

31.08.2021

Nemo for the petitioner present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Saleek Khan, SO for respondents present.

Representative of the respondents submitted notification dated 20.08.2021 which is placed on file. Notices be issued to the petitioner as well as his counsel. Adjourned. To come up for further proceedings before the S.B on 20.09.2021.


(MIAN MUHAMMAD)
MEMBER (E)

20.09.2021

Petitioner in person and Mr. Muhammad Adeel Butt, Addl. AG alongwith Muhammad Ibrahim, ADO for the respondents present.

Representative of the respondents has produced copy of notification dated 20.08.2021, whereby on the recommendations of the PSB in its meeting held on 31.07.2021, the petitioner has been promoted by the competent authority to B.S-18 on regular bases w.e.f. 08.01.2014 (one day before his retirement). The petitioner expressed his satisfaction.

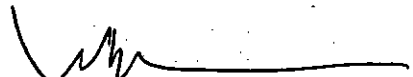
In view of the above, there is no need for further pursuit of the execution petition at hands and is consigned to the record room.


Chairman

29.12.2020

Nemo for petitioner. Mr. Muhammad Rasheed Deputy District Attorney alongwith Rehman Ullah Assistant for respondents present.

Representative of respondents submitted Working Paper for Notional Promotion of Mr. Mirza Ali Khan Ex-HM BS- 17 to BS-18 which is placed on file. To come up for implementation/further proceedings on 15.02.2021 before S.B.


(Atiq-Ur-Rehman Wazir)
Member (E)

15.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 12.04.2021.


Reader

12.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 19.07.2021 for the same as before.


Reader

19.07.2021

Nemo for parties.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Notice be issued to both the parties for 31.08.2021 before S.B.


(Rozina Rehman)
Member (J)

09.09.2020

Petitioner in person and Addl. AG alongwith Fazle Subhan, SO for the respondents present.

Representative of respondents states that the implementation of judgment is underway and will be finalized shortly. He, therefore, requests for adjournment.

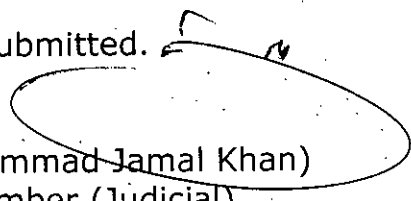
Adjourned to 11.11.2020 on which date the needful shall be done by the respondents without fail.


Chairman

11.11.2020

Petitioner is present in person. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Implementation report not submitted by respondents. Learned Additional AG requests for time to contact the respondents. Adjourned to 29.12.2020 on which date implementation report shall positively be submitted.


(Muhammad Jamal Khan)
Member (Judicial)

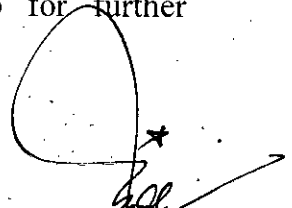
27.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 18.06.2020 before S.B.


Reader

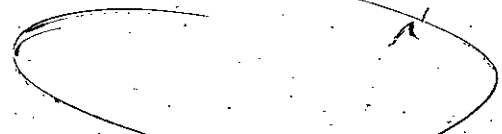
18.06.2020

Petitioner in person and Addl: AG alongwith Mr. Irfan Ullah, Assistant and Mr. Fazal Subhan, SO for respondents present. Implementation report not submitted. Representative of the respondents stated that case of the petitioner is in process and will be finalized shortly. Respondents are strictly directed to submit implementation report on the next date of hearing positively. Adjourned. To come up for further proceedings on 23.07.2020 before S.B.


MEMBER

23.07.2020

Petitioner himself is present. Mr. Kabirullah Khattak, Additional AG on behalf of the respondents is also present. The legal fraternity is observing strike today therefore, no proceedings could be conducted. The case is adjourned to 09.09.2020. To come up for previous proceedings before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER

08.01.2020

Petitioner in person and Addl. AG for the respondents present.

Petitioner has provided copy of memo. dated 10.12.2019 addressed to the Director, Elementary & Secondary Education Peshawar. In the memo it is stated that Finance Department agrees to the creation of supernumerary post of Principal B.S-18 in respect of the petitioner. The addressee has been further requested to process the case.

In view of the major development by way of creation of requisite post in favour of petitioner the respondents are expected to finalize the implementation of judgment at the earliest also keeping in view the advanced age of the petitioner. Implementation report shall positively be submitted on next date of hearing, failing which punitive action would be initiated against the defaulting official(s) in accordance with law.

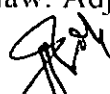
Adjourned to 27.02.2020 before S.B.


Chairman

27.02.2020

Petitioner in person present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Irfan Ullah Assistant for the respondent present.

Despite clear directions dated 08.01.2020 respondents have not submitted implementation report, however, the representative of the respondent No.3 informed that he has forwarded the case to respondent No.2. Today no one is present on behalf of respondent No. 2. As such respondent No.2 is directed to finalize the implementation of judgment at the earliest and submit report positively on the date fixed. In case of failure, punitive action will be initiated against the defaulting official(s) under the law. Adjourned to 25.03.202 before S.B.


(Hussain Shah)
Member

E.P 252/2017

28.11.2019

Petitioner in person and Mr. Muhammad Akram Khan Marwat, Budget & Accounts Officer for respondent No. 5 alongwith Mr. Usman Ghani District Attorney for the respondents present.

The representative of respondent No. 5 states that the documents of petitioner were sent to the E&SE Department. The petitioner, on the other hand, states that no progress in the matter has been made so far by the offices of respondents No. 2 & 3.

In the circumstances, the respondents No. 2 & 3 shall be put on notice for next date of hearing in order to apprise this Tribunal regarding the implementation of judgment ~~of this Tribunal.~~

Adjourned to 08.01.2020 before S.B.


Chairman

01.10.2019 Petitioner in person and Addl. AG alongwith Hayat Khan A.D and Shakeel Khan, Superintendent for the respondents present.

The representative of respondents has placed on record copy of letter dated 25.09.2019 addressed to the Director, E&SE Peshawar and states that the issue would be resolved in shortest possible time.


Adjourned to 28.10.2019 for further proceedings before S.B.


Chairman

28.10.2019 Petitioner in person and Addl. AG alongwith M/S Hayat Khan, A.D for respondent No. 3 and Muhammad Akram, Budget & Accounts Officer for respondent No. 5 present.

The representative of respondent No. 5 states that the requisite documents have been prepared and will be handed over to respondent No. 3 today who will process the case further. Representative of respondent No. 3 shall apprise the Tribunal regarding meaningful implementation of the judgment on the next date.

Adjourned to 28.11.2019 before S.B.


Chairman

18.07.2019

Petitioner in person and Mr. Muhammad Riaz Khan Paindakhel, Assistant A.G alongwith Fazle Subhan, S.O for the respondents present.

Representative of respondent No. 2 states that the letter dated 28.6.2019 sent by the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar regarding creation of supernumerary post for the petitioner for the period from 07.01.2014 to 9.01.2014 has been received in his office. However, due to rush of work the matter could not be pursued. He undertakes to rigorously process the case and conclude the same within shortest possible time.

To avail the outcome of the matter of notional promotion of the petitioner instant matter is adjourned to 03.09.2019 before S.B.


Chairman

03.09.2019

Petitioner in person and Mr. Usman Ghani, District Attorney for the respondents present.

On the last date of hearing, the representative of respondent No. 2 made an undertaking for early conclusion of the case of petitioner by creation of Supernumerary post from 07.01.2014 to 09.01.2014. Today, the representative is not available to apprise the Tribunal regarding any development made in the matter. Notice be issued to respondent No. 2 for 01.10.2019 on which date the implementation report shall positively be submitted.


CHAIRMAN

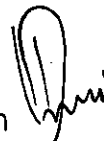
30.04.2019

Petitioner in person and Mr. Usman Ghani District Attorney alongwith M/S Fazle Subhan, SO, Hayat Khan, A.D and Ikhtiar Alam, ADEO for the respondents present.

Representative of respondent No. 2 states that in view of order dated 29.03.2009 he has submitted a report to the Director, Elementary and Secondary Education who has in ~~turn~~ ^{turn} recommended the matter for settlement in view of the judgment under implementation and the previous order of the Tribunal. He further states that the matter would be next placed before the PSB after preparation of working papers which is likely to take further time. He therefore, requests for adjournment.

Adjourned to 18.07.2019 for further proceedings.

Chairman



12.03.2019

Petitioner in person and Mr. Zia Ullah learned Deputy District Attorney alongwith Mukhtiar Alam ADO present. During the course of arguments it appeared that office letter dated 26.02.2018 available on file augments the case of the petitioner. Respondent department is strictly directed for proper implementation of the judgment in question. Adjourn. To come up for implementation report on the next date fixed as 29.03.2019 before S.B, failing which coercive measures shall be taken against the respondent department.



Member

29.03.2019

Petitioner in person and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Akram Khan Superintendent present.

During the course of arguments it transpired that Working Paper for promotion from BS-17 to BS-18 was submitted to Government for PSB of 382 posts which were lying vacant at that time. Though 382 posts were lying vacant however only 353 officers were promoted. 29 posts were left vacant just for the reason that the officers from Serial No.1 to 400 from the panel were considered whereas the name of the petitioner was at Serial No.405 of the seniority list. From the arguments of learned AAG it appears that the petitioner could not be promoted due to the conduct of the respondent department. Respondent department is therefore directed to implement the judgment of this Tribunal in letter and spirit. Adjourn. To come up for further proceedings on 30.04.2019 before S.B.



Member

14.12.2018

Petitioner in person present. Mr. Muhammad Akram, Superintendent and Mr. Hayat Muhammad, Assistant Director alongwith Mr. Kabirullah Khattak, Additional AG for the respondents present. Representative of the department submitted implementation report, which is placed on record. Petitioner requested for adjournment to examine the same. Adjourned. To come up for objection petition, if any, on implementation report/further proceedings on 29.01.2019 before S.B.


Muhammad Amin Khan Kundi
Member

29.01.2019

Petitioner in person present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Hayat Khan, Assistant Director for the respondents present. Objection petition on implementation report submitted by the petitioner today. Copy of the same is handed over to learned Additional AG. To come up for arguments on the same on 12.03.2019 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

17.09.2018

Petitioner in person present. Mr. Aqal Badshah, DDEO
alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present.
Case to come up for further proceedings on 18.09.2018 before S.B.


(Ahmad Hassan)
Member

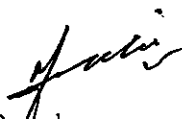
18.09.2018

Petitioner in person present. Mr. Hameed Ur Rehman, AD (Lit)
alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present.
Respondents are directed to positively submit provisional
implementation order on the next date of hearing, failing which
coercive measure in the shape of civil imprisonment and attachment of
salary would be initiated against them. Case to come up for further
proceedings on 29.10.2018 before S.B.


(Ahmad Hassan)
Member

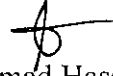
29.10.2018

Due to retirement of Hon'ble Chairman, the
Tribunal is defunct. Therefore, the case is adjourned.
To come up on 14.12.2018.


Reader


17.04.2018

Counsel for the petitioner and Adll: AG for respondents present. Representative of the respondents submitted implementation report, a copy of which was handed over the learned counsel for the petitioner. Adjourned. To come up for further proceedings on 11.07.2018 before S.B.


(Ahmad Hassan)
Member

11.07.2018

None present on behalf of the petitioner. Mr. Sardar Shoukat Hayat, Additional AG for the respondents present. Notice be also issued to petitioner for attendance for 09.08.2018.


(Muhammad Amin Khan Kundi)
Member





09.08.2018

Petitioner Mirza Ali Khan in person present. Mr. Kabirullah Khattak, Addl: AG for respondents present and made a request for some time to contact the respondents and submit latest report regarding the CPLA before this Tribunal. Granted. To come up for further proceedings/implementation report on 17.09.2018 before S.B.


