

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 414/2019

Date of Institution ... 02.04.2019

Date of Decision ... 24.01.2022

Mr. Pasham Khan SET (BPS-17) Assistant District Education Officer District Tank
(Merged Area) ... (Appellant)

VERSUS

The Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others
... (Respondents)

Noor Muhammad Khattak,
Advocate

... For Appellant

Muhammad Adeel Butt,
Additional Advocate General

... For respondents

AHMAD SULTAN TAREEN
ATIQU-UR-REHMAN WAZIR

...
...

CHAIRMAN
MEMBER (EXECUTIVE)

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):-

Brief facts of the

case are that the appellant was initially appointed as SET vide order dated 27-11-1985. The appellant was awarded move-over vide order dated 11-12-2003 and personal up-gradation of his post to BPS-17 vide order dated 21-03-2009. In 2003, the appellant came to know that his name is missing in the seniority list, for which he filed application and his name was included in the seniority list. The appellant filed application dated 11-11-2009 for award of selection grade and the appellant was informed to wait for decision of the government vide letter dated 20-01-2010, but with no fruitful result, against which the appellant filed departmental appeal followed by service appeal No. 1065/2012, which was decided vide judgment dated 26-08-2016 with direction to respondents to

examine and decide departmental appeal of the appellant for grant of selection grade within 60 days. In compliance, the respondents produced order dated 07-07-2017 communicated to the appellant on 17-07-2018 and his request for grant of selection grade was rejected. Feeling aggrieved, the appellant filed writ petition No 5634-P/2018, which was dismissed on the issue of jurisdiction, hence the instant service appeal with prayers that the impugned appellate order dated 07-07-2017 may be set aside and the appellant may be allowed/granted selection grade in BPS-17 from the due date with all consequential benefits.

02. Learned counsel for the appellant has contended that inaction of the respondents by not allowing selection grade to the appellant from the due date is against law, facts and norms of natural justice, therefore not tenable and liable to be set aside; that the impugned order is against law, facts and norms of natural justice and material on record and is liable to be set at naught; that the appellant has not been treated in accordance with law, as such, the respondents violated Article-4 and 25 of the Constitution; that the treatment meted out to the appellant is clear violation of the fundamental rights of the appellant as enshrined in the Constitution; that the appellant has been discriminated as other colleagues of the appellant have been allowed selection grade but in case of the appellant, the respondents acted indifferent manner, as such violated the principle of natural justice; that other colleagues of the appellant, who were appointed with the appellant and are placed at serial No. 2,4,7,10,11 and 14 are benefited with the grant of selection grade but the respondents have intentionally and malafiedly deprived the appellant from his valuable right of awarding selection grade; that by not allowing selection grade to the appellant, the appellant suffered huge financial loss; that not allowing the selection grade to the appellant at par with his colleagues, the respondents are violating Article-38(e) of the Constitution.

03. Learned Additional Advocate General for the respondents has contended that vide order dated 11-12-2003, the appellant has been awarded move-over in

BPS-17 and up-gradation of his post vide order dated 21-03-2009 in view of the notification dated 01-10-2007 of finance department; that at such belated stage, the appellant is not entitled for selection grade as such practice has been discontinued by the government since 2001; that upon direction of this tribunal, the respondents considered his departmental appeal but was found meritless hence was rejected.

04. We have heard learned counsel for the parties and have perused the record.

05. Record reveals that the appellant was appointed as SET vide order dated 27-11-1985 and was accorded move-over in BPS-17 vide order dated 11-12-2003 and his post was personally up-graded vide order dated 31-03-2009. The appellant as well as respondents blame each other for missing of his name from the seniority list, for which the appellant tried his level best to include his name in the seniority list, due to which his case of selection grade was left un-granted, hence after a lot of trouble, name of the appellant was included in the seniority list at serial No. 736-A vide order dated 07-10-2008, despite inclusion of his name in the seniority list, selection grade was not granted to him under the plea that though the appellant was entitled for grant of selection grade at that particular time, but at that time, his name was not included in the seniority list, hence he was not granted selection grade at that particular time and now since the government has discontinued such practice of granting selection grade, hence he was refused selection grade. The appellant filed departmental appeal followed by service appeal, which was remanded to the respondents to examine and consider departmental appeal of the appellant within the stipulated timeframe. The respondents rejected his appeal, hence the instant service appeal.

06. We have observed that the respondents constituted a committee to resolve the issue of grant of selection grade and the committee found that though the appellant was eligible for selection grade at that particular time, but since his


name was missing in the seniority list, due to which the appellant was not granted selection grade and now the government has discontinued such practice, hence he cannot be granted selection grade at such belated stage. We are of the opinion that in the first place, no limitation runs against cases involving monitory consideration. Case of the appellant is regarding grant of selection grade, which ultimately would bring some monitory benefits to the appellant, hence his case cannot be rejected on the ground of limitation. Such benefit was already granted to his colleagues and his juniors but the appellant was left out due to missing of his name in the seniority list, which fault cannot be attributed to the appellant.

07. In view of the foregoing discussion, the instant appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
24.01.2022



(AHMAD SULTAN TAREEN)
CHAIRMAN



(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

ORDER

24.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondent present. Arguments heard and record perused.

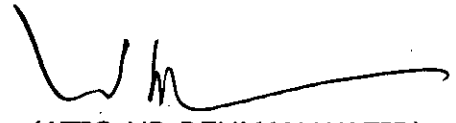
Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

24.01.2022



(AHMAD SULTAN TAREEN)
CHAIRMAN



(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

31-12-2020

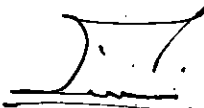
Due to summer vacation, case is adjourned to
18.3.2021 for the same as before.


Reader

18.03.2021

Mr. Afrasiab Wazir, Advocate on behalf of learned counsel for appellant and Mr. Muhammad Rasheed, Deputy District Attorney for respondents present.

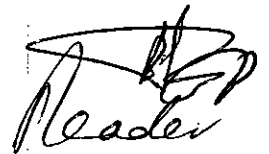
Former requests for adjournment due to illness of learned senior counsel for the appellant today. Adjourned to 19.05.2021 for arguments before D.B.


(Salah-ud-Din)
Member (J)


Chairman

19.5.2021

Due to COVID-19, the case is adjourned
to 10-9-2021 for the same


Reader

10.09.2021

Junior to counsel for appellant present.

Kabir Ullah Khattak learned Additional A.G for respondents present.

Lawyers are on general strike, therefore, case is adjourned. To come up for arguments on 24.01.2022 before D.B.


(Rozina Rehman)
Member (J)


Chairman


19.08.2020

Due to summer vacations, the case is adjourned to
29.10.2020 for the same.


Reader

29.10.2020

Proper D.B is on Tour, therefore, the case is
adjourned for the same on 31.12.2020 before D.B.


Reader

13.02.2020

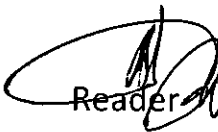
Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 31.03.2020 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

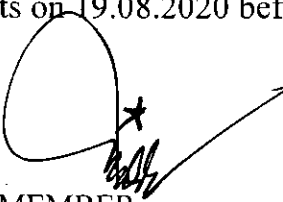
31.03.2020

Due to public holiday on account of COVID19, the case is adjourned to 10.06.2020 for the same as before.


Reader

10.06.2020

Counsel for the appellant present. Addl: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 19.08.2020 before D.B.


MEMBER


MEMBER

414/19

20.09.2019

Counsel for the appellant and Addl. AG alongwith Irfanullah, Assistant for respondents No.1, 2 & 3 present. Nemo for respondent No. 4 present.

Representative of respondents No. 1 to 3 has furnished Joint parawise comments on behalf of the said respondents. Fresh notice be issued to respondent No. 4 by way of last chance for submission of reply/comments on 17.10.2019 before S.B.


Chairman

17.10.2019

Junior to counsel for the appellant and Addl. AG alongwith Fawad Afzal, Senior Clerk for the respondents present.

Representative of respondent No. 4 relies on the written reply already submitted by respondents No. 1 to 3. The appeal is assigned to D.B for arguments on 26.12.2019. The appellant may subject rejoinder, within a fortnight, if so advised.


Chairman

26.12.2019

Counsel for the appellant present. Mr. Ziullah, DDA for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 13.02.2020 before D.B.


Member


Member

30.04.2019

Counsel for the appellant present.

In view of contents of order dated 06.03.2019 passed in Writ Petition No. 5634-P/2018 by the Honourable High Court instant appeal is admitted for regular hearing but subject to all just and legal exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents.

To come up for written reply/comments on 27.06.2019 before S.B.


Chairman

Appellant Deposited
Security & Process Fee

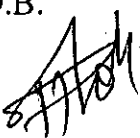
27.06.2019

Learned counsel for the appellant present. Written reply not submitted. Sajjad Ahmad ADEO representative of the respondent department present and requested for time to furnish written reply/comments. Granted. To come up for written reply/comments on 22.08.2019 before S.B.


Member

22.08.2019

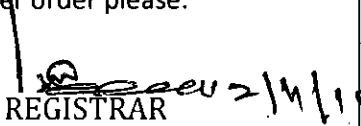

Appellant in person present. Mr. Kabirullah Khattak learned Additional Advocate General for the respondent present. Written reply not submitted. Learned Additional Advocate General seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 20.09.2019 before S.B.


(Hussain Shah)
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 414/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1.	2	3
1-	02/04/2019	<p>The appeal of Mr. Pasham Khan presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	03/04/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>30/04/19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 494 /2019

PASHAM KHAN

VS

EDUCATION DEPTT:

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	1- 4.
2	Orders	A & B	5- 9.
3	Application	C	10.
4	Application	D	11.
5	Seniority list	E	12- 13.
6	Application	F	14.
7	Letter	G	15.
8	Departmental appeal	H	16.
9	Decision	I	17- 20.
10	Appellate order	J	21- 22.
11	Order sheet	K	23- 24.
12	Judgment	L	25- 27.
13	Vakalat nama	28.

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 414 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 504

Dated 02/4/2019

Mr. Pasham Khan, SET (BPS-17),
Assistant District Education Officer, District Tank (Merged Area).

