	GHSS Bandi Dhundan	SAIF UR REHMAN	LATIF UR REHMAN	23/03/1957	08/11/1979	16/03/1986	25/05/1987	25/05/1987	BA	CT	05/12/1987		
26	GHSS Nagri Bala	MUHMAD RAFIQUE	ALI ZAMAN	01/01/1958	10/07/1980	26/05/1987	26/05/1987	26/05/1987	BA	CT-Gen	17/03/1996		

Abdul Aziz Khan
District Officer Abbottabad

(13)

01/01/2013

Sl. No.	Name of Teacher	Father's Name	DATE OF BIRTH	D/O Ist Apptt.	D/O Apptt. In Present Post as CT	Date of Passing CT	DATE OF REGULAR APPTT. AS CT	Qualification		Date of Passing BA Exam	Date of Passing BED Exam	Remarks
								ASAD: 10	PROFF: 11			
27	KH UL BANDI	IFTIKHAR AHMED	18/06/1968	12/03/1990	12/03/1990	25/05/1996	25/05/1996	BA	CT: Gen	03/10/2010	-	✓ SCT
28	Door Mong	MANZOOR HUSSAIN	15/03/1965	27/03/1990	27/03/1990	25/05/1996	25/05/1996	BA	BED	03/06/1993	20/10/2010	✓ SCT
29	Bercte	MUHAMMAD SHIRAZ	15/04/1965	15/04/1990	15/04/1990	25/05/1996	25/05/1996	MA	CT	00/00/1987	-	✓ SCT
30	Diara	MUHAMMAD SHIRAZ	01/06/1969	05/08/1990	05/08/1990	25/05/1996	25/05/1996	MA	BED	17/03/1996	24/11/2005	✓ SCT
31	Hamtour	TANVEER AKHTAR	01/06/1969	05/08/1990	05/08/1990	25/05/1996	25/05/1996	MSc	BEd	00/00/1990	03/02/2000	✓ SCT
32	Kukmang	SHAUKAT IQBAL	15/02/1969	04/02/1995	04/02/1995	25/05/1996	25/05/1996	BA	BEd	16/03/1991	24/02/1999	✓ SCT
33	No. 3 A/Abad	M. TAYYAB	15/04/1969	30/09/1995	30/09/1995	25/05/1996	25/05/1996	MA	BEd	31/12/1997	25/02/2001	✓ SCT 31/7/15
34	Chamtour	ZARQA KHAN	14/04/1975	15/11/1995	15/11/1995	25/05/1996	25/05/1996	BA	BEd	01/01/1995	13/01/2010	✓ SCT
35	Mirpur	ZAHID KHAN	17/03/1973	06/12/1995	06/12/1995	25/05/1996	25/05/1996	MA	MEd	27/01/1993	02/03/2000	✓ SCT
36	Bali Bannian	MUHAMMAD NAWAZ	30/03/1971	18/12/1995	25/01/1996	25/05/1996	25/05/1996	BA	MED	03/03/2008	-	✓ SCT
37	Bagnofer	ABID KHAN	10/04/1968	20/12/1995	20/12/1995	25/05/1996	25/05/1996	MA	BED	17/03/1994	12/08/2002	✓ SCT
38	JUDO MAIRA	Abdul Malik	11/11/1958	29/07/1986	04/06/1996	14/03/1991	04/06/1996	MA	BED	00/00/1995	-	✓ SCT
39	KOTE (MOCHI KOTE)	ASHFAQ AHMED	24/01/1971	11/06/1996	11/06/1996	21/01/1996	11/06/1996	BCOM	CT	00/00/1995	-	?
40	JABRIAN	RASHID KHAN	07/04/1972	12/06/1996	12/06/1996	20/11/1995	12/06/1996	MA	CT	03/12/1995	-	?
41	Hadora Bandi	MUHAMMAD AKRAM KHAN	20/04/1993	20/04/1993	02/08/1996	20/12/1995	02/08/1996	BA	CT	16/03/1991	-	? Promoted 881
42	JHANGI	SAJJAD AHMED	01/01/1971	11/01/1992	11/01/1992	30/08/1996	30/08/1996	MA	BEd	19/01/1993	01/11/2005	✓ SCT
43	Banda Lamba	KHALID MEHMOOD	01/03/1960	06/12/1982	13/10/1996	22/11/1992	13/10/1996	BA	BED	24/09/1988	16/04/1998	✓ SCT 31-7-15
44	No. 4 A/Abad	M. TAHIR KHAN	01/03/1960	06/12/1982	13/10/1996	22/11/1992	01/11/1996	MA	BEd	17/03/1994	03/02/2000	✓ SCT
45	Chamber	LIAQAT ALI	04/02/1967	17/09/1986	01/11/1996	02/04/1992	01/11/1996	MA	MED	07/03/1996	16/04/1998	✓ SCT
46	S Boi	HABIB UR-REHMAN	10/02/1975	04/10/1995	01/11/1996	25/05/1996	10/11/1996	MA	MED	08/09/1991	30/04/1997	22-97 (S.No.) ?
47	Takia Sheikhan	MUHAMMAD HANIF	03/12/1958	22/03/1992	10/11/1996	22/07/1994	11/11/1996	BA	MED	23/08/2002	26/07/2005	✓ SCT 31-7-15
48	S Badhair	ZARDAD	13/08/1964	27/09/1989	11/11/1996	30/11/1992	11/11/1996	MA	BEd	14/06/1988	16/04/1998	?
49	S Keri Raiki	ALLAH DAD KHAN	03/01/1967	20/04/1993	11/11/1996	20/12/1995	11/11/1996	MA	BEd	12/03/1995	16/04/1998	✓ SCT
50	S No. 2 Abbottabad	UMER KHATAB	09/01/1972	27/06/1990	09/01/1997	20/12/1995	09/01/1997	MA	MED	12/03/1995	16/04/1998	✓ SCT
51	S Thundah	HAFEEZ UR REHMAN	07/05/1964	16/05/1984	27/03/1997	22/10/1991	27/03/1997	BA	bed	28/04/2001	10/11/2010	✓ SCT
52	MISS Nathia Gali	MUHAMMAD KHAN	01/04/1957	01/09/1985	27/03/1997	22/10/1991	27/03/1997	MA	MA Edu	31/03/1997	17/03/2000	✓ SCT
53	MISS Nathia Gali	SHOUKAT HAYAT	01/04/1969	04/04/1988	27/03/1997	20/12/1995	27/03/1997	BA	BED	29/05/2001	00/11/2005	✓ SCT
54	S Keri Raiki	FAZAL UR REHMAN	01/04/1969	04/04/1988	27/03/1997	20/12/1995	27/03/1997	BA	BED	29/05/2001	00/11/2005	✓ SCT
55	S Thundah	M. YOUSAF	03/08/1962	28/10/1981	28/03/1997	10/07/1994	28/03/1997	MA	MED	26/03/1992	31/12/1994	✓ SCT
56	MISS Nathia Gali	MUHAMMAD IQBAL	14/12/1962	02/08/1982	28/03/1997	14/11/1990	28/03/1997	MA	MED	17/03/1994	16/04/1998	✓ SCT
57	MISS Nathia Gali	MUHAMMAD SIDDIQUE	01/06/1964	02/08/1982	28/03/1997	14/11/1990	28/03/1997	MA	MED	06/04/1987	06/07/1994	✓ SCT