Chairman

FORM OF ORDER SHEET

Execution Petition No. 252/2017

S.No.	Date of order Proceedings	Order or other proceedings with signature of Judge
1	2	3
1	20.12.2017	<p>The Execution Petition of Haji Mirza Ali Khan received to-day by post, be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	22/12/17.	<p>This Execution Petition be put up before S. Bench on- <u>29/12/17</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	29.12.2017	<p>Clerk of the counsel for the petitioner present and Adl: AG present. Notice be issued to the respondents for implementation report positively, on 20.02.2018 before S.B.</p> <p style="text-align: right;"> (Gul Zeb Khan) Member (E)</p>
	20.02.2018	<p>Counsel for the petitioner present. Mr. Muhammad Jan, DDA alongwith Hameed-ur-Rahman, AD (Lit) for the respondents also present. Representative of the respondent department stated at the bar that implementation report of the judgment of appeal is in process and reported will be report on the next date fixed and seeks adjournment. Adjourned. To come up for implementation report/further proceedings on 17.04.2018 before S.B.</p> <p style="text-align: right;"> (Gul Zeb Khan) Member</p>

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

Execution Petition No. 252/2017
Contempt of Court

In Service Appeal No. 1221/2014

Haji Mirza Ali Khan S/O Akram Khan Ex-Head G.H.S Shakh Quli Khan Lakki

Marwat presently R/O Zer Janu District Lakki Marwat.....(Appellant)

**Khyber Pakhtunkhwa
Service Tribunal**

VERSUS

Diary No. 1113

Dated 20/12/2017

1. Chief Minister Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Director Elementary and Secondary Education Khyber Pakhtunwa Peshawar.
4. Deputy Commissioner District Lakki Marwat.
5. District Education Officer (Male) Lakki Marwat.....(Respondents)

Application for Implementation of the Judgment of the Service Tribunal Khyber Pakhtunkhwa Peshawar Vide Appeal No. 1221/2014 decided on 31/10/2016. Under Article:- 204 of the Constitution of Islamic Republic of Pakistan 1973 Read with Section 3.5 & 6 of the Contempt of Court Ordinance No. IV of 2003 against Respondents.

PRAYER:- On implementation of Judgment in hand, the promotion of appellant from BPS-17 to BPS-18 along with benefits may kindly be made/directed.

Respectively Sheweth:-

1. That, Appellant has been performed his duties Since 16.10.1976 and appointed as Head Master on dated 17.02.2003.
2. That, an appeal No. 1221/2014 in the Honourable Court of Service Tribunal Khyber Pakhtunkhwa Peshawar on the title "Appeal against notification FDNo: B.O-V/FD/2014/ 4-Tier formula dated Peshawar 28.02.2012 for promotion of 374 Head Master/SS (Male) from BPS-17 to BPS-18 with all other Service and Pension rights/benefits with effect from 07.01.2014 and the appeal decided by Honourable Tribunal with all back benefits on 31.10.2016.

Judgment Annexed as "A".

3. That, the appellant had filed an Application for implementation of the Judgment of the Service Tribunal No: 1221/2014 decided on 31.10.2016, on 29.08.2017 through proper channel to the Respondents but they did not implement.

Application Annex as "B".

4. That being aggrieved, The Appellant approaches this Honourable Tribunal for taking action against Respondents for not obeying of this Honourable Tribunal Court.

Grounds:-

- A. That Respondents are deliberately reluctant to obey the Judgment of this Honourable Tribunal and such violation and Contemptual Act exposed them to be proceeded under Contempt of Tribunal Court.
- B. That the Respondents were not willing to implement the Judgment of this Honourable Tribunal Court dated: 31.10.2016.
- C. That the Appellant may be allowed to raise additional grounds during the course of arguments.

It is therefore, most humbly requested that contempt of Tribunal proceedings may kindly be initiated against Respondents and appropriate directions may kindly be issued to respondents to promote the Appellant from BPS-17 to BPS-18 w.e.f 07.01.2017 along with all back benefit of pay & pensions. Any other relief which deem fit and proper according to the circumstances of the case may also be granted.

Dated 15-12-2017

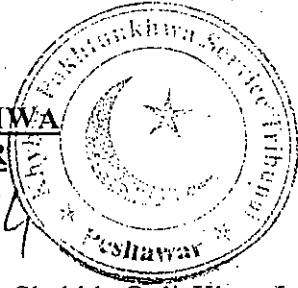
Appellant



Mizaali Khan S/O Akram Khan
R/O Zer Janu District Lakki
Marwat Khyber Pakhtunkhwa
Mob# 0312 - 4615352

P.B

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



Service Appeal No. 1221/2014

Haji Mirza Ali Khan S/O Akram Khan Ex-Head Master G.H.S Shahkh Quli Khan Lakki Marwat presently retired, R/O Zer Janu District Lakki Marwat..... (Appellant)

Versus

N.W.F. Province
12/6
Dated 25/9/2014

1. Chief Minister, Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Director Elam entry and Secondary Education Khyber Pakhtunkhwa Peshawar.
4. Deputy Commissioner, District Lakki Marwat.
5. District Education Officer (Male) Lakki Marwat..... (Respondents)

APPEAL UNDER SECTION 4 OF NWFP SERVICE TRIBUNAL ACT 1974 FOR PROMOTION OF APPELLANT UNDER THE PURVIEW OF NOTIFICATION NO.SO (S/M) E & SED/01-03-2013/BPS-17 TO BPS-18 DATED: 25-04-2014 WHEREBY 350 CANDIDATES WERE PROMOTED/WERE PROMOTED FROM BPS-17 TO (BPS-18).

PRAYER:- One acceptance of instant appeal in hand , the promotion of appellant from BPS-17 to BPS-18 along with back benefits may kindly be made/directed.

Respectfully Sheweth:

1. That, appellant has been performed his duties since 16-10-1976 and appointed as headmaster on dated: 17-02-2003.
2. That, as per rules, regulation and a formula known as 4-tier Formula, the appellant was deserved to be promoted to BPS-18 but respondents did not promote the appellant, although appellant had informed the respondents of his going on superannuation on 09-01-2014 and of promotion accordingly.

25/9/2014
3

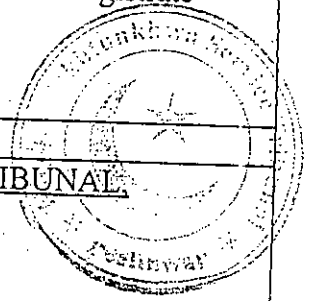
That, appellant moved an application to the respondents carrying a request that the appellant is going to be retired on superannuation and as sequel to that respondents

submitted to the respondents conducted PSB on dated: 07-01-2014.
and filed.

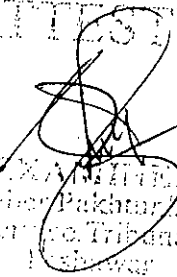
13/10/14

ATTESTED

P-4
Annexed as "A"



S.No	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	31.10.2016	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">APPEAL NO. 1221/2014 (Haji Mirza Ali Khan-vs- Chief Minister, Govt: of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar, and others).</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>PIR BAKHSH SHAH, MEMBER:</u></p> <p>Appellant in person, Mr. Muhammad Jan, GP alongwith Mr. Hameed-Ur-Rehman, AD(Lit) and Sharif Ullah, ADO for respondents present.</p> <p>2. Appointed as School Master in the year 1976, the appellant retired from service on 09.01.2014 on attaining the age of superannuation. At this time of his retirement he was in BPS-17 due for promotion to BPS-18. Before his retirement he submitted application dated 18.12.2013 before the departmental authority that his case for promotion to BPS-18 may be considered before his retirement. Fortunately, a working paper of the penal of Head Master/Subject Specialist for promotion to BPS-18 was prepared in December, 2013 and a PSB meeting held on 07.01.2014, two days prior to the retirement of the appellant. Candidates up to S.No.426 were promoted but the appellant whose name was at S.No. 432, was not considered for promotion. His departmental appeal dated 20.05.2014 for notional promotion was also not responded, hence this appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 with the</p>

ATTESTED

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

following prayer:-

"That on acceptance of instant appeal in hand, the promotion of appellant from BPS-17 to BPS-18 alongwith back benefits may kindly be made/directed."

3. Arguments heard and record perused.

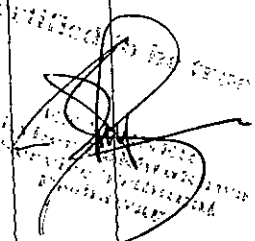
4. The appellant himself argued his appeal and submitted that there were a total of 374 vacancies were available with the department on the basis of the 4 tier formula and had all those vacancies been filled, the appellant would have definitely been promoted to BPS-18 before his retirement. He argued that instead of 374 vacancies only 332 vacancies were filled and the rest vacancies were left vacant with malafide which caused a great loss to the appellant. He explained that he was at S.No.405 of the panel out of which working paper the last candidate namely Hamid Ullah was at S.No.400. He submitted that since he suffered only because of the respondents conduct, therefore, he may be considered for proforma promotion so that his grievances are redressed.

5. The appeal was resisted by learned G.P who submitted that as the appellant has retired from service therefore, this appeal cannot be entertained. He further submitted that no junior to the appellant has been promoted therefore the appellant has got no cause of action to lodge this appeal. He submitted that the appeal may be dismissed.

6. We have carefully perused the record and heard pro & contra arguments of the counsels for the parties. The seniority list for the year 2013 on record reflects that the appellant was at S.No.432 and Hameedullah at S.No.426. According to letter dated 28.02.2012 of the

Budget Officer-V of the Finance Department addressed to the Secretary to Govt: of Khyber Pakhtunkhwa Elementary & Secondary Education Department, there were 374 vacancies available for promotion in BPS-18 for the Male Teachers out of which 350 vacancies were filled in the PSB held on 07.01.2014. There is nothing on record to show as to why the rest of about 24 vacancies were not filled. Had these 24 vacancies been filled the appellant was sure to have been considered and recommended for promotion. The record also reveals that the appellant had also knocked at the doors of the respondent-department timely so that he could be promoted to BPS-18 in view of his impending retirement. The conduct of the respondents as such remained an assembling block in the way of the appellant to be promoted to BPS-18 in the PSB dated 07.01.2014 before his retiring from service. We therefore, are of the considered view that the appellant should not suffer for negligence or laxity of the department. The respondent-department has also not responded to departmental appeal of the appellant. In the circumstances of the case, the instant appeal deserves to be accepted and the same is therefore accepted. The respondent-department is directed to consider the appellant for proforma promotion to save him from the loss in pension due to his retirement in BPS-17 which was due to negligence on the part of the respondent-department. Parties are left to bear their won costs. File be consigned to the record room.

Sd/- Dir Bakhtu Shah, Member
Sd/- Abdul Latif, Member

Certified to be true copy


ANNOUNCED
 31.10.2016

Date of Presentation of Application: 17-11-2016
 Number of Vacancies: 1600
 Copy of Fee: 10
 Urgent: 2
 Total: 12
 Name of Candidate: *[Signature]*
 Date of Exam: 17-11-2016

CONFIDENTIAL
IMMEDIATE

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT



PSB

No.SO(S/M)E&SED/1-3/2011/ Promotion BS-17 to BS-18/TC.
Dated Peshawar the January 20, 2014

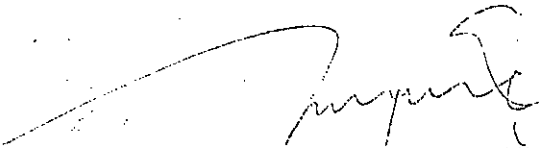
The Director,
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

Subject: - MINUTES OF THE MEETING OF PROVINCIAL SELECTION BOARD HELD ON
07.01.2014.

PROMOTION OF EDUCATION OFFICERS (MALE) FROM BS-17 TO BS-18.

I am directed to forward herewith a copy of Establishment Department Khyber Pakhtunkhwa letter No.SO(PSB)ED/1-4/2013/P-132 dated 15-01-2014 alongwith its enclosures on the subject noted above and to state that posting/ transfer proposal of Education Officers on their promotion from BS-17 to BS-18 under item No.14 of the minutes/ recommendations of the meeting of the Provincial Selection Board held on 07-01-2014 for implementation of 4-Tier structure may be furnished immediately so as to process the case further.


Encl: As Above:


(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS/MALE)

Endst: Even No. & Date:

Copy of the above is forwarded to the:-

- 1 The Section Officer (PSB), Establishment Department Khyber Pakhtunkhwa Peshawar w/r to his letter referred to above.
- 2 PS to Secretary E&SE Khyber Pakhtunkhwa.
- 3 PS to Special Secretary E&SE Khyber Pakhtunkhwa.
- 4 PA to Additional Secretary E&SE Khyber Pakhtunkhwa.


SECTION OFFICER (SCHOOLS/MALE)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

No. SO(PSB)ED/1-4/2013/P-132
Dated Peshawar, the 15.01.2014



To

The Secretary to
Government of Khyber Pakhtunkhwa,
E&SE Department

SUBJECT: - MINUTES OF THE MEETING OF PROVINCIAL SELECTION BOARD
HELD ON 07.01.2014.

PROMOTION OF EDUCATION OFFICERS (MALE) FROM BS-17 TO BS-18

Dear Sir,

I am directed to refer to E&SE Department letter No. SO (S/M) E&SED/1-3/2011/ Promotion BS-17 to BS-18/TC dated 29.11.2013 on the subject and to forward herewith an extract of item No (14) of the minutes/recommendations of the meeting of Provincial Selection Board held on 07.01.2014 for further necessary action/ obtaining approval of the competent authority.

Yours faithfully

DJ-I

[Handwritten signature]
17/1/2014

[Handwritten signature]
(JAN SAID)
SECTION OFFICER (PSB)

Encl: As Above
Endst. of even No. & date.