.....**APPELLANT**

VERSUS

- 1- The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 2- The Secretary, (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director of Education (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The Director of Education (Merged Area), FATA Secretariat, Warsak Road, Peshawar.

.....**RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT- 1974 AGAINST THE IMPUGNED APPELLATE ORDER DATED 07.07.2017 COMMUNICATED TO THE APPELLANT ON 17.07.2018 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT FOR THE GRANT OF SELECTION GRADE IN BPS-17 HAS BEEN REJECTED ON GOOD GROUNDS.

PRAYER:

That on acceptance of this appeal the impugned appellate order dated 07.07.2017 communicated to the appellant on 17.07.2018 may very kindly be set aside and the appellant may be allowed/granted selection grade in BPS-17 with all consequential benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

- 1- That appellant was initially appointed as SET by the competent authority vide order dated 27.11.1985. That after appointment order the appellant started performing his duty quite efficiently and upto the entire satisfaction of his superiors.

Filed to-day

Registrar

>14/19

- 2- That appellant has more than 32 years service on his credit and during service the appellant was awarded move-over to BPS-17 vide order dated 11.12.2003 and up-gradation vide order dated 21.03.2009. Copies of the orders are attached as annexure.....**A & B.**
- 3- That in the years 2003 the appellant came to know that his name is missing in the seniority list, therefore, the appellant filed application before the respondent No.4 for inclusion of his name in the seniority list of SET's being working on the post of SET since 27.11.1985. Copy of the application is attached as annexure.....**C.**
- 4- That appellant filed an application through proper channel for award of selection grade in BPS-17 on 11.11.2009 which was not awarded as the name of the appellant was missing in the seniority list while the same alongwith the appellant. Copies of the application & list are attached as annexure.....**D & E.**
- 5- That proper correspondence was made on the application of the appellant and respondent No.4 was informed by Deputy Director Establishment (E&SE) that the case of the appellant is forwarded to the high ups to wait for the decision of the Government decision vide letter dated 20.01.2010 which also did not brought any fruitful result for the appellant. Copies of the application and letter are attached as annexure.....**F & G.**
- 6- That feeling aggrieved from inaction of the respondent the appellant filed Departmental appeal followed by service appeal No. 1065/2012 which was decided on 26.08.2016 with the direction to the respondents "to examine & decide the Departmental Appeal of the appellant for the grant of Selection Grade strictly in according to Law & Rules on the subject within 60 days of the receipt of this judgment". Copies of the Departmental appeal & decision are attached as annexure.....**H & I.**
- 7- That inspite of the clear directions of the august Service Tribunal the respondents did not decided the Departmental appeal of the appellant within the stipulated, where after the appellant moved implementation petition and during the pendency of the said implementation petition the respondents produced the appellate order dated 07.07.2017 communicated to the appellant on 17.7.2018 during Court proceedings. Copies of the appellate order and order sheet dated 17.07.2018 are attached as annexure.....**J & K.**
- 8- That appellant feeling aggrieved from the inaction of the respondents filed writ petition No. 5634-P/2018 before the Peshawar High Court, Peshawar which was dismissed on the question of maintainability. Copy of the judgment is attached as annexure.....**L.**

9- That appellant feeling aggrieved and having no other remedy filed the instant appeal before this august Tribunal on the following grounds amongst the others.

GROUND:

A- That the inaction of the respondents by not allowing selection grade to the appellant from the due date is against the law, Rules, facts, norms of natural justice and materials on the record.

B- That the impugned appellate order dated 07.07.2017 issued by the respondent No.2 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.

C- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.

D- That the treatment meted out to the appellant is a clear violation of the Fundamental Rights of the appellant as enshrined in the Constitution of Pakistan 1973.

E- That the petitioner has been discriminated by the respondents on the subject noted above because of the fact that other colleague have been allowed/granted selection grade but in the case of appellant the respondents acted indifferent manner and as such violation the principle of Natural Justice.

F- That other colleagues of the appellant who were appointed with the appellant and are placed at serial No.2, 4, 7, 10, 11 and 14 are benefited with the benefit of selection grade but the respondents have intentionally & malafidely deprived the appellant from his valuable right of awarding selection grade.

G- That not awarding selection grade to the appellant by the respondents, the appellant is suffering with huge financial loss.

H- That not allowing selection grade to the appellant at par with his colleagues the respondents are violating Article-38(e) of the Constitution of Pakistan-1973.

I- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 26.03.2019.

APPELLANT

Tasm

PASHAM KHAN

THROUGH:

A
NOOR MOHAMMAD KHATTAK

Shahz
SHAHZULLAH YOUSAFZAI

&

M. Z. S.
MIR ZAMAN SARI
ADVOCATES

BETTER COPY OF PAGE-0

A-5

OFFICE OF THE DIRECTOR OF EDUCATION (F.A.T.A) N.W.F.P PESHAWAR

APPOINTMENT/ADJUSTMENT.

On the completion of their B.Ed training, the following B.Ed local candidates are hereby appointed/adjusted as SET in the schools noted against each @ Rs. 900/- p.m fixed or their own pay and B.P.S. whichever is beneficial to them with effect from the date of their taking over charge.

S.No.	Name of Candidate	Posted at	Remarks
1.	Noorul Islam B.Sc. B.Ed, (Appeard) of Bajaur Agency.	Govt: High School Loi Shalman (Khyber Agency)	Vice Hidrullah joined B.Sc class.
2.	Muhammad Iqbal Asem B.Sc B.Ed (Appeard) of S.W. Agency.	Govt: High School Shahoor (S.W.A)	Vice Azizur Rehman on Study Leave
15.	Pasham Khan B.Sc, B.Ed (Appeard) F.P. D.I Khan	Govt: High School Shahoor (S.W.A)	Vice Gouhar Khan on Leave.

Conditions:-

- 1- Charge report should be submitted to all concerned in duplicate.
- 2- No TA/DA is allowed.
- 3- The appointments of the candidates are purely on temporary basis and are liable to termination at any time without any prior notice or assigning any reason. In case they wishes to resign to their posts they shall have to give one month prior notice or forfeiter one month's pay in lieu thereof.

(MUHAMMAD HUSSAIN SHAH)
DY: DIRECTOR EDUCATION
FATA, NWFP, PESHAWAR

Endst: 36918-47/A-1/Gohar-1/Transfers/Apptt;/V.AT Dated 27/11/1985

ATTESTED



OFFICE OF THE DIRECTOR OF EDUCATION (P.W.P.A) H.S.P.P. Peshawar

A-5
 (6)
 (8)

APPOINTMENT/ADJUSTMENT

On the completion of their B.Ed training, the following B.Ed local candidates are hereby appointed /adjusted as GCT in the schools noted against each @ Rs.900/- p.m fixed or their own pay and B.P.S whichever is beneficial to them with effect from the date of their taking over charge:-

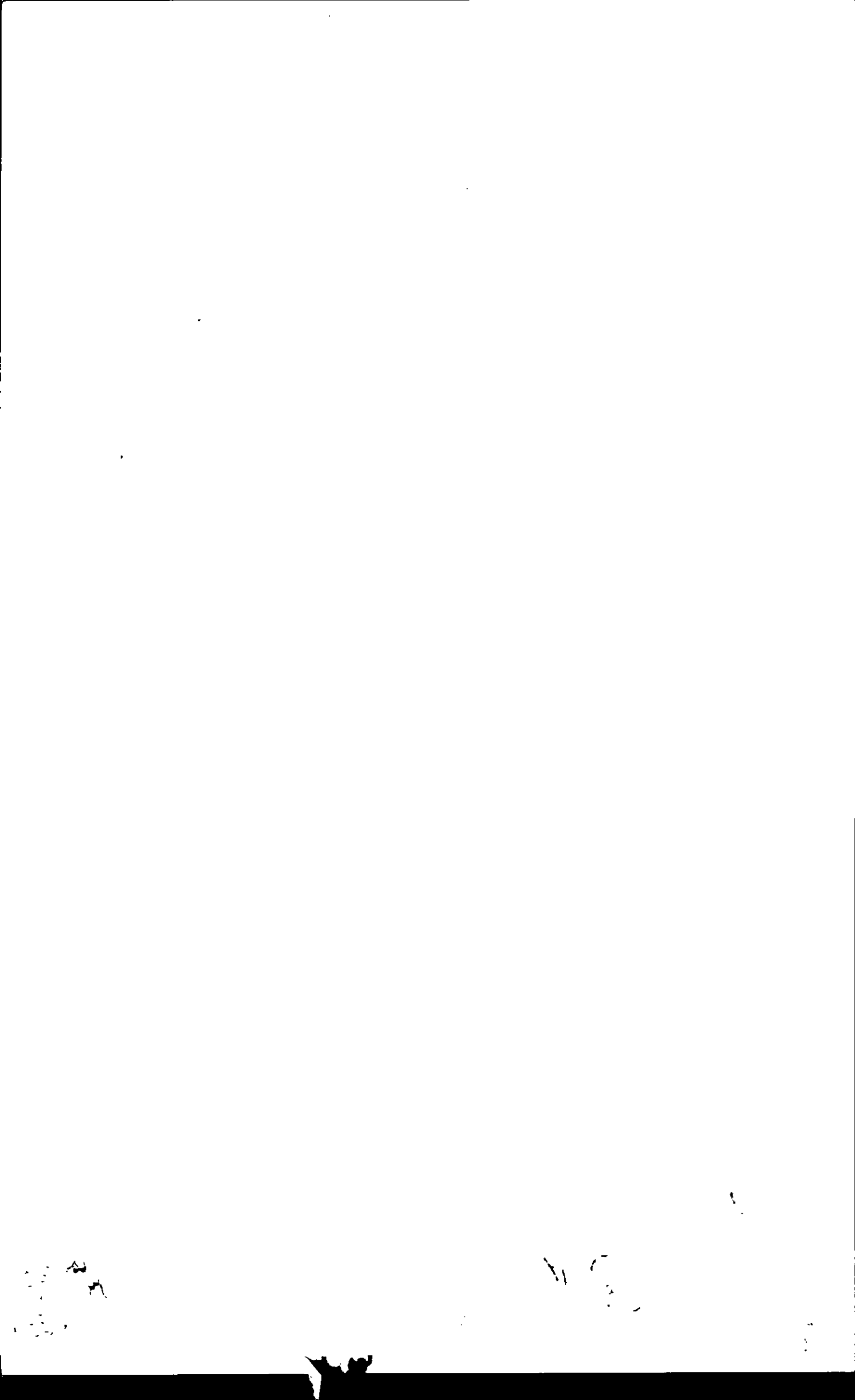
S.No.	Name of Candidate	Posted at	Remarks
1:-	Noorul Islam B.Sc. BEd (appeared) of Sajeer Agency.	Govt: High School Leishalman (Hyber Agency)	Vice Mirzarullah joined B.Sc class.
2:-	Mohammad Iqbal Adam B.Sc BEd (appeared) of S. Agency.	Govt: High School Shahoor (S. Agency)	Vice Azizur Rahman on Study leave.
3:-	Misarul Haq, B.Sc. BEd (appeared) of Rohmand Agency	Govt: High School H. Khan Milli (Khy:)	Vice Mirza Ahmad transferred
4:-	Babar Khan B.Sc. BEd (appeared) of Hyber Agency	Govt: High School Lashkhalman (Khyb:)	Vice Abdul Ghafoor transferred.
5:-	Nasrullah B.Sc. BEd (appeared) of P.R. Danna	Govt: High School Gulistan (Orakzai)	Against vacant Science post
6:-	Ajab Khan B.Sc. BEd (appeared) P.R. Danna	Govt: High School Ashkeri (S.A)	Vice Mohammad Nadia transferred
7:-	Rehmanullah B.Sc. BEd (appeared) North Waziristan Agency	Govt: High School Naghai Milli (S.A)	Against vacant GCT post
8:-	Noor Aman B.Sc. BEd (appeared) G.S. Agency	Govt: High School Gama (S. Agency)	Vice Mohammad Hafiz transferred.
9:-	Gul Badshah M. BEd (appeared) Sajeer Agency	Govt: Middle School Garozi-Garhi (Orakzai Agency)	Vice Abdullah Shah transferred.
10:-	Gul Nawaz M. BEd (appeared) Rohmand Agency	Govt: Middle School Kohiwal (P.W. Chit)	Vice Chh. Kazar transferred.
11:-	Abdul Malik M. BEd (appeared) P.R. Peshawar	Govt: Middle School Turki, Jhail (P.R. Chit)	Vice Shakirullah transferred.
12:-	Ghadeer Hussain, M. BEd (appeared) Kurram Agency	Govt: Middle School Shah Ibrahim (Kurram Agency)	Vice Sabdur Nawaz transferred.
13:-	Faali Rehman, M. BEd (appeared) Hyber Agency	Govt: High School Leishalman (Hyb:)	Vice Qadar Gul transferred
14:-	Mir Badshah M. BEd (appeared) S.S. Agency	Govt: Middle School Spin Ghar (S.S.)	Vice Sher Bazar Din transferred.
15:-	Peshan Khan M. BEd (appeared) P.R. S.I. Agency	Govt: High School Shahoor (S. Agency)	Vice Anwar Khan on leave.