Abdullah Khan
 31-7-15

306 → # 297



S.No	School name	Name of Teacher	Father's Name	DATE OF BIRTH	D/O Ist Apptt.	D/O Apptt. In Present Post as CT	Date of Passing CT	DATE OF REGULAR APPTT:AS CT	Qualification		Date of Passing BA Exam	Date of Pass BA Exam	Remarks
									ACAD.	PROFF.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14
615	GHS Khara Gali	FAJA M.NADEEM	PERVAIZ KHAN	27/02/1982	27/04/2012	27/04/2012	29/07/2010	27/04/2012	BA	BED	14/9/2000	29/07/2011	
616	GHS Satora	GHULAM MUSTAFA		15/04/1978	27/04/2012	27/04/2012	06/08/2002	27/04/2012	BA	BED	14/05/2002	28/04/2003	
617	GHS Surjal	TANVEER AHMED	MUHAMMAD ASHRAF	21/09/1974	27/04/2012	27/04/2012	28/04/2012	27/04/2012	BA				
618	GHSS Zairat Masoom	M. IMAMMAD AZEEM GUL	FAQIR MUHAMMAD	15/03/1978	20/04/1999	27/04/2012	07/10/2002	27/04/2012	BA	BED	28/04/2001	26/07/2005	
619	GMS SARI KHUN KALAN	M. WAHEED	SHER AHMED	12/12/1972	27/04/2012	27/04/2012		27/04/2012	MA	CT			
620	GHS PHAL KOTE	MANZOOR AHMED	MIRDAD KHAN	01/05/1966	28/04/1995	04/12/2003	04/12/2003	04/12/2003	BA	BEd	15/05/1997	24/02/1999	only BED
621	GHS Muslam Abad	M. SALIM	KHANI ZAMAN	03/02/1965	24/06/2000	04/02/2006	04/02/2006	04/02/2006	MA	BEd		31/12/1994	only BED
622	GHS NO.1.A.ABAD	MANZOOR UL HAQ	ABDUR REHMAN	01/05/1969	09/05/1985	09/05/1985							UNTRAINED

CERTIFICATE

Certified that seniorty list of CT (Male) is undisputed and final.