A copy is forwarded to the Section Officer (S/M), Govt. of Khyber Pakhtunkhwa, E&SE Department. He is requested to depute his representative to collect working papers from this office immediately.

SECTION OFFICER (PSB)

223
CS
17/1/2014
16/1/2014

732
15/1/2014

1449
171

ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

(Meeting of PSB held on 07.01.2014)

SUBJECT: - PROMOTION OF EDUCATION OFFICERS (MALE) FROM BS-17 TO BS-18.

Secretary E&SE apprised the Board that due to retirement creation and upgradation, three hundreds and eighty two (382) posts of BS-17 in teaching cadre are lying vacant.

2. According to service rules the post is required to be filled as under:-
- Eighty percent by promotion on the basis of seniority cum fitness from amongst. Headmasters Government High Schools/Subject Specialists/Government Comprehensive High School/Government Higher Secondary Schools and others equivalent posts in BS-17 with five years service as such and
 - Twenty percent by initial recruitment.

Note: - The retired officer at S. No.8 and 394 of the panel were recommended for promotion on notional basis on the grounds that the vacant posts were available on the date of their retirement.

3. The service record of the officers included in the panel was discussed as follows: -

S.NO	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Umar Muhammad	His date of birth is 01.05.1955. He joined government service on 28.02.1989 in BS-17. No enquiry is pending against him. His service record upto 2012 is generally good The Board recommended the officer for promotion to BS-18 on regular basis. He will be on probation for a period of one year.
2.	Mr. Sher Afzal	Not considered as he has retired from service on 28.05.2007.
3.	Mr. Mubarak Shah	His date of birth is 01.09.1966. He joined government service on 08.11.1995 in BS-17. No enquiry is pending against him. His service record upto 2012 is generally good The Board recommended the officer for promotion to BS-18 on regular basis. He will be on probation for a period of one year.
4.	Mr. Nazir Ahmad	Not considered as he has already promoted to BS-18
5.	Mr. Saeed ur Rehman	His date of birth is 01.08.1958. He joined government service on 10.11.1987. He was promoted to BS-17 on 05.05.1996. No enquiry is pending against him. His service record upto 2012 is generally good The Board recommended the officer for promotion to BS-18 on regular basis. He will be on probation for a period of

		The Board recommended the officer for promotion to BS-18 on regular basis. He will be on probation for a period of one year.
400.	Mr. Hameed Ullah	<p>His date of birth is 15.02.1957. He joined government service on 11.12.1979. He was promoted to BS-17 on 17.02.2003. No enquiry is pending against him. His service record upto 2012 is generally good</p> <p>The Board recommended the officer for promotion to BS-18 on regular basis. He will be on probation for a period of one year.</p>

Alcaw
dm

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Bhawana

CONFIDENTIAL

PANEL OF HEADMASTER/SUBJECT SPECIALIST-MALE (B-17) FOR PROMOTION TO B-18 OF
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT KHYBER PAKHTUNKHWA
PESHAWAR

S#	Name of Officers	Remarks
1	Umar Muhammad M.A. B.Ed	His date of Birth is 1.3.1955. He has joined Govt. Service on 28.2.1989 & was promoted to B-17 on 28.2.1989. His CEI is 80. No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
2	Sher Afzal, MA B.Ed	<i>D.O.B 29.5.1957 wrongly entered in the Seniority List but actual D.O.B is 29.5.1947 Already retired</i>
3	Mubarak Shah M.Sc B.Ed	His date of Birth is 1.9.1966. He has joined Govt. Service on 8.11.1995 & was promoted to B-17 on 8.11.1995. His CEI is 90. No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
4	Nazir Ahmad, B.A B.Ed	<i>D.O.B 27.6.1960 Already Promoted to B-18</i>
5	Saeed Ur Rehman SS	His date of Birth is 1.8.1958. He has joined Govt. Service on 10.11.1987 & was promoted to B-17 on 6.5.1996. His CEI is 70. No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
6	Muhammad Zaman M.A B.Ed	His date of Birth is 5.6.1954. He has joined Govt. Service on 20.11.1975 & was promoted to B-17 on 30.8.1997. His CEI is 89. No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
7	Umar Nawaz Khan M.A B.Ed	His date of Birth is 21.1.1954. He has joined Govt. Service on 13.12.1975 & was promoted to B-17 on 30.8.1997. His CEI is 92. No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
8	Ihsanud Din M.A B.Ed	His date of Birth is 3.1.1954. He has joined Govt. Service on 2.7.1976 & was promoted to B-17 on 30.8.1997. His CEI is 75. No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
9	Hanim Shah M.A B.Ed	<i>D.O.B 15.1.1964 wrongly entered in the Seniority List but actual D.O.B is 15.1.1946 Already retired</i>
10	Muhammad Manzoor M.A B.Ed	His date of Birth is 15.2.1954. He has joined Govt. Service on 5.3.1975 & was promoted to B-17 on 30.8.1997. His CEI is . No enquiry is pending against him. He is not eligible for promotion to B-18 on regular basis. His complete PER file is not available.
11	Israrul Haq M.A B.Ed	His date of Birth is 20.4.1954. He has joined Govt. Service on 17.4.1975 & was promoted to B-17 on 30.8.1997. His CEI is . No enquiry is pending against him. He is not eligible for promotion to B-18 on regular basis. His complete PER file is not available.
12	Wadan Gul M.A B.Ed	His date of Birth is 4.8.1955. He has joined Govt. Service on 15.9.1975 & was promoted to B-17 on 30.8.1997. His CEI is . No enquiry is pending against him. He is not eligible for promotion to B-18 on regular basis. His complete PER file is not available.
13	Noor Amal Khan, B.A B.Ed	His date of Birth is 5.10.1959. He has joined Govt. Service on 12.8.1987 & was promoted to B-17 on 11.2.1999. His CEI is . No enquiry is pending against him. He is not eligible for promotion to B-18 on regular basis. His PERs for the year from 1998 to 2012 are not available.
14	Syed Shekhat Shah B.A B.Ed	His date of Birth is 1.1.1955. He has joined Govt. Service on 20.6.1979 & was promoted to B-17 on 31.3.1999. His CEI is 71. No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
15	Sultan Saeed M.A B.Ed	His date of Birth is 1.4.1969. He has joined Govt. Service on 10.7.1999 & was promoted to B-17 on 10.7.1999. His CEI is 86. No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
16	Munaf Gul M.A B.Ed	<i>Left Department</i>
17	Younas Ali Khan M.A B.Ed	His date of Birth is 10.4.1973. He has joined Govt. Service on 25.11.1999 & was promoted to B-17 on 25.11.1999. His CEI is 89. No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
18	Muhammad Farooq M.A B.Ed	His date of Birth is 1.10.1969. He has joined Govt. Service on 17.2.2000 & was promoted to B-17 on 17.2.2000. His CEI is 92. No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.

388	Mr Aftab Khalid B.A B.Ed	His date of Birth is 10.3.1954. He has joined Govt: Service on 20.6.1978 & was promoted to B-17 on 17.2.2003. His CEI is 83 No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
389	Mr Gul Muhammad B.A B.Ed	His date of Birth is 15.12.1954. He has joined Govt: Service on 14.6.1979 & was promoted to B-17 on 17.2.2003. His CEI is 86 No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
390	Mr Hazrat Hussain B.A B.Ed	His date of Birth is 4.8.1955. He has joined Govt: Service on 18.7.1979 & was promoted to B-17 on 17.2.2003. His CEI is 85 No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
391	Mr Shafiq Haq B.A B.Ed	His date of Birth is 20.4.1957. He has joined Govt: Service on 29.5.1977 & was promoted to B-17 on 17.2.2003. His CEI is 71 No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
392	Mr Shah Wali Khan B.A B.Ed	His date of Birth is 26.6.1954. He has joined Govt: Service on 11.9.1970 & was promoted to B-17 on 17.2.2003. His CEI is No enquiry is pending against him. He is not eligible for promotion to B-18 on regular basis. His complete PERs not available
393	Mr Muhammad Sher Khan B.A B.	His date of Birth is 2.1.1955. He has joined Govt: Service on 17.6.1979 & was promoted to B-17 on 17.2.2003. His CEI is 70 No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
394	Mr Khalid Khan B.A B.Ed	His date of Birth is 1.1.1954. He has joined Govt: Service on 15.10.1979 & was promoted to B-17 on 17.2.2003. His CEI is 75 No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
395	Mr Khan Gul B.A B.Ed ✓	His date of Birth is 13.1.1954. He has joined Govt: Service on 28.12.1977 & was promoted to B-17 on 17.2.2003. His CEI is No enquiry is pending against him. He is not eligible for promotion to B-18 on regular basis. His complete PERs not available
396	Mr Shaida Muhammad B.A B.Ed	His date of Birth is 30.6.1954. He has joined Govt: Service on 1.12.1973 & was promoted to B-17 on 17.2.2003. His CEI is 70 No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
397	Mr Fazal Wali B.A B.Ed	His date of Birth is 15.6.1955. He has joined Govt: Service on 26.10.1979 & was promoted to B-17 on 17.2.2003. His CEI is 89 No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
398	Mr Haq Nawaz M.A M.Ed	His date of Birth is 4.1.1956. He has joined Govt: Service on 28.10.1978 & was promoted to B-17 on 17.2.2003. His CEI is 76 No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
399	Mr Ismatullah Khan B.A B.Ed	His date of Birth is 1.8.1956. He has joined Govt: Service on 20.3.1978 & was promoted to B-17 on 17.2.2003. His CEI is 89 No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
400	Mr Hameed Ullah B.A B.Ed	His date of Birth is 15.2.1957. He has joined Govt: Service on 11.12.1979 & was promoted to B-17 on 17.2.2003. His CEI is 70 No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
401	Mr Fazli Amin B.A B.Ed ✓	Died
402	Mr Ghulam Baqi Jan B.A B.Ed	His date of Birth is 4.5.1956. He has joined Govt: Service on 10.5.1980 & was promoted to B-17 on 17.2.2003. His CEI is 71 No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
403	Mr Inayat Ullah B.A B.Ed	His date of Birth is 1.1.1954. He has joined Govt: Service on 15.9.1980 & was promoted to B-17 on 17.2.2003. His CEI is 90 No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
404	Mr Rehman Shah B.A B.Ed	His date of Birth is 7.4.1954. He has joined Govt: Service on 18.11.1975 & was promoted to B-17 on 17.2.2003. His CEI is 82 No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
405	Mr Mirza Ali Khan B.A B.Ed	His date of Birth is 10.1.1954. He has joined Govt: Service on 16.10.1978 & was promoted to B-17 on 17.2.2003. His CEI is 70 No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.

618	Mr. Khurhid Aam M. Sc B. Ed	His date of Birth is 4.4.1972. He has joined Govt. Service on 17.11.1994 & was promoted to B-17 on 17.2.2003. His CEI is 90. No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
619	Mr. Mujeeb Ullah M. Sc B. Ed	His date of Birth is 8.8.1969. He has joined Govt. Service on 26.6.1997 & was promoted to B-17 on 17.2.2003. His CEI is 89. No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
620	Mr. Changez Khan M. Sc B. Ed	His date of Birth is 30.8.1974. He has joined Govt. Service on 29.1.2002 & was promoted to B-17 on 17.2.2003. His CEI is 84. No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
621	Shaukat Rehman MA ME.d(H/C)	His date of Birth is 10.3.1969. He has joined Govt. Service on 24.5.1995 & was promoted to B-17 on 17.2.2003. His CEI is 87. No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
622	Muhammad Nabi SS Pak Study MA, ME.d	His date of Birth is 12.3.1969. He has joined Govt. Service on 27.10.1994 & was promoted to B-17 on 17.2.2003. His CEI is 70. No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
623	Porvaiz Khan SS MA B.Ed	His date of Birth is 20.6.1965. He has joined Govt. Service on 27.10.1994 & was promoted to B-17 on 17.2.2003. His CEI is 90. No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
624	Ihsan Ullah M.A B. Ed ✓	His date of Birth is 15.4.1959. He has joined Govt. Service on 10.3.1985 & was promoted to B-17 on 17.2.2003. His CEI is 85. No enquiry is pending against him. He is not eligible for promotion to B-18 on regular basis due to non availability of PER file.
625	Rozam Khan M.A B. Ed ✓	His date of Birth is 21.3.1954. He has joined Govt. Service on 22.6.1975 & was promoted to B-17 on 17.2.2003. His CEI is 88. No enquiry is pending against him. He is not eligible for promotion to B-18 on regular basis due to non availability of PER file.
626	Saeed Ahmad M.A B. Ed ✓	His date of Birth is 7.3.1975. He has joined Govt. Service on 1.9.2003 & was promoted to B-17 on 17.2.2003. His CEI is 86. No enquiry is pending against him. He is not eligible for promotion to B-18 on regular basis due to non availability of PER file.
627	Ifikhar Ahmad, M.A B. Ed	His date of Birth is 4.2.1971. He has joined Govt. Service on 1.9.2003 & was promoted to B-17 on 17.2.2003. His CEI is 90. No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
628	Fazli Umar, M.A B. Ed	His date of Birth is 14.8.1975. He has joined Govt. Service on 5.11.2003 & was promoted to B-17 on 17.2.2003. His CEI is 70. No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
629	Muhammad Rizwanullah, M.A B. Ed	His date of Birth is 22.12.1968. He has joined Govt. Service on 22.4.1993 & was promoted to B-17 on 17.2.2003. His CEI is 72. No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
630	Bashir Ahmad, M.A B. Ed ✓	His date of Birth is 2.3.1969. He has joined Govt. Service on 9.1.1998 & was promoted to B-17 on 17.2.2003. His CEI is 88. No enquiry is pending against him. He is not eligible for promotion to B-18 on regular basis due to non availability of PER file.
631	Muzaffar ali khan, M.A B. Ed	His date of Birth is 1.1.1973. He has joined Govt. Service on 1.9.2003 & was promoted to B-17 on 17.2.2003. His CEI is 73. No enquiry is pending against him. He is eligible for promotion to B-18 on regular basis.
632	Muazam Shah, M.A B. Ed ✓	His date of Birth is 15.2.1977. He has joined Govt. Service on 5.11.2003 & was promoted to B-17 on 17.2.2003. His CEI is 71. No enquiry is pending against him. He is not eligible for promotion to B-18 on regular basis due to non availability of PER for the year 2012.