ATTESTED

ATTESTED

ATTESTED

Charge reports should be submitted to all concerned in duplicate. No. / etc. etc.



RECEIVED

12/11/51

Handwritten initials

(Continued)

ATTESTED

DIRECTOR OF DOCUMENTS

1-20- Agency inspectors of certain... and North Carolina...
 1-21- Agency inspectors of certain... and North Carolina...
 1-22- Agency inspectors of certain... and North Carolina...
 1-23- Agency inspectors of certain... and North Carolina...
 1-24- Agency inspectors of certain... and North Carolina...
 1-25- Agency inspectors of certain... and North Carolina...
 1-26- Agency inspectors of certain... and North Carolina...
 1-27- Agency inspectors of certain... and North Carolina...
 1-28- Agency inspectors of certain... and North Carolina...
 1-29- Agency inspectors of certain... and North Carolina...
 1-30- Agency inspectors of certain... and North Carolina...

(Name of Director of Documents)
 Director of Documents
 U.S. Department of Justice

44-2118-47

30- The candidate's knowledge in historic literature and...
 31- They should be made over charge of the post...
 32- They should be made over charge of the post...
 33- They should be made over charge of the post...
 34- They should be made over charge of the post...
 35- They should be made over charge of the post...
 36- They should be made over charge of the post...
 37- They should be made over charge of the post...
 38- They should be made over charge of the post...
 39- They should be made over charge of the post...
 40- They should be made over charge of the post...



DIRECTORATE OF EDUCATION (FATA), N-W.F.P., PESHAWAR

NOTIFICATION

Consequent upon consideration of Departmental Promotion Committee in their meeting held on 29-10-2003 and conveyed to this Directorate through Section Officer (FATA), Education Wing Governor's Secretariat vide letter No. S.O(FATA)/Edu:/5-1/Minutes dated 9-12-2003, the following Officers/Officials in EPS 16 are allowed Move Over from EPS-16 to EPS-17 from the dates mentioned their names:-

<u>S/No</u>	<u>Name/Designation</u>	<u>Considered from</u>
1.	Mr. Gohar Rehman, SET GHS Kog Pand (Mohmand Agency)	1-12-2001
2.	Mr. Mira Khan, SET CMS Gadia Khel (FR Kohat)	1-12-2001
3.	Mr. Abdul Malik, SET GHS Sana Dadabara (FR Peshawar)	1-12-2001
4.	Mr. Aziz Ullah SET CMS Abbas Khel Tangi (S.W. Agency)	1-12-1997
5.	Muhammad Nawaz SET GHS Kotka Habib Ullah (FR Bannu)	1-12-2001
6.	Mr. Pashan Khan SET GHS Jandola (FR D.I. Khan)	1-12-2001
7.	Mr. Hikmat Khan SET GHS Sana Garhi(Bara) (Khyber Agency)	1-12-2001
8.	Mr. Yousaf Husain SET GHS Shalozan (Kurram Agency)	1-12-2001

DIRECTOR OF EDUCATION
FATA, N-W.F.P., PESHAWAR

Encls: No. 2-3376-91

Dated Pesh: the 11-12-2003

Copy forwarded for information and necessary action to the:-

1. Section Officer (FATA), Education Wing Governor's Secretariat, Peshawar
2. All Agency Education Officers concerned.
3. All Headmasters concerned.
4. All Distt./Agency Accounts Officers concerned
5. A.G (PR) Sub Office, Peshawar
6. Relevant Files.

Mirza...
BY: DIRECTOR OF EDUCATION
FATA, N-W.F.P., PESHAWAR

ANWAR/

GHS Jandola
(FR D.I. Khan)

ATTESTED

ATTESTED

1
1
1
01
01
01
2



GOVERNMENT OF NWFP
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated 21-03-09

NOTIFICATION

No.SO(PE)2-6/SET(B-16)Upgradation to B-17: The Competent Authority on the recommendation of Departmental Promotion Committee and in consultation with Finance Department is pleased to allow one time up gradation from B-16 to B-17 (Personal) to the following 163 SETs Male, 132 SETs Female and 14 SETs (Technical) with immediate effect subject to the condition that the posts of SET shall be downgraded from B-17 to B-16 as and when vacated by the incumbents.

i) 163 SETs Male(General)

S.No	Seniority List No	Name of Officer	Date of Appointment as Regular SET	Present Place of Posting
1.	736A	Pasham Khan	27-11-85	A.A.E.O Office F.R.D.I Khan
2.	838	Muhammad Shoaib	04-11-86	GHS Billitang Kohat
3.	869	Mohabbat Khan	14-12-86	GHS Kam- Shalman Landi Kotal Khyber Agency
4.	870	Yousaf Hussain	01-11-86	GHS Shalozan Kurram
5.	879	Munir Hussain	16-12-86	GHS Zeran Kurram
6.	942	Javed Khan	24-02-87	GHS Dingi Haripur
7.	943	Bahadar Ali	24-02-87	GMS Alamganj Swal
8.	944	Mohammad Younis	25-02-87	GMS Afzal Abad Mansehra
9.	953	Shamsher ali	04-03-87	ADO S/L DIK Surkamar (Khyber)

ATTESTED

ATTESTED

5
6-5
6-55

001
001
001
2

ATTESTED

[Handwritten signature]

		Mehmdod		
9.	96	Muhammad Iqbal	25-04-85	GCMS #3 Mardan
10.	99	Muhammad Zahir Shah	01-07-86	GHSS TOTAKAN/Mkd Agency
11.	102	Ayaz Khan	30-10-86	GCHSS Kohat
12.	103	Muhammad Hassan	04-11-82	GHSS Jamrud Khyber Agency
13.	111	Ibad Ullah	16-10-89	GTSS Gulbahar Peshawar
14.	113	Naqib Ullah	16-10-90	GEC Mir Ali Miran Shah

SECRETARY TO GOVT OF NWFP
ELEMENTARY AND SECONDARY
EDUCATION DEPARTMENT

Endst No. No.S0(PE)2-6/SET(B-16)Upgradation to B-17: Dated:21-03-09

Copy Forwarded to the:

1. The Accountant General NWFP Peshawar
2. Secretary to Govt. of NWFP Establishment Department
3. Secretary to Govt. of NWFP Finance Department
4. Director Elementary & Secondary Education NWFP Peshawar
5. Director PITE NWFP Peshawar
6. Director Education FATA NWFP Peshawar
7. All EDOs E&SE in NWFP
8. All District Agency Accounts Officers
9. PS to Chief Secretary NWFP
10. Officers concerned
11. PS to Minister Elementary & Secondary Education NWFP
12. PS to Secretary Elementary & Secondary Education NWFP
13. Office Order File

ARIF JAMIL
SECTION OFFICER (PRIMARY)

DIRECTORATE OF EDUCATION (FATA) NWFP, PESH:

Endst: No. 3911-31 / A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, Dated Pesh: the 11/4/09

Copy for information & necessary action to the:-

1. Agency Education Officer concerned
2. Principal/Head Master concerned
3. A.G. (P.R) Sub. Office, Peshawar
4. Agency/Distt: Accounts Officer concerned .i.e Bajour, Mohmand, Khyber, NWA, SWA, Kurram, Orakzai.
FR Pesh: FR D.I. Khan, FR Kanju.