Hafeez ur Rehman Qureshi

M. Ayaz

Qazi Tujamal Hussain

Muhammad Riaz Khan Svati

Dealing Assistant

Supdt:

Dy:Do(M)Atd.

District Education Officer
Male Abbottabad.

marks

- 14
- X
- X
- COMME
- COMME
- X
- X
- COMME
- COMME
- COMME
- X
- X
- X
- ETIRED
- ECOMME
- RETIRED
- X
- RECOMMEI
- RECOMMEI
- X
- RECOMMEI
- RECOMMEI
- RECOMMEI
- RECOMMEI
- RECOMMEI
- RECOMMEI
- RECOMMEI

Handwritten signature and stamp
 Attested
 Qazi Aziz Khan Tareef
 District Education Officer
 Male Abbottabad

بخدمت جناب ڈائریکٹر صاحب ایلمینٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخواہ پشاور

16

اپیل برائے ازالہ نالہ انصافی در پروموشن C.T to S.C.T

عنوان:

جناب عالی!

مودبانہ گزارش ہے کہ فدوی عرصہ 24 سال سے محکمہ تعلیم میں خدمات سرانجام دے رہا ہے۔ اور ان دنوں GHS پھلہ ایبٹ آباد میں بحیثیت CT تعینات ہے۔

فدوی کا ایبٹ آباد ڈسٹرکٹ میں سیناریٹی نمبر 297 ہے۔

برطانیق ڈائریکٹر E & S ایجوکیشن KPK پشاور نوٹیفیکیشن نمبر

Endst No. 3241-48/F-No. 2/Promotion Senior CT B-16 dated 13-7-15 اور ڈسٹرکٹ

ایجوکیشن آفیسر ایبٹ آباد Endst No. 6451-57/EB-III/Promotion CT مورخہ 31-07-2015 ڈسٹرکٹ

ایجوکیشن آفس مردانہ ایبٹ آباد نے سیناریٹی نمبر 275 تا سیناریٹی نمبر 308 تک آٹھارہ CT اساتذہ کو 31-07-2015 سے

BPS-16 (S.C.T) پر ترقی دے دی ہے۔

نوٹیفیکیشن پر غور کرنے سے ایسا لگتا ہے کہ سیناریٹی نمبر 306 اور سیناریٹی نمبر 308 کو نامعلوم وجوہ کی بناء پر پروموٹ کیا گیا ہے۔ اور مجھے

پروموشن سے محروم کر دیا گیا ہے جبکہ میرا سیناریٹی نمبر 297 ہے۔

میں نے بہت سی اپیلیں DEO صاحب کی وساطت سے ڈائریکٹر ایلمینٹری اینڈ سیکنڈری ایجوکیشن پشاور کو کی تھیں لیکن آج تک میرے

ساتھ ہونے والی نالہ انصافی کا ازالہ نہیں کیا گیا۔

مورخہ 10-11-15 کو پشاور ڈائریکٹوریٹ میں ہونے والے DPC کے اجلاس میں فدوی کا نام شامل کیا گیا ہے۔

مندرجہ بالا کی روشنی میں جناب والا سے گزارش ہے کہ فدوی کو بھی 31-07-15 سے S.C.T پر اپنے سیناریٹی نمبر کے تحت پروموٹ کرنے کے احکامات صادر فرمائے جائیں۔

الحاضر

DEO
Abbottabad
For immediate
detail report
Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

محمد حنیف ولد شیر زمان
12/15

سی نی گورنمنٹ ہائی سکول پھلہ ڈاکخانہ گھمبیر براستہ لورہ ضلع ایبٹ آباد

تعداد منسلک کاپیاں: (13)

[Handwritten signature]

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD.

No. 8745-49 / EB

Dated 29-10 / 2015

4

To

The Director,
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

Subject: PROMOTION AS SCT.

Memo:

Enclosed please find herewith appeals alongwith relevant documents in r/o the following CTs for promotion as SCT, whereas their names have been deferred in the meeting of DSC on 10-07-2015.

1. MR.RASHID KHAN, CT GHS PIND KARGU KHAN ABBOTTABAD.

His name stands at S.No.291 of the seniority list and his case for promotion to SCT was deferred on 10-07-2015 due to non submission of his documents. Now he has submitted his documents and requested for promotion as SCT.