To,

The Chief Secretary,
Khyber Pakhtunkhwa Peshawar.

P-14

Subject: Appeal for Promotion from BPS – 17 HM to BPS – 18 Principal.

R/Sir,

With grate honor it is stated that reference Government of KPK FD No. BO-V/FD/2012/2011/04-Tier formula dated Peshawar 28-02-2012. The current up gradation of Male BPS – 17 = 2946 sanction post in two phases. The first phases effective with effect from 01-07-2012 total No of post = 374 Annexed as (A).

According to the said policy I have been applied for promotion from BPS – 17 HM to BPS – 18 Principal along with relevant documents detail is as under.

- i. Bio-Data Annexed as (B)
- ii. Synopsis. Annexed as (C)
- iii. Five years result. Annexed as (D)
- iv. Non involvement certificate. Annexed (E)

After that I applied to Secretary KPK for promotion from BPS – 17 to 18 and informed him well before time, that the applicant is going on retirement on dated 09-01-2014 due to sixty year age. The PSB held on 07-01-2014 for promotion. Unfortunately the notification Government of KPK (E&S) Education Department dated 25-04-2014 No SO(S/M) E&SED1-3/2013/promotion BPS – 17 to BPS – 18 of 350 posts instead of 374 sanction post in first phase for promotion BPS – 18 and followed the seniority list of HM/S up to S.No.426. Notification Annexed as (F)

Three candidates on at S.No.5 Umar Nawaz Khan w.e.f 20-01-2014, S.No.5 Ihsan Ud Din SDEO (M) Tank w.e.f 02-01-2014 and at S.No.348 Khalid Khan V/P G.H.S. 5 Umar Zai Charsada w.e.f 31-12-2013 on notional basis as he is going on the retirement on sixty year age out of 374^{posts} they fill only 350 and left over 24 posts with out any reasons. The applicant was at S.No.432 and sured for promotion according to Law rules and Government policy but did not considered him. Seniority List Annexed (G)

It is therefore most humbly be requested that the applicant may kindly be promoted from BPS – 17 HM to BPS – 18 w.e.f 09-01-2014 on notional basis as he is going on retirement of sixty years age, other wise the door of tribunal well be knocked and the responsibility on yours.

Thanks

Dated:24-05-2014

yours Obediently,

Haji Mirza Ali Khan,
Ex Head Master,
G.H.S Shakh Quli Khan,
Lakki Marwat.

P-15
Annex B

From Haji Mirza Ali Khan S/O Akram Khan Ex-Headmaster GHS Shakh Kuli Khan
Lakki Marwat

To The Chief Secretary Khyber Pakhtunkhwa Peshawar.

Through: Proper Channel

Subject: Implementation of the Judgment of the Service Tribunal
Khyber Pakhtunkhwa Peshawar Vide Appeal No.1221 / 14
decided on 31/10/2016

R/Sir, 31/10/2016

With great honour it is stated that I submitted an appeal No.1221 / 2014 in the Honourable Court of Service Tribunal KPK, Peshawar on the title "Appeal against notification FD No. BO-V / FD / 2014 / 04 – tier formula dated Peshawar 28-02-2012 for promotion of 374 Headmaster / Subject Specialist (Male) from BPS 17 to BPS 18 with all other Service and Pension rights / benefits with effect from 07/01/2014 as the appellant has served the school and literacy department as Head Master from 17/02/2003 to 09/01/2014. Departmental appeal on 24/05/2014 was made but with no response. Appeal Annexed as "A".

The Honourable Court of Service Tribunal Khyber Pakhtunkhwa made a decision on 31/10/2016 and accepted the present appeal with all back benefits. Photocopy of appeal Annexed as "B" and minutes of the committee Annexed as "C".

Date: 29-8-2017



Haji Mirza Ali Khan
Ex-Headmaster
GHS Shakh Kuli Khan
R/O Zer Janu PO Nawar Khel
Lakki Marwat

= 03124615352

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BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.

Execution Petition No: 252/2017

In Service Appeal No: 1221/2014

H. Mirza Ali Khan Ex-HM GHS Sheikh Quli Khan District Lakki Marwat..Petitioner

VERSUS

Chief Secretary Govt: of Khyber Pakhtunkhwa & others.Respondents

REPLY OF THE APPLICATION FOR IMPLEMENTATION OF THE JUDGMENT DATED 31/10/2016 FOR & ON BEHALF OF THE RESPONDENTS No: 1&5.

Respectfully Sheweth :-

The Respondents submit as under:-

- 1 That Para-1 needs no comments.
- 2 That Para-2 is correct to the extent of filing of the titled Service Appeal before this Honorable Tribunal by the appellant which has been decided vide judgment dated 31/10/2016 (**Copy of the judgment is Annexure-A**).
- 3 That Para-3 is incorrect & denied. No application has been filed by the appellant for the implementation of the judgment dated 31/10/2016, of this Honorable Tribunal with the additional submission that ~~the~~ aggrieved from the said judgment the Respondent Department has filed a CPLA under titled Chief Secretary Khyber Pakhtunkhwa & others VS Haji Mirza Ali Khan before the August Supreme Court of Pakistan which is still pending adjudication before the Apex Court. (**Copy of the POA , is Annexure-B**).
- 4 That Para-4 is also incorrect & denied as the Petitioner is not an aggrieved person. Hence, the Respondents further submit on the following grounds inter alia :-

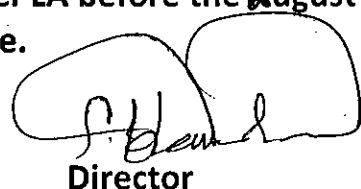
GROUND

- A Incorrect & denied. The stand of the appellant /Petitioner is baseless as aggrieved from the judgment dated 31/10/2016 of this Honorable Khyber Pakhtunkhwa, Service Tribunal, Peshawar, the Respondent Department has filed a CPLA under titled Chief Secretary Khyber Pakhtunkhwa, & others VS Mirzal Ali Khan before, the August Supreme Court of Pakistan which is still pending for final disposal.

- B Incorrect & misleading on the grounds that valuable legal & financial rights are involved with the titled Servicer Appeal & against which the Respondents have filed a CPLA in the August Supreme Court of Pakistan which is still pending for disposal.
- C Legal. However, the Respondents further seek leave of this Honorable Tribunal to submit additional ground, record & case Law at the time of arguments on the date fixed.

Therefore, it is humbly prayed that on the acceptance of this reply to the said application the operation upon the judgment dated 31/10/2016, may kindly be suspended till the final disposal of the pending CPLA before the August Supreme Court of Pakistan in the interest of justice, please.

Dated ___/___/2018.



Director

E&SE Department, Khyber
Pakhtunkhwa, Peshawar.
(Respondents No: 3&5)

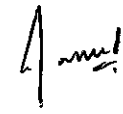


Secretary

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

AFFIDAVIT

I, Hameed ur Rehman Asstt: Director (Litigation-II) E&SE Department do hereby solemnly affirm and declared on oath that the contents of the instant Reply to the application are true & correct to the best of my knowledge & belief.



Deponent

ANNEX 'A' 26
13/125

P.3

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



Service Appeal No. 1921/2014

Haji Mirza Ali Khan S/O Akram Khan Ex-Head Master G.H.S Shahkh Quli Khan Lakki
Marwat presently retired, R/O Zer Janu District Lakki Marwat..... (Appellant)

W.F. Province
No. 1216
Dated 25/9/2014

Versus

1. Chief Minister, Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Director Elam entry and Secondary Education Khyber Pakhtunkhwa Peshawar.
4. Deputy Commissioner, District Lakki Marwat.
5. District Education Officer (Male) Lakki Marwat..... (Respondents)

APPEAL UNDER SECTION 4 OF NWFP SERVICE TRIBUNAL ACT 1974 FOR PROMOTION OF APPELLANT UNDER THE PURVIEW OF NOTIFICATION NO.SO (S/M) E & SED/01-03-2013/BPS-17 TO BPS-18 DATED: 25-04-2014 WHEREBY 350 CANDIDATES WERE PROMOTION/WHERE PROMOTED FROM BPS-17 TO (BPS-18).

PRAYER:- One acceptance of instant appeal in hand, the promotion of appellant from BPS-17 to BPS-18 along with back benefits may kindly be made/directed.

Respectfully Sheweth:

1. That, appellant has been performed his duties since 16-10-1976 and appointed as headmaster on dated: 17-02-2003.
2. That, as per rules, regulation and a formula known as 4-tier Formula, the appellant was deserved to be promoted to BPS-18 but respondents did not promote the appellant, although appellant had informed the respondents of his going on superannuation on 09-01-2014 and of promotion accordingly.

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That, appellant moved an application to the respondents carrying a request that the appellant is going to be retired on superannuation and as sequel to that respondents

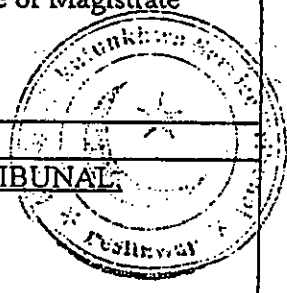
submitted to ~~day~~ conducted PSB on dated: 07-01-2014.
and filed.

Handwritten signature and date: 13/10/14

ATTESTED

Handwritten signature and stamp of the official.

S.No	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	31.10.2016	<p style="text-align: center;">KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.</p> <p style="text-align: center;">APPEAL NO. 1221/2014 (Haji Mirza Ali Khan-vs- Chief Minister, Govt: of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar, and others).</p> <p style="text-align: center;">JUDGMENT</p> <p style="text-align: center;">PIR BAKHSH SHAH, MEMBER:</p> <p>Appellant in person, Mr. Muhammad Jan, GP alongwith Mr. Hameed-Ur-Rehman, AD(Lit) and Sharif Ullah, ADO for respondents present.</p> <p>2. Appointed as School Master in the year 1976, the appellant retired from service on 09.01.2014 on attaining the age of superannuation. At this time of his retirement he was in BPS-17 due for promotion to BPS-18. Before his retirement he submitted application dated 18.12.2013 before the departmental authority that his case for promotion to BPS-18 may be considered before his retirement. Fortunately, a working paper of the penal of Head Master/Subject Specialist for promotion to BPS-18 was prepared in December, 2013 and a PSB meeting held on 07.01.2014, two days prior to the retirement of the appellant. Candidates up to S.No.426 were promoted but the appellant whose name was at S.No. 432, was not considered for promotion. His departmental appeal dated 20.05.2014 for notional promotion was also not responded, hence this appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 with the</p>



ATTESTED

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

following prayer:-

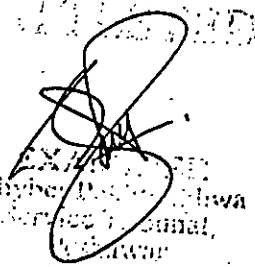
"That on acceptance of instant appeal in hand, the promotion of appellant from BPS-17 to BPS-18 alongwith back benefits may kindly be made/directed."

3. Arguments heard and record perused.

4. The appellant himself argued his appeal and submitted that there were a total of 374 vacancies were available with the department on the basis of the 4 tier formula and had all those vacancies been filled, the appellant would have definitely been promoted to BPS-18 before his retirement. He argued that instead of 374 vacancies only 332 vacancies were filled and the rest vacancies were left vacant with malafide which caused a great loss to the appellant. He explained that he was at S.No.405 of the panel out of which working paper the last candidate namely Hamid Ullah was at S.No.400. He submitted that since he suffered only because of the respondents conduct, therefore, he may be considered for proforma promotion so that his grievances are redressed.