BY: DIRECTOR, EDUCATION

ATTESTED

Better copy of page - 10 (16)

THE DIRECTOR OF EDUCATION (FATA) NWFP, PESHAWAR.

Trough,

Principal
GHS Jandola FR tank.

Sub; missing of name S.No in seniority list
Sir,

Most respectfully it is stated that my name and serial no in seniority list grading list are missing. I am permanent SET teacher. I passed my B.ED examination from I.E.R Peshawar University.

I was appointed as set teacher on 29.11.85 at GHS shahoor SWA. The result was declared no 22.3.86. I was approved against SET post vide endst; no 1517-79 dated 11.01.87 therefore it is very kindly requested to include my name and S.No in the seniority list.

Thanking for anticipation.

Dated 29-01-2003

Our obediently

Mr. Pasham Khan SET GHS Jandola (FR) tank.

ATTESTED



The Director of Education

(FATA)

NWFP Peshawar

Principal

GHS Jandola FR Tank

Through

sub. Missing Name & S.No in Seniority list

Sir

Most respectfully it is stated that my name and serial no. in Seniority list (Grading list) are missing. I am Permanent SET Teacher. I passed my B.Ed examination from I.R. Peshawar University. I was appointed as SET Teacher on 29.11.85 at GHS Shahpur SWA. The result was declared on 22.03.86. I was approved against SET post vide Endt. No 1517-79 dated 11.01.87. Therefore it is very kindly requested to include my name and S.No in the Seniority list. Thanking for anticipation.

Dated 29.01.2003

Yours obediently

Mr. Pasham Khan SET GHS Jandola (FR) Tank

Forwarded in original to Director of Education, NWFP through DE FATA for favour of his endorsement in the Seniority List of his due place + serial no. please.

No-1260 dated 29/01/2003

Principal
GHS Jandola
FR Tank

RECEIVED

465
8/01/03

06-2001
06-2001
06-2001
06-2001
06-2001

The Director of Education,
(Schools & Literacy)
NWFP Peshawar.

(Handwritten marks: circles and scribbles)
D-11

A-74
/20
201

THROUGH: Director of Education FATA,
NWFP Peshawar.

Subject: AWARD OF SELECTION GRADE

Dear Sir,

Most respectfully that I Mr. Pasham Khan S/o Rab Nawaz Khan is a permanent SET Teacher. I passed my B.Ed examination from I.E.R Peshawar University.

I was appointed as S.E.T on 29-11-1985 at GHS Shahoo S.W. Agency. The result was declared on 22-03-1986.

All my other fellows are awarded selection grade from 30-06-2001, vide endst: No.4932-39/A-14/S/Grade/SETs dated 03-04-2007, but unfortunately my name is missing.

I have appealed for several times for selection grade but in vain.

I have given the upgradation from BPS-16 to BPS-17 endst: No.SO(PE)2-6/SET(B-16) upgradation to BPS-17 dated 21-03-2009 under a seniority list 736 A. It means that all my ACRs and other office record is correct.

In view of the above, it is humbly requested in your good honor to please award me selection grade, which is my earliest priority to save my family from financial losses.

I will pray for you throughout my life.

Dated: 11/11/2009

Yours Obediently,

Mr. Pasham Khan
Asstt: Agency Edu: Officer,
FR Tank.

Forwarded in original to DE(FATA) with the remark that to the best of my knowledge the application is based on facts. Hence it is requested that his case may please be considered favourably.

ATTESTED

ATTESTED

11/11/09
Agency Education Officer
FR Tank

Edu:

Edu:

BETTER COPY OF PAGE-17

SENIORITY LIST OF SENIOR ENGLISH TEACHERS (B-16) OF SCHOOLS LITERACY NWFP PESHAWAR UPDATED TO 01.04.2006

S.NO.	Name and Qualification	School	Year of Passing B.Ed Exam	Date of Birth	Domicile	Date of 1 st appoint: in Edu: Deptt:	Date of promotion to present Grade	Remarks
769	Mr. Shad Nawaz BA B. Ed	GHS Shamazai Kol NWA	1986	25.12.51/NWA		23.10.82	14.7.1986	/
770	Mr. Shabir Ahmad Shah B.A B.Ed	GHS		05.01.1960		14.7.1986	14.7.1986	
771	Mr. Munirullah BA B.Ed	GMS Madghali Attari Khyber	1984	01.03.50/Charsadda		01.09.1969	05.08.1986	
773	Mr. Attaullah BA. B.Ed	GHS Khairmi FP D.I Khan	1986	14.3.54/FR Khan	D.I Khan	20.6.76	01.09.86	
782	Khan Wali, MA, B.Ed	GHS Nano SWA	1986	14.4.58/SWA		15.7.85	09.01.86	
790	Mr. Zaiud Din MA, B.Ed	GHS Mina Khel Karak	1980	6-6-55/Karak		6.9.75	14.10.86	
7489	Ishfaq Hassan			02.09.1967/Haripur				

ATTESTED



SENIORITY LIST OF SENIOR ENGLISH TEACHERS (B-1) OF SCHOOLS LITERACY NWFP PESHAWAR UPDATED UPTO 01-04-2006

Sno/ ID	Name and qualification	School	Year of Passing BEd Exam	Date of Birth	Domicile	Date of Ist Appoint in Edu Dept.	Date of promotion to present grade.	Remarks by EDO/DO.
801	Mr. Razimand MA BEd	GHS Pagora Swat	1984	6-4-50/Swat		7-10-66	23-10-86	
802	Mr. Mir Kalam Khan MA BEd	GHS Lachi Kohat	1980	20-1-48/Karak		4-6-68	23-10-86	
803	Mr. Nawab Khan MA BEd	GHS Ashkar Kot SWA	1986	11-7-46/SWA		16-12-74	23-10-86	
804	Mr. Mir Kazim Khan MA BEd	GMS Kurd Sharif Karak	1981	5-1-54/Karak		21-12-74	22-10-86	
805	Mr. Noor Fakmal BA BEd	GHS Dabb Karak	1993	1-1-49/Karak		6-11-75	23-10-86	
806	Mr. Hamid Raza BA BEd	GHS Landi Kachai Kohat	1966	1-6-52/Kohat		20-6-76	23-10-86	
807	Mr. Hakam Khan MA BEd	GHS Gundi Mir Khan Khel Karak	1981	12-12-52/Karak		14-12-76	23-10-86	
808	Mr. Taj Raft Khan MA BEd	GHS Nari Panoo Karak	1991	15-9-47/Karak		15-4-65	24-10-86	
809	Mr. Akbar Hussain MSc BEd	GHS No.1 Mingora Swat	1965	3-1-57/Swat		25-10-86	25-10-86	
810	Mr. Lal Muhammad MA BEd	GMS Khuda Dad Peshawar	1980	2-5-47/Charsadda		12-11-65	26-10-86	
811	Mr. Sardar Shah MA BEd	GHS Nisatta Charsadda	1980	12-11-47/Pesh.		29-6-67	26-10-86	
812	Mr. Raz Muhammad MA BEd	GHS Nahaqi Pesh.	1979	31-1-52/Pesh.		7-2-74	26-10-86	
813	Mr. Shamsah MA BEd	GHS NO.1 Charsadda	1983	3-3-52/Charsadda		25-9-74	26-10-86	
814	Mr. Aslam Khan MA BEd	GHS Khair Abad Mardan	1980	6-1-50/Mardan		12-10-80	26-10-86	
815	Mr. Zakirud Din MA BEd	GHS Dabgari Gata Pesh.	1994	21-9-61/Pesh.		29-9-81	26-10-86	
816	Mr. Qamar Ali BSc BEd	GHS Shahmasoor Swabi	1986	15-12-52/Swabi		16-10-65	25-10-86	
817	Mr. Shamsur Rehman MA BEd	GMS Swabi	1983	4-2-47/Swabi		7-4-65	27-10-86	
818	Mr. Muhammad Azam BA BEd	GHS Mathra Pesh.	1983	7-6-51/Pesh.		1-1-76	27-10-86	
819	Mr. Sahib Noor MA BEd	GMS Kalpani Mardan	1980	3-3-53/Mardan		1-9-74	29-10-86	
820	Mr. Sarदारaz Khan MA BEd	GHS Jalala Mardan	1980	10-7-51/Mardan		28-11-76	28-10-86	
821	Mr. Noorullah Wahab BSc MEd	GHS Haryan Swabi	1982	25-12-56/Swabi		16-11-80	26-10-86	
822	Mr. Niaz Muhammad BSc BEd	GHS Gul Bela Pesh.	1984	10-58/Charsadda		12-10-85	29-10-86	
823	Mr. Badshah Zada MA BEd	GHS NO.2 Bakhela MKD	1984	12-4-49/MKD		25-5-72	29-10-86	
824	Mr. Muhammad Noor BSc BEd	GHS Gundi Khan Khel Bannu	1985	3-1-52/Bannu		2-12-81	29-10-86	
825	Mr. Ghandal Khan BSc BEd	GHS Sulaid Ohen Pesh.	1986	15-12-62/Pesh.		27-11-85	31-10-86	
826	Mr. Muhammad Zahir Khan MA BEd	Gadezai Swat	1969	3-9-48/Swat		7-9-64	1-11-86	
827	Mr. Malik Amon MA BEd	GMS Skandan Swabi	1980	8-6-47/Swabi		25-5-69	1-11-86	
828	Mr. Rahmat Shah MA BEd	GHS No.2 Pesh. Cantt.	1980	11-7-52/Pesh.		7-9-71	1-11-86	
829	Mr. Abdul Karim MA BEd	GHS Khesghi Bala Nowshera	1979	3-2-56/Charsadda		2-10-71	1-11-86	
830	Mr. Abdul Malik MA BEd	GHS Yar Hussain Swabi	1984	6-4-54/Swabi		24-1-74	1-11-86	
831	Mr. Ibrahim Khan MA BEd	GMS Gami Dargazai Mardan	1980	3-11-56/Mardan		15-10-80	1-11-86	
832	Mr. Muhammad Ayub MA BEd	GHS Kani Gurram SWA	1981	3-2-52/Bannu		24-1-81	1-11-86	