2. MR.MUHAMMAD HANIF, CT GHS PHALLAH ABBOTTABAD. ✓

His name stands at S.No.297 of the seniority list and his case for promotion to SCT was deferred on 10-07-2015 due to non submission of his documents. Now he has submitted his documents and requested for promotion as SCT.

3. MR.MUHAMMAD FAYYAZ, CT GHS TAKIA SHEIKHAN ABBOTTABAD.

His name stands at S.No.299 of the seniority list and his case for promotion to SCT was deferred on 10-07-2015 due to non submission of his documents. Now he has submitted his documents and requested for promotion as SCT.

4. MR.GUL HAMID, CT GHS NO.2 ABBOTTABAD.

His name stands at S.No.310 of the seniority list and his case for promotion to SCT was deferred on 10-07-2015 due to non submission of his documents. Now he has submitted his documents and requested for promotion as SCT.

It is further submitted that 08 post of SCT are lying vacant and the above named CT may be promoted as SCT, whereas upto S.No.310 has been promoted vide your office Endst: No.3241-48/ F.No.2/ Promotion Senior CT B-16 dated 13-07-2015.

[Signature]
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD.

Endst: of even No. & date

Copy for information to:-

1. Principal GHS No.2 Abbottabad.
2. Principal GHS Takia Sheikhan Abbottabad.
3. Principal GHS Pind Kargu Khan Abbottabad.
4. Headmaster GHS Phallah Abbottabad.

[Signature]
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD.

DBA No. 498BC No.

--	--	--	--	--	--	--	--	--	--

Name of Advocate سید اختر رضا نقویS.No 20658Head
District Bar A
Abbottab

وکالت نامہ

سرکل برائے نیشنل شاہور

بعدالت

بنام گورنمنٹ

سرکار

عنوان:

نوعیت مقدمہ

ریسٹریٹ

منجانب:

باعث تحریر آئندہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام سید احمد علی کے لیےعبدالغنی رضوان نقوی ایڈووکیٹ صاحب کوٹ ایس ڈی اے

کو حسب ذیل شرائط پروکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ پکھری کے علاوہ کسی اور جگہ ساعت ہونے پر یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا بخاندانہ کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر ثالثی و راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیر و نجات از پکھری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم انتہائی یا قریبی یا گرفتاری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا نیگی علیحدہ مختار پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے کسی جزو کی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ایسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔

مورخہ: / /
دن ماہ سال

Accepted by me

District Bar Association

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD.**

Appeal No. 265/2016

Muhammad HanifAppellant

VERSUS

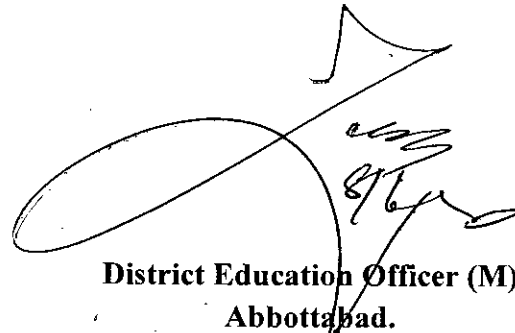
Secretary to Govt: of Khyber Pakhtunkhwa & Others....Respondents

Joint Para wise Comments on behalf of Respondents

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1	Comments alongwith affidavit.	1 to 3	
2	Copy of the letter No.8745-49 dated 29/10/2015	04	"A"
3	Copy of Notification No.4046-52 dated 18/05/2016	05 to 06	"B"

Dated: 8/06/16



**District Education Officer (M)
Abbottabad.
(Respondent No. 3)**

according to the promotion policy were required to be considered as crucial factors in determining the comparative merit of an officer. Their A.C.Rs. also depicted them as "outstanding" or "very good" officers who were assessed as "fit for promotion" from the rank of Deputy Inspector-General of Police to Inspector-General of Police by various very senior officers who had occasion to watch their performance from very close quarters. We fail to understand as to how the Central Selection Board had determined the comparative merit of some of the officers recommended for promotion to be better than the comparative merit of the appellants. As a matter of fact, the Central Selection Board in their meeting on 6-9-2002 were conscious of the above fact which is evident from the following observation contained at para. 10 of the minutes of the meeting held on 6-9-2002 which is reproduced below:--

"The following officers who fulfilled the prescribed qualifications for promotion and some of whom had higher quantification of A.C.Rs. than those of officers recommended for promotion, were recommended for supersession because their juniors were considered to be better qualified for manning the post of I.-G.P. and, therefore, were recommended in preference to them."

42. The above observation of the Central Selection Board is clear indication that despite the appellants having secured much better marks under the columns of "Quality and Output of Work", "Integrity" (Moral/Intellectual) and "Overall Quantification of A.C.Rs." (Q.A.), they, were still arbitrarily recommended for supersession, for reasons known only to the Central Selection Board.

