

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 1971/2023**

**Taj Akbar**

-----Appellant.


**VERSUS**

**District Education Officer (Male) Buner & Others**

-----Respondents.

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DEPONENT  
CNIC No.15101-0882586-

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 1971/2023**

Taj Akbar s/o Taj Malook Khan r/o village Nawagai, Tehsil Mandanr District Buner

**Appellant**

V/S

1. District Education Officer District Buner
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. Sherin Zada s/o Bahram Said District Buner
5. Gul Rasool Khan s/o Abdul Tawab Khan District Buner

**Respondents**

Written Reply/Para wise Comments for & on behalf of Respondents No. 1, 2 & 3

**Respectfully Sheweth**

**Preliminary Objections**

1. That the service appeal is also badly barred by time and hit by the doctrine of laches, hence not maintainable.
3. That the service appeal is wholly incompetent, misconceived and untenable.
4. That the service appeal is wrong, baseless and not maintainable, it shows no strong cause to be taken for adjudication, therefore, the same service appeal is liable to be rejected/ dismissed.
5. That the service appeal is unjustifiable, baseless, false, frivolous and vexatious. Hence the same is liable to be dismissed with the order of special compensatory cost in favour of respondents.
6. That no constitutional or legal right of the appellant has been violated, therefore, the appellant is not entitled to invoke the constitutional jurisdiction of this honourable Service Tribunal.
7. That the appellant has not come to the Court/Tribunal with clean hands.
8. That the appellant has concealed the material facts from this Honourable Tribunal.
9. That the appeal is bad for misjoinder and non-joinder of the necessary party.
10. That the appellant has filed the instant appeal just to pressurize the respondents.
11. That the appellant has no cause of action to file the instant appeal.
12. That the appeal is not maintainable in the eye of law.
13. That the instant appeal is not maintainable in the present form and also in the present circumstances of the issue.

**FACTS:**

1. The first part of the para pertains to the record. However, as far as the case of respondent No. 4 and 5 is concerned, the scrutiny committee checked all the

documents of candidate and found them ineligible for appointment against the DM post because of not having one year Drawing master certificate. They had Integrated Drawing Examination (IGDE) certificate. The certificate of the appellant was sent to DCTE for guidance. The directorate of DCTE conveyed the guidance to the competent authority vide letter No 4310/DD(TRG) Abbottabad dated 22-04-2014, stating that the same certificate is not equivalent of the certificate mentioned in the advertisement, therefore, declared the appellant ineligible for recruitment to the post of DM. **(The guidance of the Director DCTE is Annexed as A)**

2. That after the issuance of appointment order of the appellant and other meritorious candidates, the respondent No. 4 and 5 filed writ petitions No. 159/2011 and 2288/2011 respectively, which were allowed by the court. **(The judgment is attached is Annexure "B")**. Against the judgment, the department filed a CPLA No. 456/2012 and the Honourable Supreme Court upheld the judgment of the Peshawar High Court. **(The judgment is attached is Annexure "C")**. Thus in light of the court judgments, the respondent department issued appointment orders of the respondent No. 4 and 5.

3. That after issuance of appointment order, respondent No. 4 and 5 filed service appeal 85/2014 and 90/2014 respectively for their back benefits; however, the honourable service tribunal decided their appeals in the following words;

**"In view of the above, we hold that the appellants are entitled to be considered as appointees with effect from the dates when other similarly placed candidates were appointed. The appellants would however not be entitled to any financial back benefits. The respondent department is to prepare their seniority list according to rules. The appeals are accepted in the above terms, leaving the parties to bear their own costs."** **(The judgment is attached is Annexure "D")**.

4. That in the mentioned writ petition, the honourable high court directed the department to appoint the petitioners against the posts applied for by the petitioners from 26-02-2011 without any financial back benefits.

5. That as per the decisions of the honourable service tribunal in Service Appeal No. 90/2014, 85/2014 and Writ petition No. 148-M/2011, the respondent department prepared seniority list in accordance with **Section- 8 of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with rules 17(1)(a) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989. (Joint Seniority list is attached as Annexure "E")**.

6. That after issuance of joint seniority in accordance with court judgements in service appeal 85/2014 and 90/2014 and **Section- 8 of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with rules 17(1)(a) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989**, some candidates submitted applications against the seniority.

7. That in response to the applications, the respondent department constituted an inquiry committee vide endorsement No. 3753-56/8F. senior cadre-pro-2023 dated

07-08-2023. After conducting the detailed inquiry, the committee unanimously recommended the seniority of the appellants and respondents in the following words:

“Keeping in view, the service tribunal judgment dated 07-11-2016 in S.A. No. 90/2014 and S.A. No. 85/2014 under the Government of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) rules 1989, Section 17(a), it is recommended that the seniority list of DMs dated 30-04-2023 may be corrected in case of given teachers as follow;”

S. No	Seniority No	Name of DM	Session	Score	Remarks
1.	73	Sherin Zada	31-05-1997	47.35	Court Judgment in SA No. 85/2014 dated 07-11-2016 & KPAPT rules 1989 section 17(a)
2.	74	Gul Rasool Khan	16-05-2005	52.45	-do-
3.	75	Irshad Ali	31-12-2008	58.92	KPAPT rules 1989 section 17(a)
4.	76	Ashbar Ali	31-12-2008	57.77	-do-
5.	77	Taj Akbar	28-12-2008	53.17	-do-
6.	78	Noor Rahim	28-12-2006	51.66	-do-

(KP APT Rules 1989, Section 17(a) is attached as Annexure “F” and inquiry report is attached as Annexure “G” )

8. That before the mentioned inquiry proceedings in para 7 of the facts, in light of a number of appeals against the seniority issued on 30-04-2023, another inquiry was also conducted vide notification dated 10-06-2023 bearing endorsement No. 2793-96. However, the respondent department was not satisfied with the recommendations of the inquiry proceedings as the same did not elaborated the matter in a comprehensive manner. Thus, another inquiry mentioned in para 7 and the report of which is attached as annexed as G was conducted. In light of the recommendations of the committee, the respondent department accordingly issued a joint seniority. (Seniority list issued after the recommendations of the inquiry committee is attached as Annexure “H”)
9. That the appeals of the appellant and other candidates are already decided in accordance with the recommendations of the inquiry committee and Section- 8 of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with rules 17(1)(a) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

GROUNDS:

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1. Incorrect hence denied. Respondents have treated appellant in accordance with law, rules and policy. Furthermore, the joint seniority dated 30-04-2023 was altered with seniority dated 30-08-2023 in light of a comprehensive inquiry which is just, fair and in accordance with law, rules and policies, hence is sustainable in the eye of law.
2. Incorrect, hence strongly denied. The seniority list is rightly prepared strictly in accordance with **Section- 8 of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 17(1)(a) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989**, which is just, fair and in accordance with law, rules and policies.
3. Incorrect, hence strongly denied. As directed by the Honourable Service Tribunal in Judgments of Service Appeal No 85/2014 and 90/2014 filed for back benefits by respondent No. 4 and 5 respectively. Thus the joint seniority of the appellant, respondent No. 4 and 5 is accordance with **Section- 8 of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 17(a) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989**.
4. Incorrect, hence denied. The rules, he refers to, has no relevancy to the instant matter. **"Eligibility/ qualification mentioned in advertisement for post, candidates were required to meet the criteria mentioned in the advertisement on the date of submission of their applications. Respondent who was selected for the post, did not possess the requisite qualification on the said date and as such was not qualified to be considered for appointment."** Same is reported in **2020 SCMR 568**. In the advertisement the criteria for DM recruitment was Bachelor degree with one year DM certificate from a recognized institution, but the DM certificate of the appellant was not of one year duration. However, the respondents earned their right of appointment through judgment in writ petition No. 159/2011 and 2288/2011 and seniority as per judgments in Service Appeal No 85/2014 and 90/2014 in which the court directed the department to prepare seniority list accordance with the rules.
5. Incorrect, hence denied. The seniority list is prepared in accordance with law, rules and policy in field and as such the violation of anyone right to promotion cannot arise.
6. Incorrect, hence denied. The respondent department has issued the seniority list in accordance with law, rules and policy and the appellant was placed at his right place in the seniority list.
7. Incorrect, hence strongly denied. The seniority list is rightly prepared strictly in accordance with **Section- 8 of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 17(1)(a) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989**, which is just, fair and in accordance with law, rules and policies.
8. Incorrect, hence denied. In light of a number of appeals against the seniority issued on 30-04-2023, another inquiry was also conducted vide notification dated 10-06-2023 bearing endorsement No. 2793-96. However, the respondent department was


*[Handwritten signature]*


not satisfied with the recommendations of the inquiry proceedings as the same did not elaborated the matter in a comprehensive manner. Thus, another inquiry mentioned in para 7 and the report of which is attached as annexed as G was conducted. In light of the recommendations of the committee, the respondent department accordingly issued a joint seniority.

- 9. That the respondents seek permission of Honourable service tribunal to raise/ argue other points/ grounds on the day of hearing the case.

It is earnestly requested that the appeal in hand may very graciously be dismissed with special compensatory cost in favour of respondents.

(  
  
1. Secretary  
Elementary and Secondary Education  
Khyber Pakhtunkhwa

(  
  
2. Director  
Elementary and Secondary Education  
Khyber Pakhtunkhwa  
(SAMINA ALTAH)

  
(Iftikhar ul Ghani)  
3. District Education Officer  
Male Buner


**Affidavit**

I Iftikhar ul Ghani DEO Male Buner do hereby solemnly affirm and declare on oath that the contents of the comments submitted by respondents are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

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

**ATTESTED**



  
(Iftikhar ul Ghani)  
District Education Officer  
Male Buner

*Amir Khan Ali*

*(Handwritten mark)*

*Amir Khan Ali*

*(Handwritten mark)*

The District Education Officer (Administration)  
Khyber Pakhtunkhwa:

Subject: DM Course outline of Khyber Pakhtunkhwa

Memo:

Reference your office Memo No:1115 dated 18/04/2014 on the subject cited

above.

The scheme of studies approved as declared by Directorate of Curriculum and  
Teacher Education Khyber Pakhtunkhwa Abbottabad is as under.

1. Duration of Drawing Master course is one year.
2. There are 10 compulsory subjects taught in Drawing Master course, i.e.
  1. Scale Technical and Geometrical Drawing Free Hand Sketching
  2. Modal Drawing
  3. Natural Study
  4. Black Board Sketching
  5. Craft
  6. Islamiyat
  7. History of Art
  8. Expressional Drawing
  9. Physical Education
  10. Design

*Acting*  
*(Signature)*  
Add: Advocate General  
Khyber Pakhtunkhwa  
Dar-ul-Qaza, Swat

3. Total marks of DM examination is 1200.
4. Registrar Departmental examination Khyber Pakhtunkhwa Peshawar is the authority to  
conduct the Pre-service courses (PTC, CT, DM, PET) examinations while in IGD there is  
no third party validation of examination.
5. Teaching practice / practicum is compulsory in DM course.  
Keeping in view the above grounds the IGD certificate issued by Inspector of Drawing  
Hyderabad Sindh is not equivalent to DM one year certificate issued by the Registrar  
Departmental Examination Khyber Pakhtunkhwa.

*Atiq*

*(Signature)*  
Deputy Director (Trg)  
DCTE Abbottabad

*(Signature)*

Endst: No. \_\_\_\_\_/DD(Trg)

Copy for Information and immediate action to the :-

1. Director E&SE Govt of Khyber Pakhtunkhwa Peshawar.

*dd*  
Deputy Director (Trg)  
DCTE Abbottabad

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(7)

**JUDGMENT SHEET**

**IN THE PESHAWAR HIGH COURT, MINGORA  
BENCH (DAR-UL-QAZA), SWAT  
(Judicial Department)**

W.P. No.159/2011

JUDGMENT

Date of hearing: 28.6.2012.

Appellant-Petitioner (Shiren Zada)

by Mr. Mushtaq Ahmad Advocate.

Respondent (Govt. of K.P.K & others)

by DAG.

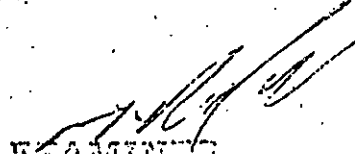
**KHALID MAHMOOD, J.-** For reasons recorded in the detailed judgment in writ petition No.2093 of 2007, titled "Khaista Rehman Vs: E.D.E, etc", this writ petition is allowed in terms of the judgment.

Announced Ed. MAZHAN ALI KHAN - J  
Di: 28.6.2012. Ed. KHALID MAHMOOD - J  
MAZHAN ALI KHAN  
JUDGE

S.No. 4400  
Name of Appellant A.A.B. Swat  
Date of Filing 15.11.12  
Date of Hearing de  
Date of Judgment 15.11.12  
Qtd. Khalid  
JUDGE

07/12  
20/07/12

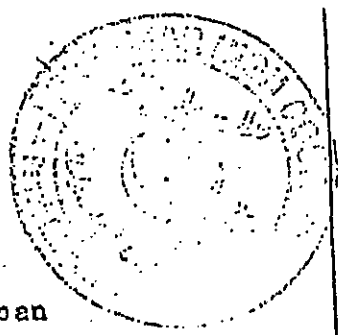
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Peshawar High Court, Mingora Bench, Dar-ul-Qaza, Swat

15/11/12



BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.



In Re: W.P.NO: 2783 /2011

Gul Rasool Khan son of Abdul Tawab Khan  
R/O village Manger Distt: Buner  
.....PETITIONER.

Versus

1. Executive District Officer elementary and Secondary Education Buner.
2. District Co-ordination Officer, Buner
3. Noor Rahim son of Said Rahim R/O village Kalpani Distt: Buner  
.....RESPONDENTS

ATTESTED

*[Signature]*  
Deputy Registrar  
Peshawar

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN AGAINST THE ORDER DATED 24.2.2011 ENDST NO: 8529-37 WHEREBY THE RESPONDENT NO.1 MADE ILLEGAL APPOINTMENT.

Respectfully Sheweth:

1. That the petitioner applied for the posts of D.M, advertised by the E.D.C.
2. That after scrutinizing the documents of all the applicants, the E.D.O E&S education Distt: Buner issued a tentative merit list of all the applicants.

*[Stamp]*  
25 JUL 2011

Amended B

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JUDGMENT SHEET  
IN THE PESHAWAR HIGH COURT, MINGORA BENCH  
(DAR-UL-QAZA), SWAT  
(Judicial Department)

W.P. No.2093/2007.

JUDGMENT

Date of hearing: 28.6.2012.

Appellant-Petitioners (Khaista Rehman & others)

by Mr. Khalid Rehman Advocate.