SENIORITY LIST OF SENIOR ENGLISH TEACHERS (B-16) OF SCHOOLS, LITERACY NWFP PESHAWAR, UPDATED UPTO 01-04-2006

Srno/ID	Name and qualification	School	Year of Passing BEd Exam	Date of Birth	Domicile	Date of 1st Appt in Edu Dept.	Date of promotion to present grade.	Remarks by EDO/DO.
750	Mr. Shad Nawaz BA BEd	GHS Shamazai Kot NWA	1986	25-12-51/NWA		23-10-82	14-7-86	
770	Mr. Shabir Ahmad Shah BA BEd	GHS		5-1-60		14-7-86	14-7-86	
771	Mr. Munirullah BA BEd	GMS Madghafi Attari Khyber	1984	1-3-50/Charasadda		1-9-69	5-8-86	
772	Mr. Khalid Rehman MA BEd	GMS Dherai Kot MKD		8-1-58/Malakand		13-12-81	8-8-86	
773	Mr. Attaullah BA BEd	GHS Khaingri FR DIK	1986	14-3-54/FR DIK		20-6-76	1-9-86	
774	Mr. Muhammad Latif MA BEd	GHS Odigram Swat	1984	6-9-47/Dir		5-6-67	14-9-86	
775	Mr. Sher Sahib Khan BA BEd	GMS Land Datta Khel		5-4-52/NWA		20-9-86	20-9-86	
776	Amyad Ali MSc MEd	GHS Baffa Mansehra	1986	26-4-62/Mansehra		3-10-83	25-9-86	
777	Mr. Saif Ahmed MA MEd	GHS Qandil Swat	1985	1-9-55/Swat		5-4-75	7-10-86	
778	Mr. Libbi Sarcar BA BEd	GHS Bilyamin Kurram	1986	2-9-55/FR Bannu		1-1-78	9-10-86	
779	Mr. Qismat Khan MA MEd	GMS Spin Kamar SWA	1985	4-4-61/SWA		17-3-82	9-10-86	
780	Mr. Ali Shah MA BEd	GHS Sararogha SWA	1985	1-4-51/SWA		27-9-84	9-10-86	
781	Mr. Hashim Khan MA BEd	GHS Illam-gudar Khyber	1986	2-4-63/Khyber		26-12-84	9-10-86	
782	Mr. Khan Wali MA BEd	GHS Nano SWA	1986	14-4-58/SWA		15-7-86	9-10-86	
783	Mr. Dur Jan MA BEd	GHS Miranshah NWA	1985	4-1-62/NWA		15-7-86	9-10-86	
784	Mr. Sameer Rehman BSc Med	GHS Behlala Charasadda	1985	26-6-63/Chd		20-2-86	9-10-86	
785	Mr. Khuda Nihal BA BEd	GHS Bandangram Chitral	1984	14-2-56/Chitral		1-9-74	12-10-86	
786	Mr. Muhammad Najir Shah MA BEd	GHS Drush Chitral		16-2-58/Chitral		3-12-77	12-10-86	
787	Mr. Abdur Rauf MA BEd	GHS Bagh Maidan Dir	1984	16-11-57/Dir		5-1-75	12-10-86	
788	Mr. Khurshid Ali BSc BEd	GHS Chantalai Swat	1986	1-1-57/Swat		29-10-83	12-10-86	
789	Mr. Hidayat Khan MA BEd	GHS Dardayl Swat	1984	17-10-55/Swat		7-8-74	14-10-86	
790	Mr. Zaidur Din MA BEd	GHS Miha Khel Karak	1980	6-6-55/Karak		6-9-75	14-10-86	
791	Mr. Lal Sattar MA BEd	GHS Mandawa Karak	1983	1-9-52/Karak		17-4-72	15-10-86	
792	Mr. Ali Muhammad MA BEd	GHS Jabdarau Karak	1981	2-3-55/Karak		1-10-73	15-10-86	
793	Mr. Bakht Jamal BA BEd	GHS Bambrate Chitral	1984	12-8-49/Swat		6-10-85	18-10-86	
794	Mr. Nizamud Din BSc BEd	GHS Kurram Karam	1985	10-2-58/Karak		2-10-83	21-10-86	
795	Mr. Muhammad Razaq MA BEd	GMS Khanoni Malakand	1987	20-5-59/Malakand		3-2-84	21-10-86	
796	Mr. S. Bashir Karam BA BEd	GHS Nal Malakand	1973	15-8-49/Chitral		21-10-85	21-10-86	
797	Mr. Umar Khatib BA BEd	GHS Sabir Abad Karak	1981	10-12-46/Karak		15-4-85	22-10-86	
798	Mr. Chinar Shah MA BEd	GHS Ain Dhand Karak	1981	20-12-50/Karak		21-9-72	22-10-86	
799	Mr. Riyat Khan MA BEd	GHS ... Kohat	1983	4-11-49/Kohat		1-10-72	22-10-86	
800	Mr. Saad Shah BA BEd	GHS Khazari Kohat	1985	31-1-53/Kohat		5-10-83	22-10-86	

13

SENIORITY LIST OF SENIOR ENGLISH TEACHERS (B-16) OF SCHOOLS LITERACY NWFP PESHAWAR UPDATED UPTO 01-04-2006

Sno/ID	Name and qualification	School	Year of Passing BEd Exam	Date of Birth	Domicile	Date of 1st Appoint in Edu Dept.	Date of promotion to present grade.	Remarks by EDO/DO.
7489	Ishtiaq Hussain			2.09.1957/Haripu				
7490	Shafiqat Hussain			5.06.1973/A.Aba				

15

[Handwritten Signature]

Deputy Director (Extl)
Schools and Literacy,
N.W.F.P. Peshawar

[Handwritten Signature]
ATTESTED

RECORDED

Better copy of Page - 14

Directorate of Elementary & Secondary Education NWFP, Peshawar.

No. _____/F.No. 346/A-14/SET
Dated Pesh: The. _____/2009

To,

The Director Of Education
FATA, NWFP, Peshawar.

Subject:- AWARD OF SELECTION GRADE BPS-17.

I am directed to refer to your letter number 22813 dated 8/12/2003, No.14068 dated 23/10/2009 and appeals directly submitted to this directorate dated 22/8/2009 and dated 11/11/2009 pertaining to award of selection grade (B-17) case in r/o Mr: Pasham Khan AAEO, FR tank, in this connection it is stated that the official concerned had been appointed on 22/3/86 but he did not bother to confirm about his seniority list prior to award of selection grade (B-17) as he was unlisted in seniority list till 7/10/2008. He had applied for award of seniority number at the time when all the reserved/available quota for selection grade posts were utilized and no balance was remained against which his selection grade to (B-17) is to be processed. He had been awarded S/list no 736-A on 7/10/2008 after fulfillment all code formalities.

You will be aware of the facts that the govt. has discontinued the award of selection grade since 1-12-2001 on other hand no balance posts for selection grade were existed however his selection grade case with the above factual position had been referred to the govt for advice vide this office letter no 706 dated 8-5-2009.

The official concerned may be advised to wait for govt decision and be avoided un-necessary correspondence in this regard till the final decision please.

Deputy director (establishment)
Directorate of elementary & secondary education
NWFP, Peshawar

ATTESTED



To

The Director of Education (FATA)
KPK, Peshawar.

Subject: Award of Selection Grade

Sir,

Most respectfully that I Pasham Khan S/o Rab Nawaz Khan is a permanent SET teacher. I passed my B.Ed examination from IER Peshawar University.

I was appointed as SET on 29-11-1985 at GHS Shahoor (SWA) vide No.36918-47 dated 27-11-1985. The result was declared on 22-03-1986. I have approved against SET post vide Endst: No.1517-79 dated 11-1-1987. I was given moveover from BPS-16 to BPS-17 vide D.E FATA Endst: No.23376-91 dated 11-12-2003. I have appealed several times for Selection Grade but in vain. Now I have given the S.No.2972 A (old) and 736 A (new) after the name of Muhammad Niaz SET.

All my fellows are awarded selection grade from 30-06-2001, vide endst: No. 4932-39/A-14/S/Grade/SETs dated 3-4-2007 but unfortunately my name is missing.

In view of the above, it is requested in your good honour to please award me selection grade, which is my earliest priority to save me and my children from financial loss.

I will pray for you through out my life.

Dated: 14/6.../2012

Yours Obediently,

Pasham
Mr. Pasham Khan
AAEO FR Tank.
at D.I.Khan.

Endost No 75 dt 14.06.2012

Forwarded in original to DE FATA with the remarks that to the best of my knowledge the application is based on fact. Hence it is requested once again that it's case may please be considered favourably please

ATTESTED

ATTESTED

Agency Education Officer
IER Tank

[Handwritten signature]

Directorate of Elementary & Secy
Education NWFP, Peshawar.
No. 2271 / F.No. 346/A-14/SET
Dated Pesh: the 20/11/2009.

To
The Director of Education
FATA, NWFP, Peshawar.

Subject: - AWARD OF SELECTION GRADE BPS-17.

I am directed to refer to your letter number 22813 dated 8-12-2009, No. 24068, dated 23-12-2009 and appeals directly submitted to this Directorate dated, 22-8-2009 and dated 11-11-2009 pertaining to award of Selection Grade (B-17) case in r/o Mr. Pasham Khan AAEO, FR Tank. In this connection it is stated that the official concerned had been appointed on 22-3-86 but he did not bother to confirm about his seniority list No. prior to award of selection grade (B-17) as he was un listed in seniority list till 7-10-2008. He had applied for award of Seniority number at the time when all the reserved/available quota for selection grade posts were utilized and no balance was remained against which his selection grade to (B-17) is to be processed. He had been awarded S/list No. 736-A on 7-10-2008 after fulfillment all code formalities.

You are well aware of the facts that the Govt. has discontinued the award of Selection Grade since 1-12-2009, on other hand no balance posts for selection grade were existed. However his selection grade case with the above factual position had been referred to the Govt. for advice vide this office letter No. 706 dated 8-5-2009.

The official concerned may be advised to wait for Govt. decision and be avoided un-necessary correspondence in this regard till the final decision please.

[Signature] 19/11/2009
Deputy Director (Establishment)
Directorate of Elementary & Secy: Edu:
NWFP, Peshawar.