5. The appeal was resisted by learned G.P who submitted that as the appellant has retired from service therefore, this appeal cannot be entertained. He further submitted that no junior to the appellant has been promoted therefore the appellant has got no cause of action to lodge this appeal. He submitted that the appeal may be dismissed.

6. We have carefully perused the record and heard pro & contra arguments of the counsels for the parties. The seniority list for the year 2013 on record reflects that the appellant was at S.No.432 and Hameedullah at S.No.426. According to letter dated 28.02.2012 of the



Handwritten signature and stamp, possibly a date stamp, located at the bottom left of the page.

Budget Officer-V of the Finance Department addressed to the Secretary-to Govt: of Khyber Pakhtunkhwa Elementary & Secondary Education Department, there were 374 vacancies available for promotion in BPS-18 for the Male Teachers out of which 350 vacancies were filled in the PSB held on 07.01.2014. There is nothing on record to show as to why the rest of about 24 vacancies were not filled. Had these 24 vacancies been filled the appellant was sure to have been considered and recommended for promotion. The record also reveals that the appellant had also knocked at the doors of the respondent-department timely so that he could be promoted to BPS-18 in view of his impending retirement. The conduct of the respondents as such remained assembling block in the way of the appellant to be promoted to BPS-18 in the PSB dated 07.01.2014 before his retiring from service. We therefore, are of the considered view that the appellant should not suffer for negligence or laxity of the department. The respondent-department has also not responded to departmental appeal of the appellant. In the circumstances of the case, the instant appeal deserves to be accepted and the same is therefore accepted. [The respondent-department is directed to consider the appellant for proforma promotion to save him from the loss in pension due to his retirement in BPS-17 which was due to negligence on the part of the respondent-department. Parties are left to bear their won costs. File be consigned to the record room.]

Self-Dix Bakhsh Shah, Member
Self-Abdul Latif, Member

[Handwritten signature and stamp]

ANNOUNCED
31.10.2016

Date of Presentation of Application 17-11-2016
 Number of Writs 1600
 Copies 10
 Pages 2
 Total 12
 Name [Signature]
 Date 17-11-2016
 Date 17-11-2016

Place on file

65

ANN-(B)

93

128

POWER OF ATTORNEY
IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

Govt. of Khyber Pakhtunkhwa and Others

PETITIONER(S)

VERSUS

Haji Mirza Ali Khan

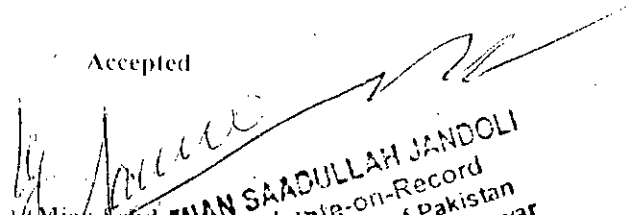
RESPONDENT

I, through Petitioner (Govt. of KPK) in the above Petition, do hereby appoint and constitute Mian Saadullah Jandoli, Advocate-on-Record, Supreme Court, for Govt. of Khyber Pakhtunkhwa the Attorney for the aforesaid Petitioner(s) to commence and prosecute appear and defend this action/appeal/suit/petition/reference on my/our behalf and all proceeding that may be taken in respect on any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take back documents, to accept the proceeds of the Court, to appoint and instruct Counsel, to represent the aforesaid Petitioner(s) in the above matter and to do all things incidental to such acting for the aforesaid Petitioner(s).

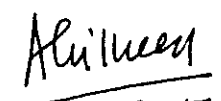
Aforesaid Petitioner(s) hereby agrees/agree to ratify all acts done by the aforesaid Attorney in pursuance of this authority.

In witness whereof I/we do hereunto set my/our hand/hands


Accepted

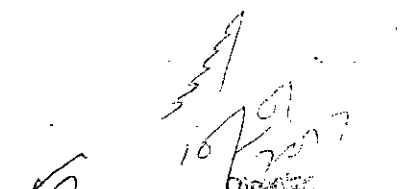

MIAN SAADULLAH JANDOLI
Advocate-on-Record
Supreme Court of Pakistan
(for KPK) Advocate-General's
Office KPK, High Court Building, Peshawar.
Office Tel. # 091-9210312, 9210119

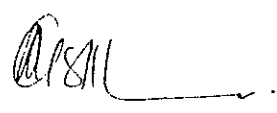
Signed with Official seal stamp

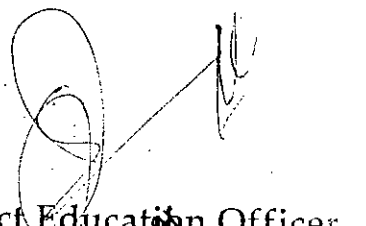

25.1.2017

1- Chief Secretary,
Govt. of Khyber Pakhtunkhwa,
Peshawar.
Govt. of Khyber Pakhtunkhwa


2- Secretary Elementary &
Secondary Education Department,
Govt. of Khyber Pakhtunkhwa,
Peshawar
Secretary
Elementary and Secondary Education
Department, Govt. of K.P.K.


3- Director Elementary &
Secondary Education Khyber
Pakhtunkhwa, Peshawar.


4- Deputy Commissioner,
Lakki Marwat
Deputy Commissioner
Lakki Marwat


5- District Education Officer,
(Male) Lakki Marwat
District Edu. Officer
(Male) Lakki Marwat
19/1/17

Dated 10-01-2017

**DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR**

No. 2561 /A-12/Estab:-1/PF Mir Zali Khan
Rtd HM / Court Case

Dated Pesh: the 26/2 /2018.

To

Assistant Director,
(Litigation-II) Local Office.

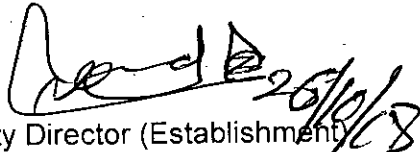
**SUBJECT: COMPLIANCE OF THE ORDER SHEET DATED 18.9.2018 PASSED BY
SERVICE TRIBUNAL IN EXECUTION PETITION NO.253/2017 OUT OF
SERVICE APPEAL NO.1221/2014 CASE TITLED MR. HAJI MIR ZALI KHAN
EX-HM GHS SHEIKH KULI KHAN DISTRICT LAKKI MARWAT VS E & SE
DEPARTMENT KHYBER PAKHTUNKHWA AND OTHERS**

Memo:

I am directed to refer to your letter No.1807/(Litigation-II) dated Peshawar the 5.10.2018 on the subject cited above and to state that the working paper for promotion from BS-17 to BS-18 was submitted to Govt. for PSB of 382 posts which were vacant at that time i.e. upto seniority No.400 (Hamidullah) due to died, retired, left department etc: **(Annexure-A)** only 353 officers were promoted from BS-17 to BS-18 out of 382 by the PSB in its meeting held on 7.1.2014 and notified vide Notification No.SO(S/M)/E&SED/1-3/2013/Promotion BS-17 to BS-18 dated 25.4.2014 **(Annex-B)** and his name was on seniority No.405 so, he was not considered by the PSB due to non availability of further vacant posts**(Annexure-C)**

Hence report is submitted please.


Encls: As Above


Deputy Director (Establishment)
Directorate of Elementary and Secondary
Education Khyber Pakhtunkhwa Peshawar.

Endst:No: _____ /

Copy to the:-

1. P. A to Director of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar


Deputy Director (Establishment)
Directorate of Elementary and Secondary
Education Khyber Pakhtunkhwa Peshawar.

Letter to Secretary

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

Execution Petition No. 252/2017

In Service Appeal No. 1221/2014

Haji Mirza Ali Khan S/O Akram Khan Ex-Head Master G.H.S Shakh Quli Khan Lakki
Marwat presently R/O Zer Janu District Lakki Marwat..... (Appellant)

VERSUS

1. Chief Minister Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa Peshawar & Others..... (Respondents)

Rejoinder of the letter Directorate of Elementary and Secondary Education Khyber
Pakhtunkhwa Peshawar No. 9561/A-12/Estab:-1/PF Mir Zali Khan Rtd HM/Court
Case Dated Pesh: the 26/02/2018.

Respectively Sheweth:-

1. That the Govt of Khyber Pakhtunkhwa through Chief Secretary Peshawar &
Others versus Haji Mirza Ali Khan S/O Akram Khan Ex-Head Master GHS Shakh
Quli Khan Lakki Marwat challenge the appeal in the Supreme Court of Pakistan.
CPL No.68-P/2017 and dismissed on 08-12-2018.
Judgment of the Supreme Court Annex as "A".
2. That an order on 18-09-2018 passed by this Honourable Tribunal, Respondents
are directed to positively submit implementation order on the next hearing.
Order Annex as "B".
3. The Respondents in compliance of the order dated 18-09-2018 is willfully floating
and violating the order of this Honourable Tribunal and Supreme Court of
Pakistan and not implementing the orders of this Honourable Tribunal/Courts
with letter and spirit and had made themselves liable to be proceeded against the
contempt of Court/Tribunal.
4. That in the interest of Justice and for the sake of rule and law the Respondents
deserve exemplary punishment so that the dignity and Honour of the
Tribunal/Courts is maintained.
5. That being aggrieved, the Appellant approaches this Honourable Tribunal for
taking action against Respondents for not obeying of this Honourable Tribunal
Court.


Grounds:-

- A. That Respondents are deliberately reluctant to obey the Judgment of this Honourable Tribunal and Supreme Court of Pakistan, such violation and Contextual Act exposed them to be proceeded under Contempt of Tribunal Court.
- B. That the Respondents were not willing to implement the Judgment of this Honourable Tribunal Court dated: 31-10-2016.
- C. That the Appellant may be allowed to raise additional grounds during the course of arguments.

It is therefore, most humbly be requested that contempt of Tribunal proceedings may kindly be initiated against Respondents and appropriate directions may kindly be issued to, the respondents to promote the Appellant from BPS-17 to BPS-18 w.e.f 07-01-2014 along with all back benefit of pay & pensions. Any other relief which deem fit and proper according to the circumstances of the case may also be granted.

Dated: 29-01-2019

Appellant


**Mirzaali Khan S/O Akram Khan
R/O Zer Janu District Lakki Marwat
Khyber Pakhtunkhwa
Mob# 0312-4615352**

Dismissed

"A"

SUPREME COURT OF PAKISTAN PESHAWAR


RECEIPT OF CERTIFIED COPY

Reg No. 920/18 Dated 13/12/18

Case No. CP. No. 68-P/17
Govt of KPK etc

Versus

Haji Mirza Ali Khan
Name of applicant Haji Mirza Ali Khan,
RIP
Call date.


Signature of Copy Clerk
Supreme Court of Pakistan
Peshawar

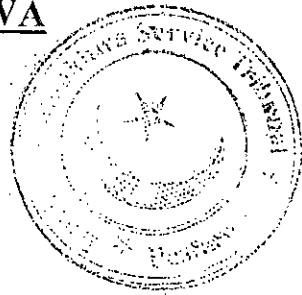
Khattak

B

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

Execution R/O No. 252/2017
Contempt of Court

In Service Appeal No. 1221/2014



Haji Mirza Ali Khan S/O Akram Khan Ex-Head G.H.S Shakh Quli Khan Lakki
Marwat presently R/O Zer Janu District Lakki Marwat.....(Appellant)

VERSUS

- 1113
Dated 20/12/2017
1. Chief Minister Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
 2. Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
 3. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
 4. Deputy Commissioner District Lakki Marwat.
 5. District Education Officer (Male) Lakki Marwat.....(Respondents)

Application for Implementation of the Judgment of the Service Tribunal Khyber Pakhtunkhwa Peshawar Vide Appeal No. 1221/2014 decided on 31/10/2016. Under Article:- 204 of the Constitution of Islamic Republic of Pakistan 1973 Read with Section 3.5 & 6 of the Contempt of Court Ordinance No. IV of 2003 against Respondents.


PRAYER:- On implementation of Judgment in hand, the promotion of appellant from BPS-17 to BPS-18 along with benefits may kindly be made/directed.

Respectively Sheweth:-

1. That, Appellant has been performed his duties Since 16.10.1976 and appointed as Head Master on dated 17.02.2003.
2. That, an appeal No. 1221/2014 in the Honourable Court of Service Tribunal Khyber Pakhtunkhwa Peshawar on the title "Appeal against notification FDNo: B.O-V/FD/2014/ 4-Tier formula dated Peshawar 28.02.2012 for promotion of 374 Head Master/SS (Male) from BPS-17 to BPS-18 with all other Service and Pension rights/benefits with effect from 07.01.2014 and the appeal decided by Honourable Tribunal with all back benefits on 31.10.2016.

Judgment Annexed as "A".