Respondent (EDO & others) by

Messrs Akhtar Muneer Khan Advocate & DAG.

KHALID MAHMOOD, J.- This judgment shall dispose of writ petitions No.2093, 1896 of 2007, 294 of 2008, 3402 of 2009, 3620 & 4378 of 2010, 2288 & 159 of 2011, as same question of law is involved in all these petitions.

2. The brief facts of the case are that in response to advertisement for different posts of teachers in the Education Department, petitioners applied for the same. After conducting the test and interview for the said posts, the petitioners were ignored in the matter of appointment and the appointment orders dated 22.8.2007 etc, issued by the respondents department are illegal, without lawful authority and of no legal effect. According to petitioners, they were not invited for interview, rather vide impugned order dated 22.8.2007, appointment of respondents No.5 to 13 was made.

ATTESTED

  
Clerk  
Peshawar High Court Bench  
Mingora

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Petitioners have prayed for directing the respondents concerned to appoint the petitioners being trained and qualified for the said posts.

3. On 23.02.2012, during course of hearing, this Court come to the conclusion that all the certificates produced by the petitioners with regard to their professional qualification should be examined by Secretary Education, the Province of Sindh as to whether the same are genuine and have been issued by the concerned Institution and also to verify that the certificates produced by the petitioners are equivalent to Drawing Master. The petitioners were also directed to submit their original certificates with the Additional Registrar of this Court within a week time for sending for the above-said purpose. Prior to that comments and rejoinder were filed by the parties concerned.

*Restraint*

4. Counsel for petitioners argued that impugned order issued by respondent No.1/ department is against law, without jurisdiction and of no legal effect; that the petitioners were trained drawing masters; that respondent concerned had totally ignored the petitioners while making the impugned order of appointment in spite of the fact that they were placed at high pedestal of merit and qualified for the appointment.

**ATTESTED**

*M*  
Additional Registrar  
Court of Sessions  
Swaraj

On the other hand, it was argued on behalf of respondents that all the appointments were made in accordance with law and policy of the Government governing the subject.

5. With the valuable assistance of the counsel for the parties, the record perused.

6. The main grievances of all the petitioners in the present case that all the petitioners had submitted their requisite qualification along with certificate of Drawing Master before the respondent for their appointment. After test and interview, the merit list was prepared by the respondent concerned wherein the petitioners were declared higher in merit but later on instead of appointment of petitioners, the other candidates were appointed on the ground that the Drawing Master certificate obtained by the petitioners from Institutions situated in Jamshoru and Karachi are not equivalent to the certificate which was prerequisite for the post of Drawing Master. Counsel for the petitioners referred to the recruitment policy. He also referred to the advertisement published on 11.02.2007 in which the required qualification was F.A/F.Sc. with certificate of Drawing Master from any recognized institution. According to the recruitment policy as well as said publication petitioners on the patch-

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**ATTESTED**

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Exam/Secy  
Peshawar High Court  
Mingora/Dar-ul-Q

wise criteria had passed their examined on 31.5.1997. In the first merit list displayed by the respondents, the petitioners had qualified and stood first in the merit list. The respondents on the pretext that the certificate of Drawing Master is not obtained from the recognized institution, who were ignored in the said appointment and the case of the petitioners remained pending after verification of the Drawing Master certificate.

Thereafter, the concerned institution wherefrom the petitioners had obtained the D.M. certificate were asked for the verification of the said certificate. This Court too, had directed the concerned institution for the verification of the certificate.

*De Pined*

7. In the similar nature case wherein the D.M. certificate was obtained from Jamshoru verified in a case by Abbottabad Bench of this Court, in WP No. 66 of 2009 titled "Muhammad Banaris vs. Govt. of Khyber Pakhtunkhwa" wherein it is held that the D.M. certificate by Jamshoru is competent and the recognized one.

8. In the present case, the D.M. certificate qualify from all corners as a genuine certificate issued by the recognized institution, which was the requirement of the recruitment policy as mentioned above. We have gone through the merit list which clearly indicates that the

TESTED

RECORDED  
High Court Bench

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petitioners have been deprived on lame excuse on the ground of delaying tactics regarding the verification of D.M. certificate obtained by the petitioners. It was also pointed out that respondent in subsequent appointment had also appointed other candidates who had obtained DM certificates from the same Institutions whereas, petitioners has been deprived though they have also qualified from the same Institutions, hence act of respondents is discriminatory and is utter violation of Article 25 of the Constitution. Instead of petitioners who were at better pedestal in the merit list, the other candidates who were below at the merit list as compared to the petitioners have been appointed which apparently shows the mala fide on the part of respondents. After thrashing the entire record, we have come to the conclusion that petitioners have wrongly been deprived for appointment against the post of D.M. which requires interference by this Court.

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 EXAMINER  
 15/11/12  
 ...-Caza, Swat

In the light above discussions, facts and circumstances of the case, all the writ petitions are allowed and respondents are directed to appoint the petitioners against the said post positively.

Announced.  
Dt: 28.6.2012.

*Sd. Mazhar Ahmad Khan - J*  
*Sd. Khalid Mahmood - J*  
 JUDGE

*[Handwritten signature]*  
 JUDGE

Office  
 20/07/12

Amexin "C"

14

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

MR. JUSTICE NASIR-UL-MULK  
MR. JUSTICE SARMAJ JALAL OSMANY

**Civil Petitions No. 456-P/2012, 7-P to 11-P/2013 and  
13-P & 20 P of 2013**

Against the judgment dated 28.5.2012 passed by Peshawar  
High Court, Mingora Bench (Dar-ul-Qaza), Swat in W.Ps  
No.2093 of 2007, 3402/2008, 3620/2010, 4378/2010,  
159/2011, 2288/2011, 1896/2007 and 294/2008.

Executive District Officer, Schools & Literacy District Dir Lower, etc ... Petitioners

**VERSUS**

Khasista Rehman, etc	(in CP 456-P/2012)
Lazim Khan, etc	(in CP 456-P/2012)
Mst. Laida Tabassum, etc	(in CP 456-P/2012)
Mst. Shagufta Bibi, etc	(in CP 456-P/2012)
Shireenzada, etc	(in CP 456-P/2012)
Gul Rasool Khan, etc	(in CP 456-P/2012)
Mst. Nageena, etc	(in CP 456-P/2012)
Ghulam Hazrat	(in CP 456 P/2012)

... Respondents

For the Petitioners:

Ms. Neelam Khan, AAG, KPK  
Ms. Naghuma Sardar, DEO

For the Respondents:  
(in CPs 8, 9 & 19-20)

Mr. Esa Khan, ASC

Others:

N.R

Date of hearing:

21.06.2013

**ORDER**

**Nasir-ul-Mulk, J.-** These petitions for leave to

appeal have been filed by the Executive District Officer, Schools of  
three Districts, Dir Lower, Dir Upper and District Bunner against  
the judgment of the Peshawar High Court, Mingora Bench  
delivered in writ petition No.2093 of 2007 whereby a number of  
similar writ petitions were disposed of. The respondents had filed

writ petitions challenging the decision of the petitioners for  
appointment to the post of Drawing Master, who though had

TESTED  
[Signature]  
Deputy Registrar,  
Court of Pakistan  
Peshawar

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during selection attained the required merits but their appointments were declined on the ground that they had obtained the requisite qualifications from the institutions situated in Jamshoro and Karachi. The petitions were accepted by the High Court on the ground that distinction could not be drawn between the award of degrees or services by the institutions of Jamshoru and Karachi and that of this Province. Thus on the ground of discrimination the writ petitions of respondents were allowed and the petitioners were directed to appoint the respondents to the said posts. We find no merits in these petitions as apparently no reasonable classification exists between the qualifications obtained from the said institutions and from those in Province of K.P.K since the respondents selection was made way back in the year 2007

approximately six years have passed, we had therefore directed the petitioners to issue appointment orders of the respondents. Today the said order have been produced before us. The respondents, except for one Lazim Khan, in Civil Petition No.07-P of 2013 has been duly appointed. Learned Law Officer states that said the respondent shall also be appointed in due course after his papers are found in order. These petitions have no merits and therefore

PREPARED  
distinction

Sd/- Nasir-ul-Mulk, J  
Sd/- Saad Talal Qureshi, J

Copy to be true copy  
[Signature]  
Deputy Registrar, 313  
Supreme Court of Pakistan,  
Islamabad

Peshawar, the  
21<sup>st</sup> of June, 2013  
arshad/\*

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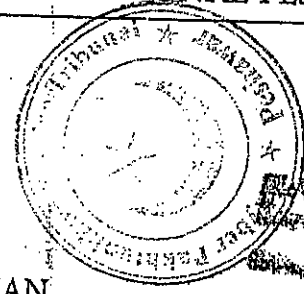
Not approved for reporting



BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

16

Service Appeal No. 90 /2014



Amr Khan (11)

GUL RASOOL KHAN S/O ABDUL TAWAB KHAN  
DM, GHS, BAGH, DISTRICT BUNER

17-1-2014

APPELLANT

VERSUS

1. DISTRICT EDUCATION OFFICER (MALE) BUNER
  2. DISTRICT COORDINATION OFFICER, BUNER
  3. DIRECTOR (SCHOOL & LITERACY) KHYBER PAKHTUNKHWA, PESHAWAR
  4. SECRETARY FINANCE, GOVT OF KHYBER PAKHTUNKHWA, PESHAWAR
- RESPONDENTS

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 for grant of Arrears and Seniority to the appellant from the date of application i.e. 22/08/2007 for the post or alternatively, from the date of decision of the Hon'ble Peshawar High Court, Peshawar dated June 28, 2012 till June 19, 2013

90/14

07.11.2016

Counsel for the appellant and Mr. Muhammad Zubair, Senior Government Pleader alongwith Mr. Fayazud Din, ADO for respondents present. Arguments heard. Record perused.

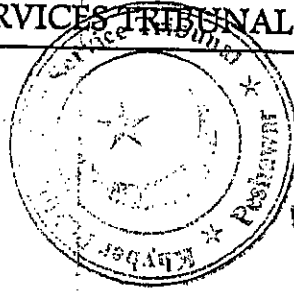
Vide our detailed judgment of to-day placed in connected service appeal No. 51/2014, tilted "Khaista Rahman versus District Education Officer (Male) Dir Lower and 3 others", this appeal is also accepted as per detailed judgment. Parties are left to bear their own costs. File be consigned to the record room.

*Member*      *Chairman*

Copy of the judgment  
Khyber Pakhtunkhwa Services Tribunal  
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 51 /2014



KHAISTA REHMAN S/O FATEH REHMAN  
DM, GMS, MALYANO BANDA, DISTRICT LOWER DIR

APPELLANT

VERSUS

1. DISTRICT EDUCATION OFFICER (MALE) DIR LOWER
  2. DISTRICT COORDINATION OFFICER, DIR LOWER
  3. DIRECTOR (SCHOOL & LITERACY) KHYBER PAKHTUNKHWA, PESHAWAR
  4. SECRETARY FINANCE, GOVT OF KHYBER PAKHTUNKHWA, PESHAWAR
- RESPONDENTS

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 for grant of Arrears and Seniority to the appellant from the date of application i.e. 22/08/2007 for the post or alternatively, from the date of decision of the Hon'ble Peshawar High Court, Peshawar dated June 28, 2012 till June 19, 2013

Respectfully submitted as under.

Brief facts of the case are as follows.

That the appellant got appointed with the respondents as DM, BPS-15 vide office order dated 20.06.2013.

(Appointment order is appended herewith as Annexure "A").

2. The appointment of the appellant was the result of the Writ Petition No. 2093/ 2007 titled "Khaista Rehman and Others Vs EDO & Others who are the Divisional Bench of Hon'ble Peshawar High Court, Dar Ul - Qaza at

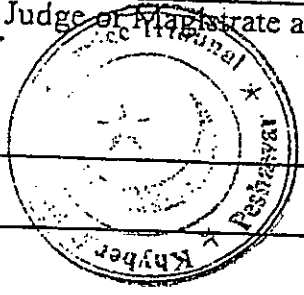
ATTESTED

13/1/2014  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.

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3



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
CAMP COURT SWAT

1. Appeal No. 51/2014, Khaista Rahman,
2. Appeal No. 52/2014, Muhammad Ishaq,
3. Appeal No. 53/2014, Rehman Said,
4. Appeal No. 54/2014, Mst. Noorsheeda,
5. Appeal No. 55/2014, Mst. Fatima Bibi,
6. Appeal No. 56/2014, Mst. Rabia Bibi,
7. Appeal No. 57/2014, Mst. Salma Bibi,
8. Appeal No. 58/2014, Mst. Mehnaz,
9. Appeal No. 59/2014, Mst. Nuzhat Ali,
10. Appeal No. 60/2014, Mst. Thaqeed Begum,
11. Appeal No. 61/2014, Mst. Hemayat Shaheen,
12. Appeal No. 62/2014, Mst. Faryal Bano,
13. Appeal No. 63/2014, Mst. Farah Naz,
14. Appeal No. 64/2014, Mst. Zahida Begum,
15. Appeal No. 65/2014, Mst. Farzana Tabasum,
16. Appeal No. 66/2014, Mst. Farida Bibi,
17. Appeal No. 67/2014, Mst. Farhana Bibi,
18. Appeal No. 68/2014, Mst. Gul Naz Begum,
19. Appeal No. 69/2014, Mst. Ghazala Shams,
20. Appeal No. 70/2014, Mst. Nagina Bibi,
21. Appeal No. 71/2014, Mst. Rabia Sultan,
22. Appeal No. 72/2014, Mst. Zahira Sultan,
23. Appeal No. 73/2014, Mst. Sultana Bibi,
24. Appeal No. 84/2014, Atta Ullah,
25. Appeal No. 85/2014, Sherin Zada,
26. Appeal No. 86/2014, Ghulam Hazrat,

ATTESTED

*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

28. Appeal No. 88/2014, Ikram Ullah,

29. Appeal No. 89/2014, Hafiz Ul Haq,

30. Appeal No. 90/2014, Gul Rasool Khan,

Versus District Education Officer(Male) Dir Lower & 3 others.

15

JUDGMENT

07.11.2016

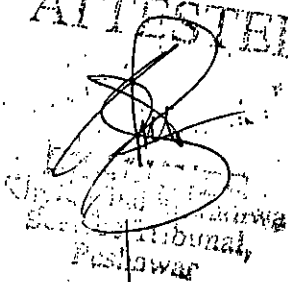
MUHAMMAD AZIM KHAN AFRIDI. CHAIRMAN:-

Counsel for the appellant and Mr. Muhammad Zubair, Senior Government Pleader alongwith Mr. Fayazud Din, ADO for respondents present.