Enclst: No. _____
Copy to the:-
Secretary to Government of NWFP, Elementary & Secy: Edu: Deptt:
w/r to letter No. SO(PE)2-12/S. Grade: dated 13-7-2009.

[Signature]
Deputy Director (Establishment)
Directorate of Elementary & Secy: Edu:
NWFP, Peshawar.

by please
mmmdh
Education Office
FERI Tank

ATTESTED
[Signature]

To,

The director of education
(FATA)
KPK Peshawar

H-16
P-10

Through : Agency Education Officer FR Tank.

Sub:- Selection grade under the Decision of court
(Service Tribunal) KPK Peshawar

Most respect fully, it is stated that honourable court (Service tribunal) issued (announced) an order on 26 August 2016. If any junior officials to him were selection graded, the applicant is also deserved.

I want to draw in your honourable notice that

1. Mr. Khan Wali SET G.H.S Nano (SWA) seniority No: 782 promoted (Result declared) on 09-10-1986.
2. Mr. Nawab Khan S.E.T G.H.S Ashkar Kot (SWA) seniority No: 803 promoted (Result Declared) on 23-10-1986 . While my seniority No: is 736 (A) and the result declared on 22-03-1986 .

It means that 67 officials Junior to me are selection graded.

In view of the above, it is requested in your good honour to please award me selection grade, which is my earliest priority to save me and my children from financial loss.

Dated: / 11 /2016

Enclosures along with appeal:

1. Photo Copy Court Decision (Attached)
2. Photo copy of seniority list (Attached)
3. Photo Copy of approval as S.E.T (Attached)
4. Copy of Selection grade (Attached)


Dt: 3-11-2016

Tasm.

Yours obediently
Pasham Khan S.E.T G.H.S Jandola
FR Tank.

No: 2075 dt: 3/11/2016.
Forwarded in original to D.E FATA
for perusal and further process Sir.

ATTESTED



Agency Education Officer
FR. Tank

ATTESTED


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



17

Appeal No. 1065 /2012

Mr. Pasham Khan,
Assistant Agency Education Officer,
FR Tank at DI Khan.

A.W.F. Province
Peshawar
11/09
02/10/12

APPELLANT

VERSUS

*2012 No. 3
issued 02/10/12
re. file vide (3)
date dt. 11/3
9*

1. The Secretary, Education (E&SE) Department, Government of KPK, Peshawar.
- The Director of Education (E&SE) Department, KPK, Peshawar.
- The Director of Education (FATA), K.P.K., Warsak Road, Peshawar.
2. The Agency Education Officer, FR Tank, DI Khan.

RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 FOR AWARDING SELECTION GRADE BPS-17 FROM THE DUE DATE WITH CONSEQUENTIAL BENEFITS AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

PRAYER:

Handwritten signature and date 2/10/12

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

THAT ON ACCERTANCE OF THIS APPEAL, THE RESPONDENTS MAY BE DIRECTED TO CONSIDER THE APPELLANT FOR AWARDING OF SELECTION GRADE BPS-17 FROM THE DATE WHEN HIS COLLEAGUES WERE AWARDED THE SAME BENEFITS WITH CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH HIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

ATTESTED

Handwritten signature

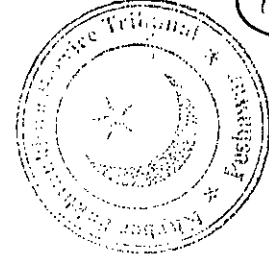
ATTESTED

Handwritten signature

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL NO. 1065/2012

Date of institution ... 02.10.2012
Date of judgment ... 26.08.2016



Pasham Khan,
Assistant Agency Education Officer,
FR Tank at D.I.Khan.

... (Appellant)

VERSUS

1. The Secretary, Education (E&SE) Department, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Director of Education (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
3. The Director of Education (FATA), Khyber Pakhtunkhwa. Warsak Road, Peshawar.
4. The Agency Education Officer, FR, Tank, D.I.Khan.

... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, FOR AWARDING SELECTION GRADE BPS-17 FROM THE DUE DATE WITH CONSEQUENTIAL BENEFITS AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL BY THE APPELLANT WITH STATUTORY PERIOD OF 90 DAYS.

Mr. Muhammad Asif Yousafzai, Advocate.
Mr. Muhammad Jan, Government Pleader

.. For appellant.
.. For respondents.

MR. ABDUL LATIF
MR. PIR BAKHSH SHAH

.. MEMBER (EXECUTIVE)
.. MEMBER (JUDICIAL)

ATTESTED

JUDGMENT

ABDUL LATIF, MEMBER:-

Facts giving rise to instant appeal are that the appellant was appointed as SET Teacher by the competent authority vide order dated 27.11.1985. The appellant has more than 27 years service at his credit. That the appellant was awarded move-over to BPS-17 vide order dated 11.12.2003 and up-gradation to BPS-17 vide order dated 21.03.2009. That in the year 2003 the appellant came to know that his name was missing in the seniority list, therefore, the forthwith applied to the Director

ATTESTED

A

(19)

Education FATA for inclusion of name in the seniority list being appointed as SET on 27.11.1985. That the appellant filed an application on 11.11.2009 for awarding selection grade BPS-17 to him which was not awarded due to the missing of his name in the seniority list while the same benefits was extended to his other colleagues appointed alongwith the appellant. On the application of the appellant the Deputy Director Establishment E&SE informed the Director Education FATA on 20.01.2010 that the official concerned may be advised to wait for government decision as his case was referred for such purposes and to avoid unnecessary correspondence in that regard till the final decision. Thus, since then the appellant has been awaiting the government decision but in vain and no fruitful result has been come. That finally appellant filed an appeal on 14.06.2012 and waited for 90 days but no reply has been received, hence the present appeal with a prayer that on acceptance of this appeal, the respondents may be directed to consider the appellant for awarding of selection grade BPS-17 form the date when his colleagues were awarded the same benefits with consequential benefits.

2. The learned counsel for the appellant argued that not awarding Selection Grade to the appellant from the due date and not taking action on the departmental appeal of the appellant were against the law, facts, norms of justice and material on record, therefore not tenable. He further argued that appellant was kept deprived from the benefit of Selection Grade due to no fault on his part and added further that he was discriminated against because other colleagues appointed alongwith the appellant in the said order had been granted Selection Grade BPS-17 while the same benefits were not extended to the appellant. He prayed that by accepting this appeal the appellant may be granted Selection Grade BPS-17 with all due benefits.

3. The learned Government Pleader resisted the appeal and argued that non-grant of Selection Grade to the appellant was due to non-botheration on the part of the appellant to furnish to the department certain material information required of him. He further argued that the appellant applied for award of Selection Grade at a time when all the reserved/available quota for Selection Grade posts had been utilized and no slot was available for grant of Selection Grade to the appellant and added further that scheme of Selection Grade

ATTESTED

[Handwritten signature]

ATTESTED
[Handwritten signature]

ATTESTED

[Handwritten signature]

20

was discontinued since 01.12.2001 therefore there was no merits in the instant appeal which may be dismissed.

4. Arguments of learned counsels for the parties heard and record perused.

5. From perusal of the record it transpired that the appellant who was appointed on 22.03.1986 could not be listed on the seniority list of the cadre to which he belonged till 07.10.2008. By the time he was brought on the proper seniority list, the quota reserved for Selection Grade was exhausted and scheme of Selection Grade was also discontinued with effect from 01.12.2001. It is however not clear as to whether officials junior to him were awarded Selection Grade and secondly any official eligible for the grant of Selection Grade was awarded the said Selection Grade after the cut of date of 01.12.2001 or otherwise. In the above scenario we are constrained to remit the case to the respondent-department with directions to examine and decide the departmental appeal of the appellant for the grant of Selection grade strictly on its merits and according to law and rules on the subject within 60 days of the receipt of this judgment. Parties are, however, left to bear their own costs.

File be consigned to the record room.

Announced
26.08.2016 Sd/- Abdul Latif, Member

Sd/- Dix Bakhtish Shah, Member

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

ATTESTED

Date of Presentation of Affidavit 23-09-2016
Number of Words 1600
Copying Fee 10/-
Oxygen 2/-
Total 12/-
Name of Copyist
Date of Copying 23-09-2016
Date of Birth 23-09-2016

ATTESTED

[Signature]

(10) (10) (10)
J-21

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

NOTIFICATION

- 1 **WHEREAS**, the appellant namely Pasham Khan was appointed against the SET post BPS-16 vide appointment order dated 27/11/985, by the then competent authority & was accorded move over in BPS-17 vide order dated 11/12/2003 & upgradation vide BPS-17(Personal) order dated 21/3/2009 on the basis of 10-years regular service against the said post in the Respondent Department.
- 2 **AND WHEREAS**, the appellant was allowed tentative seniority No: 736-A vide order dated 07/10/2008, after missing his name in the final seniority list, hence he filed an application dated 11/11/2009, for the award of selection grade in BPS-17, which was not allowed due to missing of his seniority No: in the final seniority list displayed by the Respondent Department for inviting objections/appeals from the quarters/concerned but he did not bother file any appeal regarding missing of his name in final seniority list with the stipulated time.
- 3 **And Whereas**, the award of Selection Grade had been discontinued since 01/12/2001, however, some posts of selection grade were lying vacant prior to the issuance of the said Notification by the Finance Department, which were accorded to the eligible candidates by observing all the codal formalities through DPC at a ratio 1/3rd of the total SETs strength, wherein the name of the appellant was not included due to missing of his name in the final seniority list maintained by the Respondent Department for SETs.
- 4 **And Whereas**, aggrieved from the non award of selection grade in BPS-17, the appellant has filed a Departmental Appeal dated 14/6/2012, for the award of selection grade in BPS-17, on the analogy of his colleagues, which was not decided within the statutory period of 90-days. Hence the appellant has filed the instant Service Appeal No: 1065/2012, on 02/10/2012, case titled Pasham Khan AAEO FR. Tank VS Secretary E&SE Department & others for the award of selection grade BPS-17, which was decided vide judgment dated 26/8/2016, by the Honorable KPK Service Tribunal, Peshawar with the directions to the Respondent Department to decide the pending Departmental Appeal dated 14/6/2012 of the appellant strictly on merits & according to the Law & Rules.
- 5 **And Whereas**, the Respondent Department has constituted an enquiry committee for verifying the eligibility or otherwise of the appellant for the award of selection grade who submitted its report with the recommendations that the appellant is not entitled for the award of selection grade in BPS-17 on the grounds that the scheme of selection grade has been discontinued since 01/12/2001 by the Provincial Government and the appellant concerned failed to file an appeal regarding non-enlist & of his tenure in the final seniority list of SST issued by the Department on 30-11-2006 within the target date & fixed for appeal.