Certified to be true copy

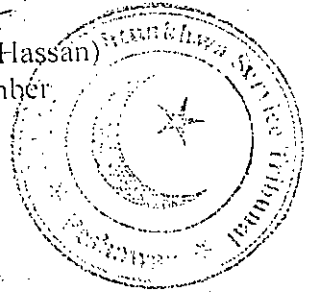

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Annexure "B"

17.09.2018

Petitioner in person present. Mr. Aqal Badshah, DDEO alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Case to come up for further proceedings on 18.09.2018 before S.B.

(Ahmad Hassan)
Member



18.09.2018

Petitioner in person present. Mr. Hameed Ur Rehman, AD (Lit) alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Respondents are directed to positively submit provisional implementation order on the next date of hearing, failing which coercive measure in the shape of civil imprisonment and attachment of salary would be initiated against them. Case to come up for further proceedings on 29.10.2018 before S.B.

(Ahmad Hassan)
Member

29.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 14.12.2018.

Certified to be true copy
Rohder

Kabirullah Khattak
Addl. AG
Peshawar

Date of Presentation of Application: 13-12-18

Number of Writs: 800

Copying Fee: 6.00

Urgent: 2.00

Total: 8.00

Name of Applicant: [Signature]

Date of Copy: 13-12-18

Date of Delivery of Copy: 13-12-18

Annexure "A"

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE UMAR ATA BANDIAL
MR. JUSTICE YAHYA AFRIDI

CIVIL PETITION NO. 68-P OF 2017

(on appeal against the judgment dated 31.10.2016 of the Khyber Pakhtunkhwa Service Tribunal, Peshawar passed in Appeal No1221/2014)

Chief Minister, Govt of KPK through Chief Secretary Peshawar & others

...Petitioner(s)

VERSUS

Haji Mirza Ali Khan

...Respondent(s)

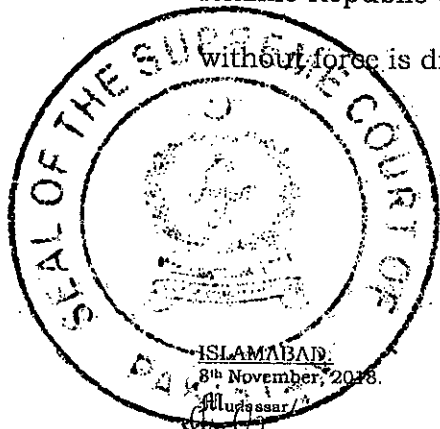
For the Petitioner(s): Barrister Qasim Wadood, Addl. AG KPK
Yousaf Haroon, SO

For the Respondent(s): N.R.

Date of Hearing: 08.11.2018

ORDER

UMAR ATA BANDIAL, J.— We have heard the learned Additional Advocate General Khyber Pakhtunkhwa. No substantial question of law of public importance has been raised in this petition to exercise our jurisdiction under Article 212(3) of the Constitution of Islamic Republic of Pakistan, 1973. Accordingly, this petition being without force is dismissed and leave declined.



Sd/-J
Sd/-J

Certified to be True Copy

[Signature]
Court Associate
Supreme Court of Pakistan
Islamabad

"Not approved for reporting"

28/11/18 75 P/18
GR No: _____
Date of Presentation: 28-1-18
No of Words: _____
No of Folios: _____
Requisition Fee Rs: _____
Copy Fee int: _____
Court Fee Stamps: 6-8-2
Date of Completion of Copy: 3/1/19
Date of delivery of Copy: 8/2/19
Checked by/Prepared by: _____

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

Execution Petition No. 252/2017

In Service Appeal No. 1221/2014

Haji Mirza Ali Khan S/O Akram Khan Ex-Head Master G.H.S Shakh Quli Khan Lakki
Marwat presently R/O Zer Janu District Lakki Marwat..... (Appellant)

VERSUS

1. Chief Minister Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa Peshawar & Others..... (Respondents)

Rejoinder of the letter Directorate of Elementary and Secondary Education Khyber
Pakhtunkhwa Peshawar No. 9561/A-12/Estab:-1/PF Mir Zali Khan Rtd HM/Court
Case Dated Pesh: the 26/02/2018.

Respectively Sheweth:-

1. That the Govt of Khyber Pakhtunkhwa through Chief Secretary Peshawar &
Others versus Haji Mirza Ali Khan S/O Akram Khan Ex-Head Master GHS Shakh
Quli Khan Lakki Marwat challenge the appeal in the Supreme Court of Pakistan.
CPL No.68-P/2017 and dismissed on 08-11-2018.
Judgment of the Supreme Court Annex as "A".
2. That an order on 18-09-2018 passed by this Hounourable Tribunal, Respondents
are directed to positively submit implementation order on the next hearing.
Order Annex as "B".
3. The Respondents in compliance of the order dated 18-09-2018 is willfully floating
and violating the order of this Hounourable Tribunal and Supreme Court of
Pakistan and not implementing the orders of this Hounourable Tribunal/Courts
with letter and spirit and had made themselves liable to be proceeded against the
contempt of Court/Tribunal.
4. That in the interest of Justice and for the sake of rule and law the Respondents
deserve exemplary punishment so that the dignity and Hounour of the
Tribunal/Courts is maintained.
5. That being aggrieved, the Appellant approaches this Hounourable Tribunal for
taking action against Respondents for not obeying of this Hounourable Tribunal
Court.

Grounds:-

- A. That Respondents are deliberately reluctant to obey the Judgment of this Honourable Tribunal and Supreme Court of Pakistan, such violation and Contextual Act exposed them to be proceeded under Contempt of Tribunal Court.
- B. That the Respondents were not willing to implement the Judgment of this Honourable Tribunal Court dated: 31-10-2016.
- C. That the Appellant may be allowed to raise additional grounds during the course of arguments.

It is therefore, most humbly be requested that contempt of Tribunal proceedings may kindly be initiated against Respondents and appropriate directions may kindly be issued to, the respondents to promote the Appellant from BPS-17 to BPS-18 w.e.f 07-01-2014 along with all back benefit of pay & pensions. Any other relief which deem fit and proper according to the circumstances of the case may also be granted.

Dated: 29-01-2019

Appellant

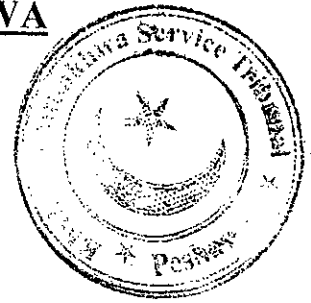


**Mirzaali Khan S/O Akram Khan
R/O Zer Janu District Lakki Marwat
Khyber Pakhtunkhwa
Mob# 0312-4615352**

" B "

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

Execution Petition No. 252/2017
Contempt of Court



In Service Appeal No. 1221/2014

**Haji Mirza Ali Khan S/O Akram Khan Ex-Head G.H.S Shakh Quli Khan Lakki
Marwat presently R/O Zer Janu District Lakki Marwat.....(Appellant)**

VERSUS

Khyber Pakhtunkhwa
Service Tribunal

Case No. 1113

Date 20/12/2017

1. Chief Minister Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Director Elementary and Secondary Education Khyber Pakhtunwa Peshawar.
4. Deputy Commissioner District Lakki Marwat.
5. District Education Officer (Male) Lakki Marwat.....(Respondents)

Application for Implementation of the Judgment of the Service Tribunal Khyber Pakhtunkhwa Peshawar Vide Appeal No. 1221/2014 decided on 31/10/2016. Under Article:- 204 of the Constitution of Islamic Republic of Pakistan 1973 Read with Section 3.5 & 6 of the Contempt of Court Ordinance No. IV of 2003 against Respondents.

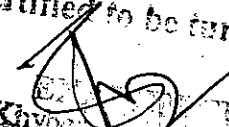
PRAYER:- On implementation of Judgment in hand, the promotion of appellant from BPS-17 to BPS-18 along with benefits may kindly be made/directed.

Respectively Sheweth:-

1. That, Appellant has been performed his duties Since 16.10.1976 and appointed as Head Master on dated 17.02.2003.
2. That, an appeal No. 1221/2014 in the Honourable Court of Service Tribunal Khyber Pakhtunkhwa Peshawar on the title "Appeal against notification FDNo: B.O-V/FD/2014/ 4-Tier formula dated Peshawar 28.02.2012 for promotion of 374 Head Master/SS (Male) from BPS-17 to BPS-18 with all other Service and Pension rights/benefits with effect from 07.01.2014 and the appeal decided by Honourable Tribunal with all back benefits on 31.10.2016.

Judgment Annexed as "A".


Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Annexure "B"

17.09.2018

Petitioner in person present. Mr. Aqal Badshah, DDEO alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Case to come up for further proceedings on 18.09.2018 before S.B.

(Ahmad Hassan)
Member


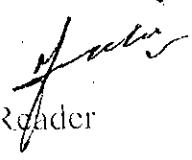
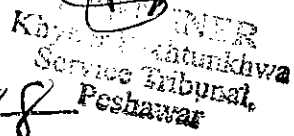
18.09.2018

Petitioner in person present. Mr. Hameed Ur Rehman, AD (Lit) alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Respondents are directed to positively submit provisional implementation order on the next date of hearing, failing which coercive measure in the shape of civil imprisonment and attachment of salary would be initiated against them. Case to come up for further proceedings on 29.10.2018 before S.B.

(Ahmad Hassan)
Member

29.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 14.12.2018.

Certified to be true copy

Reader


Date of Presentation of Application 13-12-18
Number of Words 200
Copying Fee 6.00
Urgent 2.00
Total 8.00
Name of Copyholder [Signature]
Date of Certification of Copy 13-12-18
Date of Delivery of Copy 13-12-18

" A "

Dismissed

SUPREME COURT OF PAKISTAN PESHAWAR

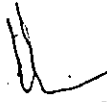
RECEIPT OF CERTIFIED COPY

Reg No. 920/18 Dated. 13/12/18

Case No. CP. No. 68-P/17
Govt of KPK etc

Versus

Haji Mirza Ali Khan
Name of applicant Haji Mirza Ali Khan,
Call date. RIP


Signature of Copy Clerk
Supreme Court of Pakistan
Peshawar

Khattak

Annexure "A"

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE UMAR ATA BANDIAL
MR. JUSTICE YAHYA AFRIDI

CIVIL PETITION NO. 68-P OF 2017
(on appeal against the judgment dated
31.10.2016 of the Khyber Pakhtunkhwa
Service Tribunal, Peshawar passed in Appeal
No1221/2014)

Chief Minister, Govt of KPK through Chief
Secretary Peshawar & others

...Petitioner(s)

VERSUS

Haji Mirza Ali Khan

...Respondent(s)

For the Petitioner(s): Barrister Qasim Wadood, Addl. AG KPK
Yousaf Haroon, SO

For the Respondent(s): N.R.


Date of Hearing: 08.11.2018

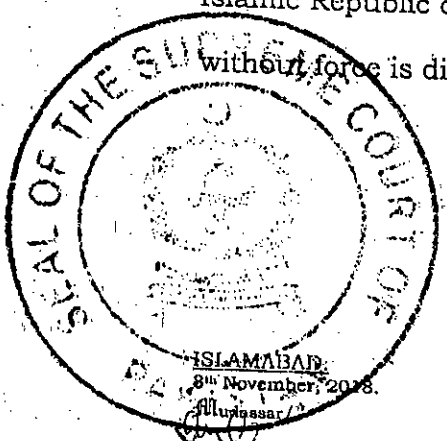
ORDER

UMAR ATA BANDIAL, J.— We have heard the learned Additional
Advocate General Khyber Pakhtunkhwa. No substantial question of
law of public importance has been raised in this petition to
exercise our jurisdiction under Article 212(3) of the Constitution of
Islamic Republic of Pakistan, 1973. Accordingly, this petition being
without force is dismissed and leave declined.

Sd/-J
Sd/-J

Certified to be True Copy


Court Associate
Supreme Court of Pakistan
Islamabad



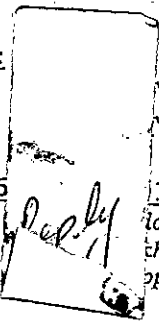
"Not approved for reporting"

28/11/18 75-P/18
CR No: _____
Date of Presentation: 28-1-18
No of Words: _____
No of Pages: _____
Requisition Fee Rs: 500
Copy Fee in: 1.50
Court Fee Rupees: 6-8
Date of Completion of Copy: 31-1-19
Date of delivery of Copy: 29/2/19
Complaint prepared by: _____

Annexure "A"

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:



JUSTICE UMAR ATA BANDIAL
JUSTICE YAHYA AFRIDI

CIVIL PETITION NO. 6
(on appeal against the
31.10.2016 of the Khyber
Service Tribunal, Peshawar
No1221/2014)

Chief Minister, Govt of KPK through Chief
Secretary Peshawar & others

...Petitioner(s)

VERSUS

Haji Mirza Ali Khan

...Respondent(s)

For the Petitioner(s): Barrister Qasim Wadood, Addl. AG KPK
Yousaf Haroon, SO

For the Respondent(s): N.R.