2. This judgment shall dispose of the instant service appeals No. 51/2014 as well as connected service appeals No. 52/2014 to 73/2014 and service appeals No. 84/2014 to 90/2014 as identical questions of facts and law are involved therein.

3. Brief facts of the afore-stated cases are that the appellants were declined appointments against posts advertised by the respondents constraining them to prefer Writ Petitions No. 1896, 2093 of 2007, 294 of 2008, 3402 of 2009, 3620 and 4378 of 2010, 159 and 2288 of 2011 before the august Peshawar High Court, Mingora Bench (Dar-ul-Qaza) Swat which were allowed vide worthy judgment dated 28.06.2012 and respondents were directed to appoint the appellants against the said posts. The said worthy Judgment of the Hon'ble High Court was challenged before the august Supreme Court of Pakistan in Civil Petitions No. 456-P of 2012, 7-P to 11-P of 2013 and 19-P & 20-P of 2013. The said appeals were dismissed vide worthy judgment of the apex court dated 21.06.2013 as the appellants were appointed and their

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Secretary  
Tribunal,  
Peshawar

appointments orders were produced before the august Supreme Court of Pakistan. There-after Review Petitions were preferred by certain petitioners in the said Writ Petitions before the Peshawar High Court, Mingora Bench (Dar-ul-Qaza) Swat which was allowed vide worthy judgment dated 22.10.2013 and the petitioners seeking relief were allowed to be considered as appointees from the dates when other candidates were appointed, without any financial benefits.

4. Learned counsel for the appellants has argued that the appellants are also entitled to similar treatment as extended to similarly placed employees by the Hon'ble High Court in Review Petition No. 7-M/2012 in Writ Petition No. 3620/2012(D).

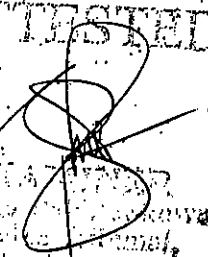
5. In support of his stance he placed reliance on case-laws reported as 2009-SCMR-1 (Supreme Court of Pakistan), 1998-SCMR-2472 (Supreme Court of Pakistan) and 1999-SCMR-988 (Supreme Court of Pakistan).

6. Learned Senior Government Pleader has argued that the appellants are not entitled to the relief claimed as they have not preferred any Review Petition against the judgment and appointment orders before the Hon'ble High Court.

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

8. The august Supreme Court of Pakistan in the reported cases referred to above, had ruled that if a Tribunal or the Supreme Court decides a point of law relating to the terms and conditions of a civil

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Peshawar

servant who litigated, and there were other civil servants, who may not have taken any legal proceedings, in such a case, the dictates of justice and rule of good governance demand that the benefit of the said decision be extended to other civil servants also, who may, not be parties to that litigation, instead of compelling them to approach the Tribunal or any other legal forum.

9. Though the appellants have not preferred any review petition before the Hon'ble High Court but in view of the case-laws as discussed above, appellants are entitled to the benefits of the decision of the Hon'ble High Court as they are similarly placed civil servants.

10. In view of the above, we hold that the appellants are entitled to be considered as appointees with effect from the dates when other similarly placed candidates were appointed. The appellants would however not be entitled to any financial back benefits. The respondent-department is to prepare their seniority list according to rules. The appeals are accepted in the above terms, leaving the parties to bear their own costs. File be consigned to the record room.

Announced 07.11.2016 *Sd/- M. Azim Khan Afzals*  
Chairman

*Sd/- Abdul Latif*  
Member

Certified to be true copy  
[Stamp: District Registrar, District Court, Jammu]

Date of Presentation of Application 15-11-16  
Number of Words 2000  
Copying Fee 12/-  
Urgent 2/-  
Total 14/-  
Name of Officer [Signature]  
Date of Copy 15-11-16  
Date of Delivery 15-11-16

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OFFICE OF THE DISTRICT EDUCATION OFFICER MALE  
FINAL SENIORITY LIST OF SDM & D.M (MALE) TEACHERS STOOD ON 30-04-2023

Seni ority No	TEACHER NAME	FATHER NAME	NAME OF SCHOOL	Domicile	Design:	BPS	ACAD EMIC QUALIF:	PROFESSIONAL QUALIF:	B.A DIV	D.O.B	DATE OF 1ST APPT: IN EDUCATION	DATE OF APPT: AGAINST THE PRESENT POST as DM	DATE OF REGULAR APPT: AGAINST THE PRESENT POST	Score	Remarks
1	TAJ MOHAMMAD	YASEEN	GMS GUMBAT	Buner	DM	15	SSC	DM	NIL	01-01-1965	28-02-1983	28-02-1983	05-03-1983		MATRIC
2	SHER MUHAMMAD	MOHAMMAD RASHAD	GHS MARADU	Buner	DM	15	SSC	DM	NIL	20-05-1964	14-01-1982	14-01-1982	27-03-1983		MATRIC
3	AFSAR ALI KHAN	SHAWAR KHAN	GHS DHERAI	Buner	SDM	16	BA	DM	3RD	12-01-1965	23-05-1990	25-12-1993	28-12-1993		NO B.ED
4	AMIN KHAN	AKBAR KHAN	GHSS GADEZI	Buner	SDM	16	BA	DM	2ND	01-04-1969	10-05-1992	25-05-1996	25-05-1996		NO B.ED
5	SHAMOON	HAKHEEM KHAN	GHS INZAR MAIRA	Buner	SDM	15	BA	DM	2ND	14-08-1967	13-02-1997	13-02-1997	25-02-1997		NO B.ED
6	WAJID ZAMAN	GHRIB KHAN	GMS TOTALAI	Buner	DM	15	FA	DM	NIL	10-01-1975	26-02-1997	26-02-1997	27-02-1997		Less Quali+Terminate
7	Shad Mohd Khan	Muhammad Khan	GHS BAZARGAY	Buner	SDM	16	BA	DM	2ND	03-09-1968	13-02-1997	12-03-1997	12-03-1997		NO B.ED
8	MUKHTAR AHMAD	SAID HAKAM SHAH	GHS NAWAGAI	Buner	SDM	16	BA	DM	2ND	15-01-1967	13-03-1995	15/11/197	15-11-1997		Bed from Alkhair NO B.ED
9	BAKHT RAHMAN	SAIFUR RAHMAN	GHS BAGRA	Buner	SDM	16	BA	DM	2ND	14-04-1974	28-04-1999	28-04-1999	29-04-1999		NO B.ED
10	MUHAMMAD KARIM	ABDUL KHALIQ	GHS ANGHAPUR	Buner	SDM	16	MA	MED	2ND	18-10-1976	28-04-1999	28-04-1999	01-05-1999		
11	HAZRAT KAMAL	SYED AKBAR	GHS MANGAL THANA	Buner	SDM	16	BA	DM	2ND	01-01-1969	06-11-1994	11-05-1999	11-05-1999		
12	MUHAMMAD NAWAB	Ghulam Muhmad	GHS KATKALA	Buner	SDM	16	MA	BED	2ND	15-09-1970	06-11-1994	11-05-1999	11-05-1999		
13	BAKHT ZAMAN KHAN	SAID GHANI	GHS DAGGAR NO.2	Buner	SDM	16	MA	BED	2ND	19-04-1971	06-11-1994	11-05-1999	11-05-1999		
14	SHAH HASSAN KHAN	Amir Mohd Khan	GHS NANSER	Buner	SDM	16	BA	DM	2ND	01-04-1964	30-08-1995	25-04-2000	25-04-2000		
15	SHARIFUDDIN	SHAMSHI KHAN	GHS MARADU	Buner	SDM	16	FA	DM	NIL	02-03-1968	16-04-1995	25-04-2000	25-04-2000		
16	BAKHT KARAM	AFARIN	GHS GULBANDI	Buner	SDM	16	BA	DM	2ND	13-04-1968	01-10-1995	25-04-2000	25-04-2000		
17	HUSSAIN KHAN	CHRI KHAN	GHS KALA KHELA	Buner	SDM	16	MA	DM	2ND	02-05-1972	01-10-1995	24-04-2000	25-04-2000		
18	ASHTAR KHAN	KHURASAN	GHS GANSHAL	Buner	SDM	16	BA	DM	2ND	01-01-1973	20-12-1994	25-04-2000	25-04-2000		
19	HAYAT MUHAMMAD	Khurshid Muhmad	GHSS CHINGLAI	Buner	SDM	16	BA	BED	2ND	01-03-1973	08-06-1998	25-04-2000	25-04-2000		
20	ZAHOORUL HAQ	SAHIB RASOOL	GMS NAWAGAI	Buner	DM	15	FA	DM	NIL	05-02-1974	09-02-1995	25-04-2000	25-04-2000		Less Qualificatio Less Qualificat
21	FAZLI AHAD	TOTIA NOSH	GHS CHANAR	Buner	SDM	16	MA	MED	2ND	05-03-1977	17-09-1995	25-04-2000	25-04-2000		
22	SHEREEN ZADA	SANDI PAN	GHS SOM ARAI	Buner	SDM	16	BA	DM	2ND	01-01-1968	08-06-1998	31-03-2002	31-03-2002		
23	JEHAN ZEB	MIR DAD KHAN	GHS DEWANA BABA	Buner	SDM	16	BA	DM	3RD	01-03-1969	08-06-1998	31-03-2002	31-03-2002		
24	KHAISTA GUL	BACHA GUL	GHS ASHARAY	Buner	SDM	16	BA	DM	NIL	03-05-1974	20-04-1999	10-07-2002	11-07-2002		

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Ser No	TEACHER NAME	FATHER NAME	NAME OF SCHOOL	Domicile	Design:	BPS	ACAD EMIC QUALIF:	PROFESSIONAL QUALIF:	B.A DIV	D.O.B	DATE OF 1ST APPT: IN EDUCATION	DATE OF APPT: AGAINST THE PRESENT POST as DM	DATE OF REGULAR APPT: AGAINST THE PRESENT POST	Score	Remarks
25	KAMAL HUSSAIN	MUHAMMAD HASSAN	GHS DAGAI	Buner	SDM	16	MA	BED	2ND	29-01-1975	20-04-1999	11-05-2002	11-07-2002		
26	GHULAM AKBAR	DURRANAI	GHSS GHURGSHTO	Buner	SDM	16	MA	BED	2ND	19-03-1975	01-08-1996	10-07-2002	11-07-2002		
27	FAZLUR RAHMAN	FAZLI RABBI	GHSS CHINGLAI	Buner	SDM	16	MA	BED	2ND	06-11-1976	28-08-1997	10-07-2002	11-07-2002		
28	WALI MUHAMMAD	ZARIN	GHSS NAGRAI	Buner	SDM	16	BA	DM	2ND	01-09-1972	01-03-2004	01-03-2004	01-03-2004		
29	HAKEEM ZADA	SHER ZADA	GHSS GAGRA	Buner	SDM	16	MA	BED	2ND	07-04-1973	28-02-2004	28-02-2004	01-03-2004		
30	MUHAMMAD AKRAM KHAN	AMIR ZADA	GHS BAMPOKHA	Buner	SDM	16	MA	BED	2ND	15-08-1974	01-03-2004	01-03-2004	01-03-2004		
31	JEHANGIR KHAN	MOHAMMAD SHERIN	GHS DOKADA	Buner	SDM	16	MA	MED	2ND	15-02-1975	31-07-2003	31-07-2003	01-03-2004		
32	RASHID IQBAL MUHSIN	ABDUR RAHMAN	GHS JOWAR	Buner	SDM	16	BA	DM	2ND	10-03-1975	28-02-2004	28-02-2004	01-03-2004		
33	RAHAM AKBAR	TAJ MALOOK KHAN	GHS NAWAGAI	Buner	SDM	16	MA	DM	2ND	15-03-1975	28-02-2004	28-02-2004	01-03-2004		
34	FAZLI MUNIR	FAZLI HADI	GHS AMBELA	Buner	SDM	16	MA	BED	2ND	05-04-1975	31-07-2003	31-07-2003	01-03-2004		
35	KAMIL KHAN	AWAL KHAN	GMS MATWANI	Buner	SDM	16	BA	DM	2ND	06-05-1975	28-02-2004	28-02-2004	01-03-2004		
36	AKBAR ALI	SHARIFULLAH	GMS KALAIL	Buner	SDM	16	MA	BED	2ND	10-06-1975	21-12-1999	21-12-1999	01-03-2004		
37	TAJRALI KHAN	UMAT KHAN	GMS KULYARAI	Buner	SDM	16	BA	DM	2ND	01-04-1976	28-02-2004	28-02-2004	01-03-2004		
38	GUL ROSH Khan	AMIR AKBAR KHAN	GHSS AMNAWAR	Buner	SDM	16	MA	BED	2ND	13-04-1976	01-03-2004	01-03-2004	01-03-2004		
39	MUJEEBUR RAHMAN	JAMIULLAH	GMS MIRZAKAY	Buner	SDM	16	MA	DM	2ND	01-06-1976	28-02-2004	28-02-2004	01-03-2004		
40	SAID WAHAB	MUHAMMAD SAID	GMS Sherghasay	Buner	SDM	16	BA	BED	2ND	21-01-1977	28-02-2004	28-02-2004	01-03-2004		
41	SAID NAWAB	AKBAR HUSSAIN	GHSS Khararai	Buner	SDM	16	MA	MED	1ST	29-01-1977	31-07-2003	31-07-2003	01-03-2004		
42	BAHADAR SAID	HUNAR SAID	GHS MATWANAI	Buner	SDM	16	MA	MED	2ND	01-04-1977	28-02-2004	28-02-2004	01-03-2004		
43	ISRAR	ALI ZAR	GHSS JANGAI	Buner	SDM	16	BA	BED	2ND	19-04-1978	28-02-2004	28-02-2004	01-03-2004		
44	WAZIR SHAH	DAWOOD SHAH	GHS KULYARAI	Buner	SDM	16	MA	BED	2ND	03-06-1978	31-07-2003	31-07-2003	01-03-2004		
45	MIRAJ KHAN	WALI JAN	GHSS NAGRAI	Buner	SDM	16	MA	NIL	2ND	02-02-1977	28-02-2004	28-02-2004	05-03-2004		
46	MIAN KHAN	PATTAN KHAN	GHS BAZARKOT	Buner	SDM	16	BA	DM	2ND	01-11-1969	20-11-2006	20-11-2006	20-11-2006		
47	SUBHANULLAH	SHAH RAWAN	GMS ALAMI BANDA	Buner	SDM	16	BA	DM	2ND	01-04-1967	20-11-2006	20-11-2006	21-11-2006		
48	AMIR ZEB	ALAM ZEB	GHS Elai	Buner	SDM	16	MA	M.Ed /DM	2ND	01-03-1975	21-11-2006	21-11-2006	21-11-2006		
49	SAID WAHID	ABDUL JALIL	GMS Gokand	Buner	DM	15	BA	DM	2ND	11-03-1976	20-10-2006	20-10-2006	21-11-2006		B.A from Al Khiar