ATTESTED
[Signature]

ATTESTED
[Signature]

22

NOW, therefore, in compliance of the Judgment dated 26/8/2016, passed by the Honorable Khyber Pakhtunkhwa, Service Tribunal, Peshawar & in Exercise of the Powers conferred upon the undersigned of being an appellate authority under U/S-21 of General Clauses Act 1897, the Departmental Appeal of the appellant dated 14/6/2012, regarding award of selection grade in BPS-17, is hereby rejected on the grounds that the scheme of the award of selection grade has been discontinued since 01/12/2001 by the Provincial Government in view of the relevant provision of law, rules & criteria in the interest of public service, with immediate effect

DIRECTOR

Endst: No. _____ / F.No. Litigation-II/Pasham Khan SST Tank
Dated Peshawar the 7/7/2017

Copy of the above is forwarded for information & N/action to the:-

1. Registrar Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
2. Additional Advocate General Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
3. Director of Education (FATA) FATA Secretariat, Warsak Road, Peshawar.
4. Section Officer (Litigation-II) E&SE Department, Peshawar.
5. Mr. Pasham Khan AAEO FR Tank.
6. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
7. Dealing Assistant SST (Male) Establishment Section Local Director.

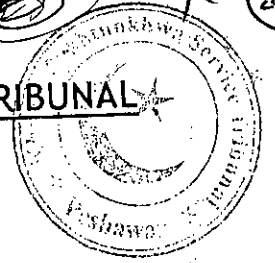
Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

ATTESTED

ATTESTED

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL

PESHAWAR



Execution petition No. 28 /2017

In

Appeal No. 1065/2012

Khyber Pakhtunkhwa
Services Tribunal

Blot No. 129

Dated 2-1-2017

Mr. Pasham Khan assistant Agency Education Officer FR Tank DI
Khan.

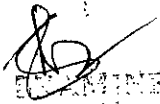
... APPELLANT

VERSUS

1. Secretary education (E&SE) Department, Government of Khyber Pakhtunkhwa, Peshawar
2. Director Education (E&SE) Department, Government of Khyber Pakhtunkhwa, Peshawar
3. Director Education FATA, KPK, Warsak Road, Peshawar.
4. Agency Education Officer FR Tank:

... RESPONDENTS

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Services Tribunal
Peshawar

EXECUTION PETITION FOR DIRECTING RESPONDENTS
TO IMPLEMENT THE JUDGMENT DATED 26/08/2016 OF
THIS HONOURABLE TRIBUNAL IN LETTER AND SPIRIT

Respectfully Sheweth,

1. That the appellant / petitioner filed a service appeal No. 1065/12 in this Honourable Tribunal, which was decided on

ATTESTED

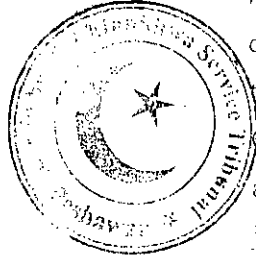


E.P. No. 28/2017
Pasham Khan B Govt

20

24

17.07.2018



Counsel for the petitioner and Mr. Sardar Shoukat Hayat.
Adll: AG for respondents present. This Tribunal vide judgment dated 16.08.2016 directed the respondents to examine and decide the departmental appeal of the petitioner for the grant of Selection Grade strictly on merit. Vide order dated 07.07.2017 departmental appeal of the petitioner was rejected/dismissed as such the judgment of this Tribunal stands implemented.

In view of the above, the Execution Petition is hereby filed being implemented. File be consigned to the record room.

Announced:
17.07.2018

(Ahmad Hassan)
Member

Certified to be true copy

MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 27-7-18
 Number of Pages 800
 Copying Fee 6.00
 Urgent 2.00
 Total 8.00
 Name of Applicant [Signature]
 Date of Receipt of Application 27-7-18
 Name of Secretary or Clerk 27-7-18

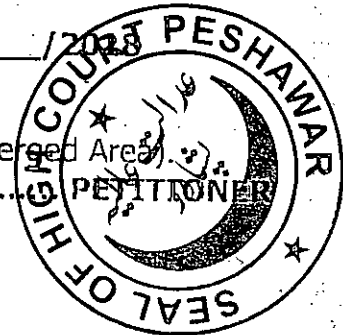
ATTESTED

L-25

BEFORE THE PESHAWAR HIGH COURT,

WRIT PETITION NO. _____

Mr. Pasham Khan, SET (BPS-17),
Assistant District Education Officer, District Tank (Merged Area)



VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar.
- 2- The Secretary, (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director of Education (E&SE) Department, Khyber Pakhtunkhwa Peshawar.
- 4- The Director of Education (Merged Area), FATA Secretariat, Peshawar.

..... **RESPONDENTS**

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973 AS AMENDED UP TO DATE

R/SHEWETH:
ON FACTS:

- 1- That petitioner is a bonafide & Law abiding citizen of Pakistan, and was initially appointed as SET Teacher by the Competent Authority vide its order dated 27.11.1985. Copies of appointment order is attached as annexure **A.**
- 2- That petitioner has more than 32 years of service at his credit and during service the petitioner was awarded move-over to BPS-17 vide order dated 11.12.2003 and up-gradation vide order dated 21.03.2009. Copies of the orders are attached as annexure **B&C.**
- 3- That, in the year 2003 the petitioner came to know that his name is missing in the seniority list, therefore, the petitioner filed application before respondent no. 4 for inclusion of his name in the seniority list of SET's being working on the post of SET since 27.11.1985. Copy of the application is attached as annexure **D.**
- 4- That, the petitioner filed an application through proper channel for award of selection grade in BPS-17 on 11.11.2009 which was not awarded as the name of the petitioner was missing in the Seniority List while the same

ATTESTED
EXAMINER
Peshawar High Court

PESHAWAR HIGH COURT, PESHAWAR.

ORDER SHEET

Date of Order/ Proceedings	Order or other Proceedings with Signature of Judge.
<u>06/03/2019</u>	<p><u>WP No. 5634-P/2018</u></p> <p>Present: Mr. Noor Muhammad Khattak, Advocate, for the petitioner.</p> <p style="text-align: center;">===</p> <p><u>WAQAR AHMAD SETH, CJ.-</u> Through the instant constitutional petition, petitioner has prayed for issuance of an appropriate writ declaring the impugned appellate order/notification dated 7.7.2017 communicated on 17.7.2018 as illegal, unconstitutional, unwarranted upon his rights and as such the same be set aside with further direction to the respondents to allow/grant him selection grade in BPS-17 with all consequential back benefits from the date when other colleagues have been awarded selection grade.</p> <p>2. Arguments heard and record perused.</p> <p>3. Admittedly, the petitioner is a civil servant and his grievance relates to 'terms and conditions' of service, the appropriate remedy for seeking his redressal, would surely be the Services Tribunal.</p> <p>4. This Court is barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 to take</p>



ATTESTED
EXAMINER
Peshawar High Court

cognizance of any matter relating to '**terms and conditions**' of service of a civil servant. The Apex Court in **Ali Azhar Khan Baloch's case (2015 SCMR 456)**, has again laid down that the issue relating to the '**terms and conditions**' of service cannot be entertained by a High Court either in its constitutional jurisdiction or in its original civil jurisdiction being barred under Article 212 of the Constitution.

5. In view of the above, this Writ Petition being not maintainable is hereby dismissed in **limine**.

Chief Justice

Judge

NO. 10265
 Date of Presentation of Application 11/3/19
 No of Pages 3
 Copying Fee
 Urgent Fee
 Total 12
 Date of Preparation of Copy 12/3/19
 Date of Return of Copy 12/3/19
 Received By: [Signature]

CERTIFIED TO BE TRUE COPY

Examiner
 Peshawar High Court, Peshawar
 Authorized Under Article 87 of
 the Qanun-e-shahadat Order 1984

12 MAR 2019

[Signature]

1914
1915
1916
1917
1918
1919
1920
1921
1922
1923
1924
1925
1926
1927
1928
1929
1930
1931
1932
1933
1934
1935
1936
1937
1938
1939
1940
1941
1942
1943
1944
1945
1946
1947
1948
1949
1950
1951
1952
1953
1954
1955
1956
1957
1958
1959
1960
1961
1962
1963
1964
1965
1966
1967
1968
1969
1970
1971
1972
1973
1974
1975
1976
1977
1978
1979
1980
1981
1982
1983
1984
1985
1986
1987
1988
1989
1990
1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025

1914
1915
1916
1917
1918
1919
1920
1921
1922
1923
1924
1925
1926
1927
1928
1929
1930
1931
1932
1933
1934
1935
1936
1937
1938
1939
1940
1941
1942
1943
1944
1945
1946
1947
1948
1949
1950
1951
1952
1953
1954
1955
1956
1957
1958
1959
1960
1961
1962
1963
1964
1965
1966
1967
1968
1969
1970
1971
1972
1973
1974
1975
1976
1977
1978
1979
1980
1981
1982
1983
1984
1985
1986
1987
1988
1989
1990
1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025

VAKALATNAMA

Before the KP Service Tribunal, Peshawar

No. _____/2019

Pasham Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt.

(RESPONDENT)
(DEFENDANT)

I/We *Pasham Khan*

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. _____/_____/2019

Tasim

CLIENT

He
ACCEPTED

NOOR MOHAMMAD KHATTAK

Sh
SHAHZULLAH KHAN YOUSAFZAI

M
MIR ZAMAN SAFI
ADVOCATES

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City
Phone: 091-2211391

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Service Appeal No: 414/2019

Pasham Khan SST/SET BPS-17, ADEO (M) District Tank.Appellant

VERSUS

Secretary E&SE Department, Khyber Pakhtunkhwa & others.Respondents

JOINT PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS No: 1-4.