43. During arguments, it was contended by the respondents that the Tribunal had no jurisdiction under the law to look into the matter of fitness for promotion. Ordinarily, this argument would be valid and the Tribunal would not look into the matter of fitness for promotion. However, it has been held by the Honourable Supreme Court of Pakistan that the Tribunal could examine the question of fitness for promotion if it was claimed before it on the strength of arguments that an eligible officer had been bypassed for promotion in violation of the promotion policy etc. In this connection we rely on a judgment of the Honourable Supreme Court of Pakistan reported vide 2002 SCMR 1056. The relevant portion is reproduced below:--

"(6) As far as fitness of a civil servant to hold a next higher post is concerned it depends upon his performance which he had been showing during the period prescribed for promotion to next grade and it is to be determined on the basis of material placed before competent authority including Annual Confidential

Reports etc. The performance is to be evaluated on quantifying the marks secured by him as per the invoice formula and where a right to consider him for promotion has been claimed on the strength of arguments that he has been bypassed in violation of the Promotion Policy etc. The Service Tribunal can examine the question of his fitness as well as held by this Court in Muhammad Rahim Khan v. The Chief Secretary, N.-W.F.P. and 4 others 1999 SCMR 1605. Relevant para. therefrom, is reproduced hereinbelow:--

"However, even in the matters involving fitness to be appointed or promoted to a particular post or grade there has to be necessary material on the basis of which an opinion, one way or the other, is to be formed. If, therefore, either all the necessary material is not put up before the Authority deliberating upon the matter of appointment or promotion or obviously misleading material is put up or manifest acts of commission or omission, as regards vital data, are involved the subjective exercise may not qualifying as such and may irretrievably be conditioned by objective factors, wanting in due process. Such aspects, probably, would be more akin to considerations of eligibility than of fitness and, all things being equal, be open for scrutiny before a legal forum. In the instant proceedings, the objective factors were the working paper etc. and the recommendation of the Board. On such material, another had to determine the fitness and while such determination may be beyond judicial scrutiny, the necessary steps leading to the same i.e. the objective factors may not always be so. See inter alia, Muhammad Anwar v. Secretary Establishment Division PLD 1992 SC 144, Federation of Pakistan v. Muhammad Qaiser Hayat Khan 1994 SCMR 544, Walayat Ali Mir v. Pakistan International Airlines 1995 SCMR 650, Secretary, Narcotics Control Division v. Muhammad Sajjad 1997 PLC (C.S.) 167, Pakistan Broadcasting Corporation v. Nasiruddin 1997 PLC (C.S.) 931 and S.T. Rehman v. Government of Pakistan 1997 PLC (C.S.) 1207."

44. The above ruling of the Honourable Supreme Court of Pakistan leaves no doubt that the Tribunal was fully competent to examine the question of fitness for promotion, if, as in the instant appeals, it was alleged that the appellants had been bypassed/superseded in violation of the promotion policy in question.

45. In their objections, the respondents had also stated that the appellant major (R) Muhammad Habib and Major (R) Habibullah Khar Niazi had been recommended for supersession during the C.S.B. meeting

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD.**

Appeal No. 265/2016

Muhammad HanifAppellant

VERSUS

Secretary to Govt: of Khyber Pakhtunkhwa & Others....Respondents

Joint Para wise Comments on behalf of Respondents

Respectfully Sheweth:-

Comments on behalf of respondents are submitted as under:-

PRELIMINARY OBJECTION:-

1. That the appellant has no cause of action to file the instant appeal.
2. That the instant appeal is hopelessly time barred. Hence liable to be dismissed.
3. That the instant appeal is not maintainable in its present form.
4. That the appellant has filed the present appeal just to pressurize the respondents.
5. That the appellant has not come to this Honorable Tribunal with clean hands.
6. That the appellant is estopped to sue due to his own conduct.
7. That the instant appeal is not maintainable due to non-joinder and mis-joinder of necessary parties.
8. That the present appeal is against the Rules & policy of the Government.
9. That the departmental appeal was preferred by appellant beyond the statutory period hence, the appeal in hand is not maintainable.
10. That the appellant has suppressed the material facts from this Honorable Tribunal hence, instant appeal is liable to be dismissed.
11. That the appeal of the appellant has become infructuous hence, appellant is not entitled for any relief and appeal in hand is liable to be dismissed.