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Seni ority No	TEACHER NAME	FATHER NAME	NAME OF SCHOOL	Domicile	Design:	BPS	ACAD EMIC QUALIF:	PROFESSIONAL QUALIF:	B.A DIV	D.O.B	DATE OF 1ST APPT: IN EDUCATION	DATE OF APPT: AGAINST THE PRESENT POST as DM	DATE OF REGULAR APPT: AGAINST THE PRESENT POST	Score	Remarks
50	FAQIR MUHAMMAD	PIR MUHAMMAD	GHS KHARARAI	Buner	SDM	16	MA	BED / BSC	3RD	02-04-1978	21-11-2006	21-11-2006	21-11-2006		
51	SHAHI ROKHAN	KHULA KHAN	GHS KULARAI	Buner	SDM	16	MA	BED	2ND	25-04-1982	20-11-2006	21-11-2006	21-11-2006		
52	ALI GHANI	SULTAN GHANI	GHS BAGRA	Buner	SDM	16	MA	BED	2ND	02-02-1980	20-11-2006	22-11-2006	22-11-2006		
53	GHAFOOR GUL	AMIR AHMAD GUL	GMS KOWGA	Buner	SDM	16	MA	DM	1ST	04-04-1975	20-11-2006	20-11-2006	23-11-2006		
54	Muhammad Javid	Shamsul Zuha	GMS Dab Serai	Buner	SDM	15	B.A	DM	2nd	12-02-1974	20-11-2006	20-11-2006	23-11-2006		
55	AMIR NAWAZ KHAN	SHERABAZ KHAN	GHS CHINGLAI	Buner	SDM	16	BA	DM	2ND	01-05-1973	29-12-2004	20-11-2006	01-12-2007		
56	ZIANUL AKBAR	ABDUL AKBAR	GHSS Khanano Derai	Buner	SDM	16	MA	BED	2ND	20-03-1975	27-10-1998	30-06-2009	01-08-2009		
57	NASIM SHAH	SAID KALAM SHAH	GHS DHERAI	Buner	SDM	16	FA	DM	NIL	10-03-1976	30-06-2009	30-06-2009	30-06-2009		
58	HAZRAT HAMAD	ALI HAMAD	GMS MULAYOUSAF	Buner	SDM	16	M.A B.Ed	DM	NIL	04-01-1976	30-06-2009	30-06-2009	30-06-2009		
59	SHER AKBAR KHAN	MUKARAM KHAN	GHS KARAPA	Buner	SDM	16	BA	DM	2ND	27-07-1976	30-06-2009	01-08-2009	01-08-2009		
60	MUKAMIL SHAH	DAWOOD SHAH	GMS ELAI	Buner	SDM	16	MA	BED	2ND	31-07-1977	01-08-1996	30-06-2009	01-08-2009		
61	QAMAR ALI KHAN	ZARR JAMIL KHAN	GMS SHER ALI	Buner	DM	15	FA	DM	NIL	11-02-1978	30-06-2009	30-06-2009	01-08-2009		Less Qual
62	KHALID REHMAN	AZIZUR REHMAN	GHS SWARI	Buner	SDM	16	BA	DM	3RD	11-03-1979	30-06-2009	01-08-2009	01-08-2009		
63	SYED NAZIRUL MULK	SYED SAYAF	GMS JICA AGARAI	Buner	SDM	16	BA	DM	2ND	16-03-1979	30-06-2009	30-06-2009	01-08-2009		
64	SHAH JAHAN	ABDUR RAHMAN	GHSS AGARAI	Buner	SDM	16	MA	MED	2ND	10-04-1982	30-06-2009	30-06-2009	01-08-2009		
65	BAHAR ALI	Saiful Malok Shah	GMS SURA	Buner	SDM	16	BA	DM	2ND	20-04-1982	30-06-2009	30-06-2009	01-08-2009		
66	ZAMIN KHAN	ROZI	GMS LEGANAI	Buner	SDM	16	B.Sc/B/G	B.ed	2ND	04-03-1986	01-08-2009	30-06-2009	01-08-2009		
67	NAIK ZADA	ABDUL HAMID	GMS KINGER GALI	Buner	DM	15	FA	DM	NIL	08-04-1978	30-06-2009	30-06-2009	26-08-2009	less	Alkhair BA
68	ARSHAD ALI	SARDAR ALI	GMS Jangdara K.K	Buner	DM	15	BA	DM	2ND	10-01-1982	30-06-2009	30-06-2009	30-06-2009		
69	MATIUR RAHMAN	TORABAZ KHAN	GMS Biamdara	Buner	DM	15	BA	DM	NIL	11-05-1982	20-12-2010	20-12-2010	20-12-2010		
70	Sherin Zada	Bahram Said	GMS Miana Kawga	Buner	DM	15	B.A	Bed/DM	2nd	10-03-76	20-06-2013	20-06-2013	24-02-2011	as per court judgment	court judgment required??
71	Gul Rasool Khan	Abdul Tawab Khan	GMS Kalakhela	Buner	DM	15	MA	Bed	2nd	08-01-84	20-06-2013	20-06-2013	24-02-2011		
72	ASHBAR ALI	FARAS SHAH	GHS Matwanai	Buner	DM	15	MA	DM	2ND	01-01-1985	24-02-2011	24-02-2011	24-02-2011		
73	IRSHAD ALI	MIR SALAM KHAN	GMS Makhranai	Buner	DM	15	MA	DM	1st	10-01-1986	20-12-2010	24-02-2011	24-02-2011		
74	NOOR RAHIM	SAID RAHIM	GHSS GADEZI	Buner	DM	15	BA	DM	2ND	01-03-1986	24-02-2011	24-02-2011	24-02-2011		

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Seniority No	TEACHER NAME	FATHER NAME	NAME OF SCHOOL	Domicile	Design:	BPS	ACAD EMIC QUALIF:	PROFESSIONAL QUALIF:	B.A DIV	D.O.B	DATE OF 1ST APPT: IN EDUCATION	DATE OF APPT: AGAINST THE PRESENT POST as DM	DATE OF REGULAR APPT: AGAINST THE PRESENT POST	Score	Remarks
75	TAJ AKBAR	Taj Malook Khan	GMS Kankowai	Buner	DM	15	BA	DM	2ND	10-03-1989	24-02-2011	24-02-2011	24-02-2011		
76	Said farin Khan	Nat Khan	GMS Alami Banda	Buner	DM	15	FA	DM	Nil	27-06-1973	02-12-15	27-02-2016	26/02/2011		Court Judgment CJ requi??
77	Alam Khan	Dilawar Shah	GMS Bakht Maira	Buner	DM	15	FA	DM	Nil	08-01-73	02-12-15	27-02-2016	26/02/2011		
78	Muhammad Tahir	SHER ZADA	GHS Pander	Buner	DM	15	MA	DM	2nd	04-04-81	02-12-15	27-02-2016	26/02/2011	Entry Made	
79	Haider Ali	Shalber Khan	GMS Banda	Buner	DM	15	BA	DM	Nil	02-10-86	02-12-15	27-02-2016	26/02/2011		
80	Muhammad Ghafoor	Abdul Haq	GMS Hisar Tangay	Buner	DM	15	BA	DM	Nil	29-01-1976	02-12-15	27-02-2016	26/02/2011		
81	Javid shah	Mohabat Shah	GMS Bambalai	Buner	DM	15	BA	DM	3rd	20-05-1977	02-12-15	27-02-2016	26/02/2011		
82	Sher Zamin Khan	Dunya Khan	GMS Ramzai	Buner	DM	15	BA	DM	2nd	12-12-79	02-12-15	27-02-2016	26/02/2011		
83	Muhammad Ayaz	Karim Bakhsh	GMS Palwari	Charsada	DM	15	MA	MED	2nd	03-09-79	05-12-05	05-12-05	11-01-12		Transfer from other dist
84	Muhammad Alam	Muhammad Rafiq	GMS Jangdara TSK	Buner	DM	15	MA	MED	2nd	01-03-85	16 May, 2014	27/11/2015	7-Mar-2018	106.85	
85	Ahmad Sayed	Bahram Sayed	GHS Rega	Buner	DM	15				11-09-87	27/11/2015	27/11/2015	7-Mar-2018	105.68	
86	Bakht Alam	Zarin Gul	GMS Panghalay	Buner	DM	15				16/01/1986	27/11/2015	27/11/2015	7-Mar-2018	102.35	
87	Muhammad Bahadar	Sham Su Tahir	GMS Malakpur	Buner	DM	15				02-10-82	27/11/2015	27/11/2015	7-Mar-2018	100.18	
88	Murad Ali	Lutfur Rahman	GMS Mugh Dara	Buner	DM	15				15/03/1990	27/11/2015	27/11/2015	7-Mar-2018	98	
89	Muhammad Ali	Bakht Shaid Rasool	GMS Malka	Buner	DM	15				20/01/1989	27/11/2015	27/11/2015	7-Mar-2018	95.46	
90	Niazmin-Khayas	Gul Khayas	GCMHS Daggar	Buner	DM	15				03-06-88	27/11/2015	27/11/2015	7-Mar-2018	94.8	
91	Ayub Khan	Faza! Mir	GHS Nogram	Buner	DM	15				05-01-83	27/11/2015	27/11/2015	7-Mar-2018	94.17	
92	Tariq Ahmad	Gul Zada	GMS Langaw	Buner	DM	15				04-10-83	27/11/2015	27/11/2015	7-Mar-2018	93.21	
93	Fazli Amin	Shah Said	GMS No.1 Rega	Buner	DM	15				01-12-85	27/11/2015	27/11/2015	7-Mar-2018	92.25	
94	Shah Hussain	Rahim Gul	GHS Cheena	Buner	DM	15				04-01-81	27/11/2015	27/11/2015	7-Mar-2018	91.88	
95	Aurang Shah	Saleh Shah	GMS Miana Kadal	Buner	DM	15				01-01-87	27/11/2015	27/11/2015	7-Mar-2018	91.87	
96	Anwar Said	Bakht Said	GMS Bhaikalay	Buner	DM	15				04-03-81	27/11/2015	27/11/2015	7-Mar-2018	90.58	
97	Akbar Ali	Hakimullah	GMS Jaba Amazi	Buner	DM	15				02-10-88	27/11/2015	27/11/2015	7-Mar-2018	87.79	
98	Sardar Amin	Abdul Amin	GMS Kuzajamra	Buner	DM	15				15/04/1989	27/11/2015	27/11/2015	7-Mar-2018	87.67	

COOZ/ADJ

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Seni ority No	TEACHER NAME	FATHER NAME	NAME OF SCHOOL	Domicile	Design:	BPS	ACAD EMIC QUALIF:	PROFESSIONAL QUALIF:	B.A DIV	D.O.B	DATE OF 1ST APPT: IN EDUCATION	DATE OF APPT: AGAINST THE PRESENT POST as DM	DATE OF REGULAR APPT: AGAINST THE PRESENT POST	Score	Remarks
99	Bakht Said	Sher Said	GMS Sher Ali	Buner	DM	15				02-04-88	27/11/2015	27/11/2015	7-Mar-2018	87.2	
100	Rehman Zeb	Nasib Rahman	GMS Dabseral	Buner	DM	15				03-10-86	27/11/2015	27/11/2015	7-Mar-2018	85.92	
101	Muhammad Tariq	Muhammad Ayaz	GMS Hall	Buner	DM	15				26/06/1988	27/11/2015	27/11/2015	7-Mar-2018	83.73	
102	Muhammad Karim	Muhammad Hilal	GHSS Ghazi Kot	Buner	DM	15				05-02-92	27/11/2015	27/11/2015	7-Mar-2018	78.1	
103	Ishtiaq Ali	Ghaniullah	GMS Kingargali	Buner	DM	15				14/03/1988	27/11/2015	27/11/2015	7-Mar-2018	78	
104	Noor Ul Islam	Gul Rahim	GMS Akhun Serai	Buner	DM	15				01-05-85	27/11/2015	27/11/2015	7-Mar-2018	77.67	
105	Rahman Mahmood	Faqir Mahmood	GMS Chanal	Buner	DM	15				27/04/1986	27/11/2015	27/11/2015	7-Mar-2018	76.97	
106	Quresh Khan	Amir Uddin	GMS Mulayousaf	Buner	DM	15				14/03/1988	27/11/2015	27/11/2015	7-Mar-2018	76.94	
107	Fazli Rehman	Mani Rahman	GMS Balo Khan	Buner	DM	15				11-01-74	27/11/2015	27/11/2015	7-Mar-2018	76.27	
108	Ihsanul Haq	Abdul Wahid	GHS Ghazikhanay	Buner	DM	15				18/03/1986	27/11/2015	27/11/2015	7-Mar-2018	76	
109	Syed Ullah	Bakht Zarin Shah	GMS Bazarkot	Buner	DM	15				15/01/1990	27/11/2015	27/11/2015	7-Mar-2018	73.08	
110	Bakhtaj Mehmood	Faqir Mahmood	GMS Kangalai	Buner	DM	15				18/03/1975	27/11/2015	27/11/2015	7-Mar-2018	72.6	
111	Aziz Ul Hassan	Afzal Khan	GMS Dandikot	Buner	DM	15				02-02-86	27/11/2015	27/11/2015	7-Mar-2018	71.17	
112	Ijaz Ul Haq	Shamsul Qamar	GMS Shanai	Buner	DM	15				27/01/1990	27/11/2015	27/11/2015	7-Mar-2018	70.55	
113	Nizar Ali	Ghani Muhammad	GMS Kuz Shamnal	Buner	DM	15				03-01-91	27/11/2015	27/11/2015	7-Mar-2018	69	
114	Jan Ali	Salarzay	GHSS Batara	Buner	DM	15				02-02-83	27/11/2015	27/11/2015	7-Mar-2018	68.95	
115	Ali Gul	Juma Gul	GMS Ashezo Malra	Buner	DM	15	MA	B.Ed	2ND	01-05-79	27/11/2015	27/11/2015	7-Mar-2018	68.3	
116	Saeed Ur Rahman	Inayatul Haq	GHS Pander	Buner	DM	15				04-07-89	27/11/2015	27/11/2015	7-Mar-2018	68.3	
117	Sher Wadood	Abdul Wadood	GMS Chalandrai	Buner	DM	15				03-10-89	27/11/2015	27/11/2015	7-Mar-2018	67.71	
118	Bakht Said	Gul Zarin	GMS Shangra	Buner	DM	15				18/03/1980	27/11/2015	27/11/2015	7-Mar-2018	65.47	
119	Khan Nawab	Abdul Wakil Khan	GMS Karorai	Buner	DM	15				02-01-82	27-11-2018	27-11-2018		132.09	
120	Said Nasib Zar	Mian Bakht Zar	GHS Elai	Buner	DM	15				22/03/1979	27-11-2018	27-11-2018		121.23	
121	Gul Rahim Shah	Hussain Shah	GMS Shargashay	Buner	DM	15				07-10-83	27-11-2018	27-11-2018		110.86	
122	Farooq Ali	Miran Said	GHSS Batara	Buner	DM	15				04-03-86	27-11-2018	27-11-2018		106.23	
123	Amjad Ali	Said Qamar	GHS Nawakalay	Buner	DM	15				13/04/1985	27-11-2018	27-11-2018		102.85	