Respectfully Sheweth :-

The Respondents submit as under:-

PRELIMINARY OBJECTIONS.

- 1 That the Appellant has got no cause of action/locus standi .
- 2 That the instant Service Appeal is badly time barred.
- 3 That the Appellant has concealed material facts from this Honorable Tribunal.
- 4 That the instant Service Appeal is based on mala fide intentions.
- 5 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 6 That the instant Service Appeal is against the prevailing law & rules.
- 7 That the Appellant has been treated as per law, rules & policy.
- 8 That the appeal is not maintainable in its present form.
- 9 That the appeal is bad for mis-joinder & non-joinder of the necessary parties.
- 10 That the instant Service Appeal is barred by law.
- 11 That the Appellant is not competent to file the instant appeal against the Respondents.
- 12 That the impugned Notification dated 07/07/2017, is legally competent & is liable to be maintained. (Annexure-A).
- 13 That the appellant is not entitled for the grant of selection grade in BPS-17 as he has already been upgraded in BPS-17 (Personal) by the Respondent Department in view of the government Policy.
- 14 That this honorable Tribunal has got no Jurisdiction to entertain the present appeal.

ON FACTS

- 1 That Para-1 needs no comments, being pertained to the service record of the appellant.

- 2 That Para-2 is correct that vide order dated 11/12/2003 the appellant has been awarded move-over in BPS-17 and upgradation vide order dated 21/03/2009 in the same scale in view of the notification dated 01/10/2007 issued by the finance Department Government of Khyber Pakhtunkhwa and is not entitled for the grant of selection grade in BPS-17 as the process has been ceased by the Government in 2001.
- 3 That Para-3 needs no comments being out of the contention made by the appellant in his appeal for the grant of selection grade in BPS-17.
- 4 That Para-4 is also incorrect & denied on the grounds that the appellant has been allowed move-over and selection grade vide orders and notifications dated 11/12/2003 and 21/03/2009 in BPS-17 by the competent authority on the basis of his qualifying service in the Respondent Department hence not entitled for the grant of selection grade in BPS-17 as the award of selection grade has been stopped/ceased by the finance Department in 2001 but the appellant has not made them Respondent on mala fide intentions in the present appeal before this honorable Tribunal.
- 5 That Para-5 is incorrect and denied on the grounds that when the process of award of selection grade has been stopped/ceased by the finance Department, then filing of an application for the award of the same is baseless and liable to be rejected as the appellant has failed to attached any cogent proof in support of his plea before this honorable Tribunal.
- 6 That Para-6 relates to the record of this Honorable Tribunal whereas the stand regarding filing of a Service Appeal No 1065/2012 remitted back to the Respondent Department for disposal of his Departmental Appeal in accordance with Law and Rules to the extent of grant or otherwise selection grade in BPS-17 is relates to the criteria and Policy of the Government which has been ceased in 2001 vide a notification issued by the Finance Department. Furthermore the Appellant has already availed the financial benefits of move-over and upgradation in BPS-17 against his present post of SST/SET in BPS-17 therefore three benefits against a post is not admissible under the rules in the Respondent Department.
- 7 That Para-7 is incorrect and denied. The Respondent Department has disposed off the Departmental Appeal of the appellant in view of the judgment dated 26/08/2016 passed by honorable Tribunal in Service Appeal No 1065/12 within time limitation vide notification dated 07/07/2017 dully endorsed and forwarded to the appellant hence the claim of the appellant regarding late communication of the said order and notifications dated 07/07/2017 & 17/07/2018 are based on mala fide to avoid his case been dismissed on time limitation by this honorable Tribunal as the case of the appellant is badly time barred and liable to be rejected on this score in favour of the Respondents (Copy of the Judgment dated 06/03/2019 is Annexure-A)
- 8 That Para-8 is correct that a writ petition No 5634-P/18 has been dismissed by the honorable Peshawar High Court Peshawar vide Judgment dated 06/03/2019 in favour of the Respondents on merits of the case and against the appellant (Copy of the Judgment dated 06/03/2019 is Annexure-A)
- 9 Legal, However the Respondents further submit on the following grounds amongst others.

GROUNDS

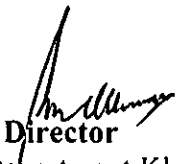
- A Incorrect & not admitted. The impugned Notification dated 07/07/2017 is within legal sphere & is liable to be maintained in favour of the Respondent Department.
- B Incorrect & not admitted. The act of the Respondent Department with regard to the non grant of selection grade in BPS-17 against the SST BPS-17 post is within legal sphere. Therefore, the plea of the appellant regarding the grant of selection grade in BPS-17 is without any legal justification having no aspect of discrimination towards to the appellant by the Respondents.


- C Incorrect & not admitted. The appellant has been treated as per law, rules & criteria by the Respondent Department, which is not only legal but is also liable to be maintained in favour of the Respondent Department having no aspect of discrimination towards to the appellant by the Respondents..
- D Incorrect & not admitted. Detailed reply to this ground has been given in the foregoing Paras, hence needs no further comments.
- E Incorrect & not admitted. The stand of the appellant at such a belated stage is making no justification despite the fact that the Respondent Department has acted as per law, rules & prescribed criteria for seniority in the instant case.
- F Incorrect & not admitted. The plea of the appellant is illegal & without justification. Hence deserves to be rejected in favour of the Respondents No: 1-3.
- G Incorrect & not admitted. The appellant has already availed move-over and upgradation in BPS-17 against his original post of SST/SET in Respondent Department and is no more entitled for selection grade under the Rules.
- H Incorrect & not admitted. The appellant has already availed move-over and upgradation in BPS-17 against his original post of SST/SET having no question of violated the provision of Article 38 (e) of the constitution on 1973.
- I Legal. However the Respondents further seek leave of this Honorable Tribunal to submit additional grounds, record & case Law at the time of arguments on the date fixed.

In view of the above made submissions, it is most humbly prayed that on the acceptance of this reply, the appeal of the appellant may kindly be dismissed in favour of the Respondents No: 1-4 in the interest of justice.

Dated ___/___/2019

Director Education (Litigation-II)
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 4)


Director
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 3)


Secretary
E&SE Department Khyber
Pakhtunkhwa, Peshawar
(Respondents No: 1 & 2).

AFFIDAVIT

I, Hayat Khan Asstt: Director (Litigation-II) E&SE Department do hereby solemnly affirm and declare on oath that the contents of the instant Parawise Comments are true & correct to the best of my knowledge & belief.

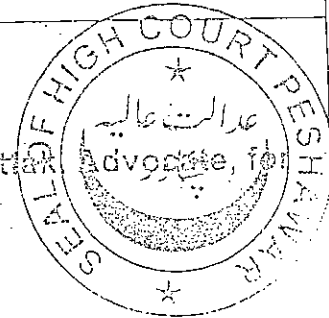

Depoent

2/6

PESHAWAR HIGH COURT, PESHAWAR.

ORDER SHEET

Date of Order/ Proceedings	Order or other Proceedings with Signature of Judge.
06/03/2019	<p data-bbox="454 611 755 649"><u>WP No. 5634-P/2018</u></p> <p data-bbox="454 675 1079 764"><u>Present:</u> Mr. Noor Muhammad Khattak, Advocate, for the petitioner.</p> <p data-bbox="812 802 893 828">===</p> <p data-bbox="462 866 1372 1617"><u>WAQAR AHMAD SETH, C.J.-</u> Through the instant constitutional petition, petitioner has prayed for issuance of an appropriate writ declaring the impugned appellate order/notification dated 7.7.2017 communicated on 17.7.2018 as illegal, unconstitutional, unwarranted upon his rights and as such the same be set aside with further direction to the respondents to allow/grant him selection grade in BPS-17 with all consequential back benefits from the date when other colleagues have been awarded selection grade.</p> <p data-bbox="495 1643 1242 1694">2. Arguments heard and record perused.</p> <p data-bbox="495 1719 1404 2012">3. Admittedly, the petitioner is a civil servant and his grievance relates to '<i>terms and conditions</i>' of service, the appropriate remedy for seeking his redressal, would surely be the Services Tribunal.</p> <p data-bbox="511 2025 1412 2178">4. This Court is barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 to take</p>



ATTESTED
 EXAMINER
 Peshawar High Court



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 925 / ST

Dated: 25-4-2022

All communications should be addressed to the Registrar K.P. Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To

The Director E&SE,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 414/2019, MR. PASHAM KHAN

I am directed to forward herewith a certified copy of Judgement dated 24.01.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

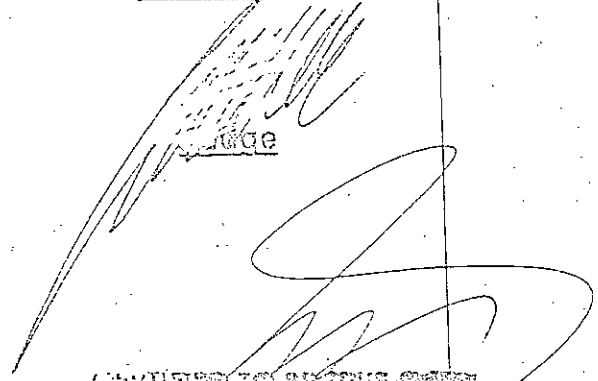

REGISTRAR

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

cognizance of any matter relating to 'terms and conditions' of service of a civil servant. The Apex Court in Ali Azhar Khan Baloch's case (2015 SCMR 456), has again laid down that the issue relating to the 'terms and conditions' of service cannot be entertained by a High Court either in its constitutional jurisdiction or in its original civil jurisdiction being barred under Article 212 of the Constitution.

5. In view of the above, this Writ Petition being not maintainable is hereby dismissed in limine.

Chief Justice



No. 10265
 Date of Presentation of Application 11/3/19
 No of Pages 3
 Copying Fee _____
 Urgent Fee _____
 Total 137
 Date of Receipt 12/3/19
12/3/19
[Signature]

CERTIFIED TO BE TRUE COPY

Examiner
 Peshawar High Court, Peshawar
 Authorized Under Article 87 of
 the Constitution Order 1985

12 MAR 2019