Factual objections:-

1. That the para No. 1 of the instant appeal relates to the service record of the appellant hence, need no comment.

2. That the para No. 2 of the instant appeal also relates to the service record of the appellant hence, need no comment.
3. That the para No. 3 of the instant appeal is correct.
4. That the para No. 4 of the instant appeal is correct.
5. That the para No. 5 of the appeal is correct to the extent that the name of appellant in seniority list at serial No, 297 while the rest of the para as composed is incorrect hence, denied as his case for promotion to SCT was deferred due to non submission of his documents. Furthermore, appellant & 3 others filed appeals and their cases were forwarded to respondent No.2 vide Endst: No.8745-49 dated 29/10/2015 & now appellant has been promoted to the post of SCT vide notification No.4046-52 dated 18/05/2016. Copies of the letter dated 29/10/2015 & notification dated 18/05/2016 are annexed as Annexure "A" & "B" respectively.
6. That the departmental appeal is hopelessly time barred hence, appeal in hand is liable to be dismissed without any further proceedings.
7. That the detail reply has already been given in para No.6 of the factual objections.


Grounds:

- a. That ground a, is incorrect hence, denied as the case of appellant for promotion to SCT was deferred due to non submission of his documents.
- b. That the promotion order was issued after observing all the codal formalities & the case of appellant for promotion to SCT was deferred due to non submission of his documents.
- c. Incorrect hence, denied. The appellant has been treated as per laws.
- d. Incorrect, hence denied as there is no malafide on the part of answering respondents.
- e. That the comprehensive reply has already been given in above paras.
- f. That the respondents seek leave of this Honorable Tribunal to agitate additional grounds at the time of arguments.

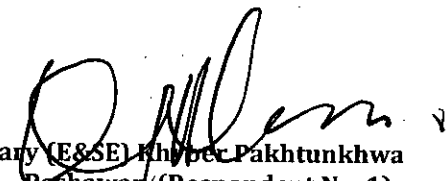
Under the circumstances, it is humbly prayed that the instant appeal may please be dismissed with cost.


District Education Officer (M)

Abbottabad.
(Respondent No. 3)


Director (E&SE) Khyber Pakhtunkhwa
Peshawar.

(Respondent No. 2)


Secretary (E&SE) Khyber Pakhtunkhwa
Peshawar (Respondent No. 1)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD.**

Appeal No. 265/2016

Muhammad HanifAppellant

VERSUS

Secretary to Govt: of Khyber Pakhtunkhwa & Others....Respondents

Joint Para wise Comments on behalf of Respondents

AFFIDAVIT

I, Mr.Zia-ud-Din, District Education Officer (M) Abbottabad, do hereby affirm and declare that contents of forgoing comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Court.


DEPONENT

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD.

Part "A"

No. 8745-49 / EB

Dated 29-10 /2015

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To

The Director,
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

Subject: PROMOTION AS SCT.

Memo:

Enclosed please find herewith appeals alongwith relevant documents in r/o the following CTs for promotion as SCT, whereas their names have been deferred in the meeting of DSC on 10-07-2015.

1. MR.RASHID KHAN, CT GHS PIND KARGU KHAN ABBOTTABAD.

His name stands at S.No.291 of the seniority list and his case for promotion to SCT was deferred on 10-07-2015 due to non submission of his documents. Now he has submitted his documents and requested for promotion as SCT.

2. MR.MUHAMMAD HANIF, CT GHS PHALLAH ABBOTTABAD. ✓

His name stands at S.No.297 of the seniority list and his case for promotion to SCT was deferred on 10-07-2015 due to non submission of his documents. Now he has submitted his documents and requested for promotion as SCT.

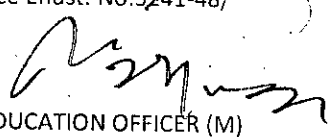
3. MR.MUHAMMAD FAYYAZ, CT GHS TAKIA SHEIKHAN ABBOTTABAD.

His name stands at S.No.299 of the seniority list and his case for promotion to SCT was deferred on 10-07-2015 due to non submission of his documents. Now he has submitted his documents and requested for promotion as SCT.

4. MR.GUL HAMID, CT GHS NO.2 ABBOTTABAD.

His name stands at S.No.310 of the seniority list and his case for promotion to SCT was deferred on 10-07-2015 due to non submission of his documents. Now he has submitted his documents and requested for promotion as SCT.

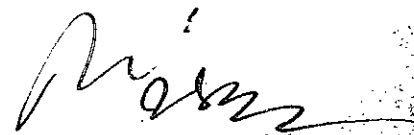
It is further submitted that 08 post of SCT are lying vacant and the above named CT may be promoted as SCT, whereas upto S.No.310 has been promoted vide your office Endst: No.3241-48/ F.No.2/ Promotion Senior CT B-16 dated 13-07-2015.


DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD.