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Seni ority No	TEACHER NAME	FATHER NAME	NAME OF SCHOOL	Domicile	Design	BPS	ACAD EMIC QUALIF:	PROFESSIONAL QUALIF:	B.A DIV	D.O.B	DATE OF 1ST APPT: IN EDUCATION	DATE OF APPT: AGAINST THE PRESENT POST as DM	DATE OF REGULAR APPT: AGAINST THE PRESENT POST	Score	Remarks
124	Haji Muhammad	Nazir Muhammad	GMS Wakil Abad	Buner	DM	15				28/08/1982	27-11-2018	27-11-2018		97.2	
125	Faiz Muhammad Khan	Said Muhd Khan	GMS Bangiray	Buner	DM	15				04-04-79	27-11-2018	27-11-2018		96.97	
126	Muhammad Israr	Gul Zarin Shah	GMS Wach Khuwar Kawga	Buner	DM	15				05-10-82	27-11-2018	27-11-2018		93.91	
127	Abdus Salam	Shah Karim Khan	GMS Damnair	Buner	DM	15				04-03-82	27-11-2018	27-11-2018		92.54	
128	Abdul Satar	Abdul Manan	GHS Batal	Buner	DM	15				02-04-79	27-11-2018	27-11-2018		87.85	
129	Syed Bahar	Syed Khushal	GMS Baimpur	Buner	DM	15				22/04/1991	27-11-2018	27-11-2018		86.63	
130	Nasib Zada	Amir Said	GHSS Bagh	Buner	DM	15				16/04/1988	27-11-2018	27-11-2018		86.08	
131	Nasib Zada	Yaqoob Khan	GHS Jaba Amazi.	Buner	DM	15				03-04-80	27-11-2018	27-11-2018		81.63	
132	Muhammad Zaman	Sher Aman	GMS Batkanal.	Buner	DM	15				04-05-84	27-11-2018	27-11-2018		80.68	
133	SAID SHAH	MALOOK	GMS SHALIZARA	Buner	DM	15				12-Apr-1990	14-01-2019	14-01-2019	14-Jan-2019	145.66	
134	AMJAD ALI	FAIZ RASAN	GHS TANGORA	Buner	DM	15				15-Feb-1989	14-01-2019	14-01-2019	14-Jan-2019	144.43	
135	NOOR ZAMIN KHAN	MIR DAWAR KHAN	GMS BADAIR	Buner	DM	15				1-Dec-1992	14-01-2019	14-01-2019	14-Jan-2019	139.30	
136	MAAZ	BAKHTI GUL	GMS BARKALAY	Buner	DM	15				3-Apr-1990	28-02-2019	28-02-2019	28-Feb-2019	138.96	
137	SAMIULLAH	HAJI USMAN GUL	GMS MULA BANDA	Buner	DM	15				1-Feb-1990	14-01-2019	14-01-2019	14-Jan-2019	134.97	
138	HAIDER ZAMAN	WAHID ZAMAN	GMS DURMAI	Buner	DM	15				1-Jan-1986	28-02-2019	28-02-2019	28-Feb-2019	130.86	
139	TAYYAB AMIN	MOHAMMAD AMIN	GMS KUZ KALAY	Buner	DM	15				1-Jan-1993	28-02-2019	28-02-2019	28-Feb-2019	129.66	
140	ADIL ZADA	SHERIN ZADA	GMS GUJAR ABAD	Buner	DM	15				17-Apr-1989	14-01-2019	14-01-2019	14-Jan-2019	128.32	
141	IFTIKHAR ALI	AFZAL KHAN	GMS OUDRATULLAH GHARI	Buner	DM	15				8-Feb-1987	14-01-2019	14-01-2019	14-Jan-2019	127.98	
142	KHALID IQBAL	GHULAM HABIB	GMS HISAR BABA	Buner	DM	15				20-May-1992	14-01-2019	14-01-2019	14-Jan-2019	127.36	
143	MUHAMMAD JUNAID	FAZLI RASHID	GMS DANDAR	Buner	DM	15				10-Mar-1992	28-02-2019	28-02-2019	28-Feb-2019	127.25	
144	MUHAMMAD ZUBAIR	MIR AKBAR	GMS LALOO	Buner	DM	15				1-Apr-1993	15-05-2019	15-05-2019	15-May-2019	125.29	
145	ABDUL HAKIM	HAMID ULLAH	GMS KAS CHAGHARZI	Buner	DM	15				12-Mar-1992	10-05-2019	10-05-2019	10-May-2019	125.18	
146	MUHAMMAD ARIF	SHAMSUL HADI	GHS MANDOW	Buner	DM	15				27-Mar-1991	10-05-2019	10-05-2019	10-May-2019	125.12	
147	MUHAMMAD YOUNIS	ZARSHAD KHAN	GMS TOTALAI	Buner	DM	15				10-Mar-1991	01-03-2019	01-03-2019	1-Mar-2019	123.78	
148	HAIDER ALI KHAN	BAKHT SHAD	GHSS DAKARA	Buner	DM	15				24-Mar-1992	10-05-2019	10-05-2019	10-May-2019	121.46	

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Seni ority No	TEACHER NAME	FATHER NAME	NAME OF SCHOOL	Domicile	Design:	BPS	ACAD EMIC QUALIF:	PROFESSIONAL QUALIF:	B.A DIV	D.O.B	DATE OF 1ST APPT: IN EDUCATION	DATE OF APPT: AGAINST THE PRESENT POST as DM	DATE OF REGULAR APPT: AGAINST THE PRESENT POST	Score	Remarks
149	NOOR NABI SHAH	GUL SHAH	GMS THEGARAY	Buner	DM	15				3-Jan-1987	28-02-2019	28-02-2019	28-Feb-2019	119.07	
150	AJAY SINGH	HANS RAJ	GMS CHALANDRAI	Buner	DM	15				24-Feb-1996	28-02-2019	28-02-2019	28-Feb-2019	101.11	
151	MUHAMMAD AKHTAR	HASSAN KHAN	GHS LEGANA!	Buner	DM	15				5-May-1990	22-06-2020	22-06-2020	22-Jun-2020	116.24	
152	NOOR UL AMIN	MUHAMMAD AMIN	GMS JICA AGARAI	Buner	DM	15				2-Mar-1989	04-09-2020	04-09-2020	4-Sep-2020	98.30	
153	Niaz Hussain	Bakht Zamin	GMS Dab Serai	Buner	DM	15	B.A			20-Apr-1977	17-10-2007	23-Dec-2022	23-Dec-2022	Promotee	
154	Abdul Azim	Abdul Karim	GHSS Nogram	Buner	DM	15	B.A			1-Feb-1985	17-10-2007	23-Dec-2022	23-Dec-2022	Promotee	
155	Muhammad Akbar	Rahmat Gul	GHSS Torwarsak	Buner	DM	15	M.A	B.Ed /DM		2-Feb-1985	17-10-2007	23-Dec-2022	23-Dec-2022	Promotee	
156	Miftah ud Din	Fazal Subhan	GHSS Dokada	Buner	DM	15	M.Sc	M.Ed /DM		10-Feb-1987	30-06-2009	23-Dec-2022	23-Dec-2022	Promotee	

**CERTIFICATE**

**Certified that this seniority list is final, undisputed and non Judicious.  
All the DM/SDM (M) Teachers working in District Buner are included in this seniority list.**

**ASSTT: DISTRICT EDUCATION OFFICER  
MALE BUNER**

25/10/23

**DISTRICT EDUCATION OFFICER  
MALE BUNER**

**THE <sup>1</sup>KHYBER PAKHTUNKHWA CIVIL SERVANTS  
(APPOINTMENT, PROMOTION & TRANSFER) RULES, 1989**

**PART-I**

**GENERAL**

1. **Short title and commencement:** - (1) These rules may be called the <sup>2</sup>[Khyber Pakhtunkhwa] Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

(2) They shall come into force at once.

2. **Definitions:-**(1) In these rules, unless the context otherwise requires:-

(a) "Appointing Authority" in relation to a post, means the persons authorized under rule 4 to make appointment to that post;

(b) "Basic Pay Scale" means the Basic Pay Scale for the time being sanctioned by Government, in which a post or a group of posts is placed;

(c) "Commission" means the <sup>3</sup>[Khyber Pakhtunkhwa] Public Service Commission;

<sup>4</sup>(d) "Departmental Promotion Committee" means a committee constituted for making selection for promotion or transfer to such posts under a Department, or offices of Government, which do not fall within the purview of the Provincial Selection Board;

<sup>5</sup>(dd) "Departmental Selection Board" means a Board constituted for the purpose of making selection for initial recruitment /appointment to posts under a Department or office of Government in Basic Pay Scale 17 not falling within the purview of the Commission:

Provided that more than one such committees may be constituted for civil servants holding different scales of pay".

(e) "Departmental Selection Committee" means a committee constituted for the purpose of making selection for initial appointment to posts under a department, or office of Government [in Basic Pay Scale 17 and below not falling within the purview of the Commission];

(f) "Post" means a post sanctioned in connection with the affairs of the Province, but not

<sup>1</sup> For the words "NWFP" or "North-West Frontier Province", wherever occurred, the words "Khyber Pakhtunkhwa" substituted by the Khyber Pakhtunkhwa Laws (Amendment) Act, 2011 (Khyber Pakhtunkhwa Act No. IV of 2011) published in the Khyber Pakhtunkhwa Government Gazette Extraordinary dated 2nd April, 2011

<sup>2</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>3</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>4</sup> Substituted by Clause (d) of sub-rule (1) of Rule 2 vide Notification No. SOR-I (S&GAD) 4-1/80 (Vol-II) dated 14-01-92.

<sup>5</sup> Clause (dd) added by Notification No. SOR-III (S&GAD) 2-7/86, dated 8-12-1994

**PROBATION AND CONFIRMATION**

<sup>47</sup>15. **Probation.** ----- (1) Persons appointed to posts by initial recruitment, promotion or transfer shall be on probation for a period of one year.

(2) The appointing authority, if considers necessary, may extend the probation period for one year as may be specified at the time of appointment.

<sup>48</sup>(3) On the successful completion of probation period, the appointing authority shall, by specific order terminate the probation of the officer or official concerned within two months after the expiry of probation period prescribed in sub-rule(1):

Provided that if no specific order regarding termination of the probation period of the official or officer concerned is issued within two months, the period of probation shall be deemed to have been extended under sub-rule (2):

Provided further that if no specific order is issued on the expiry of the extended period of probation, the period of probation shall be deemed to have been successfully completed.”

16. **Confirmation:-**After satisfactory completion of the probationary period, a civil servant shall be confirmed; provided that he holds a substantive post, provided further that a civil servant shall not be deemed to have satisfactorily completed his period of probation, if he has failed to pass an examination, test or course or has failed to complete successfully a training prescribed within the meaning of sub-section (3) of Section 6 of the <sup>49</sup>[Khyber Pakhtunkhwa] Civil Servants Act, 1973.

**PART-VI**

**SENIORITY**

17. **Seniority :-**( 1) the seniority inter se of civil servants <sup>50</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>51</sup>[or as the case may be, the Departmental Selection Committee;] provided that persons selected for appointment to a 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 date 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,

<sup>47</sup> Rule-15 substituted vide Notification No. SOR-VI/E&AD/1-3/2009/Vol-VIII dated 16-2-2010.

<sup>48</sup> Sub rule (3) substituted vide Notification No. SOR-VI (E&AD)1-3/2012 dated 28-12-2012.

<sup>49</sup> Subs.by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>50</sup> Substituted for the words appointment to a 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>51</sup> The words inserted by Notification No. SOR-I(S&GAD)4-1/80/II, dated 04-02-1996.

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 incomplete 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-à-vis 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>52</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.

<sup>53</sup>(4) The inter-se-seniority of civil servants in a certain cadre to which promotion is made from different lower posts, carrying the same pay scale shall be determined from the date of regular appointment/promotion of the civil servants in the lower post.

Provided that if the date of regular appointment of two or more civil servants in the lower post is the same, the civil servant older in age, shall be treated senior.

**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 <sup>54</sup>[Khyber Pakhtunkhwa] Civil Servants (Appointment, Promotion and Transfer) Rules, 1975, are hereby repealed.

(Authority; No. SORI(S&GAD)4-1/80, dated 13<sup>th</sup> May, 1989)

<sup>52</sup> Sub-rule (3) of Rule 17 added vide Notification No. SOR-I(E&AD)4-1/80/IV, dated 28-5-2002.

<sup>53</sup> Sub-rule (4) of Rule 17 added vide Notification No.SOR-VI (E&AD) 1-3/2008 dated 19-11- 2009.

<sup>54</sup> Subs.by the Khyber Pakhtunkhwa Act No. IV of 2011.



INQUIRY REPORT

On

Annexure "11"

01

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"Applications submitted by various applicants against DM final seniority list issued by DEO (M) Buner office on 30-04-2023."

**Reference:**

DEO (M) Buner constituted an inquiry committee vide Endstt No 3753-56/8F.Senior cadre-pro-2023 Dated: 07-08-2023. The committee comprised the following officers.

1. Muhammad Naeem H/M GHS Shera Ghund Swabi
2. Mr. Fazli Khaliq Litigation Officer DEO (M&F) swabi

**Problem Preview:**

Various DM teachers submitted application to DEO (M) Buner against DM final seniority list issued by that office on 30-04-2023. The moot question of Mr. Taj Akbar DM, Mr. Irshad Ali DM, Mr. Ashbar Ali and Muhammad Ayaz DM against the seniority position of Mr. Sherin Zada DM and Mr. Gul Rasool DM on the ground that the two DM,s Mr. Sherin Zada etc although appointed later have been placed in the inter-se-seniority senior than them which is according to them is wrong and injustice with them.