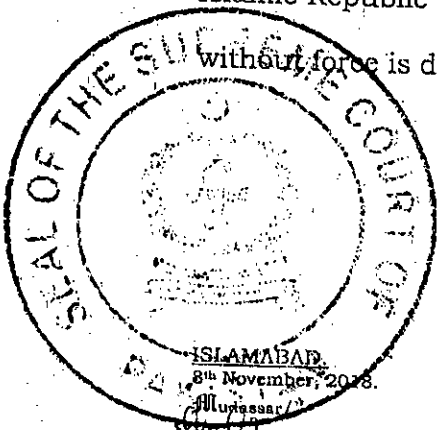
Date of Hearing: 08.11.2018

ORDER

UMAR ATA BANDIAL, J.— We have heard the learned Additional Advocate General Khyber Pakhtunkhwa. No substantial question of law of public importance has been raised in this petition to exercise our jurisdiction under Article 212(3) of the Constitution of Islamic Republic of Pakistan, 1973. Accordingly, this petition being without force is dismissed and leave declined.

Sd/-J
Sd/-J

Certified to be True Copy



"Not approved for reporting"

28/11/18 75 P/18
GR No: _____
Date of Presentation: 28-1-18
No of Words: _____
No of Pages: _____
Requisition Fee Rs: 500
Copy Fee Rs: 120
Court Fee Stamp: 685
Date of Completion of Copy: 31/1/19
Date of delivery of Copy: 8/2/19
Prepared by: _____

Court Associate
Supreme Court of Pakistan
Islamabad

BEFORE THE HONORBLE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,
PESHAWAR.

Execution Petition No: 252/2017
In Service Appeal No: 1221/2014.

Mirza Ali Khan Ex-HM GHS Sheikh Quli Khan, Lakki Marwat.Petitioner

Versus

Secretary E&SE Department Khyber Pakhtunkhwa & others.Respondents

APPLICATION FOR THE SUBMISSION OF IMPLEMENTATION REPORT IN THE COMPALINCE OF
THE JUDGMENT DATED 31/10/2016 OF THIS HONARABLE TRIBUNAL.

Respectfully Sheweth:-

The Respondents submit as under :-

- 1 That the titled Execution Petition is pending adjudication before this Honorable Bench & fixed for implementation report on 29/03/2019.
- 2 That the working papers for promotion (from Seniority list No: 1 to 632) from BPS-17 to 18 were submitted to Govt: for PSB of 382 post which were vacant at that time. **(Copy attached as Annexure-A).**
- 3 That out of total 382 vacant posts only 353 officers from Seniority list No: 1 to 400 were promoted. (29 officers were deferred & 18 were rejected). **(Copy attached as Annexure-B).**
- 4 That the name of the appellant was on Seniority list No: 405 which was not considered by the PSB due to non-availability of further vacant posts.
- 5 That the Respondent Department has implemented the judgment dated 31/10/2016, passed by this Honorable Tribunal in its true letter & spirit.

Therefore; it is most humbly prayed that on the acceptance of this application, the implementation report dated 29/3/2019, may very kindly be accepted & the titled Execution Petition may also be disposed off in favour of the respondent department in the interest of justice

Dated / /2019


Director
E&SE Department Khyber
Pakhtunkhwa, Peshawar.

AFFIDAVIT

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


Deponent

WORKING PAPER FOR PROVINCIAL SELECTION BOARD

Department of Elementary & Secondary Education, Government of Khyber Pakhtunkhwa

1. Nomenclature of the post/Basic Scale	Principal GHS/GHSS/ Comp. High School/ RITE & other equivalent posts in the teaching Cadre (BPS-18)		
2. Service/Group/ Cadre	Provincial Education Service Group B-18 Officers of Teaching Cadre (Men Section)		
3. Sanctioned Strength of the Cadre	Total sanctioned posts in BS-18 are 921 out of which 29 posts are reserved for management cadre. Hence 892 posts are available for Teaching cadre.		
		Direct	Promotion
i. Percentage of Share		20%	80%
ii. No. of posts allocated to each category		178	714
iii. Present occupancy position		27	332
iv. No. of Vacancies in each category		Total 178 Posts out of which 67 posts have already been advertised and 84 posts to be advertised by the Public Service Commission KPK (1st phase)	
			382 ✓
v. How did the vacancy (ies) under promotion quota accrue and since when?	1. The posts upgraded in four tier w.e.f. 1.7.2012(Annex-A)= 374 2. Newly upgraded from GHS to GHSS(Annex-B) = 003 3. No. of Officers Retired(Annex-C) = 005 Total = 382		
vi. Recruitment Rules	Notification SO(G)_S&LD (1-28/2003/Vol-II, dated April 9, 2004 (Annexure-D &E). Eighty percent (80%) by promotion on the basis of seniority cum fitness from amongst. Headmasters Government High Schools/Subject Specialists/ Government Comprehensive high School/Government Higher Secondary Schools and others equivalent posts in B-17 with five years service as such and twenty percent (20%) by initial recruitment.		
vii. Required length of service.	05 Years in BPS-17		
viii. whether to be promoted on regular basis or appointment on acting charge basis?	On regular basis = 382		
ix. Mandatory training, if any.	No mandatory training is required		
x. Minimum required score on CEI	50		

Deputy Director (Establishment),
Elementary and Secondary Education,
Elementary & Secy. Education
Khyber Pakhtunkhwa Peshawar

Secretary to Govt. of
Khyber Pakhtunkhwa Elementary &
SPECIAL SECRETARY
Elementary and Secondary Education

CONFIDENTIAL
IMMEDIATE



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

No. SO(PSB)ED/1-4/2013/P-132
Dated Peshawar, the 15.01.2014

To:
The Secretary to
Government of Khyber Pakhtunkhwa,
E&SE Department

SUBJECT: - MINUTES OF THE MEETING OF PROVINCIAL SELECTION BOARD HELD ON 07.01.2014.

PROMOTION OF EDUCATION OFFICERS (MALE) FROM BS-17 TO BS-18

Dear Sir, I am directed to refer to E&SE Department letter No. SO (S/M) E&SED/1-3/2011/ Promotion BS-17 to BS-18/TC dated 29.11.2013 on the subject and to forward herewith an extract of item No (14) of the minutes/recommendations of the meeting of Provincial Selection Board held on 07.01.2014 for further necessary action/ obtaining approval of the competent authority.

Yours faithfully

[Signature]
(JAN SAID)
SECTION OFFICER (PSB)

DJ-I
[Signature]
17/1/2014

Encl: As Above
Endst. of even No. & date.

A copy is forwarded to the Section Officer (S/M), Govt of Khyber Pakhtunkhwa, E&SE Department. He is requested to depute his representative to collect working papers from this office immediately.

[Signature]
SECTION OFFICER (PSB)

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15/1/2014
19/1

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DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION KHYBER
PAKHTUNKHWA PESHAWAR



No. ____/A-12/E-I/Mirza Ali Kha Rtd HM
Dated Peshawar the 28/06/2019.

To

The Secretary,
Elementary and Secondary Education,
Department Khyber Pakhtunkhwa,
Peshawar.

Subject:

**NOTIONAL PROMOTION OF MIRZA ALI KHAN EX-HM B-17 TO B-18 UNDER THE
KHYBER PAKHTUNKHWA SERVICES TRIBUNAL JUDGEMENT , DATED 31.10.2016
WRIT PETITION No.1221/2014 & SUPEREME COURT OF PAKISTAN JUDGEMENT
, DATED 8.11.2018 IN CIVIL PETIOTION No.68-P OF 2017**

Memo:

I am directed to refer to the letter No.SO (S/M)E&SED/SO (Liti:-II)/E&SED/1-3/2014/SA No.1212/14, dated 2.1.2019 on the subject cited above and to state that working paper for promotion from B-17 to B-18 has been submitted to your goodself , the PSB recommended for promotion from B-17 to B-18 upto 400 and his name was also included at S.No. 405 was not considered of the above name HM B-17 for promotion due non availability of vacancy. The working paper for promotion on notional basis will be submitted after creation of supernumerary post of B-18 from the Finance Department for the period of 7.1.2014 to 9.1.2014.

It is therefore, requested that the Finance Department may be approached to create the supernumerary post for the above mentioned period please.

Deputy Director (Establishment)
Directorate of Elementary and Secondary
Education Khyber Pakhtunkhwa Peshawar

Endst: No. 5692-93

Copy forwarded to the:-

1. Assistant Director (Liti:-II) Local Directorae.
2. P.A. to Director (E&SE) Local Directorate.

Deputy Director (Establishment)

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

10.259/1764
Appeal No. *1221* of 2016

Headmaster, G.H. Dersus vs *Headmaster, G.H. Dersus*
Secretary, E.O.S. Education, K.P. Peshawar Respondent
Respondent No. *2*

Notice to:

Secretary, E.O.S. Education, K.P. Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *10-8-2019* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of ~~appeal~~ ^{petition} has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this *10/8/19*.....

Day of *Sept* 20*19*

Implementation report

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

SP
17/9



**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

Most urgent/court case.

No.SO (B&A) 1-13/19/Supernumerary posts

Dated Peshawar, the 25.09.2019

To

The Director,
E&SE Peshawar.

Subject: -

**NOTIONAL PROMOTION OF MIRZA ALI KHAN EX-HEAD MASTER
(BS-17) TO (BS-18) UNDER THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL JUDGEMENT, DATED 31.10.2016 WRIT PETITION NO.
1211/2014 & SUPEREME COURT OF PAKISTAN JUDGEMENT DATED
08.11.2018 IN CIVIL PETITION NO. 68-P OF 2017.**

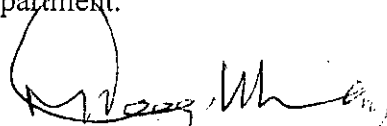
I am directed to refer to this Department letter of even No. dated 21.08.2019, on the subject cited above and to ask to furnish the requisite documents already requested in the referred letter above immediately, for further processing the case please.

SECTION OFFICER (BUDGET)

Endst: of even No & date: -

Copy forwarded to the: -

1. District Education Officer (M) Lakki Marwat for similar necessary action.
2. Section Officer (Litigation-II) E&SE Department.
3. District Accounts Officer Lakki Marwat for similar necessary action.
4. PS to Secretary Elementary & Secondary Education Department.
5. Master File.


SECTION OFFICER (BUDGET)

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,

PESHAWAR.

No.

Execution Petition No. 252/17

in Appeal No. 1221 of 2014

Haji Mirza Ali Khan Appellant/Petitioner

Chief Secy Peshawar. Respondent

Secretary Elementary and Secondary

Notice to:

Education KPK Peshawar.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 21/12/2014 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of appeal/petition.

E/P ✓

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 17th

Dec 19 2014

mentation (pr)

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
Case No. While making any correspondence.

20/12

CONFIDENTIAL
IMMEDIATE



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

No. SO(PSB)ED/1-4/2013/P-132
Dated Peshawar, the 15.01.2014

To

The Secretary to
Government of Khyber Pakhtunkhwa,
E&SE Department

SUBJECT: - MINUTES OF THE MEETING OF PROVINCIAL SELECTION BOARD HELD ON 07.01.2014.

PROMOTION OF EDUCATION OFFICERS (MALE) FROM BS-17 TO BS-18

Dear Sir,

I am directed to refer to E&SE Department letter No. SO (S/M) E&SED/1-3/2011/ Promotion BS-17 to BS-18/TC dated 29.11.2013 on the subject and to forward herewith an extract of item No (14) of the minutes/recommendations of the meeting of Provincial Selection Board held on 07.01.2014 for further necessary action/ obtaining approval of the competent authority.

Yours faithfully

DJ-I
[Signature]
17/1/2014

[Signature]
(JAN SAID)
SECTION OFFICER (PSB)

Encl: As Above
Endst. of even No. & date.

A copy is forwarded to the Section Officer (S/M), Govt of Khyber Pakhtunkhwa, E&SE Department. He is requested to depute his representative to collect working papers from this office immediately.

SECTION OFFICER (PSB)

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ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

(Meeting of PSB held on 07.01.2014)

SUBJECT: - PROMOTION OF EDUCATION OFFICERS (MALE) FROM BS-17 TO BS-18.

Secretary E&SE apprised the Board that due to retirement creation and upgradation, three hundreds and eighty two (382) posts of BS-17 in teaching cadre are lying vacant.

2. According to service rules the post is required to be filled as under:-
- i. Eighty percent by promotion on the basis of seniority cum fitness from amongst. Headmasters Government High Schools/Subject Specialists/Government Comprehensive High School/Government Higher Secondary Schools and others equivalent posts in BS-17 with five years service as such and
 - ii. Twenty percent by initial recruitment.

Note: - The retired officer at S. No.8 and 394 of the panel were recommended for promotion on notional basis on the grounds that the vacant posts were available on the date of their retirement.