Endst: of even No. & date

Copy for information to:-

1. Principal GHS No.2 Abbottabad.
2. Principal GHS Takia Sheikhan Abbottabad.
3. Principal GHS Pind Kargu Khan Abbottabad.
4. Headmaster GHS Phallah Abbottabad.


DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD.

UEDD-2016
Am B

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OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD

NOTIFICATION

In pursuance of the Notification issued by the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar issued vide Endst; No:1841-47File No: 2/ Promotion Senior CT B-16 Dated 09.05.2016, whereby the following Twenty Four (24) Male CT B-15 were promoted to the post of Senior CT BPS 16 (Rs.12910-1035-43960) plus usual allowances as admissible under the rules on regular basis under the existing recruitment policy of the Provincial Government on the terms & conditions given below and are hereby further posted at the stations noted against their names with immediate effect.

S. No	Sen: No.	Name of Teacher	Name of School	Place of Posting	Remarks
01	291	Rashid Khan	GHS Pind Kargu Khan	GHSS Bandi Dhundan	Against Vacant Post of SCT
02	292	Sajjad Ahmed	GMS Tootni	GCMHSS No.2 ATD	Against Vacant Post of SCT
03	297	Muhammad Hanif	GHS Phallah	GHS Phallah	Promoted & Posted as SCT against same duty station
04	299	Muhammad Fayyaz	GHS Takia Sheikhan	GHS Takia Sheikhan	Promoted & Posted as SCT against same duty station
05	308	Murtaza Khan	GHS Muslim Abad	GHS Bhuraj	Against Vacant Post of SCT
06	309	Gul Hamid Khan	GCMHS No.2 ATD	GCMHS No.2 ATD	Against Vacant Post of SCT
07	312	Dur-e-Zafar	JICA Model School Dhamtour	GHS Dhamtour	Against Vacant Post of SCT
08	313	Muhammad Yaseen	GHSS Nagri Bala	GHS Khaira Gali	Against Vacant Post of SCT
09	314	Dil Nawaz	GHSS Mohri Bed Bhen	GHS Mhori Bed Bhen	Promoted & Posted as SCT against same duty station
10	315	Ghulam Murtaza	GHS No.1 Havelian	GHS No.1 Havelian	Promoted & Posted as SCT against same duty station
11	316	Ali Asghar	GMS Andar Seri	GHS Maira Rehmat Khan	Against Vacant Post of SCT
12	317	Muhammad Saeed	GHS No.1 Havelian	GHS Kuthiala	Against Vacant Post of SCT
13	318	Muhammad Bashir	GHSS Bandi Dhundan	GHSS Bandi Dhundan	Against Vacant Post of SCT
14	319	Zulfiqar	GMS Keri Sarafali	GHS Bakote	Against Vacant Post of SCT
15	320	Zahid Masood	GMS Phulwali	GHS Pawa	Against Vacant Post of SCT
16	321	Fida Muhammad	GHSS Nawanshehr	GHSS Nawanshehr	Against Vacant Post of SCT
17	322	Muhammad Manzoor	GHS Ghambeer	GHS Ghambeer	Promoted & Posted as SCT against same duty station
18	323	Shah Faisal Khan	GMS Chooni Kari	GHS Dhamtour	Against Vacant Post of SCT
19	325	Muhammad Nisar	GHS Jhangi	GHS Sherwan	Against Vacant Post of SCT
20	326	Muhammad Sarwar	GMS Nara	GHS Ghora Baz Gran	Promoted & Posted as SCT against newly created post
21	327	Muhammad Shoaib	GHS No.4 ATD	GHS No.4 Abbottabad	Promoted & Posted as SCT against same duty station
22	329	Khan Bashir	GHSS Bagnotar	GHSS Bagnotar	Against Vacant Post of SCT
23	330	Qaiser Javed	GHS No.1 ATD	GHS No.1 Abbottabad	Against Vacant Post of SCT
24	331	Ayub	GHS Takia Sheikhan	GHS Bandi Atti Khan	Promoted & Posted as SCT against newly created post

Terms & Conditions:

1. On their promotion, the teacher concerned will be on probation for a period of 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 will be preceded under the rules from time to time.

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4. Charge report shall be submitted immediately to all concerned.
5. Their inter-Se-Seniority on lower post will remain intact.
6. No. TA/DA is allowed.
7. They will give an undertaking to be recorded in their service book to the effect that if any over payment is made to them in the light of this order will be recovered and if they are wrongly promoted they will be reversed.