Unlike, the two DM,s Mr. Sherin Zada and Mr. Gul Rasool khan have been appointed on 20-06-2013 and have been considered for seniority w.e.f 24-02-2011 in the light of court judgement. But Taj Akbar, Irshad Ali and Ashbar Ali impugn the seniority position of Mr. Sherin Zada and Gul Rasool Khan. While Muhammad Ayaz DM transferred from Distt Charsadda on 05-11-2012 also impugns the seniority position of Mr. Sherin Zada etc.

To find out the factual position and determination of Inter-se-seniority, the committee visited DEO (M) Buner Office on 24-08-2023 with prior information to all concerned.

All the applicants present as mentioned below, were heard and the record was perused.

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28-5-023

**Facts:**

**(A) Mr. Sherin Zada DM**

1. Mr. Sherin Zada DM, has been appointed against DM post on 20-06-2013 in light of High court verdict upheld by August Apex Court of Pakistan.
2. In SA.No.85/2014 Dated: 07-11-2016, the service Tribunal Peshawar accepted appeal of the appellant with the direction to the department which is reproduced as:

"The appellant is entitled to be considered as appointees w.e.f the dates when other similarly placed candidates were appointed. The appellants would however not be entitled to any financial back benefits. The respondent department is to prepare their Inter-se-seniority according to rules."

3. He was appointed vide order Endstt No. 15587-94 Dated: 20-06-2013 and was placed at seniority No 73 in the final seniority list issued by the DEO (M) Buner on 30-04-2023 in light of the above said court decision as per rules, w.e.f 24-02-2011,
4. His batch/session is 31-05-1997 with score 47.35.

**(B) Mr. Gul Rasool Khan DM**

1 Mr. Gul Rasool Khan DM, has been appointed against DM post on 20-06-2013 in light of High Court verdict upheld by August Apex Court of Pakistan.

2 In SA NO. 90/2014 Dated 07-11-2016, the Service Tribunal Peshawar accepted appeal of the appellant with direction to the department which is reproduced as:

"The appellant is entitled to be considered as appointees w.e.f the dates when other similarly placed candidates were appointed. The appellants would however, not be entitled to any financial back benefits. The respondent department is to prepare their Inter-se-seniority list according to rules.

3. He was appointed Vide order Endst No. 15587-94 Dated: 20-06-2013 and was placed at seniority No 74 in the final seniority list issued by the DEO (M) Buner on 30-04-2023 in light of the above said court decision, w.e.f 24-02-2011.
4. His batch/session is 16-05-2005 with score 52.46.

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(C) Irshad Ali DM

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1. Mr. Irshad Ali was appointed against DM Post vide order Endstt No. 8529-37/DA Dated: 24-02-2011 in 25% open merit.
2. His batch/session is 31-12-2008 with score 58.92
3. His number in the current seniority list is 76.

(D) Ashbar Ali DM

1. Mr. Ashbar Ali was appointed as DM vide order Endstt No. 8529-37 Dated 24-02-2011 in 25% open merit.
2. His batch/session is 31-12-2008 with score 57.77.
3. His number in the current seniority list is 75.

(E) Taj Akbar DM

1. Mr. Taj Akbar was appointed against DM post vide Endstt No. 8529-37 Dated 24-02-2011 in 25% open merit.
2. His batch/session is 31-12-2008 with score 53.17.
3. His number in the current seniority list is 78.

Note:

Noor Rahim appointed against DM post vide order Endstt No. 8529-37/DA Dated 24-02-2011 under 75% Batch wise/year wise, his batch/session is 28-12-2006 with score 51.66 and his seniority number is 77.

(F) Muhammad Ayaz DM

1. Mr. Muhammad Ayaz has been transferred from Distt charsadda to Distt Buner and took over charge on 07-11-2012. His number in seniority list is 87.

**RULES FOR DETERMINATION OF SENIORITY**

The rules in field for the determination of Inter-se-seniority of Khyber Pakhtunkhwa civil servants (Appointment, Promotion and Transfer) Rules, 1989, the operative sections are reproduced as follows 17(a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the commission [ or, as the case maybe, 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 lower post is promoted to higher post temporarily in the public interest, even though continuing later permanently in the higher post, it would not adversely affect 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 differed 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 de merit.

**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-à-vis those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre; provided that if

*Muhammad Ayaz*  
28-8-023

*[Signature]*

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two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.

3. In the event of merger/restructuring of the departments, attached departments or sub ordinate office, 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.

4. The Inter-se-seniority of civil servants in a certain cadre to which promotion is made from different lower posts, carrying the same pay scale shall be determined from the date of regular appointment/promotion of the civil servant in the lower post.

Provided that if the date of regular appointment of two or more civil servants in the lower post is the same, the civil servants older in age, shall be treated senior. The most important note for the determination of Inter-se-seniority:

- For the purpose of seniority, the score of the person shall be considered only in the batch/session. The lowest in merit in one batch shall be senior than the highest scorer in the next batch.
- Vide NO SO (PE) 4-5/SSRC/Meeting/2012/ teaching cadre dated November 13,2012, the rules of batch wise recruitment were ceased and converted into initial recruitment on merit.
- It is settled law that change of cadre is promotion while change of grade not cadre is upgradation. It is held by the August Supreme Court of Pakistan in 2009 SCMR 82.

"Both the incumbents were selected and appointed in the same batch. Mere fact one of them assumed the duties earlier would not adversely affect the seniority position of the one who assumed the duty later."

### Conclusion

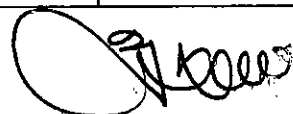
In the instant case, Mr. Noor Rahim appointed in 75% batch wise/year wise merit vide order Endstt No. 8529-37 Dated 24-02-2011, his session is 28-12-2006 with score 51.66 and seniority No 77 clearly indicates that the similarly placed candidates related to Mr. Sherin Zada session 31-05-97 and Mr. Gul Rasool Khan session 16-05-2005 have been appointed prior to 24-02-2011 order as mentioned. According to batch/session, Mr. Sherin Zada dserves to be placed in the seniority list 30-04-2023 at seniority No 73 and Gul Rasool Khan at S.No 74 while Irshad Ali may be placed at S.No 75, Ashbar Ali maybe placed at S.No. 76 and Taj Akbar may be placed at S.No 77, Noor Rahim comes on Seniority position 78 and for determination of seniority position of Mr. Muhammad Ayaz, the court judgement in r/o Mr. Said Fareen Khan, Alam Khan, Muhammad Tahir, Haider Ali, Muhammad Ghafoor, Javaid Shah and Sher Zamin Khan must be provided. Due to non-provision of record and absence from appearing before inquiry committee, the seniority of Mr. Said Fareen Khan, Mr. Alam khan, Muhammad Tahir, Haider Ali, Muhammad Ghafoor, Javaid Shah and Sher Zamin khan and so as Muhammad ayaz still remains disputed.

D. H. Khan  
28/8/23

### RECOMMENDATION

Keeping in view, the Service Tribunal Judgement Dated 07-11-2016 in SA No 90/2014 and SA No. 65/2014 under the rules Govt of Khyber Pakhtunkhwa civil servants (Appointment, promotion & Transfer) rules 1989, section 17(a), it is recommended that the seniority list of DM, s dated 30-04-2023 may be corrected in case of given teachers as follows.

S. No	Sen. No	Name of DM	Session	Score	Remarks
1	73	Sherin Zada	31-05-1997	47.35	Court Judgement in SA NO.85/2014 Dated 07-11-2016 & KPAPT rules 1989 section 17(a)
2	74	Gul Rasool Khan	16-05-2005	52.45	-do-



3	75	Irshad Ali	31-12-2008	58.92	KP APT Rules 1989, section 17(a)
4	76	Ashbar Ali	31-12-2008	57.77	-do-
5	77	Taj Akbar	28-12-2008	53.17	-do-
6	78	Noor Rahim	28-12-2006	51.66	-do-

2. The seniority of Mr. Muhamad Ayaz DM transferred from Distt Charsadda can only be determined when Mr. Said Fareen Khan, Mr. Alam khan, Mr. Muhammad Tahir, Mr. Haider Ali, Mr. Muhammad Ghafoor, Mr. Javaid Shah and Mr. Sher Zamin Khan may provide the record. All these teachers presented themselves from appearing before the inquiry committee due to unknown reason. If court judgement mentioning appointment of the above candidates against the post applied by them from 26-02-2011 without any financial back benefits, then maybe placed after Noor Rahim Seniority No. 78 and so on accordingly and after that Muhammad Ayaz be placed just after them as per following detail.

No	Sen. No	Name of DM	Session	Score	Remarks
	79	Muhammad Ghafoor	07-12-1994	42.92	Court Judgment of KP APT Rules 1989 section 17 (a)
	80	Alam khan	07-12-1994	42.20,	-do-
	81	Said Fareen khan	07-12-1994	40.30	-do-
	82	Javaid Shah	09-02-1998	47.04	-do-
	83	Muhammad Tahir	30-09-2004	42.42	-do-
	84	Haider Ali	16-05-2005	41.63	-do-
	85	Sher Zaim khan	16-05-2005	39.36	-do-

Mr. Muhammad Ayaz may be placed at serial no 86 in the seniority list issued on 30-04-2023

3. DM and SDM both are different cadres. Therefore, the seniority lists maybe separated for each cadre. Seniority of SDM may be determined under section 17(b) of the KP APT Rules 1989.

Annexed: Applications of Irshad Ali, Taj Akbar and Muhamad Ayaz, Charge report of Muhammad Ayaz, Judgment of Alam khan, Javed Shah, Appointment order Dated 24-02-2011 and list showing attachment/session with scores of different candidates, annexed as A, B, C, D, E, F, G and H.

Muhammad Naeem HM

GHS Shera Ghund Swabi

Chairman

Fazle Khaliq

Litigation Officer

DEO (M&F) Swabi Office

Member

Amir Khan 11/11  
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**OFFICE OF THE DISTRICT EDUCATION OFFICER MALE**  
**FINAL SENIORITY LIST OF SDM & D.M (MALE) TEACHERS STOOD ON 30-08-2023**

Seni ority No	TEACHER NAME	FATHER NAME	NAME OF SCHOOL	Domicile	Design:	BPS	ACAD EMIC QUALIF:	PROFESSIONAL QUALIF:	B.A DIV	D.O.B	DATE OF 1ST APPT: IN EDUCATION	DATE OF APPT: AGAINST THE PRESENT POST as DM	DATE OF REGULAR APPT: AGAINST THE PRESENT POST	Score	Remarks
1	TAJ MOHAMMAD	YASEEN	GMS GUMBAT	Buner	DM	15	SSC	DM	NIL	01-01-1965	28-02-1983	28-02-1983	05-03-1983		
2	SHER MUHAMMAD	MOHAMMAD RASHAD	GHS MARADU	Buner	DM	15	SSC	DM	NIL	20-05-1964	14-01-1982	14-01-1982	27-03-1983		
3	AFSAR ALI KHAN	SHAWAR KHAN	GHS DHERAI	Buner	SDM	16	BA	DM	3RD	12-01-1965	23-05-1990	25-12-1993	28-12-1993		
4	AMIN KHAN	AKBAR KHAN	GHSS GADEZI	Buner	SDM	16	BA	DM	2ND	01-04-1969	10-05-1992	25-05-1996	25-05-1996		
5	SHAMOON	HAKEEM KHAN	GHS INZAR MAIRA	Buner	SDM	15	BA	DM	2ND	14-08-1967	13-02-1997	13-02-1997	25-02-1997		
6	WAJID ZAMAN	GHARIB KHAN	GMS TOTALAI	Buner	DM	15	FA	DM	NIL	10-01-1975	26-02-1997	26-02-1997	27-02-1997		
7	Shad Mohd Khan	Muhammad Khan	GHS BAZARGAY	Buner	SDM	16	BA	DM	2ND	03-09-1968	13-02-1997	12-03-1997	12-03-1997		
8	DAULAT MAND	KARIMULLAH	GHS GIRARAI	Buner	SDM	16	MA	MED	2ND	20-05-1972	08-03-1996	13-02-1997	22-08-1997		
9	MUKHTAR AHMAD	SAID HAKAM SHAH	GHS NAWAGAI	Buner	SDM	16	BA BED	DM	2ND	15-01-1967	13-03-1995	15/11/197	15-11-1997		
10	MOHAMMAD JAVED	SAIDA GUL	GHSS NOGRAM	Buner	SDM	16	BA	DM	2ND	15-03-1974	01-01-1998	01-01-1998	01-03-1998		
11	BAKHT RAHMAN	SAIFUR RAHMAN	GHS BAGRA	Buner	SDM	16	BA	DM	2ND	14-04-1974	28-04-1999	28-04-1999	29-04-1999		
12	MUHAMMAD KARIM	ABDUL KHALIQ	GHS ANGHAPUR	Buner	SDM	16	MA	MED	2ND	18-10-1976	28-04-1999	28-04-1999	01-05-1999		
13	HAZRAT KAMAL	SYED AKBAR	GHS MANGAL THANA	Buner	SDM	16	BA	DM	2ND	01-01-1969	06-11-1994	11-05-1999	11-05-1999		
14	MUHAMMAD NAWAB	Ghulam Muhmad	GHS KATKALA	Buner	SDM	16	MA	BED	2ND	15-09-1970	06-11-1994	11-05-1999	11-05-1999		
15	BAKHT ZAMAN KHAN	SAID GHANI	GHS DAGGAR NO.2	Buner	SDM	16	MA	BED	2ND	19-04-1971	06-11-1994	11-05-1999	11-05-1999		
16	SHAH HASSAN KHAN	Amir Mohd Khan	GHS NANSER	Buner	SDM	16	BA	DM	2ND	01-04-1964	30-08-1995	25-04-2000	25-04-2000		
17	SHARIFUDDIN	SHAMSHI KHAN	GHS MARADU	Buner	SDM	16	FA	DM	NIL	02-03-1968	16-04-1995	25-04-2000	25-04-2000		
18	BAKHT KARAM	AFARIN	GHS GULBANDI	Buner	SDM	16	BA	DM	2ND	13-04-1968	01-10-1995	25-04-2000	25-04-2000		
19	HUSSAIN KHAN	CHRI KHAN	GHS KALA KHELA	Buner	SDM	16	MA	DM	2ND	02-05-1972	01-10-1995	24-04-2000	25-04-2000		
20	ASHTAR KHAN	KHURASAN	GHS TANGORA	Buner	SDM	16	BA	DM	2ND	01-01-1973	20-12-1994	25-04-2000	25-04-2000		
21	HAYAT MUHAMMAD	Khurshid Muhmad	GHSS CHINGLAI	Buner	SDM	16	BA	BED	2ND	01-03-1973	08-06-1998	25-04-2000	25-04-2000		
22	ZAHORUL HAQ	SAHIB RASOOL	GMS NAWAGAI	Buner	DM	15	FA	DM	NIL	05-02-1974	09-02-1997	25-04-2000	25-04-2000		
23	FAZLI AHAD	TOTIA NOSH	GHS CHANAR	Buner	SDM	16	MA	MED	2ND	05-03-1977	17-09-1995	25-04-2000	25-04-2000		
24	SHEREEN ZADA	SANDI PAN	GHS SOWARAI	Buner	SDM	16	BA	DM	2ND	01-01-1968	08-06-1998	31-03-2002	31-03-2002		
25	AMIR BAHADAR	ALI SAFDAR	GHS KAWGA	Buner	SDM	16	BA	DM	3RD	01-03-1968	08-06-1998	31-03-2002	31-03-2002		
26	JEHAN ZEB	MIR DAD KHAN	GHS DEWANA BABA	Buner	SDM	16	BA	DM	3RD	01-03-1969	08-06-1998	31-03-2002	31-03-2002		