3. The service record of the officers included in the panel was discussed as follows: -

S.NO	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Umar Muhammad	His date of birth is 01.05.1955. He joined government service on 28.02.1989 in BS-17. No enquiry is pending against him. His service record upto 2012 is generally good The Board recommended the officer for promotion to BS-18 on regular basis. He will be on probation for a period of one year.
2.	Mr. Sher Afzal	Not considered as he has retired from service on 28.05.2007.
3.	Mr. Mubarak Shah	His date of birth is 01.09.1966. He joined government service on 08.11.1995 in BS-17. No enquiry is pending against him. His service record upto 2012 is generally good The Board recommended the officer for promotion to BS-18 on regular basis. He will be on probation for a period of one year.
4.	Mr. Nazir Ahmad	Not considered as he has already promoted to BS-18
5.	Mr. Saeed ur Rehman	His date of birth is 01.08.1958. He joined government service on 10.11.1987. He was promoted to BS-17 on 05.05.1996. No enquiry is pending against him. His service record upto 2012 is generally good The Board recommended the officer for promotion to BS-18 on regular basis. He will be on probation for a period of

Alshah
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		The Board recommended the officer for promotion to BS-18 on regular basis. He will be on probation for a period of one year.
400.	Mr. Hameed Ullah	<p>His date of birth is 15.02.1957. He joined government service on 11.12.1979. He was promoted to BS-17 on 17.02.2003. No enquiry is pending against him. His service record upto 2012 is generally good</p> <p>The Board recommended the officer for promotion to BS-18 on regular basis. He will be on probation for a period of one year.</p>

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 2012-02-17 10:30:00
 Government of Punjab
 Department of Health and Family Welfare

CONFIDENTIAL

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**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

No.SO (B&A) 1-13/2019/Supernumerary posts

Dated Peshawar, the 10.12.2019

To

The Director,
E&SE Peshawar.

Subject: -

**NOTIONAL PROMOTION OF MIRZA ALI KHAN EX-HEAD MASTER
(BS-17) TO (BS-18) UNDER THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL JUDGEMENT, DATED 31.10.2016 WRIT PEITION NO.
1211/2014 & SUPEREME COURT OF PAKISTAN JUDGEMENT DATED
08.11.2018 IN CIVIL PETITION NO. 68-P OF 2017.**

I am directed to enclose herewith Finance Department letter No. BOV/FD/2-8/2019-20 dated 25.11.2019, on the subject cited above which is self-explanatory and to state that Finance Department agrees to the creation of supernumerary post of Principal (BS-18) at GHS Shah Quli Khan in District Lakki Marwat w.e.f 07.01.2014 to 09.01.2014 in respect of Mr. Mirza Ali Khan, Ex-Head Master (BS-17) for further processing the case please.

Encl: As above.

**(AMIR SYED HUSSAIN SHAH)
SECTION OFFICER (BUDGET)**

Endst: of even No & date: -

Copy forwarded to the: -

1. Deputy Commissioner Lakki Marwat for similar necessary action.
2. District Education Officer (M) Lakki Marwat for similar necessary action.
3. Section Officer (Male) E&SED for similar necessary action at your end.
4. Section Officer (Litigation-II) E&SE Department.
5. DO (Finance & Planning) for similar necessary action.
6. District Accounts Officer Lakki Marwat for similar necessary action.
7. PS to Secretary Elementary & Secondary Education Department.
8. Master File.


SECTION OFFICER (BUDGET)

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 552 /ST

Dated 12 / 03 / 2020

To


The Secretary E&SE Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: -

ORDER IN EXECUTION PETITION NO. 252/2017, MR. HAJI MIRZA ALI KHAN.

I am directed to forward herewith a certified copy of order dated 27.02.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

MOST IMPORTANT/COURT MATTER.



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

No.SO(S/M)/E&SED/ Haji Mirza Ali Khan
Dated Peshawar the ~~March 18, 2020~~

15/6/20

To

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

Subject: - **ORDER IN E.P. NO. 252/2017 HAJI MIRZA ALI KHAN VS GOVT.**

I am directed to refer to your letter No. 2907/AD (Lit-II) dated 03-06-2020 on the subject noted above and to state that working paper (eight sets) complete in all respects for PSB may please be furnished to this office within three days positively as the Honourable Court is pressing hard for implementation in the case.

The same may be treated as MOST URGENT.

(MUHAMMAD ARIEF)
SECTION OFFICER (SCHOOLS MALE)

Endst: Even No. & Date:

Copy of the above is forwarded to the: -

1. Deputy Secretary (Legal) E&SED.
2. So (Lit-II) E&SED w/r to his letter dated 08-06-2020.
3. PS to Secretary E&SE Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (SCHOOLS MALE)



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

No.SO(SM)E&SED/3-3/2020/Notional Promotion BS-17 to 18
Dated Peshawar the November 17, 2020.

The Secretary to Govt of Khyber Pakhtunkhwa,
Establishment Department,
Khyber Pakhtunkhwa, Peshawar.

Subject: - **WORKING PAPER FOR NOTIONAL PROMOTION OF
MR. MIRZA ALI KHAN EX-HM BS-17 TO BS-18**

Dear Sir,

I am directed to refer to the subject cited above and to forward herewith 07 sets of working papers along with relevant documents with the request to place the same working paper before the Provincial selection Board for consideration please.

Encl: As Above:

yours faithfully,

(MUJEEB UR REHMAN)
SECTION OFFICER (SCHOOLS MALE)

Encl: Even No. & Date:

Copy forwarded to the:-

1. Director E&SE Khyber Pakhtunkhwa, Peshawar.
2. Section Officer (Lit-II), E&SE Department Khyber Pakhtunkhwa Peshawar.
3. PS to Secretary, E&SE Department Khyber Pakhtunkhwa Peshawar.


SECTION OFFICER (SCHOOLS MALE)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO(SM)E&SED/3-3/2020/Notional Promotion BS-17 to 18
Dated Peshawar the November 17, 2020.

The Secretary to Govt of Khyber Pakhtunkhwa,
Establishment Department,
Khyber Pakhtunkhwa, Peshawar.

Subject - **WORKING PAPER FOR NOTIONAL PROMOTION OF
MR. MIRZA ALI KHAN EX-HM BS-17 TO BS-18**

Dear Sir,

I am directed to refer to the subject cited above and to forward herewith 07 sets of working papers along with relevant documents with the request to place the same working paper before the Provincial selection Board for consideration please.

Encl: As Above:

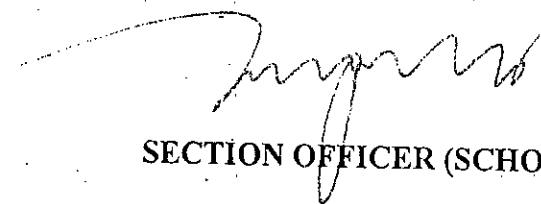
yours faithfully,

(MUJEEB UR REHMAN)
SECTION OFFICER (SCHOOLS MALE)

Encl: Even No. & Date:

Copy forwarded to the:-

1. Director E&SE Khyber Pakhtunkhwa, Peshawar.
2. Section Officer (Lit-II), E&SE Department Khyber Pakhtunkhwa Peshawar
3. PS to Secretary, E&SE Department Khyber Pakhtunkhwa Peshawar.


SECTION OFFICER (SCHOOLS MALE)

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

No.

Appeal No. 1221/2014 E.P. 252 of 20 17

Haji Mirza Ali Khan Appellant/Petitioner

through chief Secy. Peshawar. Respondent

Respondent No. 4

Notice to: —

Deputy Commissioner Distt. Larkana
Madani

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 31/8/2021 at 8.00 A.M. If you wish to urge anything against the appellants/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

~~Copy of appeal is attached.~~ Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 30th

Day of July 20 21

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

No. 1131

RGL58395909

Rs. 50/-

For Insurance Notices:
Stamps affixed except in case of
uninsured letters of not more than
the initial weight prescribed in the
Postal Code or on which an
acknowledgement is due.

Deputy Commissioner

Received a registered*
addressed to _____

Date-Stamp

*Write here "letter", "postcard", "packet" or "parcel"
with the word "insured" before it when necessary.

Initials of Receiving Officer: *DSK*
Insured for Rs. (in figures) _____ (in words) _____

Insurance fee Rs. _____ Ps. _____ (in words) }
Weight } Kilo
 } Gram

Name and
address
of sender } *Lakshmi*

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

No.

Appeal No. 1821/2016 E.P 252 of 2017

Haji Mirza Ali Khan Appellant/Petitioner

Versus

Through Chief Secy: Peshawar Respondent

Respondent No. 5

Notice to:

Distt. Education Officer (Male)
Lakki Marwat

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 31/8/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 30th

Day of July 2021


Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

0. 1130

For Insura Stamps al RGL58395908

uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgment is due

Received a registered*
addressed to _____

Date-Stamp

*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.
Signature of Receiving Officer (Mole)

Insured for Rs. (in figures) _____ (in words) _____

Insurance fee Rs. _____ Ps. _____ (in words) }
Weight } Kilo
Grams

Name and address of sender }
Lakshmi Narayan

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

E/P No 252/2017

SB

No.
Repa
↓

APPEAL No..... 1221 of 20¹⁴.

Haji Mirza Ali Khan

Appellant/Petitioner

Versus

Through chief Secy Pesh:

RESPONDENT(S)

Notice to Appellant/Petitioner

Haji Mirza Ali Khan s/o

AKram Khan Ex-Head G.H.S Shakh Quli

Khan Lakki Marwat Presently R/o 2^{er} Janu

Dist: Lakki Marwat.

Take notice that your appeal has been fixed for Preliminary hearing, replication/affidavit/counter affidavit/record/arguments/order before this Tribunal on..... at.....

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

FD-1134

FOR INSURANCE RGL58395912

RS. 84

Stamps affixed EXCEPT in case of

uninsured letters of not more than

initial weight prescribed in the

Post Office Guide or on which no

acknowledgement is due.

Haji Mirza Ali

Received a registered*

addressed to

Date-Stamp

Khan S/O A Khan Khan

*Write here "letter", "postcard", "packet" or "parcel"

Initials of Receiving Officer with the word "insured" before it when necessary.

Insured for Rs. (in figures) (in words)

Insurance fee Rs. Ps. (in words) Weight } Kilo Grams

Name and address of sender } Lalke Maso



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223535

Dated Peshawar the August 20, 2021

NOTIFICATION.

No.SO(SF)E&SED/2-1/2021 In pursuance of the judgment of the Khyber Pakhtunkhwa Service Tribunal Peshawar dated 31-10-2016 in Service Appeal No. 1221/2014 and Supreme Court of Pakistan Judgment dated 08-11-2018, the Competent Authority on the recommendations of the Provincial Selection Board (PSB) in its meeting held on 31-07-2021 is pleased to promote Mr. Mirza Ali Khan, Ex-Headmaster (BS-17) to (BS-18) on regular basis with effect from 08-01-2014 (one day before his retirement).

2. Consequently, he is adjusted/ transferred from the post of Headmaster and posted as Principal (BS-18) GHSS Shah Quli Khan District Lakki Marwat against the vacant post with effect from 08-01-2014 (for the purpose of pension only). His promotion as well as assumption of charge in BS-18 shall be on (proforma) notional basis.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Ends: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director, EMIS E&SE Department.
4. Section Officer (Lit-II) E&SE Department
5. District Education Officer (Male) Lakki Marwat
6. District Account Officer, Lakki Marwat.
7. Principal, GHSS Shah Quli Khan District Lakki Marwat
8. PS to Minister E&SE Department.
9. PS to Secretary E&SE Department.
10. Office order file.
11. *Office Concerned*

(HAFEEZ UR RAHMAN SHAH)
SECTION OFFICER (SCHOOLS MALE)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. (091-922111)

Dated Peshawar the August 20, 2021

NOTIFICATION.

No. SO(SF)E&SED/2-1/2021

In pursuance of the judgment of the Khyber Pakhtunkhwa Service Tribunal Peshawar dated 31-10-2016 in Service Appeal No. 121/2014 and Supreme Court of Pakistan Judgment dated 08-11-2018, the Competent Authority on the recommendations of the Provincial Selection Board (PSB) in its meeting held on 31-07-2021 is pleased to promote Mr. Mirza Ali Khan, Ex-Headmaster (BS-17) to (BS-18) on regular basis with effect from 08-01-2014 (one day before his retirement).

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SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No. & Date

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2. Director, E&SE Khyber Pakhtunkhwa, Peshawar
3. Director, EMIS E&SE Department.
4. Section Officer (Lit-II) E&SE Department.
5. District Education Officer (Male) Lakki Marwat.
6. District Account Officer, Lakki Marwat.
7. Principal, GHSS Shah Quli Khan District Lakki Marwat
8. PS to Minister E&SE Department.
9. PS to Secretary E&SE Department.
10. Office order file.

(Signature)
(HAJEZ UR RAHMAN SHAH)
SECTION OFFICER (SCHOOLS MALE)