(ZIA UD DIN)
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Endst: No. 4046-52 /EB-III/SCT(M) Dated A.Abad the 18/5 /2016

Copy forwarded to:

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. All the Principals/Headmasters of Middle/High/Higher Secondary Schools concerned.
3. District Account Officer, Abbottabad.
4. PS to Secretary to Govt. of Khyber Pakhtunkhwa, E&SED Peshawar.
5. Budget & Accounts Officer Local Office.
6. AP EMIS branch local office.
7. Teachers concerned.


DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHWAR CAMP COURT ABBOTTABAD**

Appeal No-265-A/2016

Muhammad Hanif

VERSUS

Secretary to Govt. KPK

SERVICE APPEAL

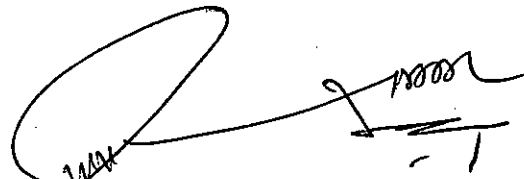
(REJOINDER ON BEHALF OF APPELLANT)

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2.	Wakalat-Nama is already placed on file		

...PETITIONER

Through


(ABDUL AZIZ KHAN TANOLI)
Advocate High Court, Abbottabad

Dated 21-6- /2017

&

(RAJA M. HASRAT)
Advocate High Court, Abbottabad

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHWAR CAMP COURT ABBOTTABAD**

Appeal No-265-A/2016

Muhammad Hanif

VERSUS

Secretary to Govt. KPK

SERVICE APPEAL

(REJOINDER ON BEHALF OF APPELLANT)

Respectfully Sheweth;

PRELIMINARY OBJECTION

1. Para No.1 of the comments is incorrect, appellant has cause of action.
2. Para No. 2 of the comments is incorrect. Appeal of the appellant is well with in time, and respondents raised irrelevant objection without having knowledge law of limitations.
3. Para No. 3 to 7 of the comments is incorrect. Hence, denied.
4. Para No. 8 of the comments is incorrect. Respondents deprived the appellant totally wrong against the law and constitution.
5. Para No.9 to 11 of the comments is incorrect. Hence, denied.

ON FACTS: -

1. Para No.1 to 4 of the appeal admitted by the respondents need no further comments.
2. In reply to Para No. 5 of the comments, that due to non submission of the documents promotion to appellant as SCT was deferred, is totally incorrect and irrelevant because all the documents of a civil servant was available in the department in every time, furthermore respondents now promoted the appellant with immediate effect instead of from the date when his colleagues and batch-mate was promoted i.e. 31/07/2015.
3. In reply to Para. No. 6 it is submitted that appellant filed departmental appeal after knowledge and received a notification of respondents according to the law of limitations appeal was competent after knowledge or received of order. Thus Para of the comments is incorrect, hence denied.
4. Para No.7 respondents did not gave any reply, so needs no comments.

ON GROUNDS: -

- (a) Para 'a' to 'f' grounds of the comments are incorrect, hence denied. Grounds of the appeal are reiterated.

It is, therefore, respectfully prayed that on acceptance of this appeal respondents may graciously be directed for issuance of promotion order in favor of appellant from the date when his colleague and batch mate was promoted i.e. 31/07/2015, with all back benefits in the interest of justice.

...PETITIONER

Through;

Dated: 21-6 /2017


(ABDUL AZIZ KHAN TANOLI)
Advocate High Court, Abbottabad

&

(RAJA M. HASRAT)
Advocate High Court, Abbottabad

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHWAR CAMP COURT ABBOTTABAD**

Appeal No-265-A/2016

Muhammad Hanif

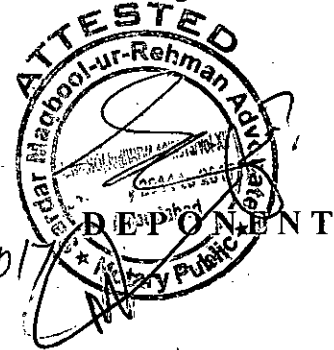
VERSUS

Secretary to Govt. KPK

AFFIDAVIT

I, Muhammad Hanif s/o Sher Zaman resident of Village Roper Tehsil and District Abbottabad, do hereby declare on oath that the contents of foregoing Rejoinder are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honorable Court.

Identified by:



(ABDUL AZIZ KHAN TANOLI)
Advocate High Court, Abbottabad

&

(RAJA M. HASRAT)
Advocate High Court, Abbottabad

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 458 /ST

Dated 02 /03/2018


To

The District Education Officer (Male),
Government of Khyber Pakhtunkhwa,
Abbottabad.

Subject: **ORDER/JUDGEMENT IN APPEAL NO. 265/2016, MR.MUHAMMAD HANIF.**

I am directed to forward herewith a certified copy of Judgment/Order dated 21/02/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

dc