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27	KHAISTA GUL	BACHA GUL	GHS ASHARAY	Buner	SDM	16	BA	DM	NIL	03-05-1974	20-04-1999	10-07-2002	11-07-2002		
28	KAMAL HUSSAIN	MUHAMMAD HASSAN	GHS DAGAI	Buner	SDM	16	MA	BED	2ND	29-01-1975	20-04-1999	11-05-2002	11-07-2002		
29	GHULAM AKBAR	DURRANAI	GHSS GHURGSHTO	Buner	SDM	16	MA	BED	2ND	19-03-1975	01-08-1996	10-07-2002	11-07-2002		
30	FAZLUR RAHMAN	FAZLI RABBI	GHSS CHINGLAI	Buner	SDM	16	MA	BED	2ND	06-11-1976	28-08-1997	10-07-2002	11-07-2002		
31	WALI MUHAMMAD	ZARIN	GHSS NAGRAI	Buner	SDM	16	BA	DM	2ND	01-09-1972	01-03-2004	01-03-2004	01-03-2004		
32	HAKEEM ZADA	SHER ZADA	GHSS GAGRA	Buner	SDM	16	MA	BED	2ND	07-04-1973	28-02-2004	28-02-2004	01-03-2004		
33	MUHAMMAD AKRAM KHAN	AMIR ZADA	GHS BAMPOKHA	Buner	SDM	16	MA	BED	2ND	15-08-1974	01-03-2004	01-03-2004	01-03-2004		
34	JEHANGIR KHAN	MOHAMMAD SHERIN	GHS DOKADA	Buner	SDM	16	MA	MED	2ND	15-02-1975	31-07-2003	31-07-2003	01-03-2004		
35	RASHID IQBAL MUHSIN	ABDUR RAHMAN	GHS JOWAR	Buner	SDM	16	BA	DM	2ND	10-03-1975	28-02-2004	28-02-2004	01-03-2004		
36	RAHAM AKBAR	TAJ MALOOK KHAN	GHS NAWAGAI	Buner	SDM	16	MA	DM	2ND	15-03-1975	28-02-2004	28-02-2004	01-03-2004		
37	FAZLI MUNIR	FAZLI HADI	GHS AMBELA	Buner	SDM	16	MA	BED	2ND	05-04-1975	31-07-2003	31-07-2003	01-03-2004		
38	KAMIL KHAN	AWAL KHAN	GMS MATWANI	Buner	SDM	16	BA	DM	2ND	06-05-1975	28-02-2004	28-02-2004	01-03-2004		
39	AKBAR ALI	SHARIFULLAH	GMS KALAIL	Buner	SDM	16	MA	BED	2ND	10-06-1975	21-12-1999	21-12-1999	01-03-2004		
40	TAJRALI KHAN	UMAT KHAN	GMS KULYARAI	Buner	SDM	16	BA	DM	2ND	01-04-1976	28-02-2004	28-02-2004	01-03-2004		
41	GUL ROSH Khan	AMIR AKBAR KHAN	GHSS AMNAWAR	Buner	SDM	16	MA	BED	2ND	13-04-1976	01-03-2004	01-03-2004	01-03-2004		
42	MUJEEBUR RAHMAN	JAMIULLAH	GMS MIRZAKAY	Buner	SDM	16	MA	DM	2ND	01-06-1976	28-02-2004	28-02-2004	01-03-2004		
43	SAID WAHAB	MUHAMMAD SAID	GMS Sherghasay	Buner	SDM	16	BA	BED	2ND	21-01-1977	28-02-2004	28-02-2004	01-03-2004		
44	SAID NAWAB	AKBAR HUSSAIN	GHSS Khararai	Buner	SDM	16	MA	MED	1ST	29-01-1977	31-07-2003	31-07-2003	01-03-2004		
45	BAHADAR SAID	HUNAR SAID	GHS MATWANAI	Buner	SDM	16	MA	MED	2ND	01-04-1977	28-02-2004	28-02-2004	01-03-2004		
46	ISRAR	ALI ZAR	GHSS JANGAI	Buner	SDM	16	BA	BED	2ND	19-04-1978	28-02-2004	28-02-2004	01-03-2004		
47	WAZIR SHAH	DAWOOD SHAH	GHS KULYARAI	Buner	SDM	16	MA	BED	2ND	03-06-1978	31-07-2003	31-07-2003	01-03-2004		
48	MIRAJ KHAN	WALI JAN	GHSS NAGRAI	Buner	SDM	16	MA	NIL	2ND	02-02-1977	28-02-2004	28-02-2004	01-03-2004		
49	MIAN KHAN	PATTAN KHAN	GHS BAZARKOT	Buner	SDM	16	BA	DM	2ND	01-11-1969	20-11-2006	20-11-2006	20-11-2006		
50	SUBHANULLAH	SHAH RAWAN	GMS ALAMI BANDA	Buner	SDM	16	BA	DM	2ND	01-04-1967	20-11-2006	20-11-2006	21-11-2006		
51	AMIR ZEB	ALAM ZEB	GHS Elai	Buner	SDM	16	MA	M.Ed /DM	2ND	01-03-1975	21-11-2006	21-11-2006	21-11-2006		
52	SAID WAHID	ABDUL JALIL	GMS Gokand	Buner	DM	15	BA	DM	2ND	11-03-1976	20-10-2006	20-10-2006	21-11-2006		

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53	FAQIR MUHAMMAD	PIR MUHAMMAD	GHS KHARARAI	Buner	SDM	16	MA	BED / BSC	3RD	02-04-1978	21-11-2006	21-11-2006	21-11-2006	39	
54	SHAHI ROKHAN	KHULA KHAN	GHS KULYARAI	Buner	SDM	16	MA	BED	2ND	25-04-1982	20-11-2006	21-11-2006	21-11-2006		
55	ALI GHANI	SULTAN GHANI	GHS BAGRA	Buner	SDM	16	MA	BED	2ND	02-02-1980	20-11-2006	22-11-2006	22-11-2006		
56	GHAFOOR GUL	AMIR AHMAD GUL	GMS KOWGA	Buner	SDM	16	MA	DM	1ST	04-04-1975	20-11-2006	20-11-2006	23-11-2006		
57	Muhammad Javid	Shamsul Zuha	GMS Dab Serai	Buner	SDM	15	B.A	DM	2nd	12-02-1974	20-11-2006	20-11-2006	23-11-2006		
58	AMIR NAWAZ KHAN	SHERABAZ KHAN	GHS CHINGLAI	Buner	SDM	16	BA	DM	2ND	01-05-1973	29-12-2004	20-11-2006	01-12-2007		
59	ZIANUL AKBAR	ABDUL AKBAR	GHSS Khanano Derai	Buner	SDM	16	MA	BED	2ND	20-03-1975	27-10-1998	30-06-2009	01-08-2009		
60	NASIM SHAH	SAID KALAM SHAH	GHS DHERAI	Buner	SDM	16	FA	DM	NIL	10-03-1976	30-06-2009	30-06-2009	30-06-2009		
61	HAZRAT HAMAD	ALI HAMAD	GMS MULAYOUSAF	Buner	SDM	16	M.A B.Ed	DM	NIL	04-01-1976	30-06-2009	30-06-2009	30-06-2009		
62	SHER AKBAR KHAN	MUKARAM KHAN	GHS KARAPA	Buner	SDM	16	BA	DM	2ND	27-07-1976	30-06-2009	01-08-2009	01-08-2009		
63	MUKAMIL SHAH	DAWOOD SHAH	GMS ELAI	Buner	SDM	16	MA	BED	2ND	31-07-1977	01-08-1996	30-06-2009	01-08-2009		
64	QAMAR ALI KHAN	ZARR JAMIL KHAN	GMS SHER ALI	Buner	DM	15	FA	DM	NIL	11-02-1978	30-06-2009	30-06-2009	01-08-2009		
65	KHALID REHMAN	AZIZUR REHMAN	GHS SWARI	Buner	SDM	16	BA	DM	3RD	11-03-1979	30-06-2009	01-08-2009	01-08-2009		
66	SYED NAZIRUL MULK	SYED SAYAF	GMS JICA AGARAI	Buner	SDM	16	BA	DM	2ND	16-03-1979	30-06-2009	30-06-2009	01-08-2009		
67	SHAH JAHAN	ABDUR RAHMAN	GHSS AGARAI	Buner	SDM	16	MA	MED	2ND	10-04-1982	30-06-2009	30-06-2009	01-08-2009		
68	BAHAR ALI	Saiful Malok Shah	GMS SURA	Buner	SDM	16	BA	DM	2ND	20-04-1982	30-06-2009	30-06-2009	01-08-2009		
69	ZAMIN KHAN	ROZI	GMS LEGANAI	Buner	SDM	16	BA	DM	2ND	04-03-1986	01-08-2009	30-06-2009	01-08-2009		
70	NAIK ZADA	ABDUL HAMID	GMS KINGER GALI	Buner	DM	15	FA	DM	NIL	08-04-1978	30-06-2009	30-06-2009	26-08-2009		
71	ARSHAD ALI	SARDAR ALI	GMS Jangdara K.K	Buner	DM	15	BA	DM	2ND	10-01-1982	30-06-2009	30-06-2009	30-06-2009		
72	MATIUR RAHMAN	TORABAZ KHAN	GMS Biamdara	Buner	DM	15	BA	DM	NIL	11-05-1982	20-12-2010	20-12-2010	20-12-2010		
73	Sherin Zada	Bahram Said	GMS Miana Kawga	Buner	DM	15	B.A	Bed/DM	2nd	10-03-76	20-6-2013	20-06-2013	24-02-2011		
74	Gul Rasool Khan	Abdul Tawab Khan	GMS Kalakhela	Buner	DM	15	MA	Bed	2nd	08-01-84	20-06-2013	20-06-2013	30-06-2011		
75	IRSHAD ALI	MIR SALAM KHAN	GMS Makhranai	Buner	DM	15	MA	DM	1st	10-01-1986	20-12-2010	24-02-2011	24-02-2011		
76	ASHBAR ALI	FARAS SHAH	GHS Matwanai	Buner	DM	15	MA	DM	2ND	01-01-1985	24-02-2011	24-02-2011	24-02-2011		
77	TAJ AKBAR	Taj Malook Khan	GMS Kankowai	Buner	DM	15	BA	DM	2ND	10-03-1989	24-02-2011	24-02-2011	24-02-2011		
78	NOOR RAHIM	SAID RAHIM	GHSS GADEZI	Buner	DM	15	BA	DM	2ND	01-03-1986	24-02-2011	24-02-2011	24-02-2011		

Seniority No	TEACHER NAME	FATHER NAME	NAME OF SCHOOL	Domicile	Design:	BPS	ACAD EMIC QUALIF:	PROFESSIONAL QUALIF:	B.A DIV	D.O.B	DATE OF 1ST APPT: IN EDUCATION	DATE OF APPT: AGAINST THE PRESENT POST as DM	DATE OF REGULAR APPT: AGAINST THE PRESENT POST	Score	Remarks
79	Muhammad Ghafoor	Abdul Haq	GMS Hisar Tangay	Buner	DM	15	BA	DM	Nil	29-01-1976	02-12-15	27-02-2016	26/02/2011		
80	Alam Khan	Dilawar Shah	GMS Bakht Maira	Buner	DM	15	FA	DM	Nil	08-01-73	02-12-15	27-02-2016	26/02/2011		
81	Said farin Khan	Nat Khan	GMS Alami Banda	Buner	DM	15	FA	DM	Nil	27-06-1973	02-12-15	27-02-2016	26/02/2011		
82	Javid shah	Mohabat Shah	GMS Bambalai	Buner	DM	15	BA	DM	3rd	20-05-1977	02-12-15	27-02-2016	26/02/2011		
83	Muhammad Tahir	SHER ZADA	GHS Pander	Buner	DM	15	MA	DM	2nd	04-04-81	02-12-15	27-02-2016	26/02/2011		
84	Haider Ali	Shaiber Khan	GMS Banda	Buner	DM	15	BA	DM	Nil	02-10-86	02-12-15	27-02-2016	26/02/2011		
85	Sher Zamin khan	Dunya Khan	GMS Ramzai	Buner	DM	15	BA	DM	2nd	12-12-79	02-12-15	27-02-2016	26/02/2011		
86	Muhammad Ayaz	Karim Bakhsh	GMS Palwari	Charsada	DM	15	MA	MED	2nd	03-09-79	05-12-05	05-12-05	11-01-12		
87	Muhammad Alam	Muhammad Rafiq	GMS Jangdara TSK	Buner	DM	15	MA	MED	2nd	01-03-85	16 May, 2014	27/11/2015	7-Mar-2018	106.85	
88	Ahmad Sayed	Bahram Sayed	GHS Rega	Buner	DM	15				11-09-87	27/11/2015	27/11/2015	7-Mar-2018	105.68	
89	Bakht Alam	Zarin Gul	GMS Panghalay	Buner	DM	15				16/01/1986	27/11/2015	27/11/2015	7-Mar-2018	102.35	
90	Muhammad Bahadar	Sham Su Tahir	GMS Malakpur	Buner	DM	15				02-10-82	27/11/2015	27/11/2015	7-Mar-2018	100.18	
91	Murad Ali	Lutfur Rahman	GMS Mugh Dara	Buner	DM	15				15/03/1990	27/11/2015	27/11/2015	7-Mar-2018	98	
92	Muhammad Ali	Bakht Shaid Rasool	GMS Malka	Buner	DM	15				20/01/1989	27/11/2015	27/11/2015	7-Mar-2018	95.46	
93	Niazmin Khayas	Gul Khayas	GCMHS Daggar	Buner	DM	15				03-06-88	27/11/2015	27/11/2015	7-Mar-2018	94.8	
94	Ayub Khan	Fazal Mir	GHS Nogram	Buner	DM	15				05-01-83	27/11/2015	27/11/2015	7-Mar-2018	94.17	
95	Tariq Ahmad	Gul Zada	GMS Langaw	Buner	DM	15				04-10-83	27/11/2015	27/11/2015	7-Mar-2018	93.21	
96	Fazli Amin	Shah Said	GMS No.1 Rega	Buner	DM	15				01-12-85	27/11/2015	27/11/2015	7-Mar-2018	92.25	
97	Shah Hussain	Rahim Gul	GHS Cheena	Buner	DM	15				04-01-81	27/11/2015	27/11/2015	7-Mar-2018	91.88	
98	Aurang Shah	Saieh Shah	GMS Miana Kadal	Buner	DM	15				01-01-87	27/11/2015	27/11/2015	7-Mar-2018	91.87	
99	Anwar Said	Bakht Said	GMS Bhaikalay	Buner	DM	15				04-03-81	27/11/2015	27/11/2015	7-Mar-2018	90.58	
100	Akbar Ali	Hakimullah	GMS Jaba Amr	Buner	DM	15				02-10-88	27/11/2015	27/11/2015	7-Mar-2018	87.79	
101	Sardar Amin	Abdul Amin	GMS Kuzajamra	Buner	DM	15				15/04/1989	27/11/2015	27/11/2015	7-Mar-2018	87.67	
102	Bakht Said	Sher Said	GMS Sher Ali	Buner	DM	15				02-04-88	27/11/2015	27/11/2015	7-Mar-2018	87.2	
103	Rehman Zeb	Nasib Rahman	GMS Dabserai	Buner	DM	15				03-10-86	27/11/2015	27/11/2015	7-Mar-2018	85.92	
104	Muhammad Tariq	Muhammad Ayaz	GMS Hall	Buner	DM	15				26/06/1988	27/11/2015	27/11/2015	7-Mar-2018	83.73	



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Seniority No	TEACHER NAME	FATHER NAME	NAME OF SCHOOL	Domicile	Design:	BPS	ACAD EMIC QUALIF:	PROFESSIONAL QUALIF:	B.A DIV	D.O.B	DATE OF 1ST APPT: IN EDUCATION	DATE OF APPT: AGAINST THE PRESENT POST as DM	DATE OF REGULAR APPT: AGAINST THE PRESENT POST	Score	Remarks
105	Muhammad Karim	Muhammad Hilal	GHSS Ghazi Kot	Buner	DM	15				05-02-92	27/11/2015	27/11/2015	7-Mar-2018	78.1	
106	Ishtiaq Ali	Ghaniullah	GMS Kingargali	Buner	DM	15				14/03/1988	27/11/2015	27/11/2015	7-Mar-2018	78	
107	Noor Ul Islam	Gul Rahim	GMS Akhun Serai	Buner	DM	15				01-05-85	27/11/2015	27/11/2015	7-Mar-2018	77.67	
108	Rahman Mahmood	Faqir Mahmood	GMS Chanal	Buner	DM	15				27/04/1986	27/11/2015	27/11/2015	7-Mar-2018	76.97	
109	Quresh Khan	Amir Uddin	GMS Mulayousaf	Buner	DM	15				14/03/1988	27/11/2015	27/11/2015	7-Mar-2018	76.94	
110	Fazli Rehman	Mani Rahman	GMS Balo Khan	Buner	DM	15				11-01-74	27/11/2015	27/11/2015	7-Mar-2018	76.27	
111	Ihsanul Haq	Abdul Wahid	GHS Ghazikhanay	Buner	DM	15				18/03/1986	27/11/2015	27/11/2015	7-Mar-2018	76	
112	Syed Ullah	Bakht Zarin Shah	GMS Bazarkot	Buner	DM	15				15/01/1990	27/11/2015	27/11/2015	7-Mar-2018	73.08	
113	Bakhtaj Mehmood	Faqir Mahmood	GMS Kangalai	Buner	DM	15				18/03/1975	27/11/2015	27/11/2015	7-Mar-2018	72.6	
114	Aziz Ul Hassan	Afzal Khan	GMS Dandikot	Buner	DM	15				02-02-86	27/11/2015	27/11/2015	7-Mar-2018	71.17	
115	Ijaz Ul Haq	Shamsul Qamar	GMS Shanai	Buner	DM	15				27/01/1990	27/11/2015	27/11/2015	7-Mar-2018	70.55	
116	Nizar Ali	Ghani Muhammad	GMS Kuz Shamnal	Buner	DM	15				03-01-91	27/11/2015	27/11/2015	7-Mar-2018	69	
117	Jan Ali	Salarzay	GHSS Batara	Buner	DM	15				02-02-83	27/11/2015	27/11/2015	7-Mar-2018	68.95	
118	Ali Gul	Juma Gul	GMS Ashezo Maira	Buner	DM	15	MA	B.Ed	2ND	01-05-79	27/11/2015	27/11/2015	7-Mar-2018	68.3	
119	Saeed Ur Rahman	Inayatul Haq	GHS Pander	Buner	DM	15				04-07-89	27/11/2015	27/11/2015	7-Mar-2018	68.3	
120	Sher Wadood	Abdul Wadood	GMS Chalandrai	Buner	DM	15				03-10-89	27/11/2015	27/11/2015	7-Mar-2018	67.71	
121	Bakht Said	Gul Zarin	GMS Shangra	Buner	DM	15				18/03/1980	27/11/2015	27/11/2015	7-Mar-2018	65.47	
122	Khan Nawab	Abdul Wakil Khan	GMS Karorai	Buner	DM	15				02-01-82	27-11-2018	27-11-2018		132.09	
123	Said Nasib Zar	Mian Bakht Zar	GHS Elai	Buner	DM	15				22/03/1979	27-11-2018	27-11-2018		121.23	
124	Gul Rahim Shah	Hussain Shah	GMS Shargashay	Buner	DM	15				07-10-83	27-11-2018	27-11-2018		110.86	
125	Farooq Ali	Miran Said	GHSS Batara	Buner	DM	15				04-03-86	27-11-2018	27-11-2018		106.23	
126	Amjad Ali	Said Qamar	GHS Nawakalay	Buner	DM	15				13/04/1985	27-11-2018	27-11-2018		102.85	
127	Haji Muhammad	Nazir Muhammad	GMS Wakil Abad	Buner	DM	15				28/08/1982	27-11-2018	27-11-2018		97.2	
128	Faiz Muhammad Khan	Said Muhd Khan	GMS Bangiray	Buner	DM	15				04-04-79	27-11-2018	27-11-2018		96.97	
129	Muhammad Israr	Gul Zarin Shah	GMS Wach Khuwar Kawga	Buner	DM	15				05-10-82	27-11-2018	27-11-2018		93.91	
130	Abdus Salam	Shah Karim Khan	GMS Damnair	Buner	DM	15				04-03-82	27-11-2018	27-11-2018		92.54	

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Seniority No	TEACHER NAME	FATHER NAME	NAME OF SCHOOL	Domicile	Design:	BPS	ACAD EMIC QUALIF:	PROFESSIONAL QUALIF:	B.A DIV	D.O.B	DATE OF 1ST APPT: IN EDUCATION	DATE OF APPT: AGAINST THE PRESENT POST as DM	DATE OF REGULAR APPT: AGAINST THE PRESENT POST	Score	Remarks
131	Abdul Satar	Abdul Manan	GHS Batai	Buner	DM	15				02-04-79	27-11-2018	27-11-2018		87.85	
132	Syed Bahar	Syed Khushal	GMS Baimpur	Buner	DM	15				22/04/1991	27-11-2018	27-11-2018		86.63	
133	Nasib Zada	Amir Said	GHSS Bagh	Buner	DM	15				16/04/1988	27-11-2018	27-11-2018		86.08	
134	Nasib Zada	Yaqoob Khan	GHS Jaba Amazi.	Buner	DM	15				03-04-80	27-11-2018	27-11-2018		81.63	
135	Muhammad Zaman	Sher Aman	GMS Batkanai.	Buner	DM	15				04-05-84	27-11-2018	27-11-2018		80.68	
136	SAID SHAH	MALOOK	GMS SHALIZARA	Buner	DM	15				12-Apr-1990	14-01-2019	14-01-2019	14-Jan-2019	145.66	
137	AMJAD ALI	FAIZ RASAN	GHS TANGORA	Buner	DM	15				15-Feb-1989	14-01-2019	14-01-2019	14-Jan-2019	144.43	
138	NOOR ZAMIN KHAN	MIR DAWAR KHAN	GMS BADAIR	Buner	DM	15				1-Dec-1992	14-01-2019	14-01-2019	14-Jan-2019	139.30	
139	MAAZ	BAKHTI GUL	GMS BARKALAY	Buner	DM	15				3-Apr-1990	28-02-2019	28-02-2019	28-Feb-2019	138.96	
140	SAMIULLAH	HAJI USMAN GUL	GMS MULA BANDA	Buner	DM	15				1-Feb-1990	14-01-2019	14-01-2019	14-Jan-2019	134.97	
141	HAIDER ZAMAN	WAHID ZAMAN	GMS DURMAI	Buner	DM	15				1-Jan-1986	28-02-2019	28-02-2019	28-Feb-2019	130.86	
142	TAYYAB AMIN	MOHAMMAD AMIN	GMS KUZ KALAY	Buner	DM	15				1-Jan-1993	28-02-2019	28-02-2019	28-Feb-2019	129.66	
143	ADIL ZADA	SHERIN ZADA	GMS GUJAR ABAD	Buner	DM	15				17-Apr-1989	14-01-2019	14-01-2019	14-Jan-2019	128.32	
144	IFTIKHAR ALI	AFZAL KHAN	GMS QUDRATULLAH GHARI	Buner	DM	15				8-Feb-1987	14-01-2019	14-01-2019	14-Jan-2019	127.98	
145	KHALID IQBAL	GHULAM HABIB	GMS HISAR BABA	Buner	DM	15				20-May-1992	14-01-2019	14-01-2019	14-Jan-2019	127.36	
146	MUHAMMAD JUNAID	FAZLI RASHID	GMS DANDAR	Buner	DM	15				10-Mar-1992	28-02-2019	28-02-2019	28-Feb-2019	127.25	
147	MUHAMMAD ZUBAIR	MIR AKBAR	GMS LALOO	Buner	DM	15				1-Apr-1993	15-05-2019	15-05-2019	15-May-2019	125.29	
148	ABDUL HAKIM	HAMID ULLAH	GMS KAS CHAGHARZI	Buner	DM	15				12-Mar-1992	10-05-2019	10-05-2019	10-May-2019	125.18	
149	MUHAMMAD ARIF	SHAMSUL HADI	GHS MANDOW	Buner	DM	15				27-Mar-1991	10-05-2019	10-05-2019	10-May-2019	125.12	
150	MUHAMMAD YOUNIS	ZARSHAD KHAN	GMS TOTALAI	Buner	DM	15				10-Mar-1991	01-03-2019	01-03-2019	1-Mar-2019	123.78	
151	HAIDER ALI KHAN	BAKHT SHAD	GHSS DAKARA	Buner	DM	15				24-Mar-1992	10-05-2019	10-05-2019	10-May-2019	121.46	
152	NOOR NABI SHAH	GUL SHAH	GMS THEGARAY	Buner	DM	15				3-Jan-1987	28-02-2019	28-02-2019	28-Feb-2019	119.07	
153	AJAY SINGH	HANS RAJ	GMS CHALANDRAI	Buner	DM	15				24-Feb-1996	28-02-2019	28-02-2019	28-Feb-2019	101.11	
154	MUHAMMAD AKHTAR	HASSAN KHAN	GHS LEGANAI	Buner	DM	15				5-May-1990	22-06-2020	22-06-2020	22-Jun-2020	116.24	
155	NOOR UL AMIN	MUHAMMAD AMIN	GMS JICA AGARAI	Buner	DM	15				2-Mar-1989	04-09-2020	04-09-2020	4-Sep-2020	98.30	
156	Niaz Hussain	Bakht Zamin	GMS Dab Serai	Buner	DM	15	B.A			20-Apr-1977	17-10-2007	23-Dec-2022	23-Dec-2022	Promote	
157	Abdul Azim	Abdul Karim	GHSS Nogram	Buner	DM	15	B.A			1-Feb-1985	17-10-2007	23-Dec-2022	23-Dec-2022	Promote	

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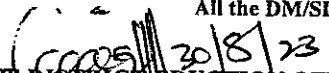
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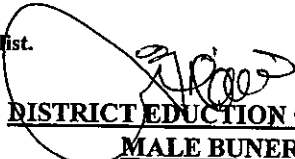
Seniority No	TEACHER NAME	FATHER NAME	NAME OF SCHOOL	Domicile	Design:	BPS	ACAD EMIC QUALIF:	PROFESSIONAL QUALIF:	B.A DIV	D.O.B	DATE OF 1ST APPT: IN EDUCATION	DATE OF APPT: AGAINST THE PRESENT POST as DM	DATE OF REGULAR APPT: AGAINST THE PRESENT POST	Score	Remarks
158	Muhammad Akbar	Rahmat Gul	GHSS Torwarsak	Buner	DM	15	M.A	B.Ed /DM		2-Feb-1985	17-10-2007	23-Dec-2022	23-Dec-2022	Promote	
159	Miftah ud Din	Fazal Subhan	GHSS Dokada	Buner	DM	15	M.Sc	M.Ed /DM		10-Feb-1987	30-06-2009	23-Dec-2022	23-Dec-2022	Promote	

**CERTIFICATE**

Certified that this seniority list is final, undisputed and non Judicious.

All the DM/SDM (M) Teachers working in District Buner are included in this seniority list.

  
ASST. DISTRICT EDUCATION OFFICER  
MALE BUNER

  
DISTRICT EDUCATION OFFICER  
MALE BUNER



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 1971/2023**

Taj Akbar s/o Taj Malook Khan r/o village Nawagai, Tehsil Mandanr District Buner

**Appellant**

**V/S**


District Education Officer Male District Buner & OTHERS

**Respondent**

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**AUTHORITY LETTER**

Mr. Ubaid Ur Rahman, Superintendent BPS-17, Office of the District Education Officer Elementary & Secondary Education Buner is hereby authorized to submit Para Wise Comments on behalf of the undersigned in connection with service appeal No. 1971/2023 in case titled Taj Akbar Versus District Education Officer Male Buner in the Honorable Court of Service Tribunal Peshawar Khyber Pakhtunkhawa.

  
DISTRICT EDUCATION OFFICER  
MALE DISTRICT BUNER